



---

**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: 18/1239**

**Appeal** by Thomas O’Sullivan of Russells Bar and Restaurant, Unit 5, Racefield Centre, Father Russell Road, Dooradoyle, Limerick and by Liffey Blue ARC UC care of John Spain Associates, Planning and Development Consultants of 39 Fitzwilliam Place, Dublin against the decision made on the 17<sup>th</sup> day of April, 2019 by Limerick City and County Council to grant subject to conditions a permission to Liffey Blue ARC UC in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a two-storey standalone restaurant unit and community room, with an overall height of approximately 10.5 metres, to be located within the existing car park of the Shopping Centre. The proposed development will have a gross floor area of 549 square metres. The proposed restaurant will incorporate 232 square metres gross floor area at ground floor level and 109 square metres gross floor area at first floor level. The community room will have a gross floor area of approximately 208 square metres and is located at first floor level with entrance at ground floor level. The proposed development will result in the reduction of eight number car parking spaces within the existing car park. The proposal includes associated

signage, bicycles spaces, the relocation of a trolley bay, landscaping and all associated site works on the circa 0.16 hectare site at Crescent Shopping Centre, Dooradoyle, County 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 nature and scale of the proposed development within an established district centre zoned for retail and commercial purposes in the current South Environs Local Area Plan, 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 create any serious traffic congestion. 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 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. No amalgamation of units or subdivision of any 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.

3. 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.

4. The developer shall enter into water/and or waste water connection agreement with Irish Water prior to commencement of development.

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

5. Details of the materials, colours and textures 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.

6. 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.

**Reason:** In the interest of the amenities of the area/visual amenity.

7. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finishes in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

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

8. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

9. 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.

10. The hours of operation shall be between 0700 hours and 2100 hours.

**Reason:** In the interest of the residential amenities of property in the vicinity.

11. 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 and off-site disposal of construction waste.

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

12. 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.

---

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

**Dated this            day of            2019**