



An
Bord
Pleanála

Board Order 91.RH.2048

Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 15/645

WHEREAS a dispute has arisen between the planning authority and the developer in relation to the agreement required by condition number 16 of the permission granted under planning register reference number 15/645, An Bord Pleanála appeal reference number PL 91.246960 in respect of a development at Ennis Road, Roses Avenue and North Circular Road, Limerick:

AND WHEREAS this dispute was referred to An Bord Pleanála by Limerick City and County Council on the 25th day of May, 2017:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) Sections 96 and 97 of the Planning and Development Act, 2000, as amended,
- (b) the Ministerial Guidelines on implementation of Part V and Circulars referred to therein - issued under section 28 of the Planning and Development Act, 2000, as amended,

- (c) the provisions of the Limerick City Development Plan 2010-2016 (as extended),
and
- (d) the planning history of the site, in particular planning permission An Bord Pleanála appeal reference number PL 91.246960:

AND WHEREAS An Bord Pleanála has concluded that the former hotel/aparthotel block is a separate building from Ardhu House, for the purposes of Section 96(13) of the Planning and Development Act 2000, as amended, and that the former hotel/aparthotel block is exempt from the provisions of Part V of the Planning and Development Act 2000, as amended, and that Ardhu House is not exempt from the provisions of Part V, having regard to the fact that more than 50% of the existing external fabric of the former hotel/aparthotel block is retained, but that less than 50% of Ardhu House is retained as part of the subject development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 96(5) of the Planning and Development Act 2000, as amended, hereby determines that, having regard to the submissions made, the agreement under condition number 16 of planning permission, An Bord Pleanála appeal reference number PL 91.246960, between the planning authority and the developer shall provide that the developer shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, in relation to the four number residential units proposed within Ardhu House together with the permitted seven number detached houses also proposed within the site, which together provide for a total of 11 residential units only.

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.

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

Dated this day of 2018