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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 18/588**

**Appeal** by Haidar El Mawla care of Catherine O'Brien Architect of The Red Church, Henry Street, Limerick against the decision made on the 3<sup>rd</sup> day of August, 2018 by Limerick City and County Council to refuse a permission to the said Haidar El Mawla for the proposed development.

**Proposed Development:** A retractable canopy to define a smoking area facing on to Bedford Row only, extending to 16 square metres at 'Mejana Restaurant', ground floor unit, corner of Harvey's Quay and Bedford 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 provisions of the Limerick City and County Development Plan 2010-2016 (as extended), the nature and scale of the proposed development and to the existing pattern of development in this central city location, 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, 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. The hours of operation of the external area covered by the canopy shall be between 0900 hours and 2100 hours.

**Reason:** In the interest of the residential amenities of the occupiers of the adjacent residential units.

3. 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.

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**Dave Walsh**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**

