



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 19/325

Appeal by The Spitjack Limited care of Cunnane Stratton Reynolds Limited of 3 Molesworth Place, Dublin in relation to the application by Limerick City and County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 28th day of May, 2019.

Proposed Development: (1) A change of use from public house to restaurant at basement level; (2) provision of a new kitchen at basement level and a new internal staircase linking basement and ground floor levels; (3) provision of extra customer toilet facilities at basement level; (4) elevation changes to include new doors, windows and new timber shop front detail at ground floor level; (5) new high quality awnings and signage and (6) provision of air ducting/extraction and all associated site development works at 6 and 7 Henry Street and Bedford Row, Limerick..

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 2 and directs the said Council to REMOVE condition number 2 and the reasons therefor.

Reasons and Considerations

The current Limerick City and County Development Contribution Scheme at paragraph 10 provides for an exemption from the requirement to pay a development contribution in respect of a change of use where the development would not lead to a need for new/upgraded infrastructure/services or a significant intensification of demand for existing services, or where a development contribution has previously been paid in respect of the existing use. It is considered that the planning authority has not demonstrated that the proposed change of use would result in the need for new or upgraded infrastructure/services, or a significant increase in the demand for existing infrastructure/services, or that it has taken into account the contributions previously paid in respect of the existing use on the site. Therefore, it is considered that the terms of the planning authority's Development Contribution Scheme have not been properly applied. The condition requiring the payment of the contribution should therefore be removed in order to comply with section 48(2)(c) of the Planning and Development Act 2000, as amended.

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.