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**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: 18/1125**

**Appeal** by Michael Butler of “Hazelwood House”, North Circular Road, Limerick against the decision made on the 16<sup>th</sup> day of April, 2019 by Limerick City and County Council to grant subject to conditions a permission to The Kilkenny Co-Ownership Partnership care of Adam Kearney Associates of Mill Road, Corbally, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of two number adjoining commercial units (circa 300 square metres and construction of one number replacement commercial/retail warehouse unit (489 square metres) incorporating part mezzanine first floor. Internally the proposed unit to include a reception area, ancillary offices and staff facilities along with all ancillary site works and connections to existing services. All at O'Mara's Motors, Ennis Road, 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 commercial use of the site and to the scale of the proposed development within an established District Centre, Zoned ZO.5(B) in the Limerick City Development Plan 2010-2016, as extended, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning provisions of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. 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 11<sup>th</sup> day of February, 2019 and the 21<sup>st</sup> day of March, 2019, 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 range of goods to be sold in the development shall be limited solely to 'bulky goods' (as defined in Annex 1 of the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012).

**Reason:** In order to protect an adverse impact on the viability and vitality of the established retailing facilities within this area and so as not to undermine the retail hierarchy of the area.

3. No subdivision of the unit shall take place without a prior grant of planning permission.

**Reason:** To control the layout and scale of the development in the interest of protecting the vitality and viability of the area.

4. Details of the materials, colours and texture of all the external finishes to the proposed building 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. (a) Details of all signage to be erected on the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  
  
(b) The high-level sign as delineated on the proposed front (Ennis roadside) elevation drawing accompanying the application shall be omitted.

**Reason:** In the interest of visual amenity.

6. Water supply and drainage arrangements including the 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.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

8. 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 and noise management measures.

**Reason:** In the interest of public safety.

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

**Dated this            day of            2019.**