



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 17/1180

Appeal by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 14th day of February, 2018 by Limerick City and County Council to grant subject to conditions a permission to Rugby World Experience Limited care of Town and Country Resources Limited of Breska, Clarina, County Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: The demolition of Number 40 and Number 41 O'Connell Street; demolition of first floor, second floor and third floor only at Number 42 O'Connell Street/1 Cecil Street; demolition of Number 1 Cecil Street (excluding basement area), and demolition of a shed at the rear of the site. Construction of a new building consisting of a seven-storey block (32 metres high) with two-storey portico fronting O'Connell Street, and a part two-storey/part three-storey block to the rear with stair core extending seven-storeys all over single storey basement; a part two-storey/part three-storey block at the corner of O'Connell Street and Cecil Street comprising two-storeys over the existing ground floor retail premises (Fines Jewellers), and three-storeys fronting Cecil Street. The development will provide multi-media

visitor experience, exhibition and education space for the 'International Rugby Experience'; ancillary retail area (81 square metres) and ancillary cafe (83 square metres) at ground floor level. Vehicular access for servicing purposes and staff pedestrian and cycle access via an existing vehicular entrance on the laneway to the rear of the site linking Cecil Street and Catherine Street. The development will also include ancillary plant, storage areas, staff facilities; public lighting; building signage; diversion of underground services; and all related site development and excavation works above and below ground, all on a site of 0.0581 hectares approximately. The development is situated within an Architectural Conservation Area at 40 and 41 O'Connell Street and 42 O'Connell Street/1 Cecil 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 land use zoning of the site, its location and established pattern of development in the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development, which is considered a unique iconic positive redevelopment of a city centre site, would not adversely affect the Architectural Conservation Area or seriously injure the visual amenity of the area, and would not, therefore, be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development, would not be likely to have a significant effect on any European Site in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority.
 - (a) proposals for the protection, safe dismantling and reuse of original and early elements and features to be removed from the buildings to be demolished, which should be added to the conservation method statement, construction management plan and construction waste and demolition plan,
 - (b) sufficient detail in the conservation method statement to clarify the safeguarding of existing basements adjoining the site including of coal cellars and surviving hatch covers, and on the intended means of affixing the new building and weathering it to Number 2 Cecil Street.

Reason: In the interest of visual amenity and of the proper planning and sustainable development of the area.

3. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority.
 - (a) product samples of brick-faced cladding and fins and selected wholly transparent (non-tinged) glass,

- (b) all signage and lighting for the proposed building,
- (c) in the event that the existing wall mountable light on the existing front elevation at O'Connell Street, is obstructed during construction works, details of alternative arrangements to be made, shall be submitted for the written agreement of the planning authority, and
- (d) precise details of the proposed opening hours.

Reason: In the interest of visual amenity and of the proper planning and sustainable development of the area.

4. The applicant shall comply with the terms of the agreement made under Section 47 of the Planning and Development Act 2000, as amended, dated the 14th day of December, 2017 submitted with the planning application, whereby the applicant on behalf of itself, its successors undertake to operate the development as a voluntary organisation and in compliance with Article 157 of the Planning and Development Regulations, 2001, as amended, save and except for the granting of a separate planning permission.

Reason: In the interest of clarity and orderly development.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 to 1600 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, noise/vibration and traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. In relation to footpaths and roads, the developer shall comply with the following:
 - (a) the laneway L10347 at the rear of the development off Cecil Street shall be reinstated in full, from F1-0 out to the junction of Cecil Street and the double yellow line road markings on both sides of the laneway along with road markings at the junction shall be reinstated,
 - (b) the footpaths shall be reinstated for the full width and length over which the sewers are laid on both Cecil Street and O'Connell Street, and

(c) any tactile paving interfered with shall be reinstated.

Reason: In the interest of encouraging the use of sustainable modes of transport.

9. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.
- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
- (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.
- (d) When measuring the specific noise, the time (T) shall be any five-minute period during which the sound emission from the premises is at its maximum level.

- (e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to use of the premises. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

10. Prior to the commencement of development, a noise impact assessment shall be undertaken on ventilation and extraction apparatuses to determine their aural impact on the occupants of surrounding residential property following which it shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity.

11. No goods, materials or advertising boards shall be placed on the public footpath or roadway.

Reason: In the interest of visual amenity and to prevent obstruction of pedestrians or vehicles.

12. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

13. All waste from the facility shall be securely stored on site prior to collection by an authorised specialist waste management operator and shall not be stored on the public road.

Reason: In the interest of public health.

Terry Ó Niadh

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

Dated this day of 2018.