



An
Bord
Pleanála

Board Order
ABP-315223-22

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 211590

Appeal by Dermot and Rosemary McGovern care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare, and by Others, against the decision made on the 3rd day of November, 2022 by Limerick City and County Council to grant, subject to conditions, a permission to Aldi Stores (Ireland) Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development which will consist of: (a) construction of a single storey discount foodstore (to include off-licence use) with a gross floor area of circa 1,820 square metres (net retail area 1,325 square metres); (b) new vehicular/pedestrian access from Dooradoyle Road; (c) 95 number car parking spaces and eight number bicycle spaces to serve the discount foodstore and 31 number additional car parking spaces provided at surface level and under-croft to serve the existing adjoining bar/restaurant (total 126 number new car spaces proposed); (d) Erection of an internally illuminated double sided free standing identification signs located adjacent to the proposed new vehicular/pedestrian access to the site; two number single-sided internally illuminated gable signs, one number single-sided window sign

Dated ABP-315223-22 6/6/24 **An Bord Pleanála**

Page 1 of 12

Signed: Secretary *EM*

at entrance door; (e) a single storey ESB substation and switch room circa 30 square metres and a deposit return scheme unit circa 65 square metres; (f) 88 square metres of solar panels provided at roof level; (g) all landscaping/lighting, boundary treatments (including retaining walls), engineering and site developments (including cut and fill), all on lands adjacent to Collins Bar, Dooradoyle Road, Sluggary, 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.

Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028 and to the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012, the location of the site, and the scale and quantum of retail as proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact adversely on the vitality or viability of existing retail development, would represent an appropriate design response to the site's context and would not seriously injure the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

An amendment to this
Board Order has been made

Dated 6/6/24

ABP-315223-22

Signed: Secretary

An Bord Pleanála

Page 2 of 12

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 7th day of October 2022 and by the further plans and particulars submitted as part of first party response received by An Bord Pleanála on 5th day of January 2023, 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 (including samples) 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. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished 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.

An amendment to this
Board Order has been made

Dated 6/6/21

ABP-315223-22

An Bord Pleanála

Page 3 of 12

Signed: Secretary 

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. 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 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.

An amendment to this
Board Order has been made

Dated 6/6/24
ABP-315223-22

An Bord Pleanála

Page 4 of 12

Signed: Secretary 

7. (a) The developer shall ascertain and comply with all requirements of the planning authority in relation to traffic and transport matters.
- (b) The developer shall provide for a Toucan crossing on the Dooradoyle Road. The developer shall submit a revised Site Layout Plan to the planning authority, for their written agreement, showing the full layout and details of the proposed Toucan Traffic Signal Crossing in line with the 'TII Pedestrian Crossing Specification and Guidance', prior to commencement of development.
- (c) The developer shall submit a revised Site Layout Plan to the planning authority prior to commencement of the development for written agreement to include for tactile paving at all crossing points. Some of the road markings are those of Zebra Crossing (controlled crossing) and should be revised. Pedestrian routes within the car parking area are too narrow at 1.2 metres and must be increased to a minimum of 1.5 metres.
- (d) The developer shall submit a revised and signed Stage 1 and 2 Road Safety Audit (which shall include public lighting, surface water disposal and pedestrian crossing on the public road) to the planning authority for written approval prior to commencement of development. The recommendations of the audit shall be clearly indicated and labelled on a revised Site Layout Plan (Scale 1:500). The developer shall also submit a Stage 3 and 4 Road Safety Audit.
- (e) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, to facilitate the installation of electric vehicle charging points/stations at a later date.

**An amendment to this
Board Order has been made**

Dated 6/6/24
ABP-315223-22

An Bord Pleanála

Page 5 of 12

Signed: Secretary 

- (f) Prior to commencement of development, the developer shall submit to the planning authority, for written approval, a revised Site Layout Plan which provides for cycle routes leading to the main cycle storage areas in alternative locations to the main vehicular accesses.
- (g) The developer shall submit a revised Site Layout Plan indicating the relocation of the six bicycle stands from the north-west of the building and relocate the 10 cycle stands on the northern side of the building further west and closer to the main entrance so that they are more accessible and convenient for customers. The revised layout shall include space for cargo bicycles.

Reason: In the interest of proper planning and sustainable development of the area.

- 8. Prior to the commencement of the development, the developer shall submit details to the planning authority, for approval in writing, of a Car Parking Management Plan that details the operation of both the Collins Bar Parking Area, and the proposed Aldi Parking Area, which shall include details of measures to ensure that each car parking area serves the intended customer base only.

Reason: In the interest of proper planning and sustainable development of the area.

- 9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS), 2019.

An amendment to this
Board Order has been made

Dated 6/6/21
ABP-315223-22

An Bord Pleanála

Page 6 of 12

Signed: Secretary 

Reason: In the interests of pedestrian and traffic safety.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. 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 and to ensure a satisfactory standard of development.

12. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development. The proposal to divert the existing Mill Race and wastewater services on site shall comply with the requirements of Uisce Éireann.

Reason: In the interest of public health.

An amendment to this
Third Order has been made

13. (a) The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, and as amended by the first party response received by An Bord Pleanála on 5th day of January 2023, unless otherwise agreed in writing with the planning authority prior to commencement of development. All landscaping works shall be completed prior to the first opening of the store.
- (b) The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: To ensure a satisfactory completion and maintenance of the development in the interest of residential amenity.

14. The proposed unit shall not be open to the public outside the hours 0800 to 2200. Deliveries shall not take place before the hour of 0700 Monday to Saturday inclusive, nor before the hour of 0800 on Sundays and public holidays, nor after 2200 hours on any day.

Reason: In the interests of amenity.

An amendment to this
Board Order has been made

15. The proposed lighting scheme shall comply with Limerick City and County Council's public lighting specification. A Lighting Design Engineer shall submit certification to the planning authority to confirm that the lighting has been erected as per the approved design upon completion of the development. All lighting shall be designed to be bat friendly.

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

16. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

17. The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan and noise management measures.

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

18. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

An amendment to this
Board Order has been made

Dated: ABP-315223-22 6/6/24 An Bord Pleanála

Page 9 of 12

Signed: Secretary 

19. 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, in particular, 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.

20. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
and

An amendment to this
Board Order has been made

Dated 6/6/24

ABP-315223-22

Signed: Secretary

An Bord Pleanála

Page 10 of 12

- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 21. 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.

An amendment to this
Board Order has been made

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.

Liam Bergin

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

Dated this 08th day of May 2024.

An amendment to this
Board Order has been made

Dated 6/6/24

Signed: Secretary 