

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Limerick City and County

Planning Register Reference Number: 16/233

An Bord Pleanála Reference Number: PL 91.247034

APPEAL by N.E. O' Keefe care of Declan Gilleece of 26 The Hermitage, Mill Road, Corbally, Limerick against the decision made on the 6th day of July, 2016 by Limerick City and County Council to grant subject to conditions a permission to Marine Pine Limited care of Arnold Leahy Architects of 1 Crescent Villas, O'Connell Avenue, Limerick in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: An extension to the existing entertainment venue granted planning permission under planning register reference number P12/81. The development will include (i) a change of use of an existing vacant building from office and industrial use to an entertainment venue with specific provision for use of part of that venue as an amusement hall and as a private members club, (ii) provision of an internal mobile café facility, (iii) integration of the extension into the permitted mixed use development granted under planning register reference numbers P09/221, P12/8 and P12/81, (iv) minor elevation changes on Hunts Lane and erection of vertical signage and (v) all associated site development works. Public access to the extended entertainment venue shall be from Hunts Lane and from Parnell Street through the permitted mixed use development. All at Dominic Street, Hunt's Lane, 42/43 Parnell Street, Limerick.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars 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

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 17th 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. In relation to the proposed signage (revised in the submission of the 17th day of June, 2016):
 - (a) No lighting shall be permitted around the sign.
 - (b) the logos shall be removed.
 - (c) Individual mounted lettering no higher than 200 millimetres is permitted, lettering shall only be painted, raised plaster or fixed individually and directly to the plaster band.

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 17th day of 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.

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

Dated this day of 2016.