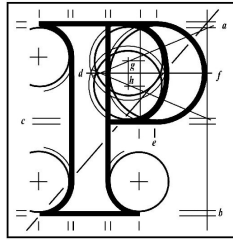


An Bord Pleanála



Inspector's Report

Development: A 5.3m x 1.9m x 2.5m high stainless steel and glass bus shelter with two 2 sqm internally illuminated display panels at the existing bus stop on Marian Road outside Rosemount Shopping Centre, Dublin 14.

Application

Planning authority: South Dublin County Council
Planning application reg. no. SD10A/0110
Applicant: Dublin Bus Ltd
Type of application: Permission
Planning authority decision: Grant, subject to 7 conditions

Appeal

Appellant: Anne Gill
Type of appeal: Third party -v- Decision
Observers: None
Date of site inspection: 16th September 2010

Inspector: **Hugh D. Morrison**

Site description

The appeal site lies within the car park to the Rosemount Shopping Centre on the western side of Marian Road. This Road runs between Butterfield Road, the R114, in the north and Ballyroan Road in the south.

The appeal site itself overlaps with a paved area associated with an existing bus stop and an adjoining car parking space. This site reflects the footprint of the proposed bus shelter and so it is of rectangular shape with an area of 10 sqm. It adjoins a pedestrian walkway through the car park between the Shopping Centre and Marian Road.

Proposed development

The proposed bus shelter would be composed of stainless steel and glass. It would be 5.3m long, 1.9m wide and 2.5m high. A double sided 2 sqm advertisement panel would be installed in its northern side elevation.

Planning authority's decision

Permission was granted subject to 7 conditions.

Technical reports

- Environment Services: no objection, and
- Roads: The benefits of the proposed development to bus users would outweigh the loss of 1 car parking space that would be incurred.

Grounds of appeal

- Road safety,
- Anti-social behaviour, and
- Visual obtrusion

Responses

None

Planning history

None

Development Plan

The South Dublin County Development Plan shows the appeal site as lying within an area zoned objective LC, "To protect, provide for and/or improve local centre facilities." Public services, which include bus shelters, are deemed to be permitted in principle within this zone. This Plan seeks public transport

improvements such as the provision of bus shelters. It undertakes to control their exact location and the number and size of advertisement panels.

Assessment

I have reviewed the proposed development in the light of the County Development Plan and the submissions of the appellant, applicant and planning authority. Accordingly, I consider that the issues raised by this appeal are as follows:

- (i) Road safety,
- (ii) Anti-social behaviour, and
- (iii) Visual amenity.

I will discuss each of these in turn.

(i) Road safety

1.1 The appellant recounts how formerly Marian Road was only served by south bound buses but that 18 months ago a north bound service was introduced, too. She draws attention to the limited width of this Road, which is such that buses passing in opposite directions can only do so with great difficulty.

1.2 I note that the bus stops on either side of Marian Road in the vicinity of the Rosemount Shopping Centre are not the subject of this application, but the proposed bus shelter only. Accordingly, I am not in a position to assess the appropriateness or otherwise of the bus stop associated with the appeal site *per se*. The effect of the bus shelter itself upon road safety is however a material planning consideration under this application.

1.3 The proposed bus shelter would be sited 1m back from the western edge of Marian Road and 24m to the south of the access road to the Rosemount Shopping Centre. This access road forms part of the one way vehicular circulation system which serves the Shopping Centre and so it provides a means of access only. Consequently, the need to safeguard a southerly sightline at the junction between this road and Marian Road does not arise. (The egress road to the circulatory system lies 82m from the appeal site and so the proposed bus shelter would not affect sightlines at the junction between this road and Marian Road). By the same token, I do not consider that the advertisement panel, which would be installed in the northern elevation of the proposed bus shelter, would be an undue distraction to road users.

1.4 The proposed bus shelter would entail the loss of one car parking space from the car park, which serves the Rosemount Shopping Centre. This car park is quite extensive and I do not consider that the loss of one space would have an appreciable effect upon its operation or on the levels of any overspill car parking that may occur from time to time in its vicinity. As this

loss would facilitate an improvement to the local public transport service in the form of bus shelter, I consider that it can be justified.

1.5 I, therefore, conclude that the proposed bus shelter would be compatible with road safety.

(ii) Anti-social behaviour

2.1 The appellant expresses the concern that the proposed bus shelter would become a venue for anti-social behaviour, which would adversely affect the amenities of residents living opposite on the eastern side of Marian Road. While the regulation of such behaviour is beyond the remit of the planning system, I do note the following factors, which would serve to limit/mitigate such behaviour:

- The appeal site lies within an open, reasonably well lit area,
- The proposed bus shelter would, itself, be illuminated, and
- Screening of dwelling houses opposite is afforded by soft landscaping in the form of roadside trees and hedgerows.

2.2 I, therefore, conclude that objection to the proposed bus shelter on the grounds that it may become a venue for anti-social behaviour is unsustainable.

(iii) Visual amenity

3.1 The appellant expresses the concern that the proposed illuminated advertisement panel would be visually obtrusive within a residential area and that the use of the proposed bus shelter would lead to unsightly litter.

3.2 With respect to the former concern, I note that the appeal site lies within a local centre and opposite a residential area. This centre is illuminated and it exhibits an array of fascia level shop signs. As noted above the presence of soft landscaping partially screens the presence of this centre from nearby housing. The proposed bus shelter would lie within the area of this centre and so I do not consider that it would add appreciably to the effect that the centre already has on the visual amenities of local residents.

3.3 With respect to the latter concern, there maybe scope to site a litter bin within the vicinity of the proposed bus shelter, e.g. either beside this shelter or on a paved area on the southern side of the adjacent walkway. The provision of such a bin would serve to minimise the incidence of litter arising from the use of the shelter.

3.4 I, therefore, conclude that, provided a litter bin is sited within the immediate vicinity of the proposed bus shelter, it would be compatible with the visual amenities of the area.

Recommendation

I recommend that the proposed bus shelter at the existing bus stop on Marian Road outside Rosemount Shopping Centre, Dublin 14, be permitted.

Reasons and considerations

It is considered that under the South Dublin County Development Plan 2004 – 2010 the proposed bus shelter would be acceptable in principle within the local centre zone and that this shelter would be compatible with the visual and residential amenities of the area, provided it is accompanied by a litter bin. The bus shelter would, therefore, accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Litter in the vicinity of the bus shelter shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the provision of a litter bin within the immediate vicinity of the bus shelter.

Reason: In the interest of visual amenity.

3. Advertising panels shall be restricted to those shown on drawing no. LMK04/01 received by the planning authority on the 28th day of April 2010, and no further advertising signs or devices shall be affixed to the shelter without a prior grant of planning permission.

Reason: In the interest of visual amenity and to avoid visual clutter on the road.

4. The shelters and any advertising panels shall be so lit as not to cause glare to users of the public road or adjacent residential properties. All such panels shall be of the static type only, and scrolling/prismatic advertisements shall not be used.

Reason: In the interest of traffic safety and residential amenity.

5. When no longer required for the use for which it was erected, the bus shelter shall be removed permanently and the pavement reinstated.

Reason: In the interest of visual amenity.

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Hugh D. Morrison
Inspector
20th September 2010