



Planning and Development Acts, 2000 to 2019

Planning Authority: Limerick City and County Council

Application by Limerick City and County Council for approval under section 175 of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and a Natura Impact Statement lodged with An Bord Pleanála on the 22nd day of March, 2019.

Proposed Development:

10-year permission for proposed development comprising the construction of a circa 53,532 square metre gross floor area mixed-use scheme comprising:

- The erection of a landmark office building which is principally 14 storeys, with a 15-storey element providing for an enclosed plant room (and solar panels above on roof) at Bank Place comprising circa 13,264 square metres office floorspace.
- The erection of a 6-storey over-basement building replacing the existing car park at the corner of Michael Street and Ellen Street, providing circa 12,654 square metres office use, with circa 960 square metres retail and circa 430 square metres restaurant/café use at ground level.
- The erection of a 5-storey building at the corner of Patrick Street and Ellen Street comprising a 57-number room apart-hotel (circa 5,151 square metres), including balconies to the rear at 7-8 Ellen Street.
- The provision of nine number apartments at 1st to 3rd floor levels (six number two-bed apartments, one number three-bed and two number four-bed apartments) with balconies to the rear and circa 655 square metres of retail use at ground and basement levels of 1-5 Patrick Street.

- The provision of four number two-bed apartments at 1st to 3rd floor levels with balconies to the rear and circa 360 square metres of retail use at ground and basement levels of 7-8 Ellen Street.
- The provision of three number residential dwellings at 1st to 3rd floor levels (three number one-bed apartments) with balconies to the rear and circa 445 square metres of retail use at ground and basement levels at the existing buildings 4-5 Rutland Street.
- The refurbishment of the three-storey over-basement building at number 9 -9a Ellen Street (the former Quinn's Pub) to provide a circa 1,261 square metre licenced bar and restaurant.
- The renovation and adaptation of the four-storey former Town Hall (a Protected Structure RPS reference number 014) including the demolition of the existing single storey building adjoining to the rear and the two-bay four-storey end-of-terrace building adjoining to the south side. Retention of and conservation works to the Town Hall building to include the roof, façade, windows, principal rooms and open-well staircase. Integration at ground and top floor level of the Town Hall with numbers 8 and 9 Rutland Street which will form part of the proposed library development. The Bruce House Doorway (a Protected Structure, RPS reference number 317) will be relocated at the internal gable of number 8 Rutland Street within the new library building atrium. The new building will provide a public library of circa 4,515 square metres, circa 2,981 square metres of office floorspace and circa 197 square metres of retail and circa 446 square metres of café/restaurant floorspace in the basement.
- The refurbishment and adaptive re-use of the four-storey over-basement Granary Building on Michael Street (a Protected Structure, RPS reference number 272), including the change of use of the former library space within the Protected Structure to office use, the demolition of the existing modern library extension to the west and provision of a new glazed vertical circulation block to the west elevation. The building will provide circa 2,303 square metres office floorspace. No change is proposed to the existing basement restaurant and separate licensed premises (circa 579 square metres).
- The construction of a basement car park at Opera Square, accessed from Michael Street, comprising 155 number car parking spaces.
- The provision of a total of 495 cycle parking spaces. These include 311 number secure cycle parking spaces, together with shower and changing facilities at basement level, 40 number secure cycle parking spaces and 120 number public cycle spaces at ground level throughout the proposed development and the provision for a 24-space cycle hire scheme at Bank Place.

The proposed development will also include improvement works to the adjacent public streets, hard and soft landscaping changes, public realm seating, roof gardens/terraces, signage, lighting, change in levels, four number ESB substations, attenuation and site-wide piped services, set-down areas and all related site development and excavation works above and below ground. In addition, three number new public squares/plazas will be created to comprise: The Central Plaza circa 3,700 square metres with a mirror pool water feature, the Granary Courtyard circa 778 square metres and Bank Place circa 1,775 square metres.

The proposed development provides for the demolition of all Twentieth Century buildings and later additions to include number 6 and number 7 Rutland Street, the rear returns of the retained heritage buildings, the library extension to the Granary Building on Michael Street and the side and rear extensions to the Town Hall on Rutland Street totalling circa 13,960 square metres. The proposed development also provides for the redevelopment of the surface level car park on Michael Street.

The site includes three number Protected Structures: the former Town Hall (Record of Protected Structures (RPS) reference number 014), the Granary on Michael Street (RPS) reference number 272) and a protected doorway at Bruce House on Rutland Street (RPS reference number 317) and other structures of heritage value.

All on a development site bounded by Patrick Street, Rutland Street, Bank Place, Michael Street and Ellen Street, comprising 1-8 Patrick Street, 3-9 Ellen Street (including 9a), Watch House Lane, Michael Street Car Park, The Granary, Oscail House, 4-9 Rutland Street and the Town Hall, Patrick Street, Limerick.

Decision

Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

(a) EU legislation including in particular:

- EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment, and
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set out the requirements for the Conservation of Natural Habitats and of Fauna and Flora.

(b) National Legislation including in particular:

- Section 175 of the Planning and Development Act 2000, as amended, which sets out the provisions in relation to local authority projects which are subject to Environmental Impact Assessment (EIA) and Appropriate Assessment (AA).

(c) National Policy and Guidance including in particular:

- the National Planning Framework which cites the implementation of the Limerick 2030 economic strategy as a key future growth enabler,
- the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, and
- the Urban Development and Building Heights Guidelines for Planning Authorities, December 2018, and Specific Planning Policy Requirement 1 to support increased building height in locations with good public transport accessibility, particularly town/city cores to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies.

(d) the Mid-West Regional Planning Guidelines 2010-2022.

(e) Local Planning Policy including in particular:

- The provisions of the Limerick City Development Plan, 2010, as amended, including Variation No. 4 adopted in January 2015 comprising the incorporation of the Limerick 2030 Economic and Spatial Plan and policy CC.5 which seeks to secure the development of the Opera Centre in support of the objectives set out in Limerick 2030.

(f) The following matters:

- the nature, scale and design of the proposed works, as set out in the application for approval, and the existing character and pattern of development in the area and the city centre location of the site,
- the documentation, including the Environmental Impact Assessment Report, the Natura Impact Statement and associated documentation submitted with the application, and by way of further information, and the range of mitigation and monitoring measures proposed,
- the submissions and observations made to An Bord Pleanála in connection with the application,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and
- the report and recommendation of the inspector.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the Lower River Shannon Special Area of Conservation (site code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (site code: 04077) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, the oral hearing submissions and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the aforementioned European Sites in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,

- (c) the submissions from the observers and prescribed bodies in the course of the application and the submissions of the applicant, observers and prescribed bodies during the oral hearing, and
- (d) the Inspector's report.

The Board agreed with the summary of the results of the consultations and information gathered in the course of the Environmental Impact Assessment and the examination of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application, as set out in the Inspector's report. The Board was satisfied that the Inspector's report set out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which was reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board was satisfied that the information contained in the Environmental Impact Assessment Report was up to date and complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

The Board considered that the main significant effects, both positive and negative, of the proposed development on the environment are:

- **Population and human health:** Potential positive impacts through the re-development of a brownfield and under-utilised city centre site for employment, cultural and amenity spaces that will improve the townscape and visual setting. Impacts arising from noise, dust, traffic, excavation and demolition impacts during construction will be mitigated by a Construction Management Plan, including traffic management measures. There will be negative impacts on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing which will not be mitigated or otherwise addressed by condition.
- **Landscape:** The proposed development, entailing modern design interventions and a tall building, would have a significant impact on the urban and visual character of the area. This impact is considered acceptable given the policy provisions for the site as set out in the current Limerick City Development Plan and Limerick 2030 Plan and the identification of the site for re-development to a certain scale and strong presence to the public realm. No mitigation measures are proposed on the basis of the beneficial and/or positive impact.
- **Cultural heritage:** Potential negative impacts arising from the demolition of some built fabric on the site and modern design interventions to protected structures, including the redevelopment and extension of the former Town Hall and re-location of the Bruce House doorcase at 6 Rutland Street. Mitigation measures are detailed, including building specific measures for the buildings to be retained and refurbished. There will be potential positive impacts on the cultural heritage of Limerick City Centre arising from the restoration, extension and re-use of currently vacant or under-utilised historic buildings, including a number of protected structures.

- **Biodiversity:** There will be disturbance and loss of the common pipistrelle bat roost site at number 9 Rutland Street. Mitigation measures include a 'bat brick' and a 'bat tile' in the design of numbers 4 and 5 Rutland Street which is located close to the existing roost site in 9 Rutland Street and implementation of a Construction and Environmental Management Plan. There is potential for bird collision with the proposed tall building. A green flashing light to repel birds is proposed in mitigation.

The Board completed an Environmental Impact Assessment in relation to the proposed development. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the impact on existing buildings in the vicinity of the site, arising from the reduction in access to daylight and sunlight and increase in overshadowing, the Board considered that the environmental effects would not justify a reason for refusal of planning permission having regard to the overall benefits of the proposed development. The Board otherwise concluded that, subject to the implementation of the mitigation measures referred to above, including proposed monitoring, as appropriate, and, subject to compliance with the conditions set out below, by itself and in combination with other development in the vicinity, the proposed development would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development:

- would secure the redevelopment of strategic, under-utilised urban land in a prime city centre location and would assist in the re-development and rejuvenation of this part of Limerick City Centre in accordance with the policies and objectives of the current Limerick City Development Plan,
- would involve the retention and sensitive re-use of the bulk of the historic building fabric along the periphery of the site thereby securing its future,

- would make a positive contribution to the urban character of the area,
- would not seriously injure the amenities of development in the area and the character and appearance of protected structures in the vicinity, and
- would not have a significant and detrimental impact on any important views and vistas within the city, including in particular from the west on the opposite side of the River Shannon and from the north on King's Island.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further details and particulars received by An Bord Pleanála on the 23rd day of September, 2019, except as may otherwise be required in order to comply with the following conditions. Where any such conditions require details to be prepared by or on behalf of the local authority prior to commencement of development, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity.

2. The period during which the proposed development hereby permitted may be carried out shall be ten years from the date of this order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. All mitigation and environmental commitments identified in Table 20.1 of Volume II of the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions. All monitoring measures identified in Table 20.1 of Volume II of the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of development control, public information and clarity.

4. All mitigation and environmental commitments identified in the Natura Impact Statement (Section 9) shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of development control, public information and clarity.

5. The proposed development shall be carried out in accordance with the phasing plan as outlined in the documentation submitted with the planning application.

Reason: In the interest of clarity.

6. No additional development shall take place above roof parapet level on any building, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, other than that shown on drawings as submitted with the planning application unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings and open spaces shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record.

Reason: In the interest of the visual amenities of the area.

8. Details of signage for the proposed commercial units shall be prepared by the local authority prior to commencement of development. Thereafter, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the proposed buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and orderly development and to permit any such development to be assessed through the statutory planning process.

9. No external security shutters shall be erected on any of the commercial premises fronting onto public roads and public spaces, unless authorised by a further grant of planning permission. Details of all internal shutters shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record.

Reason: In the interest of visual amenity.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the local authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

11. A minimum of 10% of the proposed car parking spaces in the basement car park shall be provided with electrical connection points to allow for functional electric vehicle charging. The remaining car parking spaces in the basement car park shall be fitted with ducting for electrical connection points to allow for future fitout of charging points.

Reason: In the interest of sustainable transport.

12. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company which shall be established by the local authority. A management scheme, providing adequate measures for the future maintenance of the proposed development, including the external fabric of the buildings, open spaces, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record.

Reason: To provide for the future maintenance of this development in the interest of visual amenity.

13. Site development and construction works shall be confined to the hours of 0700 to 1800 on Mondays to Fridays, excluding bank holidays, and 0800 to 1400 hours on Saturdays and not at all on Sundays. Deviation from these times shall only be allowed in exceptional circumstances.

Reason: In the interest of residential amenity and clarity.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Limerick/Clare/Kerry Region.

Reason: In the interest of sustainable waste management.

15. The construction of the proposed development shall be managed in accordance with a Construction Management Plan which shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record. This plan shall provide details of intended construction practice for the proposed development, including noise management measures.

Reason: In the interest of public safety and residential amenity.

16. A plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020