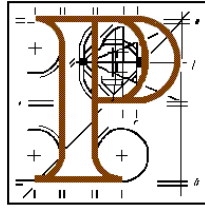


An Bord Pleanála



Inspector's Report

REFERRAL REFERENCE:	14.RL3445
QUESTION:	Whether change of use from the former retail warehouse to use as a supermarket for the sale of non-bulky convenience goods at 'Your Fresh Today Extra', N4 Axis Centre, Longford, Is or is not development or Is or is not exempted development?
REFERRER:	Seán Keogh
OWNER:	Newlyn Developments Limited
OCCUPIER:	Gerry Ellis and Sons Limited
PLANNING AUTHORITY:	Longford County Council
DATE OF SITE INSPECTION:	11 th March 2016
INSPECTOR:	Dermot Kelly

1. SITE LOCATION

The Referral Premises 'Your Fresh Today Extra' comprises one of three single-storey units within the N4 Axis Centre approximately 1 kilometre to the north of Longford Town Centre and adjacent to the N4 National Primary Route as indicated on the Location Map in Appendix A. The Photographs in Appendix B are of the Referral Premises 'Your Fresh Today Extra' and the adjacent buildings in the N4 Axis Centre in Longford Town.

2. REFERRER'S SUBMISSION

- The Referrer Seán Keogh by letter received 17th December, 2015 regarding Declaration (Ref. No. DC 15/4) as issued by the Planning Authority Longford County Council under Section 5 of the Planning and Development Act 2000 as amended – referred the following question to be determined by the Board further to Section 5(3) of the Act:

'Whether change of use from the former retail warehouse to use as a supermarket for the sale of non-bulky convenience goods at 'Your Fresh Today Extra', N4 Axis Centre, Longford,
Is or is not development or
Is or is not exempted development?'

- The Referrer's Submission included stating that 'The subject site is located at the N4 Axis Centre, Longford which is a permitted retail warehouse park' and also that 'the site is located within the planning boundary, PL01/700049'.

3. THE REFERRAL QUESTION

The Referral Question is as follows:

*'Whether change of use from the former retail warehouse to use as a supermarket for the sale of non-bulky convenience goods at 'Your Fresh Today Extra', N4 Axis Centre, Longford,
Is or is not development or
Is or is not exempted development?'*

4. **DECLARATION (Ref. No. DC 15/4) of PLANNING AUTHORITY**

The Planning Authority further to a Section 5 Referral of the Referrer Seán Keogh issued a *Declaration (Ref. No. DC 15/4)* by letter dated 9th December, 2015 which Declaration stated as follows:

'Application for Declaration under Section 5 of the Planning and Development Act 2000 (as amended) by Seán Keogh, 19 Brookville Estate, North Road, Dublin 11 as to whether the change of use from the former retail warehouse to use as a supermarket for the sale of non-bulky convenience goods at 'Your Fresh Today Extra', N4 Axis Centre, Longford is or is not development as defined in the 2000 Act and the regulations made thereunder.

Order: I hereby order, that having regard to the provisions of Section 5 of the Planning and Development Act 2000 (as amended), the Planning Authority hereby decides that having regard to Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001 (as amended), it is considered that the proposed works do not materially change the use of the structure from the use as granted under PL01/700049 and as 'development' means 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structure or other land' then such use as is currently being carried out would be exempted development if carried out in accordance with the details and specifications submitted, as evidence, by the business owner.'

The *Planning Report for the Planning Authority* included stating:

'The proposed development site is located just off the N4 National Primary Road to the south/north of Longford Town and is within the existing N4 Axis Centre. The proposed development site is located inside of the designated village envelopes as specified in Longford County Development Plan 2015-2021. The proposed site currently operates a predominantly wholesale business. Evidence submitted to the Planning Department indicates that retail sales account for only 8% of the overall turnover.'

Assessment

'Under Section 3 of the Act 'development' means 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structure or other land'. Evidence has been submitted to the satisfaction of the Planning Authority that the majority of sales are to wholesale customers. Therefore, the Planning Authority is satisfied that, in this case, the nature of the business is substantially retail warehousing and is in general compliance with the relevant condition of the planning permission PL01/700049.

It is therefore considered that the proposal is exempted development.'

5. OCCUPIER'S SUBMISSION

The *Occupier's Submission* received 27th January, 2016 included:
'This Section 5 referral was made to the Board by a third party, following the favourable decision of Longford County Council to grant a Section 5 Declaration in respect of the operation of 'Your Fresh Today Extra' on 9th December, 2015.

It is our understanding that the purpose of this Section 5 is to determine if;

- (A) a change of use has occurred from retail warehouse to supermarket at the facility; and
- (B) if a change of use has occurred whether it constitutes development or can be considered exempted development.

It is our contention that no change of use has occurred, and the unit remains in use as a retail warehouse'.... and also

'It is our understanding that Reg. Ref. 09/700015 was never implemented. The parent permission in respect of (the) units therefore remains Reg. Ref. 00/700074 as amended by Reg. Ref. 01/700049 which changed the permitted use of the buildings from light industrial to retail warehousing. Permission was granted by Longford Urban District Council (now incorporated into Longford County Council) and appealed by a third party to An Bord Pleanála. An Bord Pleanála granted permission subject to conditions.', and

'In October, 2014 Longford County Council issued a warning letter in respect of this facility, on grounds of non-compliance with Condition 16 of Reg. Ref. 01/700049. Condition 16 limited the use of the building to retail warehousing. We understand that Longford County Council are now satisfied that no unauthorised development has occurred. We would point out that Condition 16 was a condition attached by Longford Urban District Council to their determination of the application, and was in fact superseded by Condition 1 (stated below) of An Bord Pleanála's decision. Condition 1 of An Bord Pleanála's decision on Reg. Ref. 01/700049 states:

The use of the proposed development shall be limited to retail warehousing only as defined in the Retail Planning Guidelines for planning authorities issued by the Department of Environment and Local Government in December, 2000.

This condition is central to this case, and the determination of whether a change of use has occurred.’, and also

‘Our client is a retail wholesaler, operating primarily from Arvagh, County Cavan but with a number of additional outlets throughout the country including at the N4 Axis Centre, Longford. Their facility at the N4 Axis Centre is a wholesaler outlet for a range of convenience goods aimed at both the catering and retail markets. Catering products include large bags of flour, pasta, large packs of toilet rolls, meat and desserts. Traditional grocery products which are generally sold in trays or multiples (i.e. in bulk) for use in both catering and resale by small shops include sugar, soft drinks, bottled water, kindling and coal etc. and pet food. Appendix 1 of this response includes pictures illustrating the types of products sold.’, and

‘Many of these businesses have an account with our client enabling them to order products as required. The ability to pay for products on account is not a feature of a supermarket. We include with this submission a list of the business which our client serves, and letters outlining how these businesses use our client’s operation (see Appendix 2). They include nursing homes, offices, cafes, restaurants, hotels, bed and breakfasts, and small convenience stores run by franchisees.’, and also

‘We would state that although there is nothing to prohibit a general member of the public buying from our client at the subject unit, in general the size of the products on offer and the fact products are often sold in multiples (e.g. 5 for €15) which are inappropriate for private household needs discourages such activity. Members of the general public therefore would be unlikely to shop at the facility on any kind of regular basis or in significant numbers. The range of products on offer would also be insufficient to meet the weekly shopping needs of the general public given the relatively narrow range of items on sale. Specifically our client offers only a limited range of dairy products and confectionary, and there is no butcher’s counter, bakery or delicatessen on the premises such as you would expect to find in a supermarket. Our client estimates that sales to the general public amount to no more than 8% of their business.’

The *Occupier's Submission* under *'Response to Referral'* included:
'A. Has a change of use from retail warehousing to supermarket occurred?'

The most crucial consideration in relation to this Section 5 referral in our opinion, is the determination of whether a change of use from retail warehousing to supermarket has occurred.

The permitted use for the unit in question is retail warehousing, as permitted under Reg. Ref. 01/700049. Condition 1 of An Bord Pleanála's decision in that case limited the use to that of retail warehousing as defined in the Retail Planning Guidelines 2000. We have been unable to obtain a copy of the Retail Planning Guidelines from 2000, as they have been twice superseded by revised guidelines.'

'We are therefore unable to determine the exact definition of retail warehousing contained within the 2000 guidelines. We are aware however that in the revised Retail Planning Guidelines of both 2005 and 2012, retail warehousing is defined as 'A large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car-borne customers'. In the absence of the exact definition from the 2000 Retail Guidelines, we shall take this definition as a guide. The same guidelines define a supermarket as a 'single-level, self-service store selling mainly food, with a net retail floorspace of less than 2,500 square metres'.', and also

'The facility in question is a single level store which specialises in the sale of food to primarily non visiting members of the public. The food sold is of a scale and quantity not in keeping with that sold by supermarkets. The products sold are bulky household goods such as large catering sized bags/packs of flour, meat, vegetables etc. They also sell non-catering (i.e. more traditional sized) household goods in trays or multiples (i.e. in bulk) e.g. teabags, condiments, cereal etc. Appendix 1 includes examples of the products in question. We believe it is around these non-catering household goods where the confusion arises with the third party, as the display in the shop is similar to that of a traditional supermarket but the purchasing arrangements (client accounts) and purchasing amounts (large quantities) are not.', and

'It is our belief that as a retail wholesale business, selling both catering products and general household products in bulk, the use is more akin to that of retail warehousing. We also believe that by nature of the scale of products involved it cannot be considered a supermarket. There is no evidence therefore of a material change of use having

occurred. That a relatively minor number of members of the public purchase products from the premises should not be seen as anything other than ancillary to the main bulk wholesale activities conducted on site and characterising the use.'

The *Occupier's Submission* under '*Response to Referral*' included:

'B. If a change of use has occurred, does it constitute development?

We do not believe that any change of use has occurred as the element of sales to the public for non-bulk purchases is approximately 8%. On this basis, in accordance with the definition of development as set out in the Act no development has occurred. This matter is therefore dealt with.'

'C. If a change of use has occurred, does it constitute exempted development?

As stated above we do not believe any change of use has occurred. On this basis, the question of whether any development which has occurred constitutes exempted development simply does not even arise in this case.

In conclusion we believe that no change of use has occurred, as the operation of a retail wholesaler selling household goods in bulk quantities and mainly to business and not the public meets the definition of retail warehousing.'

The attached *Appendix 1 – Photographs of Store* and *Appendix 2 – List of Clients and Letters of Support (from customers)* are noted.

6. RESPONSES

Owner's Response

Further to the letter of An Bord Pleanála dated 5th February 2016, no Response was received from the Owner of the referral premises.

7. PLANNING HISTORY

Planning Permission (Ref. No. PL68.126135 and Reg. Ref. 01/700049) for 'development comprising alterations from previously approved planning permission (planning register reference number 74/00) to retail warehousing consisting of three number units circa 700 square feet including ancillary offices and one number unit of circa 3,920 square metres including ancillary offices and stores and signage with external

garden centre and boundary fencing, associated car parking and low level landscaping at the Red Cow Roundabout, Aghadegnan Townland, Longford in accordance with plans and particulars lodged with the Council' – was granted on 29th May, 2002 subject to thirteen (13) conditions including *Condition No. 1 as follows:*

1. The use of the proposed development shall be limited to retail warehousing only as defined in the Retail Planning Guidelines for planning authorities issued by the Department of Environment and Local Government in December, 2000.

Reason: In the interest of the proper planning and development of the area.

and subject to the following Schedule:

Having regard to the planning history of the site and the retail warehousing nature of the proposed development, it is considered, that subject to compliance with the conditions set out in the Second Schedule, the proposed development would be an appropriate form of development at this location which would not be contrary to the policies of the planning authority, as set out in the current Development Plan for the area, would be acceptable in terms of traffic safety and convenience and would not be contrary to the proper planning and development of the area.

8. DEVELOPMENT PLAN

The Referral Premises at 'Your Fresh Today Extra' is located within the N4 Axis Centre to the north of Longford Town Centre. The attached Zoning Map in the 2015-2021 Longford County Development Plan in regard to this area is noted.

9. STATUTORY PROVISIONS

The following Statutory Provisions have been considered:

Section 3(1) of the Planning and Development Act 2000 as amended:
'In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.'

Schedule 2 of the Planning and Development Regulations 2001 as amended under Part 4 – 'Exempted Development – Classes of Use'.

10. PLANNING ASSESSMENT – Issues and Evaluation

- The Referral Question is as follows:
‘Whether change of use from the former retail warehouse to use as a supermarket for the sale of non-bulky convenience goods at ‘Your Fresh Today Extra’, N4 Axis Centre, Longford, Is or is not development or Is or is not exempted development?’
- The referral premises ‘Your Fresh Today Extra’ comprises one of three single-storey units within the N4 Axis Centre approximately 1 kilometre to the north of Longford Town Centre and adjacent to the N4 National Primary Route as indicated on the Location Map in Appendix A. The Photographs in Appendix B are of the referral premises ‘Your Fresh Today Extra’ and the adjacent buildings in the N4 Axis Centre in Longford Town.
- I note the Referrer Seán Keogh by letter received 17th December, 2015 regarding Declaration (Ref. No. DC 15/4) issued by the Planning Authority Longford County Council under Section 5 of the Planning and Development Act 2000 as amended – referred the following question to be determined by the Board further to Section 5(3) of the Act as amended i.e. the *Referral Question*:
‘Whether change of use from the former retail warehouse to use as a supermarket for the sale of non-bulky convenience goods at ‘Your Fresh Today Extra’, N4 Axis Centre, Longford, Is or is not development or Is or is not exempted development?’
- I note the *Planning Authority Declaration (Ref. No. DC 15/4)* stated:
‘Application for Declaration under Section 5 of the Planning and Development Act 2000 (as amended) by Seán Keogh, 19 Brookville Estate, North Road, Dublin 11 as to whether the change of use from the former retail warehouse to use as a supermarket for the sale of non-bulky convenience goods at ‘Your Fresh Today Extra’, N4 Axis Centre, Longford is or is not development as defined in the 2000 Act and the regulations made thereunder.
Order: I hereby order, that having regard to the provisions of Section 5 of the Planning and Development Act 2000 (as amended), the Planning Authority hereby decides that having regard to Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001 (as amended), it is considered that the proposed works do not materially change the use of the

structure from the use as granted under PL01/700049 and as 'development' means 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structure or other land' then such use as is currently being carried out would be exempted development if carried out in accordance with the details and specifications submitted, as evidence, by the business owner.'

- I note the *Planning Report for the Planning Authority dated 4th December, 2015* in regard to the above *Declaration Ref. No. DC 15/4* included stating as follows:
'The proposed site currently operates a predominantly wholesale business. Evidence submitted to the Planning Department indicates that retail sales account for only 8% of the overall turnover', and also
'Evidence has been submitted to the satisfaction of the Planning Authority that the majority of sales are to the wholesale customers. Therefore, the Planning Authority is satisfied that, in this case, the nature of the business is substantially retail warehousing and is in general compliance with the relevant condition of the planning permission PL01/700049.'
- I note that as set out in the *Occupier's Submission* on the Referral that 'the relevant condition of the planning permission (PL01/700049)' as stated in the above *Planning Report for the Planning Authority*, should refer to 'the relevant condition' i.e. Condition No. 1 of the subsequent decision of An Bord Pleanála (Ref. PL68.126135 and Reg. Ref. 01/700049).
- I note also that *Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001 (as amended)* as referred to in the *Planning Authority Declaration Ref. No. DC 15/4* – which *Schedule 2* is not referred to in the above *Planning Report for the Planning Authority* – is not relevant as relating to 'Agricultural Structures'.
- I note the relevant 'Statutory Provisions' and that the *Planning Report for the Planning Authority* referred to Section 3(1) of the Act: 'Section 3(1) of the Planning and Development Act 2000-2011: *'In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.'*

- The *Occupier's Submission* under '*Response to Referral*' included:
 'It is our understanding that the purpose of this Section 5 is to determine if;
 (A) a change of use has occurred from retail warehouse to supermarket at the facility; and
 (B) if a change of use has occurred whether it constitutes development or can be considered exempted development.'...
 '*Our client is a retail wholesaler, operating primarily from Arvagh, County Cavan but with a number of additional outlets throughout the country including at the N4 Axis Centre, Longford. Their facility at the N4 Axis Centre is a wholesaler outlet for a range of convenience goods aimed at both the catering and retail markets*', and also
 '*Many of these businesses have an account with our client enabling them to order products as required. The ability to pay for products on account is not a feature of a supermarket. We include with this submission a list of the business which our client serves, and letters outlining how these businesses use our client's operation (see Appendix 2). They include nursing homes, offices, cafes, restaurants, hotels, bed and breakfasts, and small convenience stores run by franchisees*', and
 '*Our client estimates that sales to the general public amount to no more than 8% of their business.*'
- I also note the *Occupier's Submission* where stated under '*Response to Referral*' under 'A. Has a change of use from retail warehousing to supermarket occurred?':-
 '*Condition No. 1 of An Bord Pleanála's decision in that case limited the use to that of retail warehousing as defined in the Retail Planning Guidelines 2000. We have been unable to obtain a copy of the Retail Planning Guidelines from 2000, as they have been twice superseded by revised guidelines.*', and
 '*The facility in question is a single level store which specialises in the sale of food to primarily non visiting members of the public. The food sold is of a scale and quantity not in keeping with that sold by supermarkets*', and
 '*It is our belief that as a retail wholesale business, selling both catering products and general household products in bulk, the use is more akin to that of retail warehousing. We also believe that by nature of the scale of products involved it cannot be considered a supermarket. There is no evidence therefore of a material change of use having occurred.*'

- The *Occupier's Submission* under 'Response to Referral' included:

'B. If a change of use has occurred, does it constitute development?
We do not believe that any change of use has occurred as the element of sales to the public for non-bulk purchases is approximately 8%. On this basis, in accordance with the definition of development as set out in the Act no development has occurred.'

'C. If a change of use has occurred, does it constitute exempted development?
In conclusion we believe that no change of use has occurred, as the operation of a retail wholesaler selling household goods in bulk quantities and mainly to business and not the public, meets the definition of retail warehousing.'

The attached *Appendix 1 – Photographs of Store* and *Appendix 2 – List of Clients and Letters of Support (from Customers)* are noted.
- I note the relevant planning permission (Ref. No. PL68.126135 and Reg. Ref. 01/700049) regarding the referral premises 'Retail Unit 1 – Area 700 square metres' as indicated on the submitted Ground Floor Plan scale 1:100 drawing, at 'Your Fresh Today Extra' in the N4 Axis Centre, Longford. This permission was subject to 13 conditions and *Condition No. 1* – which is particularly relevant to the Referral Question – states as follows:

 - The use of the proposed development shall be limited to retail warehousing only as defined in the Retail Planning Guidelines for planning authorities issued by the Department of Environment and Local Government in December, 2000.
Reason: In the interest of the proper planning and development of the area.
- In regard to '*the exact definition of retail warehousing contained within the 2000 guidelines*' as referred to in the *Occupier's Submission*, I refer to the attached copy of the *Retail Planning Guidelines* issued by the Department of Environment and Local Government in December, 2000.
- The wording of the relevant *Condition No. 1 in planning permission* (Ref. No. PL68.126135 and Reg. Ref. 01/700049) limits the type of retailing to be carried out in the referral premises to '*retail warehousing*' which is qualified by reference to the *Retail Planning Guidelines 2000*. The *Retail Planning Guidelines 2000* define '*Retail warehouse*' in *Annex I – Glossary of Terms* as follows:
'*A large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods,*

and bulky DIY items, catering mainly for car-borne customers and often in out-of-centre locations.'

- *'Bulky Goods'* are also defined in *Annex I* as follows:
'Goods generally sold from retail warehouses where DIY goods or goods such as flatpack furniture are of such a size that they would normally be taken away by car and not be manageable by customers traveling by foot, cycle or bus, or that large floor areas would be required to display them e.g. furniture in room sets, or not large individually, but part of a collective purchase which would be bulky e.g. wallpaper, paint.'
- Having reviewed all the submissions on file including the statement in the *Occupier's Submission* that *'This condition is central to this case, and the determination of whether a change of use has occurred'*, in regard to Condition No. 1 of the relevant planning permission (Ref. No. PL68.125135 and Reg. Ref. 01/700049), the relevant Statutory Provision to be considered in this Referral Question is Section 3(1) of the Planning and Development Act 2000 as amended which states as follows:
'In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change of use of any structures or other land.' (Underlining added)
- The issue to be determined in this Referral is whether the use of the referral premises accords with *Condition No. 1* above. The detailed submissions in the *Occupier's Response* in regard to the use of the referral premises – see also the submitted *Photographs of Store* and *List of Clients and Letters of Support (from Customers)* – are noted in this regard. I note in particular the *Occupier's Submission* received 27th January, 2016 in regard to the use of the referral premises at 'Your Fresh Today Extra' in the N4 Axis Centre, Longford including where stated as follows: *'Our client estimates that sales to the general public amount to no more than 8% of their business.'*
- I note the *Planning Report for the Planning Authority* dated 4th December, 2015 on file included stating as follows: *'The proposed site currently operates a predominantly wholesale business. Evidence submitted to the Planning Department indicates that retail sales account for only 8% of the overall turnover'*, and also

'Evidence has been submitted to the satisfaction of the Planning Authority that the majority of sales are to wholesale customers.'

I note the Referrer has not submitted that the situation is otherwise than as submitted in the *Occupier's Submission* and as accepted by the *Planning Authority* as set out above.

- On balance having considered all the submissions on file, I concur with the *Planning Report for the Planning Authority* on file:
'Evidence has been submitted to the satisfaction of the Planning Authority that the majority of sales are to wholesale customers. Therefore, the Planning Authority is satisfied that, in this case, the nature of the business is substantially retail warehousing and is in general compliance with the relevant condition of the planning permission PL01/700049. It is therefore considered that the proposal is exempted development.'*
– which 'condition*' was superseded by *Condition No. 1* of the relevant permission (Ref. PL68.126135 and Reg. Ref. 01/700049).
- As such therefore I consider in regard to the Referral Question as raised i.e. 'Whether change of use from the former retail warehouse to use as a supermarket for the sale of non-bulky convenience goods at 'Your Fresh Today Extra', N4 Axis Centre, Longford, is or is not development or is or is not exempted development?', that the existing use of the referral premises as detailed in the *Occupier's Submission* on file and accepted by the *Planning Authority*, would not constitute '*development*' by reason that a '*a material change of use*' from the permitted use of the referral premises at Unit 1 'Your Fresh Today Extra' in the N4 Axis Centre, Longford, has not occurred in the context of the provisions of Section 3(1) of the *Planning and Development Act 2000* as amended as follows:
'In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of the structures or other land.'

AND WHEREAS a Question has arisen as to whether change of use from the former retail warehouse to use as a supermarket for the sale of non-bulky convenience goods at 'Your Fresh Today Extra', N4 Axis Centre, Longford, is or is not development or is or is not exempted development?

AND WHEREAS a Declaration (Ref. No. DC 15/4) was issued by the Planning Authority Longford County Council on the 9th day of December, 2015,

AND WHEREAS the said Declaration was referred to An Bord Pleanála by Seán Keogh on the 17th day of December, 2015 under Section 5(3) of the Planning and Development Act 2000 as amended,

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

- (a) Section 3.1 of the Planning and Development Act 2000 as amended,
- (b) the planning history of the premises including permission (Ref. No. PL68.126135 and Reg. Ref. 01/700049) and in particular Condition No. 1 thereof,
- (c) documents submitted on file,

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the permitted use of the premises is for retail warehousing further to Condition No. 1 of the relevant permission Ref. No. PL68.126135,
- (b) the current use of the premises is as a retail wholesale business selling both catering products and household goods in largely bulk quantities and predominantly to business customers and not to the general public in accordance with the submissions on file,
- (c) there has, therefore, been no material change in the use of the premises arising from the permitted use.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 of the 2000 Planning and Development Act as amended, hereby decides that no material change in the use of the premises has occurred and that as such that no development has occurred in regard to the existing use of the premises as specified in the documents submitted on file.

DERMOT KELLY
SENIOR PLANNING INSPECTOR

15th April, 2016.

sg

APPENDIX A - LOCATION MAP
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)
APPENDIX C - DEVELOPMENT PLAN

Section 3(1) of the Planning and Development Act 2000 as amended

Copy of Condition No. 1 of Planning Permission (Ref. No. PL68.126135 and Reg. Ref. 01/700049)

Copy of Retail Planning Guidelines 2000