

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Limerick City and County**

**Planning Register Reference Number: 16/320**

An Bord Pleanála Reference Number: PL 91.247492

**APPEAL** by Val and Helen O'Sullivan care of John T. Garrett and Associates of Unit 2, Ballyanrahan East, Main Street, Patrickswell, County Limerick and by others against the decision made on the 6<sup>th</sup> day of October, 2016 by Limerick City and County Council to grant subject to conditions a permission to Donal Butler of Lower Main Street, Hospital, County Limerick in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use of existing public house to fast food takeaway with new signage, internal alterations, ventilation system and associated works at Lower Main Street, Hospital, County Limerick.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations 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 its proximity to a significant number of dwellings, including the existing residential apartment on the first floor of the subject property, and an important protected structure immediately adjacent, and notwithstanding the zoning objective affecting the subject site, it is considered that the proposed development would materially contravene section 10.6.5.1 "Takeaway Premises" of the Limerick County Development Plan, 2010-2016, and in particular subsections (b) and (c) of this section, by reason of odour arising from the discharge of fumes directly into and adjacent to the residential properties, as well as from the management of waste activities, and would thereby prove detrimental to the amenities of the occupiers of such residential properties. Furthermore, it is considered that the proposed development, by reason of its nature and location, would result in noise and general disturbance in a residential environment that is sensitive to such activity. The proposed development would, therefore, seriously injure the amenities of the houses and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2017.**