



An  
Bord  
Pleanála

## Inspector's Report ABP-317320-23

<b>Development</b>	Retention of change of use of unit 1 and 2 from warehouse to shop.
<b>Location</b>	Tipperary Town Retail Park Bohercrowe, Limerick Road , Tipperary Co. Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2360198
<b>Applicant(s)</b>	Corajio Trading as Mr.Price
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Carajio t/a Mr.Price
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> May 2024
<b>Inspector</b>	Catherine Dillon

## **1.0 Site Location and Description**

- 1.1. The subject site is located c.1.4km to the north west of Main Street in Tipperary town centre in the townland of Bohercrowe. It is accessed off a spur road which connects to the N24 at the Limerick Road roundabout. Tipperary Town shopping centre is also accessed off the same roundabout. The spur road is a cul de sac serving the appeal premises, and another commercial unit. The road terminates at the commercial unit.
- 1.2. The appeal site is occupied by a two storey building with a mezzanine first floor, comprising 8 units with partial glazing on the ground and first floors and a glazed canopy over the frontage of each unit. The building has an underground car park and a surface car park to the frontage of the units. Two of the units (1&2) relate to the appeal premises, the remaining six units appear vacant.
- 1.3. Opposite the site to the east is a large greenfield site. There is a footpath extending along both sides of the road serving the appeal premises. The site is separated from the shopping centre to the north by an open space area and a car park. The Limerick-Waterford railway line extends to the west (rear) of the site.
- 1.4. The subject site has a stated area of 1.72 hectares.

## **2.0 Proposed Development**

- 2.1. The development the subject of this appeal is for the retention of the change of use of units 1 and 2 from a retail warehouse use to a shop for the retail sale of goods, including ancillary staff offices and canteen, and shopfront signage.
- 2.2. The plans submitted indicate the ground floor of units 1 and 2 are amalgamated and have a total floor area of 1,501.99m<sup>2</sup>. The ground floor layout comprises rows of shelving displays in between customer aisles, in addition to staff canteen, toilets and an office. The first floor mezzanine level of both units has a floor area of 575.83m<sup>2</sup>.
- 2.3. A total of 6 signs have been affixed to the building predominantly along the frontage of units 1 & 2- (signs A-E) and are non-illuminated. The larger of the signs, sign 'F' is positioned flush to the side (north) of the building facing the shopping centre at first floor level.

- 2.4. Section 3 of the planning application form states 22 people are employed at the premises, specifies the opening hours, and that deliveries are carried out to the rear of the premises.
- 2.5. A covering letter with the application relates to the issue of a warning letter regarding the current use of the building. The Applicant states that units 2-8 are no longer in use as a warehouse and haven't been for 12 months, but the 'space closest to units 1 & 2 are used to store bulky stock for the Mr.Price shop, out of season and over supply bulky stock'.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On 16<sup>th</sup> May 2023, Tipperary County Council refused permission for retention of the development, on the following grounds:

1. Policy DM 1 (Development Standards) of the Tipperary Town and Environs Development Plan (TTEDP) 2013, as varied, states that it is the policy of the Council to require all development to comply with the relevant standards identified in the Development Management Section of the plan.

The application site is zoned for "light industrial" land use under the TTEDP 2013, as varied, the land use zoning objective of which is "To provide for Light Industry and employment and related uses". Under the land use zoning matrix a shop and supermarket are explicitly not permitted on this land use zone.

The development for which retention permission is sought constitutes an unacceptable land use at this location, and would if permitted, materially contravene the TTEDP 2013, as varied. Furthermore, the proposal if permitted, would set an undesirable precedent for other similar development at this location and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the retail development for which retention permission is sought, circa 1 kilometre from the edge of Tipperary Town Centre, on an out of centre site, and noting the absence of any consideration under the application of the sequential approach or retail impact on Tipperary

Town Centre, it is considered that the proposed development would conflict with national policy, as set out in the “Retail Planning Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in April 2012, which favours the siting of new retail development in town centres or edge of centre locations. The development if permitted would also conflict with Policy TC1 (Enhancing the quality of the Town Centre) and Policy TC 2 (Retail Strategy for Tipperary Town) of the TTEDP 2013, as varied, which requires new retail development to be located in the town centre area. Accordingly, the retail unit for which retention permission is sought, in conjunction with existing retail development in the vicinity, having regard to the existing vacancy levels and trading patterns in the town, would have an adverse cumulative impact on the vitality and viability of Tipperary Town Centre. The proposed development would, therefore, be contrary to both national and local policies and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planner’s report dated 12<sup>th</sup> May 2023, refers to the light industrial zoning of the site under the Tipperary Town and Environs Development Plan (TTEDP) 2013 and past planning permission restricting the use of the units to retail warehousing and no subdivision/amalgamation of the units.

The planner was satisfied that the existing shop trading as a standard ‘Mr. Price’ store, primarily comprised comparison goods (excluding bulky goods) with an element of convenience goods.

The site was considered to be an out of town centre site and the development contrary to the Retail Planning Guidelines that would have an impact on the vitality and viability of Tipperary town centre. There were no servicing, parking, environmental or visual concerns to the development.

#### **3.2.2. Other Technical Reports**

None

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

None

## 4.0 Planning History

4.1. **P.A Ref: 17/600917:** Planning permission was granted in 2017 to Corajio, for the change of use of the existing 8 no. retail/warehousing units to office use. This permission was not implemented.

4.2. **P.A Ref: 08/581801:** Retention permission was granted to Flancare Ltd. for an ESB Sub-Station and adjoining switch room building to the rear of the existing building.

4.3. **P.A Ref: 08/581792:** Retention permission was granted to Flancare Ltd., for modifications to planning permission Ref. PD2/1758.

4.4. **P.A Ref: 07/581758:** Planning permission granted to Flancare Ltd., for modifications to the previously granted Ref.PD2/1696.

4.5. **P.A Ref: 06/581696:** Planning permission granted to Flancare Ltd. for 8 No. Retail Warehousing Units incl. staff areas, stockrooms, car parking and all associated site and infrastructure works. A number of conditions were attached to this permission and of relevance are the following:

Condition 6 (a): use of the proposed development restricted to retail warehousing for the sale of bulky household goods including carpets, furniture and electrical goods and bulky DIY items in accordance with Section 80 and Annex 1 of the Retail Planning Guidelines for Planning Authorities published by the Department in 2005.

Condition 6 (b): intended business activity of units to be formally agreed with the Planning Authority prior to occupation.

Condition No. 41: the proposed retail warehouses were not to be constructed or subdivided into store sizes of less than 700 m<sup>2</sup> and no amalgamation of the individual retail warehouse units to occur without a grant of planning permission by the Planning Authority or An Bord Pleanála.

Enforcement:

- 4.6. **P.A. Ref: TUD-21-150:** Enforcement Notice issued 12/04/2023 for the material change of use of part of a building from retail warehousing to use as a shop for the retail sale of goods and material change of use of part of a building from retail warehousing to use as a storage associated with the retail unit. The erection of signage to the exterior of the building.

## 5.0 Policy Context

### 5.1. Tipperary Town & Environs Plan Development Plan (TTEDP) 2013 (as varied)

- 5.1.1. As stated in the Core Strategy of the Tipperary County Development Plan (CDP) 2022, current Town Development Plans and LAPs will remain applicable until they are replaced with LAPs, in accordance with the framework and timeline as set out in Table 4.2 of the CDP. As such the Tipperary Town & Environs Development Plan (TTEDP) 2013 (as varied) is the current relevant plan.
- 5.1.2. The subject site is zoned Light Industry (LI) within the TTEDP 2013. The zoning objective for LI is to provide for light industry and employment related uses.
- 5.1.3. Relevant polices within the Plan include:

**Policy TC 1: Enhancing the quality of the Town Centre** It is a policy of the Council to strengthen the retail/commercial, residential and recreational functions of the town centre, retaining high value uses at ground floor level within the Primary Retail Area, to seek improvements to the visual quality of the town centre as part of new development and to facilitate the appropriate development of the town centre subject to compliance with the relevant development standards where applicable.

**Policy TC 2: Retail Strategy for Tipperary Town** It is the policy of the Council to encourage and facilitate the consolidation and enhancement of the retail function of the town centre and its role as a secondary service centre in the County Retail Hierarchy. In this regard the Council will implement the objectives of the South Tipperary County Retail Strategy 2010 and any review thereof, when assessing applications for new retail development.

**Policy ECON 1: Zoning of land for Employment Uses** It is the policy of the Planning Authority to ensure that sufficient lands are zoned to facilitate various types

of employment generating industries at appropriate locations having particular regard to small start up industries and new businesses requiring easy access to strategic route corridors.

## **Section 9: Development Management Guidelines**

**Policy DM 1: Development Standards** It is the policy of the Council to require all development to comply with the relevant standards identified in the Development Management of the Tipperary Town and Environs Development Plan 2013-2019.

The Land Use Zoning Matrix lists the land-use activities referred to under each zoning objective. It indicates the acceptability or otherwise (in principle) of the specified land-uses in each zone.

### **5.2. Tipperary County Development Plan (CDP) 2022-2028**

- 5.2.1. This Plan outlines a programme for the balanced and tiered growth for each of the county's settlements. Tipperary town lies within the third-tier settlement of the county's hierarchy and is a District town. The retail function of district towns are important sub-county roles, with good choice in convenience and comparison retail offer. Existing vacancy has been identified in dedicated retail warehouse parks and some shopping centres. There are established central areas with varying levels of retail vacancy and the strengthening of and environmental improvement of these will be a priority.

#### **5.2.2. Volume 1-**

### **District Towns: Strategy for Growth**

The District Towns will continue to perform an important role in the county by providing employment opportunities, high quality retail choice, regional transport services and community services for their hinterlands in line with their capacities for growth and expansion.

**Policy 4-1:** Support and facilitate the sustainable growth of the county's towns and villages as outlined in the Settlement Strategy Chapter 4, thereby promoting balanced development and competitiveness, and a network of viable and vibrant settlements to support the needs of local communities. New development will be considered in line with the following:

- (a) The provisions of the relevant Town Development Plan and LAPs as set out in Table 4.2: Framework of current Town Plans and Local Area Plans shall apply to new development in each of the towns and support the provisions of this Plan as set out in Section 4.3 Key Towns and 4.4 District Towns, until replaced by LAPs.
- (e) There shall be support for new development that will assist in the reversal of the decline of towns and villages, through the regeneration, reuse and redevelopment of existing buildings, spaces, brownfield and opportunity sites.

## **Chapter 7- Town Centre & Placemaking**

**Policy 7-4:** In line with the Retail Hierarchy, to promote a competitive and healthy environment for retailing, providing for consumer choice and maintaining the vitality and vibrancy of town centres in line with the Guidelines for Planning Authorities on Retail Planning, (DECLG 2012) and any amendment thereof. The following relevant considerations will apply:

- a) New retail development will be encouraged to locate within/adjoining the primary retail areas and/or on lands identified for town centre/village centre purposes, and in existing vacant retail units in the central area. Retail proposals outside of these locations will be required to comply with the 'sequential approach' and to demonstrate that the proposal will not adversely impact on the vitality and viability of the town centre.
- c) New retail warehouse floor space shall generally be located in or adjacent to town centre areas and within easy walking distance of the primary retail area. Proposals for new retail floorspace in other locations must demonstrate compliance with the 'sequential approach' and demonstrate to the satisfaction of the planning authority that there is a need for retail warehouse floorspace in accordance with Retail Planning Guidelines for Planning Authorities, (DECLG 2012) or any amendment thereof.

**Policy 7-D:** (a) In line with the 'Town Centre First' Policy, and a new integrated National Health Check, undertake Town Centre Health Checks of the Key Towns, District Towns and Local Towns on an annual basis.



(b) Identify vacancy reduction targets in LAPs, and support the provisions of the 'Town Centre First' policy approach in the active reuse of vacant properties in town centres.

### **5.3. Tipperary Town Collaborative Town Health Check (CTCHC) Report 2022**

- 5.3.1. The CTCHC research focused on a number of key areas including land use and vacancy in the town centre. The land use survey examined the use of ground floor space in the core town centre which included over 400 premises and provides a baseline for the town going forward. The most recent survey was conducted in January 2022 and updates a previous CTCHC land use survey from October 2021. The survey used the same methodology which enables a comparison to be made between both surveys.
- 5.3.2. The results from both surveys indicated there were a total of 73 vacant non-residential units of which 43 properties (31.2%) were vacant ground floor retail units<sup>1</sup>. There were a total of 2 storage and warehousing vacant units, and 1 industrial unit within the town centre in 2022.

### **5.4. Section 28 Ministerial Guidelines**

#### **5.4.1. Guidelines for Planning Authorities, Retail Planning 2012**

Key policy objectives include ensuring that retail development is plan-led and promotes city/town centre vitality through a sequential approach to development.

The guidelines consider that retail warehouse operations do not fit easily into town centres given their size requirements, need for good car parking and ease of servicing. It indicates that generally planned retail parks do not have any material impact on town centres provided that the range of goods is limited to bulky household goods or goods generally sold in bulk.

Where the range of goods sold from retail warehouse parks extends to the type of non-bulky durables which is more typically retailed from town centres then there is much more potential for an adverse impact on a nearby town centre. Where

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<sup>1</sup> Ground floor vacancy is calculated using land use categories: convenience, comparison and retail services.

permission is sought for a floorspace in excess of 100m<sup>2</sup> , the sequential approach to retail development shall apply.

Definitions within the guidelines include:

Out-of-centre - A location that is clearly separate from a town centre but within the urban area, including programmed extensions to the urban area in approved or adopted development plans.

District centre - Provides a range of retail and non-retail service functions (e.g. banks, post office, local offices, restaurants, public houses, community and cultural facilities) for the community at a level consistent with the function of that centre in the core strategy. They can be purpose built as in new or expanding suburbs, or traditional district centres in large cities or towns.

Convenience goods - Includes food, alcoholic and non-alcoholic beverages.

Comparison goods - includes clothing and footwear, furniture, books, medical and pharmaceutical products, bulky goods.

Bulky goods - 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 travelling 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.

## **5.5. Natural Heritage Designations**

The closest Natura 2000 sites are the Lower River Suir SAC (site code:002137) c. 6.2km to the south and 12.2m to the east of the site, and Moanour Mountain SAC (site code: 002257), 6.8km to the south west of the site.

## **5.6. EIA Screening**

The development is not a project and there is therefore no requirement to submit an EIAR, and there is no real likelihood of significant effects on the environment arising from the proposed development. Refer to Appendix 1 of this report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. Jack Stokes on behalf of the Applicant has submitted the following summarised grounds of appeal:

#### **Background**

- The Applicant provides a history of the existing premises and previous planning permissions for the premises.

#### **Zoning – Refusal reason No.1**

- Considers there is no market for retail warehousing on the site, and the proposed use is justified rather than remaining vacant.
- The Applicant has prevented leakage out of Tipperary town to other towns by offering a wider range of retail opportunities and provided a renewed interest in the site.

#### **Out of town location – Refusal reason No. 2**

- Reality is that sites and shop sizes required to accommodate HGV deliveries do not exist in Tipperary town centre.

#### **Dereliction**

- The appeal site has been vacant since its construction in 2008, and its vacancy detracts from the area.

#### **Retail Park**

- Planning Authority failed to take into account the fact the site already has a precedent for authorised retailing activities.

#### **Adjoining uses**

- Planning Authority in their assessment has failed to take into account the adjoining retail land uses, within which convenience shopping and comparison shopping are permitted within 140m of the appeal site.

## 6.2. Planning Authority Response

The P.A have reviewed the appeal submission, and have the following summarised comments:

### Background

- This is an unauthorised use and is subject to enforcement action by the P.A.

### Zoning

- A shop (neighbourhood) and supermarket are not permitted on lands zoned for light industry and employment use, and the development constitutes a material contravention of the TTEDP 2013, as varied.
- The subject units are permitted for retail warehousing units and restricted by condition for the sale of bulky household goods as specified in the Retail Guidelines.
- The Tipperary Town Shopping Centre was permitted under Pl. Ref. No. 04/470 and was assessed in accordance with the planning policy in effect at the time.
- Units 1 and 2 are not "vacant and derelict" structures as stated in the first party grounds of appeal.
- In the absence of a Retail Impact Assessment the P.A is not satisfied that the applicant has demonstrated that there are no sites within the town centre or edge of centre capable of facilitating the development.

### Out of town location:

- The Planning Authority is satisfied that the subject application was assessed in accordance with Section 28 Guidelines.

## 6.3. Observations

None

## 7.0 Assessment

- 7.1. I have examined the file and the planning history, considered and assessed local and national policies and guidance, read the First party and P.A submissions and

inspected the site. I am satisfied that the main issues raised adequately identify the key potential impacts and can be dealt with under the following headings:

- Principle of the use in this location;
- Retail Impact; and
- Appropriate Assessment.

## **7.2. Principle of the use in this location**

- 7.2.1. The proposal is for the retention of a change of use of 2 retail warehouse units to a shop for the retail sale of goods, ancillary staff canteen and shopfront signage. The site is located in an out-of-town centre location on lands zoned for 'light industrial' use under the Tipperary Town & Environs Development Plan (TTEDP) 2013.

'Permitted' uses within this land use zoning include:

- car park, cash and carry wholesale, enterprise and employment centre, light industrial, motor sales outlet, offices other than ancillary offices, recreational buildings, service garage, warehousing,

'Open for consideration' uses include:

- community facility, creche/nursery, funeral home, garden centre, household fuel depot, general industrial, petrol station, retail warehouse, veterinary surgery.

Shop (neighbourhood) and supermarket (circa 1,500m<sup>2</sup>) are not permitted on light industrial zoned lands. The zoning matrix does not therefore permit a shop on light industrial zoned lands.

- 7.2.2. Condition 6 of planning permission (P.A Ref: 06/581696) restricted the use of the development to retail warehousing and for the sale of bulky household goods only. From my site inspection the type of products sold in the appeal premises are a mixture of comparison and convenience type goods and do not fall within the definition of bulky goods as defined in the retail planning guidelines as outlined in Section 5.3 above, and as specified in condition 6 of P.A Ref: 06/581696.
- 7.2.3. It is important to have a plan led system which retains sites in the correct location to meet the needs of businesses and employers. Serviced sites close to, but not within the town centre, such as the subject site are therefore an important economic

resource. Policy ECON 1 of the TTEDP seeks to ensure that sufficient lands are zoned to facilitate various types of employment generating industries at appropriate locations. I therefore consider the site is appropriately zoned for light industrial use with large units capable of providing uses not suitable or available for employment generating enterprises in the town centre, close to a national road network, and where the activity or level of parking and deliveries would not result in a nuisance to residential amenity.

- 7.2.4. The light industrial zoning of the subject site in the TTEDP, permits for a wide range of uses as outlined in 7.2.1. I therefore do not agree with the Applicant that the zoning provides no flexibility, and that an empty building is an indicator there is no potential interest from future occupiers to use the building. I consider the retention of units 1 & 2 for retail purposes would result in the loss of an existing warehouse/office use or potential light industrial use that cannot be accommodated in the town centre and is contrary to the zoning matrix for light industrial zoned lands within the TTEDP.
- 7.2.5. In conclusion therefore, the retention of both units as a shop is contrary to the zoning of the TTEDP 2013. I would therefore agree with the P.A that the development if permitted would materially contravene the TTEDP 2013 as varied. I do not consider the development meets the criteria in Section 37(2)(b) of the Planning and Development Act 2000 as amended, to grant permission that would materially contravene the Development Plan in this instance.

### **7.3. Retail Impact**

- 7.3.1. The P.A's second reason for refusal relates to the out of town location of the site and the failure of the Applicant to provide a sequential approach or retail impact to demonstrate the development would not impact on the vitality and viability of the town centre. One of the key strategic objectives of the TTEDP is the development of a strong town centre and Policy 7-4 of the CDP seeks to promote healthy and competitive town centres, which includes prioritising and encouraging the reuse of existing vacant retail floorspace in the town centre in preference to proposals for new floor space on out-of-town centre sites, such as the subject site.
- 7.3.2. The Applicant considers the appeal site has the benefit of a retail warehousing permission, so it is not a new development or a new retail development, and therefore consider a retail impact assessment or similar study is not required.

Although this appeal is seeking a retention permission, I would not agree with the Applicant's view as the shop use is a new use on this site and contrary to the parent planning permission use for the building.

- 7.3.3. Therefore the Applicant has failed to provide a rationale or address the sequential approach to allow the development at the subject site, other than to state as follows: the appeal building has been vacant over the last 14 years, continued vacancy would cause dereliction, the lack of available units in the town centre, the presence of the adjoining shopping centre, and the renewed interest in the remaining units since occupation of the two units by the Applicant.
- 7.3.4. I acknowledge the appeal premises may have been vacant for some time however, the Applicant has not provided any evidence-based information regarding the marketing of the units/expressions of interest etc., for either warehousing, offices or alternative uses which are appropriate for the land zoning of the site. I therefore do not accept the Applicant's reasoning that the use of these premises as a shop on an out-of-town site is acceptable based on the premises being vacant. Furthermore, when I visited the site, the building appeared structurally sound, and the site did not appear in a derelict condition.
- 7.3.5. I note from the Tipperary Town Centre Health Check, 31% of the ground floor units within the town centre were vacant, and therefore I consider it even more pertinent that the sequential approach is applied as the nature of the use is such, that it is more appropriate as a town centre use. The Applicant contends they have been unable to find an appropriate building in which to operate within the town centre but acknowledge there is a vacant former supermarket in the town centre, but it is unavailable for purchase or lease since the Applicant has been searching for premises in Tipperary. Again, no evidence or verification has been submitted to reinforce this statement by way of confirmation from letting agents/owners of the supermarket building, or affidavits, for example. The Applicant has not provided a retail impact assessment, which would verify that the vacant units within the town centre are not appropriate or suitable for the use the subject of this appeal.
- 7.3.6. The Applicant asserts they have sought to operate in Tipperary Town for many years but the reality is that sites to accommodate HGV deliveries required by a store such as Mr.Price do not exist in the town centre. I would not agree with this aspect of the

Applicant's grounds of appeal. Whilst deliveries of goods can provide a challenge in a heritage town such as Tipperary, the type of goods sold in the Applicant's shop are in general not large products such as furniture, carpets etc., that would require HGV delivery trucks on a regular basis. Furthermore, innovative approaches such as making deliveries outside peak hours, smarter travel policies, reducing the use of the car within town centres etc., is not an unusual practice in towns, which makes it accessible for goods deliveries to be made to shops within the town. The majority of the goods sold by the Applicant are non-bulky items and are portable by customers travelling by foot, cycle or bus. I therefore consider the Applicant has not justified the unsuitability or unavailability of existing premises within the town centre for the retail use, given the nature of the products sold by the Applicant.

- 7.3.7. Retail policy both at national and local level supports the maintenance and expansion of the retail offer in town centres as it serves the population of the surrounding area and helps reduce the need to travel by car. Tipperary town is a district centre within the retail hierarchy of the County and as a town it is experiencing significant commercial vacancy at ground floor level. As outlined previously the level of vacancy and dereliction in the town centre is concerning, and to permit the appeal use on an out-of-town centre site would further impact on the vitality and viability of the town centre. The retail planning guidelines place a strong emphasis on the importance of a plan led system, and only in exceptional circumstances should out of town sites be considered and, only after the sequential approach has been applied.
- 7.3.8. If there is a general issue regarding the lack of demand for retail warehousing or office use floorspace in the appeal location, then the retail strategy for the county would have to be revisited. A revised strategy would then inform policies as to the extent of land and floorspace where retail is permitted. The appropriate means to do so is through the planning process set out in Part 2 of the Planning Act, rather than individual planning applications under Part 3.
- 7.3.9. In conclusion, in the absence of information regarding the retail impact of the proposed development on the town centre, and the failure of the Applicant to carry out a sequential test to justify the acceptability of the development at this out of centre location, I consider the development would be contrary to both national and local retail policy and to the proper planning and development of the area.



## **8.0 AA Screening**

- 8.1. Having regard to the nature and scale of the proposed development, the use of the premises as a retail shop, and the distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

- 9.1. It is recommended the development is REFUSED for the following reason and considerations.

## **10.0 Reasons and Considerations**

1. Having regard to the provisions of the Tipperary and Environs Development Plan (TTEDP) 2013, the retail hierarchy of the Tipperary County Development Plan (CDP) 2022, the land use zoning for the subject site, and the nature and scale of the development, it is considered the development based on the documentation submitted, would be contrary to the primary land use zoning objective for this out of town centre site, which seeks to provide for Light Industry and employment and related uses. Furthermore, the failure of the Applicant to carry out a sequential test to justify the acceptability of the development outside the designated town centre of Tipperary, and having regard to the level of vacancy within the town centre, it is considered the development would detract from the vitality and viability of the town centre, and materially contravene Policies TC1, TC2 and ECON 1 of the TTEDP 2013 and Policies 4-1 and 4-7 of the Tipperary CDP 2022 and would set an undesirable precedent and would therefore be contrary to the proper planning and development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Catherine Dillon  
Planning Inspector

21<sup>st</sup> August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP 317320-23			
<b>Proposed Development Summary</b>	Retention of change of use both Unit 1 and Unit 2 as a shop for the retail sale of goods including ancillary staff offices and canteen, along with all shopfront signage.			
<b>Development Address</b>	Tipperary Town Retail Park, Bohercrowe, Limerick Rod, Tipperary, Co.Tipperary.			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>		
		<b>No</b>	✓ No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>			Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>				
<b>No</b>			Preliminary Examination required	
<b>Yes</b>			Screening Determination required	

**Inspector:** C. Dillon

**Date:** 25/7/2024