

Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: EC56/20

WHEREAS a question has arisen as to whether (a) subdivision of unit number 12 into three units and provision of new doors to northern and southern elevation, and (b) subdivision of unit number 12 into two units, at unit number 12, Limerick One, Childers Road, Limerick is or is not development or is or is not exempted development:

AND WHEREAS Irish Life Assurance PLC care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin requested a declaration on the question from Limerick City and County Council and the Council issued a declaration on the 3rd day of December, 2020 stating that the matter was development and was not exempted development:

AND WHEREAS Irish Life Assurance PLC referred the 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, and
- (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, 2000, as amended, and

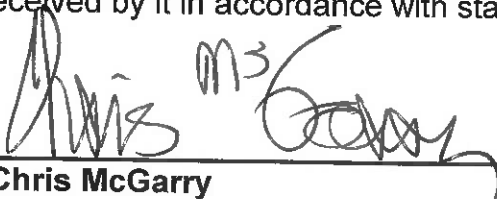
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- (c) the works necessary to subdivide the retail unit into two or three retail units and the provision of new doors in the case of subdivision into three retail units, come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, 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 2000 Act, hereby decides that (a) subdivision of unit number 12 into three units and provision of new doors to northern and southern elevation, and (b) subdivision of unit number 12 into two units, at unit number 12, Limerick One, Childers Road, Limerick is development and is exempted development.

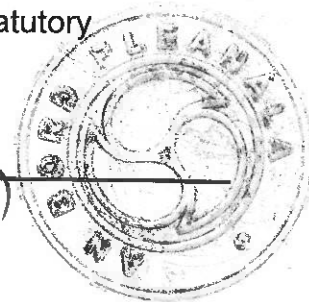
Matters Considered

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.



Chris McGarry

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



Dated this 5th day of July 2021.