

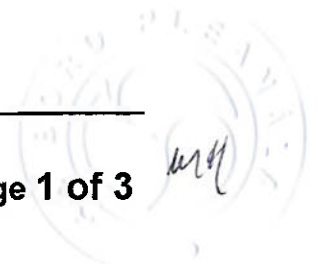
Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 211664

Appeal by T.J. McInerney of T.J. Mac's Bar, Killaghy Street, Mullinahone, Thurles, County Tipperary in relation to the application by Tipperary County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 5 of its decision made on the 1st day of July, 2022.

Proposed Development: Retention of an outside bar area, an external decking area, external seating and demountable canopy gazebos or pop-up tents, with external lighting to the rear garden area for use ancillary to the existing main public bar. Retention permission also for three number garden sheds for use ancillary to the existing combined bar business and residential premises, all at Killaghy Street, Mullinahone, County Tipperary.



Decision

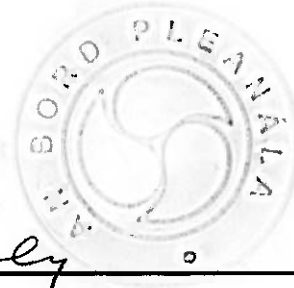
The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 5 and directs the said Council to ATTACH condition number 5 and the reason therefor.

Reasons and Considerations

The Board noted that Table 6.4 of the Tipperary County Development Plan 2022-2028 states the minimum car parking provision for bars is based on the public area. The Board considered that this extended to an area greater than the outside bar structure. The Board considered the Local Authority's application of the scheme to be reasonable and to accord with the provisions of the Section 48 Scheme. Section 13 of the scheme provides for phased payments where phasing has been included as part of the application or where the applicant has reached agreement with the planning authority. As this is an application for retention, phased payments do not accord with Section 13 of the Scheme.

It is noted that the appeal relates only to the section of Condition 5 that related to parking charge.

In deciding not to accept the Inspectors recommendation, the Board had regard to the Tipperary County Development Plan 2022 Car Parking requirements Table 6.4 and the Tipperary County Council Development Contribution Scheme Section 9.2. The Board considered the development proposed for retention related to an area greater than that of the bar area alone. It noted that the development plan states the minimum car parking provision for bars is based on the public area. The Board considered the Local Authority's application of the scheme to be reasonable and to accord with the provisions of the Section 48 Scheme.



M. Henchy

Mary Henchy

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

Dated this *25th* day of *October* 2023.