



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 19/992

Appeal by Irish Life Assurance PLC care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin against the decision made on the 15th day of January, 2020 by Limerick City and County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The removal of the existing mezzanine at Unit Number 2, the subdivision of Unit Number 2 (1,843 square metres excluding the mezzanine) into two new retail units (Unit 2A (1,097 square metres) and Unit 2B (735 square metres) and the installation of new signage (7.5 metres x 2.5 metres = 18.75 square metres) on the front façade of Unit 2 (above the proposed entrance to Unit 2B); to include all works to facilitate the development including the provision of new entrance to the front of Unit 2B; the development of a new goods inward door with a roller shutter to the rear of Unit 2A; a new powder coated aluminium framed glazed curtain wall and sliding entrance doors to Unit 2B at the front elevation; and new terracotta tile rain screen cladding on part of the front façade of Unit Number 2, all at Limerick One Shopping Park, (formerly known as the 'Childers Road Retail Park'), Childers Road, Limerick.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reason set out.

2. The two separate units to which this permission relates, and which are proposed as a consequence of the subdivision of the subject premises (Unit 2), shall be used solely for the retail purposes as consented to Unit 2 in permission granted under planning register reference number 03/770181.

Reason: In order to clarify the nature of the development to which this permission applies.

Reasons and Considerations

Having regard to the description of the proposed development, which is for subdivision of the existing Unit 2 and associated physical works and which does not entail a change of use, it is considered appropriate that Condition Number 2 references the relevant use permission applicable to the subject premises.

In deciding not to accept the recommendation of the Inspector to attach the original Condition Number 2, the Board noted that the proposed development is for physical works only, including subdivision and related works, and does not entail any change of use from that for which permission was originally granted. In this regard the amended wording of Condition Number 2 is considered appropriate.

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.

Chris McGarry

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

Dated this day of 2020.