

An
Bord
Pleanála

Board Order
ABP-312509-22

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/952

Appeal by O'Doherty Upholstery care of Padraig Connell Consulting Engineers of Corr, Walderstown, Athlone, County Westmeath 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 16th day of December, 2021.

Proposed Development: Change of use from a furniture store to a retail shop, including ancillary staff offices and canteen, site signage and ancillary works at O'Doherty Upholstery, The Demesne, Newcastle West, County Limerick.

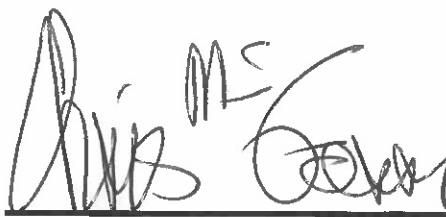
Decision

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 reason therefor.

Reasons and Considerations

Having regard to the nature and extent of the proposed development, as set out in the documentation submitted with the application and the appeal, to the submissions on file from all parties and to the content of the current applicable Limerick City and County Development Contribution Scheme, it is considered that the proposed change of use would not lead to the need for new or upgraded infrastructure/services, nor would it entail a significant intensification of demand placed on existing infrastructure. In this regard, it is considered that the proposed change of use is exempt from the requirement to pay a contribution in accordance with the terms of the current applicable Development Contribution Scheme made under Section 48 of the Planning and Development Act, as amended.

In deciding not to accept the recommendation of the Inspector to amend condition number 2, the Board considered the totality of the documentation on file and had regard to the content of the current applicable Development Contribution Scheme and determined that, while the change of use may lead to increased commercial activity at the subject premises, it would not be such as would lead to a significant intensification of demand placed on existing infrastructure, nor would it lead to the need for new and/or upgraded infrastructure/services.



Chris McGarry

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

Dated this *5th* day of *September* 2022

