

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Tipperary County

Planning Register Reference Number: 15601102

An Bord Pleanála Reference Number: PL 92.247360

APPEAL by Hugh Sweeney of Portnacasky, Black Road, Newport, County Tipperary against the decision made on the 7th day of September, 2016 by Tipperary County Council to grant subject to conditions a permission to Tom Ryan care of PLM Architects of 15 Fr Mathew Quay, Cork.

PROPOSED DEVELOPMENT: Retention of minor miscellaneous elevational issues and associated ancillary site works at Ryan's Centra and Fuel Sales Forecourt, Limerick Road, Portryan, Newport, County Tipperary.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

It is considered that the development proposed to be retained would facilitate the shop unit associated with the petrol filling station which has been expanded in excess of 100 square metres net retail floor space, including the expansion of the retail area to an adjacent commercial unit and the expansion of ancillary retail storage to a further adjacent commercial unit. The scale of the retail area facilitated by the development would be contrary to the policies set out in the North Tipperary County Development Plan 2010 - 2016 (policies ECON 28 and section 10.11) in relation to retail development, and would exceed the maximum level of net retail floor space for retail forecourt development (section 4.11.9) as set out in the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government (2012). Furthermore, it is considered that the development proposed to be retained would facilitate the reinforcement and consolidation of retail development at this isolated out-of-centre location to the detriment of the vitality and viability of the town centre of Newport. The development proposed to be retained would also facilitate ancillary retail uses in contravention of condition number 3 of An Bord Pleanála appeal reference PL 22.238305. The development proposed to be retained would, therefore, facilitate development for which permission has not been obtained. Accordingly, it is considered that it would be inappropriate for the Board to give further consideration to a grant of permission for the development proposed to be retained in such circumstances.

In deciding not to accept the Inspector's recommendation to make a split decision, the Board had regard to the nature of the development and to the substantial planning history, including that under An Bord Pleanála appeal reference numbers PL 22.233126, PL 22.238305, PL 22.240736 and PL 22.243115 as well as under planning register reference numbers 10/51/0191 and 10/51/0192, and considered that it would be inappropriate to grant permission in respect of development that would facilitate development for which permission has not been obtained.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.