



---

**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: 21/1501**

**Appeal** by Irish Life Assurance Plc care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin against the decision made on the 16<sup>th</sup> day of March, 2022 by Limerick City and County Council in relation to an application for permission for (A) the development of a new single storey circa 280 square metres drive through restaurant/café in the northern part of the car park of the Limerick One Shopping Park, including the installation of signage on the structure's external elevations. This element of the development also includes: the removal of circa 125 parking bays and the installation of four accessible parking bays and 12 vehicular parking bays (net reduction of 109 parking bays), the installation of eight cycle spaces, the installation of two signage panels circa 2.85 metres by circa 1.68 metres wide, the installation of two speaker/order posts, the installation of a leader board sign circa 1.8 metres high by circa 0.9 metre wide, a servicing bay, and an outdoor seating area; (B) modifications of the existing KFC restaurant located in the southern part of the park, including the installation of a new through window resulting in an increase in floor space of the KFC unit from circa 252 square metres to circa 255.4 square metres, the installation of two number leader boards circa 1.805 metres high by circa 0.34 metre wide, a free standing menu board circa 2.250 metres high by 2.400 metres wide, a banner sign circa 2.200 metres high by 5.000 metres wide, a speaker post outside of the KFC unit circa 1.200 metres high by circa 0.600 metre wide, four entry/exit

signs circa 1.805 metres high by circa 0.4 metre wide, and one number vehicle height restrictor circa 3.000 metres high by circa 3.900 metres wide, the installation of six cycle spaces outside of the KFC unit, and modifications to the existing hard standing outside of the KFC unit to facilitate drive through use of the restaurant (resulting in the loss of two number car parking spaces); (C) minor enhancements to the main internal site access road in the central area of the car park to enhance the priority afforded to traffic entering the Limerick One Shopping Park from the Childers Road; and (D) ancillary development to include all works above and below ground to facilitate the development described in (A), (B) and (C) above at Limerick One Shopping Park (formerly known as the 'Childers Road Retail Park'), Childers Road, Limerick in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the drive thru to the existing KFC restaurant and to refuse permission for the new restaurant and drive thru.

## **Decision**

**GRANT permission for (B) modifications of the existing KFC restaurant located in the southern part of the car park, including the installation of a new drive through window resulting in an increase in floor space of the KFC unit from circa 252 square metres to circa 255.4 square metres, the installation of two number leader boards circa 1.805 metres high by circa 0.34 metre wide, a free standing menu board circa 2.250 metres high and 2.400 metres wide, a banner sign circa 2.200 metres high by 5.000 metres wide, a speaker post outside of the KFC unit circa 1.2 metres high and circa 0.6 metre wide, four entry/exit signs circa 1.805 metres high by circa 0.4 metre wide and one number vehicle height restrictor circa 3.0 metres high by circa 3.9 metres wide, the installation of six cycle spaces outside of the KFC unit, and modifications to the existing hard standing outside of the KFC unit to facilitate drive through use of the restaurant (resulting in the loss of two number car parking spaces); (C) minor enhancements to the main internal site access road**

in the central area of the car park to enhance the priority afforded to traffic entering the Limerick One Shopping Park from the Childers Road; and (D) ancillary development to include all works above and below ground to facilitate the development described in (B) and (C) above in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below and to refuse permission for (A) the development of a new single storey circa 280 square metres drive through restaurant/café in the northern part of the car park of the Limerick One Shopping Park, including the installation of signage on the structure's external elevations. This element of the development also includes the removal of circa 125 parking bays and the installation of four accessible parking bays and 12 vehicular parking bays (net reduction of 109 parking bays), the installation of eight cycle spaces, the installation of two signage panels circa 2.86 metres high by 1.68 metres wide, the installation of two speaker/order posts, the installation of a leader board sign circa 1.8 metres high by circa 0.9 metre wide, a servicing bay, and an outdoor seating area based on the reasons and considerations marked (2) under.

### **Reasons and Considerations (1)**

Having regard to the location of the subject site within the established Limerick One Shopping Park, the Mixed Use zoning objective afforded to the area of the site which houses the KFC Restaurant and the Retail Warehousing zoning objective afforded to the wider site, to the nature of the proposed works to the existing KFC restaurant to facilitate the provision of a drive through and the minor enhancements to the main internal site access road in the central area of the car park, 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 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 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 18<sup>th</sup> day of February 2022, 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 permission is hereby granted for the development of a new single storey circa 280 square metres drive through restaurant/café in the northern part of the car park of the Limerick One Shopping Park, including the installation of signage on the structure's external elevations.

**Reason:** In the interest of clarity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays, Bank or 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.

4. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** In the interest of orderly development.

5. 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/vibration and traffic management measures and off-site disposal of construction/demolition waste.

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

6. No additional advertising signs, symbols, flags, emblems or logos, other than those indicated on the plans submitted as they relate to the KFC restaurant, shall be erected externally on the building or anywhere on site whether or not such signs would constitute exempted development or not without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.

**Reason:** In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

7. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority.

- (i) details of the materials, colours and textures of all the external finishes to the proposed development,
- (ii) all signage and lighting for the proposed drive-through, and
- (iii) precise details of the proposed opening hours.

**Reason:** In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

8. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

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

9. During the construction phase, the developer shall provide adequate off-carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. Parking along the public road shall not be permitted.

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

10. Prior to commencement of development, full details of road signage, warning the public of the entrance and details of proposals for traffic management at the site entrance shall be submitted to, and agreed in writing with, the planning authority.

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

11. Prior to commencement of development, details of all roads, footpaths, pedestrian crossings, road markings and signage shall be submitted to, and agreed in writing with, the planning authority.

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

12. 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 operational.

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

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 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.



## Reasons and Considerations (2)

1. The proposed new single storey restaurant and drive thru proposed to the north-western area of the site is located on lands zoned Retail Warehousing in the current Limerick Development Plan 2022-2028, the objective of which is 'to provide for retail warehouse development'. The proposed use is identified as use which is generally not permitted on such zoned lands. Having regard to the existence of three units within the wider complex which are identified as offering restaurant/café facilities which include takeaway facilities, it is considered that a grant of permission in this instance would contravene the zoning objective afforded to this area of the site and would be contrary to the Objectives of the current Limerick Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area as a whole.



2. The proposed development would give priority to car infrastructure over more sustainable transport methods and as such would be contrary to National Policy Objective 27 which is 'to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages'. The proposed development would, therefore, be contrary to National Planning Policy and to the proper planning and sustainable development of the area.



**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *16<sup>th</sup>* day of *November* 2023.