



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318133-23

<b>Development</b>	The construction of a new building to provide 122 no. student bed spaces and all associated site works.
<b>Location</b>	New Road/Pennywell Road & Old Clare Street, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2360037
<b>Applicant(s)</b>	A & R Supplies (Limerick) Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ray Ryan Martin, Catherine and Paul Hurley
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> February 2024
<b>Inspector</b>	Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The 0.16 ha site, A & R Supplies Ltd 9-10 Pennywell Road, is located within the city of Limerick east of the river. The subject site sits within the Historic Town of Limerick (Recorded monument L1005-017) and in close proximity to the city defences. The existing uses on the site comprise a plumbing supplies/ showroom and memorial engravers. There is a two-storey showroom fronting onto New Road/Pennywell Road with a derelict single storey residential dwelling located between the showroom and the memorial engravers yard and single storey workshop.
- 1.2. The subject site is positioned on the corner of New Road/Pennywell Road and Old Clare Street and at the junction where New Road/Pennywell Road, Cathedral Court and Downey Street converge. To the east of the site and to the opposite side of Old Clare Street is the Limerick School of Art and Design campus (formerly the convent of the Good Shepherd) To the west of the subject site is the cul-de-sac housing estate of Pennywell Gardens. North /northwest of the subject site and directly abutting the site boundary is a single storey terrace.
- 1.3. Vehicle access to A & R Supplies customer parking is off Old Clare Street providing access to the service yard and sales office. From my site inspection the area to the front of the showroom was used for parking across the pedestrian footpath. An additional roller shutter vehicular entrance and pedestrian gateway access to A & R Supplies is located further along Old Clare Street to the existing single storey storage sheds positioned adjacent to 35 Rixtown Terrace/Old Clare Street.
- 1.4. On my site inspection I noted a Limerick Civic Trust Plaque positioned on the corner of LSAD at the junction of Old Clare Street/Pennywell Road/New Road highlighting that this corner location was a place of public executions in the 16<sup>th</sup> and 17<sup>th</sup> centuries called 'Farrancroghy'.

## **2.0 Proposed Development**

- 2.1. The proposed development as originally submitted consists of the following:
  - Demolition of existing showroom/sales building, storage sheds, single storey derelict dwelling house and all other structures and boundary walls on the site (1,050 sq. m gross floor space).

- The construction of a new building (4208 sq. m gross floor area) ranging in height from three to seven storeys to provide 122 no. student bedspaces (22 no. apartments) with an internal courtyard providing vehicular access from Old Clare Street to 4 no. staff parking spaces, 68 no. bicycle spaces, 127 sq. metres of private open space, bin store and ESB substation.
- Alterations to footpaths and roads bounding the site at New Road/Pennywell Road and Old Clare Street, the creation of a new set down area on New Road/Pennywell Road, connections to public services and utilities and all ancillary siteworks.

2.2. Proposed breakdown of the development per block as submitted on 30/01/2023.

Street facing	Block	Height, storeys and metres	Apartments	Bedspaces
New Road	A	5	4	24
New Road/Pennywell Road and Old Clare Street	B	7	6	42
Old Clare Street	C	5	10	50
Old Clare Street	D	3	2	6
			Total 22 no. apartments	Total 122 no. bedspaces.

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**Bicycle parking**

68 no. bicycle spaces

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**Car Parking (including accessible spaces)**

4 no. staff parking spaces (1 no. accessible space)

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**Set-down area**

1 no. set-down area on New Road/Pennywell Road

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Revised proposals following further information request submitted 15/08/2023.

A reduction in the number of proposed apartments from 22 to 19, however the proposed number of bedspaces remains at 122.

Street facing	Block	Height Storeys and metres	Apartments	Bedspaces
New Road	A	5	4	32
New Road/Pennywell Road and Old Clare Street	B	7	6	42
Old Clare Street	C	4	8 (3 no. accessible bedrooms)	45
Old Clare Street	D	2	1	3
			Total no. 19 apartments	Total no. 122 bedspaces.

<b>Bicycle parking</b>	96 no. bicycle spaces
<b>Car Parking (including accessible spaces)</b>	0
<b>Set-down area</b>	1 no. set-down area on New Road/Pennywell Road

NB: It appears that there is an error in the response to question 14 (a) of the submitted application form indicates that a total of 44 apartments are proposed. The number of apartments, as reduced following revisions as part of the further information request is 19 no. apartments.

The proposed development will connect to the municipal foul sewer and mains water. It is proposed to discharge to a municipal stormwater sewer at green field runoff rates. Rain gardens and permeable paving SUDs elements are proposed.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission on the 8<sup>th</sup> September 2023, subject to 15 no. conditions. Conditions were generally of a standard nature, non-standard conditions include:

- |                  |  |
|------------------|--|
| Condition no. 1  | development carried out in accordance with plans and particulars as amended by further information submitted 15 <sup>th</sup> August 2023. |
| Condition no. 3  | limiting the use to student accommodation only and use for any other purpose shall require a prior grant of planning permission.           |
| Condition no. 4  | student accommodation management plan required and student housing units shall not be amalgamated or combined.                             |
| Condition no. 5  | archaeological monitoring  |
| Condition no. 9  | monitoring reports to be completed and submitted to the planning authority with respect to the residential travel plan.                    |
| Condition no. 10 | bat survey   |
| Condition no. 11 | stage 2 and stage 3 Roads Safety Audit and replacement in full of the existing footpath along the red line boundary of the site.           |
| Condition no. 13 | revised design details provided for covered courtyard bicycle parking.   |

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The key considerations that informed the planner's recommendation are as follows:

- Further information requested with respect to concerns relating to the following:
  - **design and height** of the proposed development and its potential impact on the residential amenity of the adjacent neighbouring amenity areas of dwelling on Old Clare Street, including a comprehensive Daylight & Overshadowing Analysis on neighbouring amenity areas within Pennywell Gardens, Old Clare Street and Roxtown Terrace and photomontages. Two storey revised design for the northwestern corner height and massing to also take account the setting of the adjacent protected structures that lie to the east of the site.
  - **Traffic and pedestrian issues** with safety concerns in relation to lack of sightlines, stopping distances and forward visibility, location of cycle stands impeding visibility and parking provision isn't justified.  
Requested revised building line along Old Clare Street to provide a wider footpath, road safety audit stage 1 & 2, indicate where the refuse vehicle will stop to collect bins, details with respect to construction build up of footpath, car parking spaces and road, auto track simulation is required.
  - **Lighting design** details in line with LCCC Public Lighting Specification to the Planning Authority for approval.
  - **Surface Water Disposal** to include green roof and supporting surface water calculations and longitudinal sections.
  - **Archaeological Impact Assessment** including test trenches to be excavated.
  - **Bat Survey** to examine the possible bat usage of the site and to suggest suitable mitigation measures should they be present.

- **Relocation of short-term bicycle spaces** so that they can be overlooked.
- **Refurbishment Demolition Asbestos Survey (RDAS)**
- **External finishes** detailed specification to be provided.

***Further information submitted 15<sup>th</sup> August 2023***

- Applicant's response included a revised design with the reduction of Block C and Block D by one storey. The planner's report considers that the potential impact of the proposed development on neighbouring properties is generally in compliance (with minimal/low impact) with the requirements of Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice (BR209-2022).
- Having considered the submitted photomontage, notes that the Good Shepherd Convent and associated chimney in the Convents grounds are still visible from a number of vantage points along Clare Street and New Road and considers the response acceptable.
- Notes that the proposed courtyard parking spaces are omitted from the revised design and that the cycle stands originally proposed at the junction of Pennywell Gardens are now relocated within the courtyard with a proposed of 96 no. spaces, instead of the original 68 spaces. Notes that the Roads department have reviewed the revised details and are satisfied with the submitted documents subject to conditions.
- No issues raised with respect to the lighting report and associated drawings notes that the Roads department have reviewed and are satisfied subject to conditions.
- Revised surface water disposal layout plan and response from the consultants reviewed and considered to be satisfactory subject to conditions.
- Recommendation for a condition from LCCC's Archaeologist that following demolition a further series of test trenches are excavated in order to map the extent of remains throughout the site and guide additional mitigation of any impact. It is stated that 'These may include redesign/relocation of elements of

the development, advance archaeological excavation and/or licensed archaeological monitoring to be agreed...no construction may begin until the impact on archaeological remains has been mitigated.

- No bat survey submitted instead a statement from the applicant that no bat species are present on the site due to the lack of any physical evidence in the form of roosts and/or bat droppings but is prepared to accept a condition should permission be granted to carry out a bat survey. The planner considered this response acceptable.
- Relocation of short term bicycle spaces noted. Condition 13 requires revised design details for the courtyard bicycle area to be covered.
- No RDAS submitted, applicant requests that a condition is attached for same in the event of a grant of permission this is acceptable to the planner. Condition no. 15 requires a site-specific waste management plan to be submitted and agreed in writing with the planning authority.

I note that no specific condition relating to RDAS was attached to the decision to grant permission.

- Block B is proposed to be finished with a buff-coloured brick with a smooth coloured render to the remaining blocks and a dark coloured brick to the ground floor of all blocks. Limestone plinths exposed concrete band throughout and aluminium windows and doors and cladding. External finishes considered acceptable and in keeping with the general area.
- Concludes that the proposal for student accommodation is in line with the apartment guidelines and policies and objectives at national, regional and local level in relation to a more compact urban form on infill and brownfield sites. Recommends a grant of permission subject to condition.
- Undertakes a preliminary examination indicating on the template that the development is not a project listed in Schedule 5, Part 2 and that no EIA screening is required.
- Identifies that the subject site is within 1km of the Lower River Shannon SAC (300m north of the site). Notes the screening report submitted by Whitehill Environmental. Having regard to the proposed development site has already



been developed and that the habitat on it are artificial in nature and of limited ecological value considers that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA and therefore AA is not necessary.

### 3.2.2. Other Technical Reports

#### Active Travel:

- 3.3. The site is strategically located to take advantage of existing and future cycle and public transport routes within the city. Seeking detail on general access arrangements for cyclists into the courtyard and that the multi-use cycle storage be covered and secure. Recommendation that the short-term parking is relocated within the site so that they can be overlooked. Recommended that in the event that permission is granted the Residential Travel plan is conditioned so that monitoring reports are submitted on the first, third and fifth anniversary of occupation to ensure that targets are met and adjusted as required.

#### Roads Senior Executive Technician:

##### *Traffic and Pedestrian Issues:*

The Road Section has concerns regarding the proposal for access to car parking area due to safety concerns in relation to lack of sightlines, stopping distances and forward visibility due to the alignment of the road with a sharp bend on Old Clare Street within close proximity, the proposed cycle stands will impede sightlines, lack of justification for the parking spaces.

- Request to allow for a wider footpath along Old Clare Street. The applicant shall include the widening of the footpath fronting the development.
- Stage 1 & 2 Road Safety Audit on a revised site layout plan labelled to match the audit recommendations.
- Revised site layout plan will indicate where the refuse vehicle will stop to collect bins.

- Cross section of footpath, car parking spaces and road showing construction build up. Step locations require tactile paving on the top and bottom.
- Auto track simulation is required.

### *Public Lighting*

A detailed lighting design sought with supporting calculation document in line with LCCC's Public Lighting Specification.

### *Surface Water Disposal*

A revised surface water disposal layout to include green roof, supporting surface water calculations and longitudinal sections.

### *Conservation Office*

Notes that the proposed development involves the setting of the former Good Shepherd Convent Complex which is identified in the RPS as having a number of protected structures and is identified as being of heritage value by the National Inventory of Architectural Heritage and lies within the Zone of Notification established in the Record of Monuments and Places. Appear to avail of the height of the chimney in the grounds of the former Good Shepherd Convent is considered to be a tenuous argument to support height of the proposed new build.

The conservation officer recommends that the request for further information should express the planning authority's serious concerns in respect of the design and height of the proposed development and its potential impact upon the setting and amenities of the protected structures that lie to the east of the development site.

Recommends that further information is requested to include photomontage from various locations within the grounds of the former Good Shepherd Convent and that revised proposals take account of the heights and massing along the proposed eastern elevations and that details specifications for the external finishes of the proposed new building are submitted.

#### *Local Authority Archaeologist*

The site may be located on the site of 17th century siege works. The bulk of the site has been developed with domestic housing, at least mid-19th century, however the height of the proposed buildings and the presence of lift shafts means that the development will have a significant impact on the sub-strata.

Archaeological Impact Assessment (AIA) requested as further information to include test trenching.

The photomontages submitted as part of the application are insufficient and the view of the proposed development from the city defences at the junction of Lelia Street and New Road and from the top of the intra-mural bank at Johnsgate should be submitted for consideration.

#### *Heritage Officer*

The development site has already been developed and the habitat on it are artificial in nature and limited ecological value. It is not likely to have any significant effects on the Lower River Shannon SAC site which is about 300m away.

The existing buildings do have the potential to play host to bat species. Bat survey to be sought by further information request.

#### *Limerick City & County Fire and Rescue Service*

No objection.

#### *Environment, Recreation and Climate Change*

The applicant should submit a refurbishment demolition asbestos survey (RDAS) as further information. Recommended condition to be attached with respect to a waste management plan. If asbestos containing materials have been identified as present they shall be included in the detailed waste management plan.

### **3.4. Prescribed Bodies**

#### *Irish Water/Uisce Éireann*

As the applicant is proposing to make a 'significant connection' to both the Irish Water watermain and sewer networks, the applicant to comply with all Conditions as

specified by Irish Water agreements as set out in the 'Pre-Connection Enquiry' reference No. CDS23001194 and connection Applications (incl., Right of Way, Self-Lay Agreements, etc.).

Conditions recommended for both wastewater and water supply.

### **3.5. Third Party Observations**

A total of seven third party observations were submitted from the following:

- Eillen Gordon
- Valerie English
- Brian O'Donoghue
- Martin, Catherine and Paul Hurley
- Noelle Cotter
- G. O'Donoghue
- Ray Ryan representative on behalf of Residents of Pennywell Road, Rixtown Terrace, Cathedral Court, The Gardens, Good Shepherd Villas, Old Clare Street and Old Lelia Street

Key issues of common concern relate to:

- Height of proposed development and overdevelopment of the site
- Privacy/Light/Overshadowing
- Lack of parking and potential overspill parking
- Road Safety, including concerns about the proposed set down provision close to the entry/exit from Pennywell Gardens
- Impact on the Heritage and Historical Landscape especially the views of the chimney of the former laundry and the copper drum and dome of the former convent chapel of the Good Shepherd Convent (now Limerick School of Art & Design).
- Anti-social behaviour/impact on residents of established neighbourhood (including what will happen outside the academic year

in terms of use of the building). Request from one objector for the applicant to provide gates/fob access to Pennywell Gardens to create a gated community.

- Lack of amenities being provided for the students
- Noise
- Construction
- Wildlife

A supporting petition has been submitted along with the observation by Ray Ryan signed by residents of the above-named areas.

Niall Collins T.D is noted as nominated representative to the above application by the application A & R Supplies Limerick LTD.

## 4.0 Planning History

Planning register reference: **07/770365 Permission refused** (November 2007) for development at Pennywell Road/Old Clare Street Limerick. Comprising 1. Demolish existing Showroom/Sales building, Storage sheds, Single Storey House and all other structures and boundary walls on site. 2. Construct a new building comprising basement carpark, ground floor retail units with customers parking for 11 cars, 8 No 2-bedroom apartments at First Floor level and 11 no 2 storey townhouses at Second and Third floor levels. 3. Carry out alterations to road and footpaths at junction of Pennywell Road and Old Clare Street. 4. Connection to Public Services.

Planning register reference: **05/770535 Permission granted** (May 2006) for the following (a) demolish existing showroom/sales building, storage sheds, single storey house and all other structures and boundary walls on site (b) construct a new 2 storey showroom/office building with related car parking facility (c) construct new boundary walls and railings (d) construct 3 no terraced 2 storey townhouses at Old Clare Street, (e) carry out alterations to road and footpath at Junction of Pennywell Road and Old Clare Street (f) connection to public services.

## 5.0 Policy Context

### 5.1. Limerick Development Plan 2022-2028 (as varied Variation No. 1)

Site is zoned 'City Centre': -

Objective: To protect, consolidate and facilitate the development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities.

Purpose: To consolidate Limerick City Centre through densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a high-quality urban environment which will enhance the quality of life of residents, visitors and workers alike. The zone will strengthen retail provision in accordance with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists, while minimising the impact of private car-based traffic and enhancing the existing urban fabric.

Map 4 – Density Map indicates the site within the density band of 100+.

Protected structures directly to the east of the subject site include within the Limerick School of Art and Design campus:

- Church/chapel (RPS 3351) (Regional importance on NIAH 21514005)
- Former Convent/Nunnery (RPS 3349) (Regional importance on NIAH 21514003)
- Chimney (RPS 3323) (Regional importance on NIAH 2154006)
- Former girls hostel (RPS 3350) (Regional importance on NIAH 21514004)

To the northwest of the subject site also is the HSE Rixtown health centre:

- Former orphanage/children's home (RPS 3352) (Regional importance on NIAH 21514007)

The subject site is located between the Architectural Conservation Area ACA 8 Clare Street- School of Art and Design/Rixtown HSE (Limerick School of Art and Design -

LSAD) and the Architectural Conservation Area ACA 4 St. John's Square. (Volume 3)

### **Architectural Conservation Area ACA 8 Clare Street**

This assemblage of structures is considered to be of regional significance in terms of its special social and historical significance as the former Convent of the Good Shepherd complex, including a commercial laundry, orphanage and reformatory school in the 19<sup>th</sup> Century. There is also technical interest in the formidable chimney projecting into the skyline as a landmark feature. Thomond Brewery operated from this site prior to the religious institution locating in the area. There are six structures of significance identified by the NIAH. These include the industrial chimney, entrance gates and walls, the former orphanage, the chapel, the convent built with some Gothic Revival detail and the hostel.

**ACA 4 St. John's Square** This area is one of the most historic locations in Limerick City, located in Irishtown, having 23 structures identified by the NIAH as being of significant importance and interest at a regional level.

Site lies within the Zone of Notification (ZON) for Recorded Monument LI005-017 - the historic city of Limerick.

The site is located on a Secondary Cycle Route - Transport/cycleway delineated along New Road and Pennywell Road and within close proximity of a number of Primary and Green Routes within the Limerick Shannon Metropolitan Transport Strategy 2040 (LSMATS).

The relevant objectives are outlined below: -

#### **Section 4.2.10 Student Accommodation and Objective HO 08 Student**

**Accommodation:** It is an objective of the Council to

- a) Support the provision of high quality, professionally managed purpose-built student accommodation either on campus, or in appropriate and accessible locations on public transport or cycle networks. All forms of student accommodation shall respect and protect the existing residential amenities of the area in which it is proposed. Student accommodation shall be of appropriate design, in accordance with the Department of Education and

Science Guidelines on Residential Development for Third Level Students (1999), and (2005) and any subsequent updates. Applications for change of use from student housing to any other form of use shall be strongly resisted, without adequate demonstration that there is no longer a need for such use in the area and an over-provision of student housing exists.

- b) Ensure that all applications for new off campus purpose built student accommodation, the change of use to student accommodation in existing residential areas, or extensions to existing dwellings to facilitate student accommodation, must include details outlining the presence and distribution of any permanent residential occupiers; the extent of students renting in the private housing market; and the presence of any other housing catering primarily for students and short term lets in the area/estate. The application should address any potential impacts of the proposal on residential amenity and any permanent residents in the area.
- c) Require all applications for off-campus purpose-built student accommodation to be accompanied by a Student Management Plan outlining how the scheme will be professionally managed. The Plan shall demonstrate how the development will be managed so as to avoid potential negative impacts from occupants on surrounding properties and neighbourhoods and ensure the maintenance of safe, secure and clean environments for the community, occupants and nearby residents.
- d) Ensure permissions for student accommodation will be subject to a condition requiring planning permission for a change of use to any other type of use, including short-term holiday letting. Future applications for this type of change of use will be resisted. Where it is demonstrated that such student accommodation is no longer required, a planning application will require details of a proper management plan for the non-student use of the units to prevent adverse impacts on traditional residential estates.

Chapter 11 sets out the development management standards and in particular

**Section 11.4.4.7 refers to Student Accommodation:**

All proposals for student accommodation should comply with the Department of Education and Science's Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005), the provision of



the National Student Accommodation Strategy (2017) and Circular PL8/2016. The Council will support the provision of on-campus accommodation and purpose built-professionally managed student accommodation off-campus at suitable locations. When assessing applications for student accommodation the Council will have regard to:

- The location of student accommodation: The Council will prioritise student accommodation on campus or within 1km distance from the boundary of a Third Level Institute, followed by locations within close proximity to high quality public transport corridors, cycle and pedestrian routes and green routes;
- The potential impact on residential amenities: The provision and location of student accommodation will not be permitted where it would have a detrimental effect on established residential amenities;
- The provision of on-site facilities, including storage facilities, waste management, quality and quantum of cycle parking and associated showers and lockers, leisure facilities, car parking and amenity areas;
- The architectural quality of the design and integration with the wider streetscape with respect to scale, mass, external finishes and landscaping;
- The number of existing similar facilities in the area (applicable only to off campus accommodation). In assessing a proposal for student accommodation, the Planning Authority will consider the cumulative impact of student accommodation, which exists in the locality and will resist the overconcentration of such schemes in any one area, in the interests of sustainable development and residential amenity.

**Section 3.4.2.4 and Volume 6 of the development plan sets out the Building Height Strategy for Limerick City including a Localised Assessment Tool for Tall Buildings. I note that the subject site sits outside the ‘Transition Area Character Area’ and is located within ‘Rest of Inner City’ in the wider strategy designations.**

The following policies and objectives are also considered relevant:

- Policy BH1, BH2, BH3, BH4, BH5, BH6, BH7

- Policy TB6: Assessment of Tall Buildings, Policy TB7: Assessment Criteria for Tall Buildings, Policy TB8: Requirements of Planning Application for Tall Buildings and TB9: Ensuring the Quality of Tall Building
- Objective CGR 02: Place-making, Universal Design and Public realm
- Objective HO 02: Density of Residential Developments

## **5.2. Limerick / Shannon Metropolitan Area Transport Strategy 2040 (LSMATS) (2022)**

The LSMATS highlights that much of Limerick City Centre is dominated by private car parking, through-traffic and HGVs. Over the lifetime of this Strategy, there will be a reduction of car dominance in the City Centre. This shift in focus is in line with the recognition of the detrimental impacts that traffic congestion and associated carbon emissions have on the environment and people's quality of life. The City's Street network will be reviewed with the aim of prioritising space for walking, cycling and public transport provision with the intention of creating a more attractive and vibrant experience for residents and visitors.

## **5.3. Regional Spatial and Economic Strategy for the Southern Region**

Limerick-Shannon is identified as one of three Metropolitan Areas in the Strategy which includes the Limerick-Shannon Metropolitan Area Strategic Plan (MASP). The site is located with the 'Limerick-Shannon Metropolitan Area'. The RSES incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans.

The MASP notes that Limerick City is the largest urban centre in the Mid-West and the country's third largest city. Limerick City and Shannon are interdependent, with their complementary functions contributing to a combined strength that is a key economic driver for the Region and Ireland. Limerick Regeneration, the amalgamation of Limerick City and County and the Limerick 2030 initiative have all contributed to enhancing Limerick's growth potential. There is capacity to build on recent successes and add to the ambitious vision for this Metropolitan Area.

The MASP highlights the need to increase residential density in Limerick City and Shannon through a range of measures including, reductions in vacancy, re-use of existing buildings, infill and site-based regeneration. The MASP supports the

densification of Limerick City Centre, the assembly of brownfield sites for development and City Centre rejuvenation and consolidation.

#### **5.4. National**

##### **5.4.1. National Planning Framework**

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

Section 6.6 - housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose-built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

Relevant Policy Objectives include: -

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of

existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### **5.4.2. The National Student Accommodation Strategy (NSAS) 2017**

The NSAS aims to ensure an increased level of supply of purpose-built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. The most recent progress report issued in November 2019 reported that 8,229 PBSA bed spaces were completed by the end Q3, 2019, 5,254 further bed spaces were under construction, with planning permission granted for another 7,771 representing a total of 21,254 bedspaces either complete, under construction or with plans granted at the end of Q3 2019.

#### **5.4.3. Housing for All**

It is an action (2.11) of the housing plan for Ireland to support diversification of housing stock and increase availability of rental stock by supporting the development of Purpose Built Student Accommodation by Technological Universities.

#### **5.4.4. Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
- Urban Development and Building Height Guidelines for Planning Authorities (2018)

#### **5.4.5. Other relevant guidance:**

- Architectural Heritage Protection Guidelines for Planning Authorities (2011)
- A new European Standard for Daylight in Buildings IS EN17037:2018
- UK National Annex BS17037:2019
- BRE Guide 209 2022 Edition (June 2022)

- DHPCLG Circular PL8/2016 APH 2/2016 (July 2016): Encourages cooperation between local authorities and higher education institutes in the provision of student housing. Indicates that student accommodation should not be used for permanent residency but can be used by other persons/groups during holiday periods.
- Guidelines on Residential Developments for 3rd Level Students - Section 50 Finance Act, Department of Education and Science, 1999
- Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students (Section 50 Finance Act 1999), Department of Education and Science, 2005.
- Report on Student Accommodation: Demand and Supply, Higher Education Authority, 2015
- Circular Letter NRUP 05/2022 Appropriate measures to ensure the protection of unrecorded burials associated with institutions operated by or on behalf of the State (or in respect of which the State had clear regulatory or supervisory responsibilities) in Development Plans, in circumstances where there is a possibility that unrecorded burials may have taken place, on foot of the publication of the Final Report of the Commission of investigation into Mother and Baby Homes.

## 5.5. **Natural Heritage Designations**

Lower River Shannon (SAC) (Site Code 002165) is approximately 300metres from the subject site. The Fergus Estuary and Inner Shannon, North Shore proposed Natural Heritage Area (Site Code 002048) is approximately 800m from the subject site.

## 5.6. **EIA Screening**

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of

significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Two third party appeals have been received:

- (a) Ray Ryan (33 Pennywell Road located to the southeast of the subject site), and
- (b) Catherine, Martin and Paul Hurley (residents of 35 and 36 Rixtown Terrace, Old Clare Street directly abutting the northwestern boundary of the subject site).

As there are overlapping concerns raised in both third party appeals, I have grouped the grounds of appeal under the following headings and in summary the grounds of appeal are:

#### **Height and scale**

- The proposed development directly abuts 35-36 Rixtown Terrace and the height and scale of the proposed development out of character with the traditional nature of the street. The scale of the proposed development adjacent to the existing is excessive.
- The height of the development will be detrimental to the historical significance of the structure and landmarks in the area and contradicts what is set out in the draft Limerick Development Plan 2022-2028 Volume 3 Building Height Strategy for Limerick City.
- Clare Street and Limerick Institute of Technology Campus (School of Art and Design) assemblage of structures of regional significance. The history of the neighbourhood is greatly influenced by these structures and their distinctive skyline. Imperative that any development avoids any significant or adverse impact on architectural heritage.
- The neighbourhood has many run-down vacant properties which are being ignored. These could be redevelopment and utilised for large numbers of residential units available for such accommodation.

- Development on this site would be welcomed at a reasonable density and height, i.e. The Gardens, The Gables and Cathedral Court all built sensitively into the surrounding neighbourhoods.

### **Residential amenity, noise impacts and depreciation of value of property in the vicinity**

- Unprecedented increase in residents in such as small area street with appx. 12 houses to have 120 spaces for students. Concerned about the potential negative impact on property valuation due to the close proximity of the proposed student accommodation. No detail provided of what the units will be used for outside of the academic year. The development as proposed is not affiliated with any college so it will be a mixed college residents and no one college will put resources into liaison and engagement with the local community.
- Reference made to recent developments at John's Gate and Gratton Court that have failed to be maintained appropriately.
- Main access into the proposed development is directly adjacent the existing residents of Roxtown Terrace which would have a determinantal impact on established residential amenity.
- Negative impact from noise pollution both from the construction phase and then continuous noise concerns when student residents move in.
- Concerns relating to the proximity of the bin store and ESB substation abutting the adjoining residential property.
- Concerns include movement of foundations due to the historical construction of homes on Roxtown Terrace and others along Pennywell Road and Old Clare Street.

### **Light and air**

- 90% of the light in 35-36 Roxtown terrace comes from the back of the house, the only usable outside space, the scale of the new development will dramatically impact on natural light and air quality highlighted as being of such importance to the residents of 35-36 Roxtown Terrace due to personal health conditions which limit movement.

- Concern about the impact of the development on the privacy and natural light of the two houses directly across from the current front entry to A & R Supplies.
- Concern that due to the height of the proposed development the chimney output of the existing residential dwelling will be impacted.

### **Road safety and parking**

- The turn onto Old Clare Street/Roxtown Terrace is a dangerous blind corner and very narrow. Concerns about the safety of the proposed entrance. A number of car accidents has occurred the road is not really suitable for two way flow.
- Issues with accidents already occurring also at the intersection junction of Pennywell Road, New Road and The Long Can (Old Clare Street) and also at the junction on the Dublin Road down to Roxtown Terrace.
- The nearby Dublin Road Active Travel route will see Pennywell Road used more as an alternative to traffic avoiding the city centre, leading to increased health and safety concerns at this junction.
- Concerns about overspill of student parking and visitor parking as there is only on-street parking available for existing residents making an already difficult situation worse.
- Proposal does not appear to provide suitable access for a fire truck

### **Archaeology**

- The site previously formed part of the Good Shepherd Convent Gardens and a complete survey should be carried out.

## **6.2. Applicant Response**

Response received 2nd November 2023 from the agents acting on behalf of the applicants noting that no new issues raised in the third-party appeal that haven't already been dealt with during the application to the local authority, the project team on behalf of the applicant have nothing further to add at this time.



### 6.3. **Planning Authority Response**

- None received

### 6.4. **Observations**

- The Development Applications Unit (DAU), The Heritage Council and An Taisce were notified of this application and invited to make submissions or observations. None received.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority and having inspected the site, and having regard to the relevant local, regional, national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Building Height, density and massing
- Impacts on light and air quality
- Residential amenity, noise & nuisance and depreciation of value of property in the vicinity
- Road safety and parking
- Archaeology

### 7.2. **Building Height, Density and Massing**

7.2.1. Both appellants set out their concerns relating to the proposed height of the student accommodation development and these concerns relate to the potential detrimental visual impact within the neighbourhood and on the regionally important protected structures of the adjoining Limerick School of Art & Design (LSAD) Architectural Conservation Area and adverse impact on the existing residential amenities. Their concerns with respect to the height and its potential impact light and air, residential amenity and noise whilst interrelated will be addressed separately, see sections 7.3-7.4.

- 7.2.2. The proposed development comprises, as revised following further information request by the planning authority to address concerns in relation to the height of the proposed development, a two to seven storey building in four blocks as detailed in section 2.0. One floor was omitted in the revised proposals, submitted as further information (15/08/2023), from both Block D and Block C along Old Clare Street. The Building Height Strategy for Limerick, as contained in Volume 6 of the development plan, classifies buildings of over 6 storeys plus as 'tall buildings' within the City Centre and 5 storeys plus outside the City Centre within the strategy. Therefore, the proposed development at a maximum height of 7 storeys classifies as a 'tall building'.

The revisions submitted as FI resulted in no reduction in student bedspaces (122) as result of the addition of these rooms to the apartments within Block A and Block C. Effectively the revisions result in the infilling of the original gap and visual break between Block A and Block B on the upper four levels and widening the block depth of Block A. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities provide, in footnote 3 (Page 18), a guide to calculating densities for shared accommodation, such as student housing where four bedspaces shall be the equivalent of one dwelling. Therefore, the proposed development equates to 31 (rounding up) dwellings on a site area of 0.160ha with a density of 193 dph (net). I note that the density range is at the upper band of the compact settlement guidelines for Limerick City – Centre (Table 3.2) where it is a policy and objective of these Guidelines that residential densities in the range of 100 dph to 250 dph (net) shall generally be applied in the centres of Limerick, Galway and Waterford. I am of the opinion that the proposed density within this upper band is excessive for this transitional 'rest of city centre' area.

- 7.2.3. The Building Height Strategy identifies the 'rest of inner city' area as generally low rise 2-4storeys with tall structures principally church spires and towers, with some notable exceptions including the Strand hotel and Absolute Hotel both at 8 storeys. I note that the subject site is not located with an identified opportunity site for height (Map 3.11) and it is not within the known Limerick 2030 area for height development. However, it is located within the 'Rest of Inner-City Core' (Map 5.1) in which at a city-wide level the strategy allows for taller buildings (page 119) in order to deliver compact growth.

- 7.2.4. I acknowledge that the planner's report considered that, on balance, the proposed development is acceptable given it is for the redevelopment of a brownfield site for much needed student accommodation. I would agree that the subject site by reason of its 'rest of city centre' location and proximity to planned Dublin Road BusConnects route has capacity to adopt a more compact urban form. However, taking into consideration Policy TB7: Assessment Criteria for Tall Building I am of the view that the reduction in the height by one storey of blocks C and D whilst retaining the total number of student bedspaces the proposed density of 193 dph (net) results in a massing that is not modulated sufficiently to reflect the rhythm of the streetscape.
- 7.2.5. The photomontages illustrate the height, bulk and massing of the development and I am of the view that there is a detrimental visual impact by the development, particularly in views PM01 and PM02 by the horizontal emphasis of the block, diminishing the prominence of the dome roof and the chimney landmarks of the adjoining designated Architectural Conservation Area.
- 7.2.6. Given the context height and having regard to the Building Height Strategy which identifies the Limerick School of Art & Design LSAD (former Good Shepherd Convent) as a local landmark no. 31 (Map 3.5), buildings of local importance (Map 3.14) and Map 3.15 indicates the Limerick School of Art and Design as a 'Known area for height development' I consider that the proposed development by reason of its excessive height, density and massing does not sufficiently respond or respect this existing important local landmark. The proposed development would, in my view, obscure the legibility of the ACA and diminish its role in contributing distinctiveness and placemaking in the city.
- 7.2.7. City policy seeks to direct tall buildings to locations where their positive contribution can be maximised, I am of the opinion that the proposed building would represent a significant intrusion on the distinctive building /landmark and in the absence of any contribution to the public realm, public spaces or amenities of the area contrary to Policy TB7, notwithstanding the acknowledged demand for student accommodation in Limerick City, I am of the view that subject site is not one where such taller building height is appropriate.

- 7.2.8. Other impacts of the proposed height and density of the proposed development having regard to the assessment criteria contained in Policy TB7 are also considered in sections 7.3, 7.4 and 7.5 of this report.

### **7.3. Impact on light and air quality**

- 7.3.1. The appellants highlight their concerns regarding potential overshadowing of their properties and a significant reduction in the amount of light to their properties. In addition, the appellants (adjoining residents at numbers 35-36 Roxtown Terrace) are also concerned that the proposed development will impact on the function of their chimney and potentially impact on air quality.
- 7.3.2. The submitted Sunlight, Daylight & Shadow Assessment is stated to be carried out in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice – Third Edition (BRE 2022). The assessment undertaken for the potential impact of the proposed development on the neighbouring houses tests the impact/change for skylight – vertical sky component VSC, impact/change for probable sunlight hours – Annual APSH and Winter WPSH, and finally it tests the existing amenity spaces for impact/change on sunlight /shadow.
- 7.3.3. The report identifies five neighbour groups (B1-B5). The appellants concerns relate to Neighbour Group B2 and Neighbour Group B5. I note that a typographical error indicates the Neighbour Group as B3 (page 6) however, looking to the google earth extract key this grouping is identified as B5. I shall focus on both B2 and B5 neighbour groups in my assessment.

#### *Skylight to habitable rooms*

- 7.3.4. In neighbour group B2 the proposed development will result in a reduction of the skylight to habitable rooms in 5 out of the 9 windows tested below 27%. In 4 out of the 5 windows the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value and, with reference to paragraph 2.2.7 of the Guide to Good Practice, the occupants of the existing building will notice the reduction in the amount of skylight. In these instances, “the area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time.”

- 7.3.5. For neighbour group B5 I note that the existing baseline of VSC for these properties ground floor windows is already less than 27% at 2 windows but that with the proposed development in place the reduction is not less than 0.8 times its former value.

*Sunlight into living spaces*

- 7.3.6. The test for sunlight into living spaces was carried out to all windows, whilst the report notes that not all windows relate to living rooms. As this test only relates to windows which face within 90 degrees of due south. The report states that for this reason the windows within neighbour groups B1, B2 and B4 do not require testing.
- 7.3.7. The results of the submitted assessment for sunlight to windows on living room spaces indicate that all windows for neighbour group B5 comply with the annual APSH and winter WPSH required for sunlight.

*Sunlight on the ground (Shadow) Gardens and Open Spaces*

- 7.3.8. The results of overshadowing of amenity spaces as a result of the proposed development indicates that the neighbouring spaces, both for neighbour blocks B2 and B5 pass the BRE 2 hours of sunlight on the 21<sup>st</sup> March or 0.8 requirement. The submitted report includes a note to clarify the 'Passing the BRE requirements does not imply that shadows will not be cast over an amenity space at all. Shadows which are transient by nature may not impact on the percentage of the space which received 2 hours of sunlight on the 21<sup>st</sup> March.'
- 7.3.9. In conclusion, having regard to the above summarised test results I am of the view that the proposed development by reason of its height and bulk at the corner of NewRoad/Pennywell Road and Old Clare Street will negatively impact the established residential amenity of neighbour group B2 as a result of the reduction in skylight (daylight). Furthermore, whilst acknowledging the test results indicate that the amenity spaces of the neighbouring spaces pass the BRE minimum requirement, I am of the view that given the limitation of the existing amenity spaces at 35 and 36 Roxtown Terrace the proposed development increasing the property boundary wall by approximately 3 metres along the entirety of the shared boundary would have an overbearing impact on this amenity space and on existing rooms to the rear of these houses.

I note the appellants concerns with respect to the proposed development potential impact on the function of their chimney and quality of air. I do not consider that there is sufficient information available to determine whether there would be a significant impact on the function of the existing chimney and resultant air quality by reason of the proposed development. In the event that the Board is minded to grant permission further information should be sought in this regard.

**7.4. Residential amenity, noise & nuisance impacts and depreciation of value of property in the vicinity**

- 7.4.1. The appellants are concerned that the density of student accommodation bedspaces proposed would result in a detrimental imbalance in the established residential mix of the area and would devalue the existing properties.
- 7.4.2. Objective HO 08 Student Accommodation, as detailed in section 5.0, seeks to ensure that all applications for new off campus purpose built student accommodation includes details outlining the presence and distribution of any permanent residential occupiers, the extent of students renting in the private housing market and the presence of any other housing catering primarily for students and short term lets in the area in order to address any potential impact of the proposal on residential amenity and any permanent residents in the area. The application is supported by a 'Planning Report and Statement of Consistency' and also a 'Student Demand and Concentration Report'. Objective HO 08 requires that all applications for off-campus purpose built student accommodation is accompanied by a student management plan. Section 3.2.3 of the submitted 'Planning report and Statement of Consistency' provides a summary of how the residential apartments will be managed as a single multi-let operation by a dedicated management company. However, I note that no student management plan is submitted.
- 7.4.3. I note that the submitted 'Student Demand and Concentration Report' states in respect to the methodology used that "in the absence of any specific Limerick City and County Council (LCCC) requirement to conduct an evidence-based approach to determining the demand for PBSA this report has been prepared based on the Dublin City Development Plan 2016-2022- Variation 3". I do not agree with the

applicant's statement, LCCC have specific requirements as clearly set out in Objective HO 08 under subsection (b) it is required to provide details of:

- The presence and distribution of any permanent residential occupiers,
- The extent of students renting in the private housing market,
- The presence of any other housing catering primarily for students and short terms lets in the area/estate, and

And that the application should address any potential impacts of the proposal on residential amenity and any permanent residents in the area.

7.4.4. Having regard to the submitted 'Student demand and concentration report', which provides an analysis of both the existing PBSA complexes and a consideration of new PBSA permitted or in the planning process over the last 5/6 years (detailed in Table 2.0 of the student demand and concentration report'). I acknowledge that there are two existing PBSA's within 1km of the subject site with a total of 510 bedspaces. The report, however, does not provide detail at an appropriate scale relevant to the area with respect to considering the existing presence and distribution of residential occupiers and the extent of students renting in the private housing market in the context of the existing PSBA's and short term lets in the area. As such, I am of the view that the level of detail provided does not sufficiently meet the requirements as set out in Objective HO 08 (b) and has not demonstrated that there will not be an overconcentration of student housing relevant to the existing permanent residents in the area.

7.4.5. In the 'Planning Report and Statement of Consistency' the applicants have set out a methodology to calculate the density of the student accommodation, noting that the residential density parameters are not readily applicable to student accommodation proposals. The applicants calculate the density of the scheme at 188 units per hectare. The application was submitted prior to the adoption of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* in January 2024 and as such this calculation was based on a different methodology than now included for in the guidelines, see section 7.2, which when applied I calculate the proposed density of 193 dph (net).

- 7.4.6. In conclusion, having regard to the information as submitted within the 'Student Demand and Concentration Report', which does not provide a sufficient level of information as required under Objective HO 08 (b) in terms of existing residential mix, and taking into account the proposed density of new student accommodation proposed, I am of the view that it has not been demonstrated that there will not be an overconcentration of student housing.

*Noise and nuisance*

- 7.4.7. The appellants are also concerned about the level of noise that would arise from the construction of the student accommodation and then subsequently concerned about ongoing noise impacting upon established residential amenity by the new resident students and other occupants during academic holidays. I note that there is no noise impact assessment accompanying the application.
- 7.4.8. The subject site is located within zoned 'city centre' location where there is an established noise level it is my opinion that the proposed construction phase will result in a temporary increase but that this noise would not be unreasonable in terms of duration, an appropriate condition can be attached in the event of a grant of permission to address same.
- 7.4.9. With respect to the occupation of the development, I do agree that there will be an increase in noise due to the increased density of occupants on the subject site and the change of use from commercial to residential. Furthermore, the proposed development by reason of its design including the location of the enclosed bin stores and ESB sub-station abutting the existing residential properties has not provided for a sufficient buffer or transition to ameliorate potential nuisance impacts on the existing residential amenities.
- 7.4.10. The vehicular/bicycle entrance located in close proximity of the existing residents will give rise to increased levels of noise, however, I note that access to the rear courtyard is limited to bicycles and fire tenders in the event of emergency and, as such, I do not consider the development would give rise to levels of noise that would be inappropriate in the city centre residential context. In the event of a grant of permission a condition requiring the scheme to be professionally managed can be attached to ensure that any concerns regarding noise disturbance from future occupants would be addressed in the Student Management Plan.



### *Devaluation of neighbouring property*

7.4.11. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. These concerns relate not only to the change in residential mix of the area, as addressed above, but also that the proposed construction phase could have a negative impact on the structural stability of adjacent houses. Given the proposed height and scale of the building it is likely, as acknowledged in the archaeological impact assessment report accompanying the application, that the foundations may be will likely to be constructed on piles. In this instance I do agree that there are likely to be noise and vibration impacts. I acknowledge the appellants concerns relating to potential of vibration induced damage in their buildings. I acknowledge that these issues are the subject of a separate legal code and thus need not concern the Board for purposes of this appeal.

7.4.12. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

### **7.5. Road Safety and parking**

7.5.1. The subject site is located on the corner of New Road/Pennywell Road and Old Clare Street. There are concerns raised by the appellants about the safety of the proposed vehicular access location onto a blind corner location on Old Clare Street and also the additional traffic movements onto the junction with the Dublin Road. It is put forward by the appellants that the nearby Dublin Road Active Travel route will result in the Pennywell Road being used as an alternative to traffic to avoid the city centre and this will lead to increased safety issues at the subject site's location. The appellants are concerned that the proposed development will result in an overspill of student and visitor parking onto the limited on-street parking.

7.5.2. The proposed development originally included for 4 no. car parking spaces within the internal courtyard noted as to accommodate staff parking. The submitted Residential Travel Plan supporting the application states that: *'Given the minimal provision of car parking within the proposed development, the development's potential to generate motor vehicle trips is negligible and it shall not have any significant impact upon the operation of the surrounding road network'*. Following a request for further information by the planning authority, detailed in 3.2.1 of this report, with respect to

safety concerns of the vehicular access the car parking spaces originally proposed were omitted from the internal courtyard increasing the bicycle parking spaces to 96 no. from the original 68 no. spaces, however, the vehicular access was retained, revised drawings indicate the movements and access for an emergency vehicle, cyclist, ESB Access and access to the bin stores. The applicant's consultant engineers report respond to the further information request, as received 15/08/2023, acknowledges that the sightlines on exit from the development and the corresponding safe stopping distances on approach along Old Clare Street from the south, do not meet DMURS requirements, but submits that this should not preclude the use of this access by emergency service vehicles. It is stated in the engineering report that as the development proposal have been revised omit car parking entirely within the development, such that there shall be no regular or frequent vehicle movements into or out of the development site it was agreed with LCCC that a Road Safety Audit was no longer necessary as part of the further information response. I note that a Swept Path Analysis (Dwg. No. S028L-0011 Rev P1, indicates that a fire tender can manoeuvre within the courtyard and out onto Old Clare Street.

- 7.5.3. Figure 3 of the submitted Residential Travel Plan (RTP) including the walking times and public /shared transport service points, figure 6 illustrates the bicycle journey times from the subject site to almost all relevant educational institutions within a 10-minute bicycle journey educational institutions and the Limerick Colbert railway station providing intercity services operating to and from Dublin, Cork, Galway and Waterford within a 5 minute cycle time, and 2 no. Tfi bikeshare stands are within approximately 5 minute walk of the development site and 2 no. bases for a commercial car sharing service are within a 10 minute walk.
- 7.5.4. Having regard to the nature of the proposed student accommodation, and its central and highly accessible location by foot and cycle, I am of the opinion that the future occupants are unlikely to generate a significant demand for car parking. I note the submitted consultants planning report (p.8) states that once operational the student management plan will set out that the facility is a zero-parking city centre facility and that students with private cars without personal parking arrangements are precluded
- 7.5.5. From my site inspection I concur with the appellants that there is limited on-street parking available, and that the existing terraced residential properties rely on these spaces in the absence of any alternative. I am of the opinion that given the density of

the proposed scheme the impact of visitor parking, and short-term parking to allow for student drop off and provision of accessible parking/drop off has not been sufficiently accommodated within the proposed development. Furthermore, the set down area for the refuse lorry, whilst indicated on the submitted drawings, I note that this is not provided for within the subject site instead it is positioned on the public roadway. In these circumstances, I consider that the proposed development would be likely to create on-street parking and serious traffic congestion on the adjoining roads and would therefore be contrary to the proper planning and sustainable development of the area.

- 7.5.6. Notwithstanding the above, in the event the Board is minded to grant permission it is recommended that a revised initial modal share targets Residential Travel Plan (RTP) to take account of the removal of car parking spaces and the increased provision of bicycle parking spaces, to be monitored and updated on the first, third and fifth anniversary of occupation to ensure that targets are met with a dedicated Travel Plan Coordinator assigned to implementing and monitoring the RTP.

## **7.6. Archaeology**

- 7.6.1. The subject site is within the zone of notification (ZON) for the historic city of Limerick and the appellants have raised issues with respect to the limitations of the archaeological survey undertaken given, they state, that the site previously formed part of the Good Shepherd Convent Gardens.
- 7.6.2. The submitted Archaeological Assessment Report, received 15<sup>th</sup> August 2023, links their findings to potentially part of the 17<sup>th</sup> century siege defences and 17<sup>th</sup> to 18<sup>th</sup> century pottery finds suggesting pottery manufacturing. No direct link to the former Good Shepherd Convent is reported on, although I note that there was a low percentage of test trenching possible.
- 7.6.3. The report from the local authority archaeologist acknowledges the limitations of the archaeological impact assessment due to the presence of standing buildings on the site. As such, archaeological testing was limited to a small proportion of the site. It is noted that the testing that was carried out did result in significant findings. The submitted archaeological report states that “The discovery of potential ditched elements of the siege defences in an important, and perhaps unique, addition to Limerick’s archaeological record” (pg. 22). The local authority archaeologist

highlights that further test trenching is required before a decision on the final design and layout can be made given the potential that ditches found in the trenches represent siege works from the 17<sup>th</sup> Century and would then form part of the nationally important city defences.

- 7.6.4. I note that condition 5 (d) and 5 (e) relate to the demolition of the standing buildings and further series of test trenches to provide for an updated assessment of impact and inform mitigation measures for any impacts including the redesign/relocation of elements of the development. Condition 5 (e) prohibits construction work until the impact on archaeological remains has been mitigated.
- 7.6.5. The archaeological assessment report acknowledges that a development of the scale proposed will inevitably cause significant sub-surface impact and that whilst detailed foundation designs are not yet finalised that multi-storey buildings proposed will likely to be constructed on piles. Given the level of uncertainty with regard to the potentially unique archaeological findings it would not be unreasonable to expect that there could be a potential requirement to significantly redesign the development to allow for, if necessary, preservation in situ of all or part of the significant archaeological material especially if the potential ditch features prove to be part of the siege defences of Limerick. Such redesign may be deemed material and result in a requirement to submit a new application.
- 7.6.6. Given the other substantive reasons for refusal set out and the level of uncertainty with regard to the potentially unique archaeological findings I am of the opinion that I do not have sufficient information available to justify a refusal on archaeological impact grounds.

## **8.0 AA Screening**

A statement of screening for appropriate assessment was submitted with the application documentation.

I have considered the proposed student accommodation in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 300 metres from the Lower River Shannon (SAC) (Site Code 002165). The proposed development comprises details as provided in section 2.0 of the report.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Location-distance from nearest European site and lack of connections
- Taking into account Statement of Screening report submitted with the application.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

I recommend that permission is refused in accordance with the following reasons and considerations.

## **10.0 Reasons and Considerations**

1. Having regard to the subject site's location is:

- not within an identified opportunity site for height,
- not within the known Limerick 2030 identified areas for height development, and,
- is immediately adjacent to the Limerick School of Art and Design Architectural Conservation Area (ACA) with building and structures identified as areas of local importance to the urban character of Limerick City,

the proposed development by reason of its excessive height relative to surrounding buildings, its density and massing which would obscure the legibility of the ACA and diminish its role in contributing distinctiveness and placemaking in the City and would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of this area, which it is appropriate to protect. As such, the proposed development would be contrary to Building Height Policy BH3 (Volume 6 of the Limerick Development Plan 2022-2028 as varied) which seeks to 'protect the unique intrinsic character and scale of Limerick City and its skyline in the delivery of increased building heights', and would therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its height and bulk, at the corner of NewRoad/Pennywell Road and Old Clare Street, would negatively impact upon the established residential amenity of properties located on New Road /Roxtown Terrace (identified in the submitted Sunlight, Daylight and Shadow Assessment as neighbour group B2) as a result of the reduction in skylight (daylight). Furthermore, given the limitation of the existing amenity spaces at 35 and 36 Roxtown Terrace (Old Clare Street) increasing the property boundary wall by an additional floor would have an overbearing impact on this amenity space and on existing rooms to the rear of these houses. The proposed development would seriously impact upon the established residential amenities and, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the information as submitted within the 'Student Demand and Concentration Report', which it is considered does not provide a sufficient level of information as required under Objective HO 08 (b) in terms of existing residential mix and taking into account the proposed density of new student accommodation proposed, it has not been demonstrated that there will not be an overconcentration of student housing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the limited on-street parking available and taking into account the proposed density of the scheme the impact of visitor parking, impact of short-term parking to allow for student drop off, and minimal provision of accessible parking/drop off would result in on-street parking and create serious traffic congestion on the adjoining streets. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Claire McVeigh  
Planning Inspector

07 August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	318133-23		
<b>Proposed Development Summary</b>	The construction of a new building to provide 122 no. student bed spaces and all associated site works.		
<b>Development Address</b>	New Road/Pennywell Road & Old Clare Street		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	
<b>Yes</b>	✓	Class/Threshold: Part 2, Schedule 5 (Class 10 (b)(i)) Construction of more than 500 dwelling units.  (Class 10 (b) (iv) Urban Development which would involve	Proposal for student accommodation equates to approximately 31 dwellings on the site area of 0.16



		<p>an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>Class 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	<p>ha, this is significantly below the thresholds.</p>	
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	318133-23	
Proposed Development Summary	<p>The proposed development consists of the following:</p> <ul style="list-style-type: none"> <li>• Demolition of existing showroom/sales building, storage sheds, single storey derelict dwelling house and all other structures and boundary walls on the site (1,050 sq. m gross floor space).</li> <li>• The construction of a new building (4208 sq. m gross floor area) ranging in height from three to seven storeys to provide 122 no. student bedspaces (22 no. apartments) with an internal courtyard providing vehicular access from Old Clare Street to 4 no. staff parking spaces, 68 no. bicycle spaces, 127 sq. metres of private open space, bin store and ESB substation.</li> <li>• Alterations to footpaths and roads bounding the site at New Road/Pennywell Road and Old Clare Street, the creation of a new set down area on New Road/Pennywell Road, connections to public services and utilities and all ancillary siteworks.</li> </ul>	
Development Address	New Road/Pennywell Road and Old Clare Street in Limerick.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located in an established residential area on lands zoned 'city centre' and is served by public transport and infrastructure.</p> <p>A demolition Asbestos Survey was requested by the planning authority as further information. Applicant requested that a condition is attached in the event of a grant of permission. This issue can be adequately dealt with under the planning assessment. Localised construction impacts will be temporary.</p> <p>Noting the lack of submitted information in request</p>	No

	to the presence of asbestos in the buildings proposed to be demolished I am however of the opinion that such matters can be addressed by appropriate mitigating waste management plan condition and that no significant waste, emissions or pollutants are likely.	
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>	No
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>Lower River Shannon (SAC) (Site Code 002165) is approximately 300metres from the subject site. The Fergus Estuary and Inner Shannon, North Shore proposed Natural Heritage Area (Site Code 002048) is approximately 800m from the subject site.</p> <p>It is considered that, having regard to the limited nature and scale of the development on a brownfield site, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>	
Conclusion		

There is no real likelihood of significant effects on the environment in terms of the nature, size and location of the proposed development and having specific regard to the criteria set out in Schedule 7 of the P&D Regs 2001 (as amended).

EIA not required.

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)