



An
Bord
Pleanála

Board Direction
ABP-305423-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/01/2020.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the uplift of Dunnes Stores convenience sales floor area from 2,574sqm to 3,000 sqm net, by extending into the shops ground floor textile stockroom, including associated internal shop works at Douglas Court Shopping Centre, Douglas, Co. Cork is or is not development or is or is not exempted development:

AND WHEREAS Better Value Unlimited Company requested a declaration on this question from Cork County Council and the Council issued a declaration on the 20th day of August, 2019 stating that the matter was development and was not exempted development:

AND WHEREAS Better Value Unlimited Company referred this declaration for review to An Bord Pleanála on the 12th day of September 2019:

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 (as amended),
- (c) Section 4(1)(h) of the Planning and Development Act, 2000 (as amended),
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001 (as amended),
- (e) Schedule 2 to the Planning and Development Regulations, 2001 (as amended),
- (f) the planning history of the site and
- (g) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that the uplift of Dunnes Stores convenience sales floor area from 2,574sqm to 3,000 sqm net, by extending into the shops ground floor textile stockroom, including associated internal shop works at Douglas Court Shopping Centre, Douglas, Co. Cork, would constitute development, as it involves works and a change of use. The change of use is considered a material change of use that does not come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended), being of a material change in the use of land within the meaning of Section 3 of the said Act, and there are no other provisions of exempted development that would apply to the development.

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 uplift of Dunnes Stores convenience sales floor area from 2,574sqm to 3,000 sqm net by

extending into the shops ground floor textile stockroom, including associated internal shop works at Douglas Court Shopping Centre, Douglas, Co. Cork is development and is not exempted development.

Board Member:

Date: 17/01/2020

Terry Ó Niadh