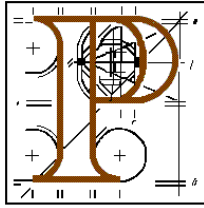

An Bord Pleanála



Inspector's Report

Development: Portable signage to front of hardware store and construction of four bays for sand, gravel and stone to the rear of the site at Ballysheedy Stores, Ballysheedy, Co. Limerick.

Planning Application

Planning Authority : Limerick City and County Council
Planning Authority Register Reference : 15/104
Type of Planning Application : Retention Permission & Permission
Applicant : John Ryan
Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellants : Pat Ryan
Type of Appeal : 3rd Party v. Grant
Observers : None
Inspector : Pauline Fitzpatrick
Date of Site Inspection : 12/01/15

Appendices

1. Photographs
2. Extracts from the Limerick County Development Plan, 2010

1. SITE LOCATION AND DESCRIPTION

The site, which has a stated area of 0.2505 hectares, is accessed from the R511 c. 4km to the south of Limerick City Centre. The site is located in proximity to the junction of the regional road and local road L1145 (Ballneety) with both the regional road and junction noted to be well trafficked on day of inspection. The 60kph speed limit applies with a continuous white line in front of the site.

The existing shop is single storey and is positioned up against the northern site boundary but set back from the roadside edge with a licenced premises fronting onto the road to the south. Vehicular access is between the two buildings facilitating access to the rear of the pub and the associated parking area although it was blocked off on day of inspection with patrons parking to the front of the shop. Open storage of materials associated with the hardware were to the front and side of the premises with mobile signage alongside the road frontage. A metal container and further storage of materials in the southern most part of the site to the rear of the public house was also noted.

There is a further hardware outlet/building supplies outlet located immediately to the south of the pub with a motor factors located at the junction of the regional road and local road. There are two dwellings opposite the site.

2. PROPOSED DEVELOPMENT

The application was lodged with the planning authority on the **24/02/15** with further plans and details received **03/09/15** following a further information request dated 15/04/15.

Permission is sought for 4 no. storage bays for sand, gravel and stone to the rear of the shop and retention permission for the portable signage to the front. The signage and display storage will be positioned so as not to interfere with sightlines

The access and shop unit have the benefit of permission under refs. 02/1481 (PL13.201126) and 03/423.

The operating hours would be in line with a regular retail unit.

Note: An objection to the proposal received by the PA has been forwarded to the Board for its information. The issues raised are comparable to those in the appeal summarised in section 5 below.

3. TECHNICAL REPORTS

The **E.E. Environment** in a memo dated **07/04/15** recommends that a waste management plan be required by way of condition.

Executive Technician Environment Section in a report dated **14/04/15** recommends FI regarding location of septic tank and percolation area on the site.

E.E. Travel and Transportation Section in a report dated **14/04/15** notes that the portable signage restricts sightlines onto the busy regional road and that pallets are being stored behind one of the signs which further restricts visibility. Parking at the development is restricted with the three spaces to the front being used for display and storage purposes. This may result in vehicles having to park on the road or reverse onto the road. Access to the rear car park was blocked off at time of site visit. A **2nd report** dated **29/09/15** following FI recommends that a condition be attached to ensure that all signage, storage or other obstacles are kept outside the visibility triangle for vehicles accessing and egressing the site and that the car parking spaces are kept free of all obstacles.

The **1st Planner's** report dated **14/04/15** (countersigned) recommends FI on sight lines available and necessity to remove portable signs to improve same, car parking to front to be kept clear of obstacles, details on the septic tank and percolation area serving the site and hours of operation. The **2nd report** dated **29/09/15** recommends a grant of permission subject to conditions.

4. PLANNING AUTHORITY'S DECISION

The PA decided to grant permission and retention permission for the above described development subject to 3 conditions including:

Condition 2: Visibility triangle and car parking spaces to be kept free of all obstacles.

Condition 3: Installation of oil separator, details of which to be submitted for agreement.

A covering letter detailed the need to meet the requirements of the Fire Authority and that any connection to water/wastewater mains requires consent from Irish Water.

5. GROUNDS OF APPEAL

The 3rd Party appeal by Pat Ryan can be summarised as follows:

- The existing access has inadequate sightlines in both directions. The site is located in proximity to a busy junction known as Spellacy's Cross.
- The site layout plan does not show a setback distance for the sightlines. It shows sightlines in a northerly direction to the centre line of the lane of oncoming traffic. It is queried why the relaxation in standards is acceptable.
- The additional traffic generated including haulage trucks would give rise to a traffic hazard and would interfere with the free flow of traffic on the regional road.
- The adjoining public house has been leased by the applicant and has reopened which has increased traffic flow to the site which, with the reduction in car parking on the site, has resulted in a traffic hazard.
- It is queried whether the site can function as both a yard and a carpark.

6. 1st PARTY RESPONSE TO GROUNDS OF APPEAL

The submission by Gleeson McSweeney on behalf of the applicant can be summarised as follows:

- Permission for the access to the site was established under planning ref. 02/1441 (PL13.201126) and the shop unit under ref. 03/423. The development has functioned without incident to date.
- The sightline to the south when exiting is 150 metres which exceeds the 90 metre requirement within a 60kph speed limit set out in NRA manual TD 41/95.
- The sightline to the north is nearly 40 metres to the near edge of the public road. The available sightline to the centre of the lane of the oncoming traffic is 83.85 metres. As there is a continuous white line at this point no traffic will be travelling in a northerly direction in the lane nearest the site.
- Condition 2 restricts obstacles in the visibility triangle and in the car parking spaces. This can be easily enforced.
- There is a large car park to the rear of the site which is rarely full to capacity. It serves the retail unit during the day and the pub at night.
- The traffic generated by the installation of 4 no. storage bays will be minimal.
- The appellant's motivation for the appeal is commercial in nature

7. PLANNING AUTHORITY'S RESPONSE TO APPEAL SUBMISSION

No further observations.

8. SECTION 131

The applicant's response to the grounds of appeal was circulated for comment by way of section 131 notice.

8.1 The PA has no further comment.

8.2 The appellant in his response notes:

- The restricted sightlines to the north are acknowledged in the response. There is no facility or design standard for measuring a sightline to the centre line of the oncoming traffic. This was not picked up by the Local Authority as it was not indicated correctly.
- The majority of patrons to the premises would be travelling from Limerick City to the north. Vehicles leaving the site have a much greater chance of interfering with the flow of traffic due to visibility. The lack of visibility is increased by the obstacles.
- The public house in conjunction with the premises subject of the appeal cause a traffic hazard with parking occurring on the road.
- The yard to the rear of the pub is used as a commercial yard as opposed to a car park for same.
- The proposal will have a detrimental effect on his business.

9. OBSERVATIONS

None

10. RELEVANT PLANNING HISTORY

The planning history relating to the site is as detailed in the planner's reports on file. Of note:

PL13.201126 (02/1481) - permission granted for construction of shop and retention of beer garden, change of use from shop to kitchen and from residential to bar, and construction of extension to bar, and installation of effluent treatment unit as per planning register reference number 97/1562. The appeal was against a condition

attached to the PA's decision requiring the omission of the shop. This omission was removed by the Board with the condition modified requiring the external finishes to match the licensed premises.

P05/399 – permission granted for retention of shop as constructed. That permitted under 02/1481 had a floor area of 138.6 sq.m. with that constructed having a floor area of 205.3 sq.m.

11. DEVELOPMENT PLAN PROVISIONS

The Limerick County Development Plan 2010 refers.

As per Table 8.2 the R511 is a strategic regional road.

Policy IN P8 – to protect the investment of the Strategic Regional Road Network, prevent the premature obsolescence of this network and maintain and improve road safety and capacity.

Objective IN O15 - prevent development involving new vehicular access onto strategic regional roads save in certain circumstances.

In terms of the Development Management requirements Section 10.6.4.4 states that there is a general presumption against shops in rural areas save with certain exceptions.

Section 10.7.1 states that the general advertising policy includes the limiting the number of signs where it is considered that they would lead to cluttered appearance at a junction or on a building and restricting the use of advertising structures on public footpaths and on road margins where they conflict with pedestrian or traffic safety or with visual amenity.

12. ISSUES AND ASSESSMENT

From the details available pertaining to the planning history on the site the existing retail unit has permission under register reference 02/1481 (PL13.201126) with permission to retain that as constructed granted under re. P05/399. The vehicular movements that would be generated by same in conjunction with that generated by the licenced premises and other commercial premises in the vicinity of the junction of the regional and local roads and the adequacy of the sight lines available would have been a consideration during the assessment of the applications. By reason of the

positive outcomes it is reasonable to surmise that traffic hazard was not identified as a material concern.

The development before the Board for adjudication is for the four storage bays and retention of portable signage. It does not pertain to any other works or use on the site. In this regard I noted a metal container and open storage of materials in the southern most part of the site behind the licenced premises.

The provision of 4 no. storage bays for materials associated with the hardware outlet in the northern most section of the car park is considered reasonable and would not, itself, bring about a material alteration or increase in the existing vehicular movements generated by the retail unit. The loss of parking spaces that would result would not give rise to concerns in terms of shortfall for either the shop or the licenced premises. The opening hours of the two uses would largely not coincide with the licenced premises peak hours being at night and weekends.

I consider that the substantive issue arising is the impact on sightlines onto the regional road. As it stands adequate sightlines are available to the south but those to the north are restricted due to the road's vertical alignment. A solid white line along the site frontage precludes overtaking. The 60 kph speed limit applies with the road noted to be well trafficked. As noted on day of inspection the area in front and to the side of the retail unit is used for display and storage purposes with one of the portable signs positioned midway along the frontage with further portable signage for both the retail unit and the licenced premises noted at the southern most corner of the site frontage. Access to the car park to the rear of the public house was blocked off by a parked vehicle. As a consequence shop patrons access and egress the site and park in a somewhat haphazard manner. Ensuring that access to the car park is available to the rear and that the parking spaces to the front are not hindered by storage/display would assist in removing any potential for conflicting movements. This can be required by way of condition.

From first principles portable signage can give a clustered appearance to a roadside and its proliferation detracts from the amenities of the area. I submit that this is a problem at this location arising from signage on the appeal site and that associated with other commercial premises in the immediate vicinity including the licenced premises. Thus in accordance with the County Development Plan's policy for advertising as set out in section 10.7.1 which seeks to limit the number of signs on road margins where they conflict with traffic safety and give rise to a cluttered appearance I would submit that 1 no. portable sign, only, should be permitted for the premises and its location restricted to either of the locations as delineated on the site layout plan.

I note that the appellant is concerned about the impact of the proposal on his business adjoining but submit that it is not the purpose of the planning process to limit competition in the retail sector.

AA – Screening

Having regard to the nature and scale of the development proposed 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.

11. CONCLUSIONS AND RECOMMENDATION

Having regard to the documentation on file, the grounds of appeal, the responses thereto, a site inspection and the assessment above I recommend that permission and retention permission be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to the planning history and established retail use on the site and to the nature and extent of the development proposed and proposed to be retained, it is considered that subject to the conditions set out below, that the development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of September, 2015 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

-
2. This grant of permission relates to the provision of 4 no. storage bays and retention of portable signage, only, and does not refer to any other structure or use on the overall site.

Reason: In the interest of clarity.

3. The 3 no. car parking spaces to the front of the shop unit and the 1 no. disabled parking space to the side as delineated on the Site Layout Plan (Drawing Number 1312-219-100) shall be kept clear of obstacles at all times and shall not be used for the display or storage of goods associated with the shop unit.

Reason: In the interest of traffic safety

4. Access to the car parking area to the rear of the retail unit and licenced premises shall be maintained and shall not be obstructed or blocked.

Reason: In the interest of traffic safety

5. One portable sign, only, shall be retained along the site frontage. Revised plans delineating the sign to be retained and its location shall be submitted to the planning authority for written agreement within one month of the date of this order.

Reason: In the interest of traffic safety and visual amenity

Pauline Fitzpatrick
Inspectorate

January, 2016