

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/25

APPEAL by Novelty ICAV care of HRA Planning of 3 Hartstonge Street, Limerick and by Michelle Hayes for and on behalf of the Environmental Trust Ireland 3 Glentworth Street, Limerick against the decision made on the 30th day of July, 2020 by Limerick City and County Council to grant subject to conditions a permission to the said Novelty ICAV in accordance with the plans and particulars lodged with the said Council.

Proposed Development: A 10 year planning permission is sought for the proposed development which will consist of the regeneration of an existing derelict site. The proposed development will consist of (1) reuse and integration of parts of the existing structure on site into the proposed development including retaining walls, slab and foundations as constructed and permitted under a previous planning permission for a shopping centre (P04/3700, P06/3211 and P07/1024); (2) construction of a mixed use residential, commercial and community development; (3) provision of a 1.12 hectare public park with walkways and associated parking; and (4) ancillary site works. The mixed-use development comprises (i) 245 number residential units across a range of building blocks ranging in height from three stories to fourteen stories including 122 number duplex units and 123 number apartments comprising (a) 76 number one bed units; (b) 127 number two bed units; and (c) 42 number three bed units; (ii) four number four storey office blocks over basement car parking with a max floor area of 12,262 square

metres; (iii) 152 number bed hotel over four stories with two levels of basement car parking and ancillary services including associated café/bar with a maximum floor area of 5,012 square metres; (iv) one number two storey commercial building with a maximum floor area of 694 square metres and a substation of 33 square metres including provision for two number restaurants with provision of hot food for consumption off the premises and drive thru facilities; (v) one number petrol filling station with retail sales area not exceeding 100 square metres net floor area and associated food sales sit down area; and (vi) one number three storey community building with a maximum gross floor area of 2,103 square metres providing for (a) crèche, (b) community facilities building and (c) a multi-use games area (MUGA) facility. A public park of 1.12 hectares and associated parking is to be provided as part of the development. Ancillary site works includes (i) surface and basement car parking, (ii) ESB substations, (iii) pumping station, (iv) signage, (v) attenuation tank, (vi) landscaping and (vii) ancillary site development works. The site will be accessed via the existing access and roundabout arrangement to the Parkway Retail Park with improvements to the R445 adjacent to the site. A pedestrian and cycle links is also provided to the boundary of the adjoining residential development to the west of the site (Chesterfield Grove/Castletroy View). Demolition works do not form part of the planning application as the works are being undertaken separately in response to a Section 11 Notice issued by Limbic City and County Council under the Derelict Sites Act 1990. All on a development of an existing partially constructed 7.96 hectare site at Singland, Limerick (site bounded by the R445 to the north, Parkway Retail Park and Castletroy View to the west, Carn na Ree to the south and undeveloped lands stretching to the Groody River to the east).

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

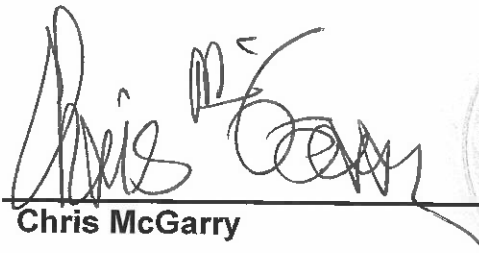
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the current zoning objective to provide for the creation and protection of enterprise and to facilitate opportunities for employment creation, which applies to the majority of the site and to the prominent location of the site and its strategic location within the urban area, it is considered that the overall form, mix and ratio of uses proposed, and the disposition of these uses across the various zoning designations on site, would not be consistent in its current form with the provisions of the overall current zoning objectives for the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is located within a busy suburban area in Limerick, where the current pattern of development and streetscape are poorly defined with an unattractive pedestrian environment and with a high noise environment along the site's boundary with the R445. Having regard to the form and layout of the proposed development, including the siting of an apartment block alongside the R445, to a failure to provide sufficient active ground floor uses or forms of enlivenment, to the proposed provision of an internal road network which would constitute a car dominated layout which would not be consistent with pedestrian comfort and safety and to the poor disposition and accessibility of the public open space in relation to the overall development, it is considered that

the proposed development would seriously injure the amenities of prospective occupants of the development, especially future residents and would militate against the provision of a high quality urban design with an attractive pedestrian and green transport environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the proposed 14-storey apartment block, alongside the R445 a major road which is characterised by a high noise environment, and to the internal layout and the design of the building, which includes one bedroom units with a single aspect, and to the requirement for certain windows and balconies to be fixed closed and sealed in order to attain an acceptable internal noise environment, it is considered that the proposed development would result in a substandard form of accommodation which would seriously injure the amenities of prospective occupants of this apartment block. The proposed development would be contrary to the policy objectives of the Limerick City and County Noise Action Plan 2018-2023 and to objective T11 of the Castletroy Local Area Plan 2019-2025 and would, therefore, be contrary to the proper planning and sustainable development of the area.


Chris McGarry

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

Dated this  day of  2022.

