

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Limerick City and County

Planning Authority Reference Number: EC16/50

An Bord Pleanála Reference Number: 91.RL.3519

WHEREAS a question has arisen as to whether the installation of three vents and an air handling unit to the rear of the property at 49 to 50 Thomas Street, Limerick, is or is not development or is or is not exempted development:

AND WHEREAS Aubars Bar and Restaurant care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork requested a declaration on this question from Limerick City and County Council and the Council issued a declaration on the 28th day of October, 2016 stating that the matter is development and is not exempted development:

AND WHEREAS Aubars Bar and Restaurant referred this declaration for review to An Bord Pleanála on the 23rd day of November, 2016:

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

- (a) sections 2(1), 3(1) and 4(1)(h)) of the Planning and Development Act, 2000, as amended,
- (b) articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and the Classes set out in Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (c) the planning permission in respect of these premises granted under planning register reference number 14/1243, An Bord Pleanála appeal reference number PL91.244912,
- (d) the planning report under planning register reference number EC16/50, and the referrer's submission, and
- (e) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the installation of three vents and an air handling unit to the rear of the property at 49 to 50 Thomas Street, Limerick comprise works as defined in section 2 of the Planning and Development Act, 2000, as amended,
- (b) the three vents and the air handling unit do not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, not being "development consisting of the carrying out of works for the maintenance, improvement or other alteration of the structure", that is, the existing bar and restaurant, as they constitute attachments to the building, and
- (c) there are no exemptions for the installation of such vents and unit attached to a bar and restaurant under the Planning and Development Regulations, 2001, as amended,

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 installation of three vents and an air handling unit to the rear of the property at 49 to 50 Thomas Street, Limerick is development and is not 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.

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

Dated this day of 2017.