



An
Bord
Pleanála

**Board Direction
91.RH2048**

The submissions on this file and the Inspector's report were considered at a Board meeting held on October 8th 2018.

The Board decided, generally in accordance with the recommendation of the Inspector, that the former hotel / aparthotel building is a separate building from Ardhu House, and is exempt from the provisions of Part V of the Planning & Development Act 2000, as amended, that Ardhu House is not exempt from these provisions, and that the obligations for the subject planning permission under Part V relate to the seven houses and the four apartment units within Ardhu House.

Board Order as follows:-

WHEREAS a dispute has arisen between the planning authority, Limerick City & County Council and the developer, Eoin Ryan of Budelli Construction Ltd, in relation to the agreement required by Condition Number 16 of the grant of permission made by An Bord Pleanála on the 21st day of November 2016, under planning permission register reference number PL91.246960 in respect of a development at Ennis Road, Roses Avenue & North Circular Road, Limerick City

AND WHEREAS this dispute was referred to An Bord Pleanála by Limerick City & County Council on the 25th day of May 2017:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 96 and 97 of the Planning and Development Act (as amended),
- (b) Guidelines for Planning Authorities on Part V of the Planning and Development Act 2000, issued by the Minister for Housing, Planning, Community and Local Government in January 2017.
- (c) the provisions of the Limerick City Development Plan 2010 – 2016 (as extended)
- (d) the planning history of the site, in particular planning permission register reference number PL91.246960.

AND WHEREAS An Bord Pleanála has concluded that the former hotel / aparthotel block is a separate building from Ardhu House, for the purposes of Section 96 (13) of the Planning and Development Act 2000, as amended, and that the former hotel / aparthotel block is exempt for the provisions of Part V of the Planning and Development Act 2000, as amended, and that Ardhu House is not exempt for the provisions of Part V, having regard to the fact that more than 50% of the existing external fabric of the former hotel / aparthotel block is retained, but that less than 50% of Ardhu House is retained as part of the subject development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 96(5) of the Planning and Development Act 2000-2010, hereby determines that, having regard to the submissions made, the agreement under condition 16 of planning permission register reference number PL91.246960 between the planning authority and the developer shall provide that the developer shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, in relation to the 4 no. residential units proposed within Ardhu House together with the permitted 7 no. detached houses also proposed within the site, which together provide for a total of 11 residential units only.

Board Member

Date: 11th October 2018

Philip Jones