

An Bord Pleanála



Board Direction

Ref: 91.RL.3522

The submissions on this file and the Inspector's report were considered at a Board meeting held on 6th, April 2017.

The Board generally approved of the terms of the attached draft order.

The Board decided that the use of Unit No. 1 (former Atlantic Homecare Unit), Childers Road Retail Park, Limerick for the type and class of goods being sold by 'The Range' is not development.

DRAFT ORDER

WHEREAS a question has arisen as to whether the use of Unit 1 (former Atlantic Homecare Unit), Childers Road Retail Park, Limerick, for the type and class of goods being sold by "The Range" is or is not development and is or is not exempted development:

AND WHEREAS Limerick City & County Council has referred this question to An Bord Pleanála under section 5(4) of the Planning and Development Act 2000 (as amended) on the 25th day of November, 2016:

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

particularly to –

- (a) Section 3(1) of the Planning and Development Act, 2000,
- (b) Articles 5(1) and 10(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site, including Condition No. 17 attached to planning permission granted by the planning authority under Reg. Ref. 03/181 and subsequent correspondence between the Occupier of the Unit No. 1 and the planning authority regarding compliance with the terms of this planning permission,
- (e) the pattern of development in the area and
- (f) the Planning Inspector's report.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) Insofar as can be determined from the information on file, the type and class of goods being sold by The Range is similar in nature to the type and class of goods being sold by the previous occupant of Unit 1 (former Atlantic Homecare Unit);
- (b) No material change of use has taken place in the use of Unit No. 1 (former Atlantic Homecare Unit) and, therefore, no development has been undertaken;

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the use of Unit No. 1 (former Atlantic Homecare Unit), Childers Road Retail Park, Limerick, for the type and class of goods being sold by "The Range", is not

development.

Board Member:

Paddy Keogh

Date: 10th, April 2017