

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Limerick City and County

Planning Register Reference Number: 16/185

An Bord Pleanála Reference Number: PL 91.247245

APPEAL by Shamsul Rahman and Ashraf Uz Zaman care of Planning Solutions of Mountshannon Road, Lisnagry, Limerick against the decision made on the 15th day of August, 2016 by Limerick City and County Council to grant subject to conditions a permission to Hasib Mobin care of John McMahon of 35 Bloomfield, Annacotty, County Limerick in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: 1. Demolition of party wall between units 1 and 2 to form one unit for use as restaurant with takeaway facility and 2. Revisions to external signage at numbers 1 and 2 Cornmarket Row, 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 existing restaurant uses within the two units to be amalgamated, one of which has a takeaway facility, and having regard to the city centre location of the subject site, the zoning objectives for the area and the pattern of development in the vicinity, 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 or of property in the vicinity, and would improve the visual appearance of the existing premises. 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 29th day of June, 2016 and on the 29th day of July, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed in writing 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 proposed shopfront design shall be in accordance with the details submitted on the 29th day of July, 2016, with the following modifications:-
- (a) There shall be only a single fascia sign, and no other signs of any kind shall be erected on the exterior of the premises. All existing signs shall be permanently removed.
 - (b) The lettering on the fascia shall consist of individual mounted lettering, no higher than 300 millimetres in height. The lettering shall be painted, or of raised plaster or ionized metal, fixed individually and directly to the fascia. The lettering shall not be internally illuminated or backlit.
 - (c) Lighting shall comprise of spot lights, short arm flood lights or traditional style lamps. No neon strips or signage shall be erected.
 - (d) No external roller shutter shall be erected on the exterior of the premises. Any internal shutters shall be located inside the glazing, and shall be of the open grille type, coloured to match the colour of the shopfront. No advertising shall be painted or displayed on the shutters.

Detailed drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed works shall be carried out and completed prior to the occupation of the amalgamated unit.

Reason: In the interest of visual amenity and to delimit the type and design of signage on the exterior of the subject building.

3. Other than the shopfront signage specifically authorised by this permission, as modified by condition number 2 of this order, and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs or signage, (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. The hours of opening of the amalgamated premises shall be restricted to between: 1200 hours and 0100 hours Monday to Thursday, and between 1200 hours and 0200 hours Friday to Sunday.

Reason: In the interest of the amenities of property in the vicinity.

5. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

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

Dated this day of 2017.