

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 4th day of April 2022 by Revington Developments Limited care of RW Nolan and Associates of Number 37 Lower Baggot Street, Dublin.

Proposed Development comprises of the following:

10 year permission for a mixed-use development of Build to Rent apartments, student apartments incorporating common areas, café and three number retail units, creche and management facilities building, and dwelling houses at Canal Bank, Pa Healy Road, Limerick. The development will consist of a four hectare area bounded by City Canal to the north, Pa Healy Road to the south and Park Road to the east, Canal Bank, Limerick. Overall a total of 442 number residential units broken down into the following:

- 363 number Build to Rent apartments – 66 number studio, 67 number one-bedroom, 230 number two-bedroom;
- 61 number student apartments – nine number two-bedroom, 37 number three-bedroom and 15 number four-bedroom, totalling 189 number student bed spaces;
- 18 number dwelling houses.

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- (a) Demolition of existing 530 square metres warehouse building on site.
- (b) Block 1 – student accommodation building of 8,238 square metres stepped from three to six storeys, with ground floor café of 144.60 square metres and three number retail units facing onto Pa Healy Road of 86.59 square metres each, with nine number two-bedroom, 37 number three-bedroom, and 15 number four-bedroom student apartments, totalling 189 number bed spaces, ancillary laundry, refuse and enclosed communal courtyard with landscaping and bicycle storage;
- (c) Block 2 – a residential apartment building of 6,013.25 square metres with eight storeys and two penthouse storeys, total ten storeys containing 10 number studio, one number one-bedroom and 52 number two-bedroom apartments;
- (d) Block 3 – a residential apartment building of 8,107.10 square metres with six storeys and two penthouse storeys, total eight storeys containing 16 number studio, 10 number one-bedroom, and 62 number two-bedroom apartments;
- (e) Block 4 – a residential apartment building of 3,869.18 square metres with six storeys and one penthouse storey, total seven storeys containing seven number studio, 13 number one-bedroom and 25 number two-bedroom apartments;
- (f) Block 5 – a residential apartment building of 5,849.40 square metres with six storey and one penthouse storey total seven storeys containing 14 number studio, 16 number one-bedroom and 36 number two-bedroom apartments;
- (g) Block 6 – a residential apartment building of 3,869.18 square metres with six storeys and one penthouse storey, total seven storeys containing seven number studio, 13 number one-bedroom and 25 number two-bedroom apartments;
- (h) Block 7 – a residential apartment building of 4,962 square metres with five storeys and one penthouse storey, total six storeys containing 12 number studio, 14 number one-bedroom and 30 number two-bedroom apartments;

- (i) Community facilities building of 1,336.90 square metres and three storeys with creche, café, management offices and common accommodation for use by apartment dwellers;
- (j) 18 number executive houses – consisting of two number detached four-bedroom houses of 194.62 square metres each and 16 number terraced four-bedroom houses of 177.82 square metres each, with off street parking to front separate from communal parking;
- (k) 149 number car parking spaces throughout the development and 420 number secured bicycle parking spaces throughout the development;
- (l) Ancillary works comprising; new vehicular entrances onto Pa Healy Road, pedestrian and cycle links to Pa Healy Road, Park Road and City Canal, bin storage for all developments adjacent to all entrances, New public park of 0.5 hectares along city canal, communal open space and communal roof gardens for all apartments, all ancillary drainage, civil and landscape works, public lighting within estate and Electricity substation to rear of Block 1 all located at Canal Bank, PA Healy Road, County Limerick.

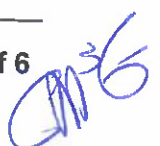
Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Reasons and Considerations

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

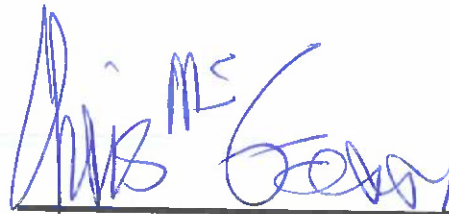
1. Having regard to the deficiencies in the information provided in the submitted Natura impact statement, in particular the lack of information in respect of the relationship between the dry ditch, a potential overflow channel from the Park Canal, which runs through the north of the site and the canal, and to the lack of detailed survey material in relation to 'Lutra Lutra Otters' [1355] and 'Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation' [3260]; and in relation, therefore, to potential impacts on the qualifying interests of the Lower River Shannon Special Area of Conservation (Site Code: 002165) with the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), resulting from development on the site and from potential impacts both on the adjacent Park Canal and on the wetlands to the north of the Park Canal, the Board is not satisfied that the proposed development would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (Site Code: 002165) or of The River Shannon and River Fergus Estuaries Special Protection Area (Site code 004077), in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission for the proposed development.



2. The current development plan is the Limerick Development Plan 2022-2028. Under this plan, the land use zoning of the site is '*New Residential*'. Certain uses, included in the proposed development, are generally not permitted in principle in this zoning, which includes retail units. The retail units form an integral part of the structure of Block 1. Under section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, the Board is precluded from granting planning permission where the proposed development, or part of it, materially contravenes the development in relation to the zoning of the land.

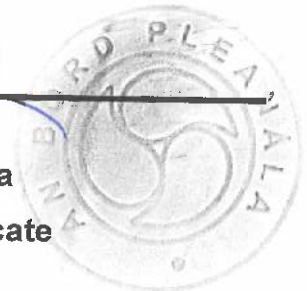
3. The current development plan is the Limerick Development Plan 2022-2028. The Statement of Consistency submitted with the application relates to the previous development plan and so has been superseded. There has been a material change in planning policy in relation to the Building Height Strategy of the aforementioned plan, where the locations for building height are identified on Map 6.8. Policy TB2 states that generally, tall buildings outside the city centre will only be permitted at designated centres. The site is not identified as a one to support a tall building. The site is not located in an area where densities in excess of 100 number units per hectare are encouraged. In the absence of a material contravention statement relating to the height objectives of the Limerick Development Plan 2022-2028 and reference to same in the public notices, and having regard to the totality of the current development plan which refers specifically to the Project Ireland 2040 National Planning Framework and to the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, it is considered that a grant of planning permission for the proposed development would, therefore, be contrary to proper planning and sustainable development of the area.

4. On the basis of the information submitted with the application, the Board is not satisfied that the relationship between the dry ditch, a potential overflow channel from the Park Canal, which runs through the north of the site and the canal has been fully explored, so as to whether there is an existing hydrological link between the channel and the canal. The proposed development includes the filling in of this channel. In the absence of clarity in relation to the effects of this action on the canal during periods of flood, the Board is not satisfied that the proposed development would not give rise to flooding elsewhere. The proposed development 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

22nd day of *May*

2023