

An
Bord
Pleanála

**Board Direction
ABP-309107-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/06/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether (a) subdivision of unit no 12, Limerick One, Childers Road, Limerick into three units and provision of new doors to northern and southern elevation and (b) Subdivision of unit 12 into two units is or is not development or is or is not exempted development.

AND WHEREAS Irish Life Assurance PLC requested a declaration on this question from Limerick City and County Council and the Council issued a declaration on the 2nd day of December, 2020 stating that the matter was development and was not exempted development.

AND WHEREAS Irish Life Assurance PLC referred this declaration for review to An Bord Pleanála on the 7th day of January, 2021

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

(a) Section 2(1) of the Planning and Development Act, 2000, as amended,

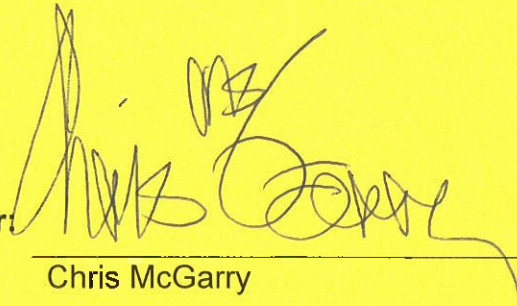
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) the planning history of the site,
- (e) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the subdivision of the existing retail unit into two or three retail units, would not give rise to increased traffic movements or any other activity that would have material consequences in terms of the proper planning and sustainable development of the area, and would therefore not constitute a material change in the existing use of the subject site by reason of intensification.
- (b) the proposed works to subdivide the existing retail unit into two or three retail units comprising the construction of internal walls within unit 12 and the provision of new doors in the case of subdivision into three retail units, would constitute “works” that are “development” under Section 3 of the Planning and Development Act, as amended;
- (c) the works necessary to subdivide the retail unit into two or three retail units and the provision of new doors in the case of subdivision into three retail units, come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, being works for the maintenance, improvement or other alteration of the structure that are internal or, where external, are such as not to be inconsistent with the character of the structure or neighbouring structures, and would therefore be exempted development

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the subdivision of unit no 12, Limerick One, Childers Road, Limerick into three units and development of new doors at the northern and southern elevation and (b) subdivision of unit 12 into two units is development and is exempted development.

Board Member:



Chris McGarry

Date: 22/06/2021

