



An  
Bord  
Pleanála

## Board Order 61.RL.3564

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Galway City Council**

**Planning Register Reference Number: P/DC/3/2/17**

**WHEREAS** a question has arisen as to whether a change of use from office use (Class 2) to use as a shop at Tuam Road Retail Centre, Tuam Road, Galway is or is not development or is or is not exempted development:

**AND WHEREAS** ITC Delta Fund care of O'Neill O'Malley of Technology House, Galway Technology Park, Parkmore, Galway requested a declaration on the said question from Galway City Council and the said Council issued a declaration on the 24<sup>th</sup> day of February, 2017 stating that the said matter is development and is not exempted development:

**AND WHEREAS** ITC Delta Fund referred the declaration for review to An Bord Pleanála on the 22<sup>nd</sup> day of March, 2017:

**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,
- (c) section 4(4) 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) Class 14(d) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, and
- (f) the planning history of the site,

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) permission was granted under Galway City Council planning register reference number 04/926 for a change of use from existing retail warehouse/retail unit to office use,
- (b) neither the application documentation submitted in relation to planning register reference number 04/926 or the conditions attached to the grant of permission issued specify that the permitted office use is restricted to Office (Class 3) use only.

- (c) the proposed change of use would constitute development in accordance with section 3(1) of the Planning and Development Act, 2000, as the proposed change of use would be material,
  
- (d) the proposed change of use would come within the scope of Class 14(d) of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and would, therefore, constitute exempted development, and
  
- (e) the restriction of exemptions set out in Article 9(1)(a) are not applicable in this case. Specifically, the Board does not consider that the proposed development would contravene a condition attached to Galway City Council planning register reference number 04/926 or otherwise be inconsistent with any use specified in any permission granted under the Planning and Development Act, 2000, 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 change of use from office use (Class 2) to use as a shop at Tuam Road Retail Centre, Tuam Road, Galway is development and is exempted development.

