



An
Bord
Pleanála

Board Order ABP-319787-24

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 23/60443

Appeal by Dan Garry and Glenn Davis of Friarstown, Grange, County Limerick against the decision made on the 26th day of April, 2024 by Limerick City and County Council to grant permission subject to conditions to Gringle Limited care of Alex Russell Associates of Main Street, Liscannor, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the removal of the hedge and the erection of a 2.50 metre high steel fence along the Ballysimon Road, the installation of a roller shutter door to rear of unit number 2, the operation of a car sales business and associates signage in part of unit number 2 and car display area in part of forecourt area to Ballysimon Road and all associated ancillary site development works and permission to plant a landscape scheme along and to construct modifications to the existing 2.50 metre high steel fence along the Ballysimon Road, to construct four number Kitchen Hub Units (total area approximately 370 square metres) and a vehicle access road, turning area and parking in the forecourt area to Ballysimon Road and all associated ancillary site development works at Units 1B, 2 and 3 Crossagalla Industrial Estate, Crossagalla Townland, Ballysimon Road, 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.

Reasons and Considerations

Having regard to the nature and scale of the proposed development and development proposed to be retained, within the settlement boundary of Limerick City and Suburbs and on a site with an 'Enterprise and Employment' zoning objective, it is considered that subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would be in accordance with the Limerick County Development Plan 2022-2028 and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development and development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4th day of April, 2024, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from the signage permitted, no further advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on the building exterior/within the curtilage of the site without a prior grant of planning permission.

Reason: To allow further assessment of the impact of the permitted advertisement on the amenities of the area and in the interest of visual amenity.

3. The applicant/developer shall comply with the following:
 - (a) Road Markings and Road Signs shall be provided in accordance with "IS EN 1436 European Standard for Road markings" and in accordance with the "Traffic Signs Manual".
 - (b) A minimum of 10% of all the public realm car parking spaces shall be provided with functioning electric vehicle charging points.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic and pedestrian safety.

4. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

5. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.

6. All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.

Reason: To protect the amenities of the area.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

- (a) The proposed SuDS measures shall be implemented in full. A final SuDS design and maintenance plan shall be submitted for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

8. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of public health and to protect the amenities of the area.

9. In the interest of clarity, the units permitted shall be used for the purposes as stated in the public advertisement and not for use as a takeaway.

Reason: In the interest of orderly development.

10. 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.



Joe Boland

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 13TH day of December 2024