

An  
Bord  
Pleanála

## Board Order ABP-309442-21

### Planning and Development Acts 2000 to 2020

### Planning Authority: Limerick City and County Council

### Planning Register Reference Number: 20/395

**Appeal** by Multi-Storey (Limerick) Limited care of Tony Clarke of City Centre Carpark, 20 Thomas Street, Limerick, by Aldi Stores (Ireland) Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin and by Others against the decision made on the 21<sup>st</sup> day of January, 2021 by Limerick City and County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (a) Removal of an existing Eir surface car park (and single storey switchroom/shed circa 32.6 square metres) and its replacement with the construction of a discount foodstore (to include an off-licence use) with a gross retail floor area of 2,434 square metres (net retail area of 1,250 square metres) at ground floor level, with ancillary areas at first and second floor levels all within a part three, part four storey building of circa 8,748 square multi-storey car park metres (including parking), (b) 154 number car parking spaces in three number levels of multi-storey carparking (85 number Aldi customer car parking at first and second floor levels, 69 spaces at rooftop level [Eir 54 number spaces and Aldi 15 number spaces]), nine number surface car parking spaces (for Eir) to the rear as well as provision of two disabled spaces and one electric vehicle parking space on Roches Street, (c) two number newvehicular access points from Roches Street (one number

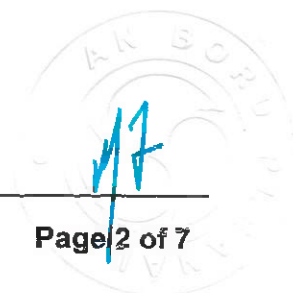
service access with gates and one number vehicular access to multi-storey car park), (d) existing access at the corner of Cecil and Dominick Street is to be retained as service access, (e) erection of two number single-sided internally illuminated gable signs on the north elevation, one number single-sided, glass identification sign at the entrance door (north elevation) and two number double-sided, internally illuminated display signs (north elevation), and (f) all lighting, boundary treatment, engineering and site development works (including external plant with gantry), all on a site of 0.38 hectares at the existing Eir carpark at Roches Street Limerick City, 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

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the current Limerick City Development Plan, would be acceptable in terms of land use mix, height, scale, and density, would not seriously injure the visual amenities of the area or the residential amenities of adjoining properties, would represent an appropriate design response to the site's context, and would be acceptable in terms of pedestrian, cyclist and traffic safety. 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 17<sup>th</sup> day of December, 2020, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Details of the hours of operation of the proposed retail store shall be submitted to and agreed in writing with the planning authority prior to the first occupation of that unit.

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

4. Details of all external signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

6. 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.

7. The developer shall enter into water and wastewater connection agreements with Irish Water prior to the commencement of development.

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

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

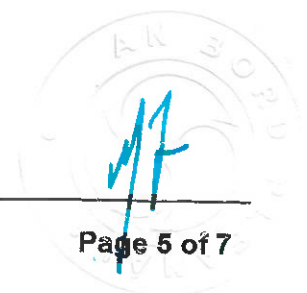
**Reason:** In the interests of amenity and public safety.

9. 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 noise management measures and traffic management measures.

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

10. 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. 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.



11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

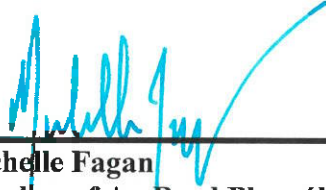
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

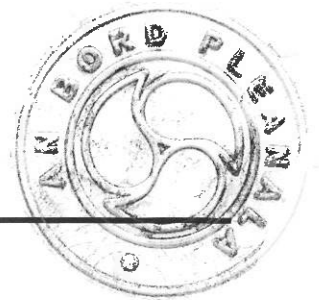
12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning 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 and, in particular recyclable materials, in the interest of protecting the environment.

13. 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.

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



Dated this 17<sup>th</sup> day of

May

2021