

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Limerick City and County

Planning Register Reference Number: 15/769

An Bord Pleanála Reference Number: PL 91.247356

APPEALS by Justin Murray care of Stephen Dowds Associates, of 5 Mary Street, Galway and by Joseph and Mary Murphy care of Stephen Dowds Associates, of 5 Mary Street, Galway against the decision made on the 9th day of September, 2016 by Limerick City and County Council to grant subject to conditions a permission to Itfaaq Limited care of Kenneally and Murphy of Main Street, Abbeyfeale, County Limerick in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (a) Extension of existing deli area to provide for a takeaway facility, and (b) change of business opening hours from 0700 hours to 2300 hours from Monday to Sunday with all associated site works and existing connection to all public utility services at Unit 4, Springfield Centre, Bloodmill Road, Singland, 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 established retail use on the appeal site, the pattern of development in the area and the limited extent of the proposed development, 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, 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 25th day of January 2016 and by the further plans and particulars received on the 15th day of August, 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. This permission is for the preparation and serving of hot and cold food for consumption off the premises, subsidiary to the main retail use as shown on plans as an extended delicatessen area and opening hours of 0700 hours to 2300 hours daily for the entire retail unit.

Reason: In the interest of clarity.

3. No additional advertising signage shall be erected on the front elevation of the retail unit, without a further grant of planning permission.

Reason: In the interest of orderly development and Local Centre amenity.

4. The developer shall control odour emissions from the premises in accordance with measures including extract duct, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

5. 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 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.

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

Dated this day of 2017.