



An
Bord
Pleanála

Board Direction
91.RL3519

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 29th 2017.

The Board decided, by a vote of 2 to 1, as set out in the following Order, that the installation of three vents and an air handling unit to the rear of the property at 49 to 50 Thomas Street, Limerick, is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the installation of three vents and an air handling unit to the rear of the property at 49 to 50 Thomas Street, Limerick is or is not development or is or is not exempted development.

AND WHEREAS Aubars Bar and Restaurant, care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork requested a declaration on this question from Limerick City and County Council, and the Council issued a declaration on the 28th day of October 2016 stating that the matter is development and is not exempted development.

AND WHEREAS Aubars Bar and Restaurant referred this declaration for review to An Bord Pleanála on the 23rd day of November 2017.

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

- (a) Sections 2 (1), 3(1), 4(1)(h) of the Planning and development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and the Classes set out in Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (c) the planning permission in respect of these premises granted under appeal reference number PL91.244912,
- (d) the planning report under planning authority register reference number EC16/50, and the referrer's submission, and
- (e) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the installation of the three vents and the air handling unit to the rear of the subject property comprised works, as defined in the Planning and Development Act, 2000, as amended, and is therefore development,
- (b) the three vents and the air handling unit do not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, as amended, not being “development consisting of the carrying out of works for the maintenance, improvement or other alteration of the structure”, that is, the existing bar and restaurant, as they constitute attachments to the building,
- (c) there are no exemptions for the installation of such vents and units attached to a bar and restaurant under the Planning and Development Regulations, 2001, as amended,

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 installation of three vents and an air handling unit to the rear of the property at 49 to 50 Thomas Street, Limerick, is development and is not exempted development.

Board Member:

Date: 29th March 2017

Philip Jones