



An
Bord
Pleanála

Board Direction
91.RL3556

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/05/2018.

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

Board Order as follows:-

WHEREAS *a question has arisen as to “Whether the partial use of unit H3 for local retail convenience, ancillary to the primary use of the unit as a wholesale and distribution hub for selected units nationwide along with supporting office and administration, at Unit H3 Eastway Business Park, Ballysimon, Co. Limerick, is or is not development and is or is not exempted development”.*

AND WHEREAS *the said question was referred to An Bord Pleanála by Adam Kearney, Planning Consultant, on behalf of applicants Polish Family Foods Ltd., Unit H3 Eastway Business Park, Ballysimon, Co. Limerick .*

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

- a) section 3 of the Planning and Development Act, 2000 (as amended),*
- b) to articles 6,9 and 10 of the Planning and Development Regulations, 2001, (as amended),*
- c) Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and*

d) *The report of the Planning inspector.*

AND WHEREAS *An Bord Pleanála has concluded: -*

- a) *The current use of the premises as a retail use represents a new and separate use*
- b) *such use would constitute a change of use, which would constitute development, being a material change of use, having regard to its character and its material external impacts (such as its possible impact on city centre retailing, traffic and parking) on the proper planning and sustainable development of the area,*
- c) *such material change of use would be inconsistent with the use specified and included in the original grant of permission for the site, that is use for retail warehousing, as per the definition set out in Annex 1 of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2012 and would, by virtue of article 10(1)(c) of the said Regulations, not be exempted development.*

NOW THEREFORE *An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) of the 2000 Act, hereby decides that the said change of use from wholesale / distribution unit to retail outlet is not exempted development.*

Board Member

Date: 18/05/2018

Terry Prendergast