



An
Bord
Pleanála

**Board Order
PL 91.248430**

Planning and Development Acts 2000 to 2017

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 16/1040

Appeal by Keelside Limited of Astor House, 29 Lower Georges Street, Dún Laoghaire, County Dublin and by Damien Ryan care of Connellan and Associates of Sonas, Cahercalla Wood, Cahercalla, Ennis, County Clare against the decision made on the 26th day of April, 2017 by Limerick City and County Council to grant subject to conditions a permission to Moveford Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a single storey restaurant building (circa 339 square metres gross floor area, including circa 111 square metres sit-in dining area), with takeaway and 'drive-thru' facilities. Associated building signage zones and all ancillary and associated site development works including: 27 number new and use of seven number existing surface car parking spaces, 'drive-thru' circulation route, vehicular access via the existing Ennis Road Retail Centre surface car park, new site delivery exit via the existing Ennis Road Retail Centre service yard, landscaping and boundary works. All at Ennis Road, Clonmacken, Limerick. Generally bounded by the Ennis Road to the north, the Ennis Road Retail Centre and surface car park to the south and west, and a laneway bounding Ashbrook housing development to the east.

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 zoning of the site for District Centre uses in the current Limerick City Development Plan, to the mix of uses and pattern of development in the area and to the access and parking provision set out in the application, 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, would be acceptable in terms of pedestrian and traffic safety, would not be prejudicial to public health, and would be in accordance with the provisions of the current Limerick City Development Plan. 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 30th day of March, 2017, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The construction of the development shall be managed in accordance with a 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed development, including the windows, canopies and doors, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5. No advertisement or advertisement structure other than those shown on the drawings submitted with the planning application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to protect the residential amenities of the area.

6. The hours of operation, including service deliveries, shall be between 0800 hours and 2300 hours on any day.

Reason: In the interest of the amenities of the area.

7. 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.

8. The developer shall control odour emissions from the premises in accordance with measures including extract duct details, 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.

9. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials including waste oil and for the ongoing operation of these facilities 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.

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

