



## Board Direction

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**Ref: PL91.247034**

The submissions on this file and the Inspector's report were considered at a Board meeting held on November 23<sup>rd</sup> 2016.

The Board decided, by a margin of two to one, to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the location of the site within the “Zone 1 (A, B, C) City Centre Area” in the Limerick City Development Plan 2010 – 2016, which seeks to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area, and having regard to the planning history of the subject site and of adjoining properties, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not result in an overconcentration of amusement centres or gaming zones, and would not be likely to lead to traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17<sup>th</sup> day of June, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. As PA condition 3 (a, b and c only).

**Reason:** In the interests of visual amenity and to limit the impact of signage on these premises.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, other than that specifically authorised by this permission, as modified by condition number 2 of this order, (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess any such development through the statutory planning process.

4. (a) The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive residential location between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time.

(b) The noise management mechanisms detailed in the AWN Consulting Noise Management Statement Report submitted to the planning authority on the 17 June 2016, shall be implemented in full. Procedures for the purpose of determining compliance with the noise management mechanisms shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) A noise monitoring programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, to include an annual review undertaken by a qualified acoustic specialist at the nearest noise sensitive location. The developer shall carry out any amendments or noise mitigation measures to the subject development that may be required by the planning authority following any such review.

**Reason:** To protect the residential amenities of properties in the vicinity.

5. Comprehensive details of the proposed public lighting system to serve the development along Hunt's Lane shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the proposed development is opened to the public.

**Reason:** In the interests of public safety and visual amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member: \_\_\_\_\_  
Philip Jones

Date: 24<sup>th</sup> November 2016