

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/1278

Appeal by Rizwan Mughal care of Adam Kearney of AK Planning and Development Limited, Millside, Mill Road, Corbally, County Limerick against the decision made on the 16th day of September, 2021 by Limerick City and County Council to grant subject to conditions a permission to Valcris Clinic Limited care of Ray Nolan of 6 The Hawthorns, Trusky West, Barna, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of change of use of existing building from retail use to its current use as a medical centre together with all associated signage and incidental ancillary works at 14 Saint Nessian's Park, Saint Nessian's Road, Dooradoyle, 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 retail / commercial zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 14th day of July, 2021 and on the 25th day of August, 2021, 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 of development and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within three months of the date of this Order, the applicant/developer shall submit photographic evidence to the planning authority confirming the clear delineation of the disabled access car parking space per the details submitted to the planning authority on the 25th day of August, 2021.

Reason: In the interest of universal access.

3. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

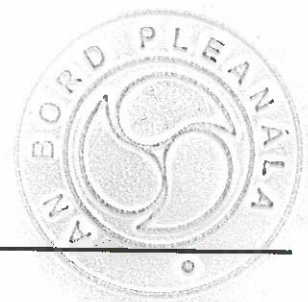
Reason: In the interest of visual amenity.

4. 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.



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



Dated this 21st day of February 2022