



An
Coimisiún
Pleanála

Inspector's Report PL-501218-LK-26

Development	Change of use from clothes shop to takeaway and associated site works.
Location	Whitewater Boutique, Denmark Street, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	25376
Applicant(s)	Anoop Venugopal
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Salma Anika Banya
Observer(s)	None
Date of Site Inspection	9 th July 2026
Inspector	Carol Smyth

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1.0 Site Location and Description

- 1.1. The subject site is located within the administrative boundary of Limerick City and County Council. The site is situated on Denmark Street within the city centre and comprises a ground floor commercial unit of a multi storey car park. The street is characterised by the carpark, St Michael's Church and a number of restaurants, café's, bars, services. At the time of my site visit I noted a number of vacant units along the street.
- 1.2. The unit adjoins the vehicular entrance to the car park to the southeast and a similar unit, in use as a hairdressers to the northwest. The subject unit has a stated area of 0.0067 hectares.
- 1.3. This appeal relates to a planning application for the change of use from clothes shop to takeaway. At the time of my site inspection, I noted that the proposed development has been implemented and the subject unit was in takeaway use.

2.0 Proposed Development

- 2.1. Planning permission is sought for a change of use from clothes shop into a takeaway, front signage with lighting and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Limerick City and County Council issued a decision to grant permission on the 31st March 2026 subject to 8 standard no. conditions.

3.2. Planning Authority Reports

3.2.1. Area Planners Primary Report

Report dated 16th January 2026. Further information was requested in relation to hours of operation, universal access, staff numbers, extractor/ventilation systems, noise, waste management, signage, lighting and pest control arrangements.

3.2.2. Area Planners Further Information Report

Report dated 26th March 2026 is consistent with the decision notices issued.

3.2.3. Fire and Emergency Report

Report dated 19th December 2025. No objection subject to appropriate sanitary facilities compiling with Part M of the Building Regulations.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

- 3.4.1. In total 3 no. observations were received in relation to the proposed development. Concerns were raised in relation to impacts on neighbouring residential amenity, traffic, servicing, waste management and odour. Concerns were also raised regarding the over concentration of takeaway facilities in the area which also forms the grounds of appeal and is addressed in Section 7 and 8 below.

4.0 **Planning History**

- 4.1. There is no recent relevant planning history relating to the subject site.

4.2. **Adjacent Planning History**

4.2.1. PA Reg. Ref. 23/60312

Permission granted the change of use of roof top of the multi-storey carpark to commercial space, with roof terraces and a central landscaped courtyard, elevation alterations to north, south, east and west elevations, construction of a new internal stair core with pedestrian access from little Ellen Street, alterations to internal lift shafts, and all ancillary site works at Cruises Street Car Park, Denmark Street.

4.2.2. PA Reg. Ref. 18/248

Retention permission refused for the amalgamation of the ground floor of existing restaurant located at 36 Denmark Street into adjoining ground floor (former retail) premises at 35 Denmark Street, retention of existing signage and for permission to alter existing front façade to remove brick cladding at 35/36 Denmark Street. The

reasons for refusal related to extraction and ventilation, signage and unauthorised use.

4.2.3. PA Reg. Ref. 17/522

Permission granted for change of use to restaurant (incorporating take out services) at Ground Floor & Basement level at 17/19 Patrick Street (junction with Denmark Street)

4.2.4. ABP PL91.244964 (PA Reg. Ref. 14/1176)

Permission refused for change of use of ground floor from retail to restaurant and change of use of first floor from office to storage ancillary to restaurant at a site at Denmark Street/Chapel Street and Cruises Street, Limerick.

5.0 Policy Context

5.1 Development Plan

- 5.1.1. The site is governed by the policies and objectives of the Limerick City and County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The site is zoned 'City Centre' with the objective to protect, consolidate and facilitate the development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities. Takeaway use is permitted in principle under this zoning objective.

5.1.2. Objective ECON O1 City Centre

It is an objective of the Council to:

- a) Ensure retail development complies with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick as set out in Volume 6.
- b) Protect, promote, support and enhance the role of Limerick City Centre as the primary retail centre in the Limerick Shannon Metropolitan Area and Mid-West Region, in accordance with the objectives of the National Planning Framework and Regional Spatial and Economic Strategy for the Southern Region.
- c) Enhance the vitality of the City Centre through a mixture of uses, reuse of vacant units, increased residential population and revitalisation. Retail is an integral part of the City's economy complementing its inherent strengths including innovation,

enterprise, tourism, culture and services and has an important array of amenities, vibrancy, liveability/quality of life and quality-built environment. Development shall be designed so as to enhance the public realm and creation of a sense of place

5.1.3. Section 11.6.2.2 Takeaways/Restaurants/Kiosk/ Popup (Container) Trading Units,

The Development Plan recognises that Takeaway premises are often of concern to people who live close by and indeed those living in the wider area, when noise and disturbance is generated by increased pedestrian and vehicular traffic drawn into an area. In order to maintain an appropriate mix of uses and protect night-time amenities in a particular area and to promote a healthier and more active lifestyle, it is an objective to prevent an excessive concentration of takeaways and to ensure that the intensity of any proposed takeaway is in keeping with both the scale of the building and the pattern of development in the area. The provision of such facilities will be strictly controlled, having regard to the following, where appropriate:

- The effect of noise, general disturbance, hours of operation, litter and fumes on the amenities of nearby residents;
- The developer will be requested to submit as part of the planning application an Odour Impact Assessment, prepared by a suitably qualified professional with sufficient expertise to demonstrate odour abatement solutions, through appropriate modelling and monitoring procedures when operational;
- The need to safeguard the vitality and viability of shopping areas and to maintain a suitable mix of retail uses;
- Traffic considerations;
- The number/frequency of such facilities in the area, particularly in close proximity to schools;
- The need to integrate the design of ventilation systems into the design of the building;
- That all takeaways provide and maintain a suitable waste bin outside their premises during hours of business;
- The number and frequency of such facilities within a 1km radius of the proposed development;

- The context and character of the street, where the aim is to maintain and improve the vitality of the shopping experience, by encouraging a range of convenience and/or comparison retail shops.

5.4 Natural Heritage Designations

- 5.1.4. The site is situated approximately 235 metres from the Lower River Shannon SAC and approximately 670 metres from the River Shannon and River Fergus Estuaries SPA.

6.0 EIA Screening

- 6.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

This is a third-party appeal against the Planning Authority's decision to grant permission for the change of use from retail to takeaway. The grounds of appeal have been summarised as follows.

- The street plays a vital role in linking the Milk Market area, O'Connell St and William St (the main shopping district) and Opera Square and is an important throughfare for the City.
- The street was intended to have a healthy mix of uses, interest and quality.
- Food outlets and takeaways overwhelm the street and there is an overconcentration of such uses on the street.
- Change of use has been permitted to such an extent that only 1 no. retail unit remains on the street.
- Commercial uses in Denmark Street which indicates 5 no. fast food takeaway uses on the street, map and survey included.

- Survey of takeaways and fast-food outlets in the vicinity included which indicates 18 no. fast food/restaurants in the vicinity.
- The proposed change of use is contrary to the policies and objectives of the Development Plan
- There is precedent for a refusal of change of use from retail to restaurant on the street.

7.2. Applicant Response

- The subject site is located within an established commercial district.
- The Applicant specialises in high end Italian pizza and deli cuisine; the closest similar takeaway is 4 no. streets away from the site.
- The opening of the Opera Centre within the next 12 months will provide in the region of 300 plus offices providing lunchtime footfall.
- The proposal will not result in the loss of residential accommodation.
- Enhance footfall and passive surveillance.
- The development contributes to the nighttime economy.
- There is no specific quantitative policy prohibiting additional takeaway uses.
- The site is suitable for city centre food service use.
- The proposed use would integrate appropriately with the existing commercial uses and would not alter the character or function of the area.
- Denmark is not exclusively retail in nature and already accommodates a range of commercial and service uses.
- The proposed development will not negatively impact on residential amenity.
- All odour and ventilation systems will fully comply with environmental health standards and requirements.
- Appropriate waste management arrangements have been provided.
- The proposed change of use does not undermine retail diversity within the city centre.

- Retail centres evolve over time in response to economic trends, consumer demand and changing commercial patterns.
- Food services and hospitality and convenience uses form an integral part of healthy, vibrant urban centres.
- The unit is currently vacant and underutilised.
- The proposal secures continued active commercial use.
- Employment opportunities will be created during fitout and operation.
- Footfall in the area will increase.
- The vitality and viability of Denmark Street will be supported.

7.3. **Planning Authority Response**

None

7.4. **Observations**

None

8.0 **Assessment**

8.1. Having examined the applications details and all other documentation on file, including the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered is as follows:

- Principle of Development
- Other

8.2. **Principle of Development**

8.2.1. The subject site is located within Limerick City Centre on lands zoned 'City Centre'. Takeaway use is permitted under the land use zoning objective. I am therefore satisfied that the principle of the development is acceptable subject to compliance with the other policies and objectives of the Development Plan in relation to takeaway use.

- 8.2.2. Section 11.6.2.2 Takeaways/Restaurants/Kiosk/ Popup (Container) Trading Units of the Development Plan sets out that it is an objective of the Council to prevent an excessive concentration of takeaway premises in order to maintain a balanced mix of uses, safeguard amenities during the evening and nighttime, and to support healthier and more active lifestyles.
- 8.2.3. I note the concerns of the third party in relation to an overconcentration of takeaway facilities within the area. Having visited the site, I note that there are several café's, restaurants and takeaway facilities on the street. The area appears to function as a node for evening and nighttime activities alongside a daytime economy anchored by restaurants and cafes. Excluding the subject development, I identified 4 no. facilities on Denmark Street Upper and Lower that operate exclusively as takeaway establishments, these include Chippy Chicken, Spice Guys and Istanbul Kebab on Lower Denmark Street and Sakura Sushi Bar on Upper Denmark Street. I am therefore satisfied that the addition of another takeaway facility in this city centre location will not lead to an overconcentration of takeaway facilities along the street.
- 8.2.4. While I acknowledge concerns raised in the grounds of appeal in relation to the mix of use along the street and the objectives of the Development Plan to provide for a retail diversity and mix of uses, I am also cognisant of the vacant commercial units in the vicinity of the site. I further note that there are other uses along the street including hairdressers, barbers, retail units and public houses.
- 8.2.5. On balance, having regard to the location of the site within the city centre, the previous vacancy status of the unit and the number of vacant units in the vicinity of the site, I am satisfied that the takeaway use will contribute to the vitality and vibrancy of the street, the daytime and evening economy of the city and will provide animation, activity and passive surveillance in the vicinity of the car park entrance.
- 8.2.6. Furthermore, I note that the development is not near to schools or residential development and I am therefore satisfied that there will be no undue impacts on residential amenity or health concerns. I therefore consider that the proposed development accords with the provisions of Section 11.6.2.2 Takeaways/Restaurants/Kiosk/ Popup (Container) Trading Units of the Development Plan.

8.2.7. Notwithstanding, as noted above, having reviewed the planning application documentation and having visited the site, I observed that development has been implemented and the unit is operating as a takeaway facility consistent with the application documentation. The description of development for this application includes the proposed “change of use of clothes shop to takeaway”. The development to which this application relates cannot be implemented as the change of use has already been carried out. The development before the Commission therefore differs materially from the description of development submitted for permission and I consider that the Commission is, therefore, precluded from granting permission for the proposed development. This is a new issue and the Commission may decide to seek further information in this regard.

8.3. Other

8.3.1. The grounds of appeal refer to a proposed change of use from retail to restaurant in the vicinity of the site which was refused permission and contends that this set a planning precedent for the development.

8.3.2. I note that the application referred to by the Appellant was lodged in 2014. I am therefore satisfied that this decision was issued under the policies and objectives of a previous Development Plan 2010-2016. Each application is assessed on its merits. In this regard I refer the Commission to my assessment above where I concluded that the development will enhance street vitality, support the daytime and evening economy, provide passive surveillance and an active use in a previously vacant commercial unit in this section of Denmark Street. I therefore do not consider the precedent set out in the grounds of appeal to be relevant.

9.0 AA Screening

9.1. The proposed development comprises a change of use from retail use to takeaway use on a small site of 0.0067 ha in an established urban area. No nature conservation concerns were raised in the planning appeal.

9.2. Having considered the nature, small scale and urban location of the project, and taking account of the screening determination of the Planning Authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

- 9.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

- 11.1. I recommend that permission be REFUSED for reasons and considerations below:

12.0 Reasons and Considerations

1. Based on site observations and review of the documentation on file, I consider that the development before the Commission differs materially from the description of development submitted for permission because the change of use has already been carried out. The proposed development to which the application relates has already been implemented before the determination of the Commission. The Commission is, therefore, precluded from granting permission for the proposed development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Carol Smyth
Planning Inspector

3rd September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501218-LK-26
Proposed Development Summary	Change of use from clothes shop to takeaway and associated site works.
Development Address	Whitewater Boutique, Denmark Street, Limerick.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☐ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	

No ☐	
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Inspector: _____ Date: _____