



An
Bord
Pleanála

Board Direction
BD-018443-24
ABP-317694-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/12/2024.

The Board decided 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 nature and scale of the proposed development, which comprises a change of use to medical services and healthcare and a new extension to accommodate this use, to the city centre zoning of the site and to the pattern and character of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would be in compliance with the city centre land use zoning objective and with Section 11.5.3 Health Care Facilities of the Limerick Development Plan 2022-2028, would not seriously injure the residential amenities of the area and 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 received by the planning authority on the 20th day of June 2023 and by the Board on the 25th day of August 2023, 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. Prior to commencement of development, revised plans and particulars shall be submitted to and agreed in writing with the planning authority which shall show measures to avoid overlooking of No. 6 Barrington Street from the two windows proposed on the eastern elevation.

Reason: In the interest of residential amenities and orderly development.

3. The proposed location of a cycle parking rack shall be as shown on Drawing No. PL-2001 ABP 2, received by the Board on the 25th day of August 2023.

Reason: In the interest of clarity.

4. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of the architectural heritage and the visual amenities of the area.

5. Prior to commencement of development, a lighting plan for the proposed development to include details of proposed light fittings shall be submitted to and agreed in writing by the planning authority. The lighting plan shall have regard to the location of the site within an Architectural Conservation Area.

Reason: In the interest of protecting the character of the Architectural Conservation Area.

6. With regard to plant proposed at roof level:

(a) Where the noise in question does not contain acoustic features that enhance its impact such as tones or impulsive elements the LAeq level measured over 15 mins (daytime) or 5 minutes (night-time) at a noise sensitive premises when plant is operating shall not exceed LA90 (15 minutes day to 5 mins night) by 5 dB or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

(b) Where the noise in question does not contain acoustic features that enhance its impact such a tone or impulsive elements the rating noise level, LAr, T shall be compliant with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sounds.

Reason: In order to protect adjoining residential amenity.

7. Prior to commencement of development, revised drawings shall be submitted to and agreed by the planning authority, which shall clearly show waste storage areas for the residential and office uses on site.

Reason: In the interest of orderly development.

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

11. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, off-site disposal of construction/demolition waste and details of the timing and routing of construction traffic to and from the construction site and associated directional signage.

Reason: In the interest of public safety and amenity.

12. 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 the proper application of the terms of the Scheme.

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

Eamonn James Kelly
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Date: 12/12/2024

Note

1. The Board noted the Inspector's views regarding the Further Information amendment to the rear extension. However, in also noting the planning authority did not seek the publication of new notices, the Board took the view that the layout amendments were of a minor nature relative to the adjacent property and not sufficiently material as to warrant the re-positioning of the extension as recommended by the Inspector in their Condition 2(a).
2. Regarding the Inspector's recommended Condition 2(b), the Board was satisfied with a less prescriptive condition facilitating local agreement between the applicant and planning authority.
3. The Board also had regard to the Inspector's recommended Condition 3. However, the Board did not share the views of the Inspector that the height of the undercroft area precluded its use to facilitate bicycle parking. The Board revised Condition 3 accordingly.