



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/219

Appeal by Florence Roche and Rakib Ahmed of 31 Jutland Hall, Steamboat Quay, Dock Road, Limerick against the decision made on the 2nd day of May, 2018 by Limerick City and County Council to grant subject to conditions a permission to CMS Contract Management Services Limited care of Healy Partners Architects of The Mill, Glentworth Street, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: (i) change of use from office to residential on first and second floor levels, (ii) provision of 14 number studio apartments, with existing access from Dock Road, (iii) extension to existing to floor plate at first and second floor levels (17.2 square metres), (iv) extension of existing access deck at second floor (41.7 square metres), (v) upgrade to existing courtyard landscape amenity space and (vi) ancillary site works at Jutland Hall, Steamboat Quay, 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 residential zoning of the site under the Limerick City Development Plan 2010 – 2016 (extended), and to the development standards as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area and would not seriously injure the residential or visual amenities of the area. 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, 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. The existing courtyard communal open space area shall be landscaped in accordance with drawing number 17-099/211, as submitted on the 8th day of March, 2018, and to the detailed requirements of the planning authority. This work shall be completed to the written satisfaction of the planning authority. None of the 14 apartments the subject of this permission shall be made available by the developer for occupation until this work has been completed and the developer shall have the written confirmation of the planning authority that this has been completed to its satisfaction.

Reason: In order to ensure the timely and satisfactory improvement of the courtyard communal open space, and its continued use for this purpose.

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

Reason: In the interest of visual amenity.

4. All of the existing signs on the Dock Road elevation of the building shall be permanently removed as part of the permitted development.

Reason: In the interest of visual amenity.

5. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclables shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan. Prior to the commencement of development, the developer shall provide details, to the planning authority for its written consent, of the location and management of bin storage associated with the proposed development. An adequate off-street covered and secure storage facility for the storage of refuse, which does not involve the loss of any existing car parking spaces, shall be provided, and shall be maintained by the management company of the overall apartment complex, at all times.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

6. The construction of the development shall be managed in accordance with a detailed 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 and dust management measures, site operational hours, and off-site disposal of construction/demolition waste.

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

7. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for parking during the construction phase and the location for storage of deliveries to the site.

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

8. (a) Equivalent sound levels arising from all sources within the proposed development, when completed, when measured at the boundary of noise sensitive locations (that is, dwellinghouses) shall not exceed a level of 55 dB(A) L_{ar} (60 minutes) between 0800 hours and 2000 hours Monday to Friday and between 0800 hours and 1400 hours on Saturdays. Noise levels shall not exceed 45dB(A) L_{ar} (15 minutes) at any other time.
- (b) Mechanical machinery systems shall not produce clearly audible tonal noises at night-time (2200 hours to 0800 hours) when assessed from the nearest noise sensitive location.

Reason: To protect the residential amenities of the area and in the interest of the proper planning and sustainable development of the area.

9. 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 the 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.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.