



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: EC17/79

WHEREAS a question has arisen as to whether the development of a premises as a retail pharmacy and the subsequent fitting out of the premises consisting of the following:-

- (a) the change of use from a hairdressing salon to a chemist shop,
- (b) the works of refurbishment and alteration to the building which were carried out circa 2001.
- (c) the works of conversion from a hairdressing salon to a chemist shop, and
- (d) the erection of an advertisement sign on the front of the premises,

at Newtown, Bruff, County Limerick are or are not development or are or are not exempted development:

AND WHEREAS Paul Mullins care of Brendan McGrath and Associates of Riverstown Cottage, Corrofin, County Clare requested a declaration on the said question from Limerick City and County Council and the said Council issued a declaration on the 7th day of February, 2018 stating that the said development of premises as a retail pharmacy is not development and the subsequent fitting out of premises is development and is exempted development:

AND WHEREAS Paul Mullins referred the declaration for review to An Bord Pleanála on the 6th day of March, 2018:

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

- (a) sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) section 4(1)(h) of the Planning and Development Act, 2000,
- (c) article 5, article 6(1), article 9(1) and article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Class 1 of Part 4 of Schedule 2 to the Planning and Development Regulations, 2001,
- (e) Class 1 of Part 2 of Schedule 2 to the Planning and Development Regulations, 2001,
- (f) the planning history of the site, and
- (g) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the change of use from a hairdressing salon to a chemist shop constitutes development as set out in Section 3 of the Planning and Development Act 2000, as amended,
- (b) the works of alteration and refurbishment of the building carried out circa 2011 constitute development as set out in Section 3 of the Planning and Development Act 2000,
- (c) the change of use from a hairdressing salon to a chemist shop comes within the scope of the exemption provided under article 10(1) of the Planning and Development Regulations 2001, as amended, as each of the uses fall within Class 1 of Part 4 Schedule 2 of the said Regulations,
- (d) the works of refurbishment and alteration to the building which were carried out circa 2001 come within the scope of the exemption provided under Section 4(1)(h) of the Planning and Development Act 2000,
- (e) the works of conversion from a hairdressing salon to a chemist shop come within the scope of the exemption provided under Section 4(1)(h) of the Planning and Development Act 2000, and
- (f) the erection of an advertisement sign on the front of the premises comes within the scope of the exemption provided under Class 1 of Part 2 of Schedule 2 of the Planning and Development Regulations, 2001.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the development of a premises as a retail pharmacy and the subsequent fitting out of the premises consisting of the following:-

- (a) the change of use from a hairdressing salon to a chemist shop,
 - (b) the works of refurbishment and alteration to the building which were carried out circa 2001.
 - (c) the works of conversion from a hairdressing salon to a chemist shop, and
 - (d) the erection of an advertisement sign on the front of the premises,
- at Newtown, Bruff, County Limerick are development and are exempted development.

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.

Terry Ó Niadh

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

Dated this day of 2019.