



An
Bord
Pleanála

Inspector's Report PL91.246954

Development	Retention of a vehicular site entrance at Old Road, Rathkeale, Co. Limerick.
Planning Authority	Limerick City and County.
Planning Authority Reg. Ref.	16/367.
Applicant(s)	Jimmy O'Connor.
Type of Application	Retention.
Planning Authority Decision	Refuse permission for retention.
Appellant(s)	Jimmy O'Connor.
Type of Appeal	First party versus decision.
Observer(s)	Gerard Sherriff.
Date of Site Inspection	1 September 2016.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The site is located in the town of Rathkeale, County Limerick, approximately 25km southwest of Limerick City and 11km northeast of Newcastle West. The subject site is located to the back of buildings along Main Street and accessed from Old Road. The surrounding area comprises a mixture of residential and commercial uses and is characterised by a variety of design types, styles and finishes.
- 1.2. The entrance gateway it is intended to retain is located on Old Road, an access road to St Mary's Park and Sli Na Malaoise, two housing estates of approximately 72 dwellings arranged around a looped road with vehicular access from New Road to the east and Old Road to the south. The appeal site entrance takes the form of a stone and concrete block gate pier and an approximately 2 metre high sheet metal profiled panel side hung gate.
- 1.3. Appendix 1 contains relevant site photographs.

2.0 Proposed Development

- 2.1. Permission is sought for:
 - Retention permission is sought for an approximately 4 metre wide vehicular entrance.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for retention for two reasons, summarised below:

- The development would result in a traffic hazard and interfere with the free flow of the public road because of the restricted sightlines available to traffic generated by the development.
- The site is located within Opportunity Area 6 – Infill Development on multiple plots in the backlands of Old Road and New Road as set out in the Rathkeale Local Area Plan 2012-2018, the development would be at variance with an objective to require a new building line and new street along Old Road.

3.2. Planning Authority Reports

3.2.1 Planning Report

The basis of the planning authority decision includes:

- The site is located within the Rathkeale Local Area Plan, specifically within Opportunity Area 6 and the proposal does not comply with the objectives for this area.
- The planning history of the site is assessed with reference to the current proposal. It is noted that the applicant has not outlined a requirement for the entrance gateway.
- Given the location of the entrance close to a busy junction, the proposal would result in a traffic hazard.

3.3. Other Technical Reports

No other technical reports accompanied the planning application.

3.4. **Third Party Observations**

An observation to the planning application was received from Gerard Sherriff, a resident of St Mary's Park, in which the issues raised are similar to those lodged with the Board.

4.0 **Planning History**

Appeal Site

4.1. **Planning authority register reference 16/21**, refuse retention permission for a yard for the temporary parking of a caravan together with site entrance access off Old Road, and refuse planning permission for the provision of a domestic utility building and connection to public services, for three reasons; loss of residential amenity to neighbouring dwellings, variance with Objective H6 temporary private sites for mobile homes/caravans of the Rathkeale LAP and that where sightlines are restricted a traffic hazard may result.

4.2. **Planning authority register reference 09/363**, Planning permission refused for (a) the completion of works to structure as presently built and (b) the use as a single domestic dwelling with alterations to the elevations. Permission was refused for the development of non-compliance with the zoning objective for the site, being located within a Core Retail area and as such, the development would be contrary to policy LE2: Retail Development.

Adjacent site

4.3. **Planning authority register reference 12/608, An Bord Pleanála reference PL13 .241142**, retention permission granted for changes to development as granted under

planning reference no. 08/227 including retention of site boundary, domestic storage shed and retention of dwelling.

- 4.4. **Planning authority register reference 08/227**, permission granted for the demolition of existing dwelling house and construction of new two storey house.

5.0 **Policy Context**

- 5.1. Development Plan

5.2. **Limerick County Development Plan 2010-2016**

The site is subject to zoning objective R2 – existing residential.

There are no relevant County Development Plan objectives or policies with specific reference to the development of vehicular entrances/gateways.

- 5.3. **Rathkeale Local Area Plan 2012-2018**, is the most relevant guidance document with regard to this site.

Section 10.3 Rathkeale Opportunity Areas - Area 6 – Infill Development on multiple plots in the backland of Old Road and New Road, in combination with Opportunity Area 7 – Corner infill development on junction of Main Street and Old Road, in addition to backland development potential on multiple plots.

Development potential for Opportunity Area 6 and 7

- A comprehensive masterplan will be required to demonstrate a planned, integrated scheme for the re-development of the site.
- New building lines should be created to form a new street along Old Road
- There is a presumption towards terraced developments or new urban blocks (perimeter developments enclosing private open space).

- Car parking should be provided within courtyards to the rear of the new building line and should generally not be provided on Old Road.
- Two – three storey developments are generally acceptable, Corner buildings could step up in height to three storeys.
- The area fronting onto New Road represents opportunity for infill plots for residential family dwellings.
- A modern innovative architectural style using new materials and technology would be appropriate for this site.

Appendix 1 contains relevant zoning maps.

6.0 Natural Heritage Designations

None relevant to this urban site.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- An entrance has always existed at this location.
- An entrance should form part of access to the overall landholding.
- Sightlines are not relevant in an urban context.

- The land is not yet developed and an entrance will not impact upon the delivery of the masterplan. A masterplan sketch proposal forms part of this appeal and has been submitted.

7.2. **Planning Authority Response**

The Planning Authority has no further comment.

7.3. **Third Party Observations**

An observation has been received from Gerard Sherriff a resident of St Mary's Park, in which the following issues are raised:

- The increase in traffic in the St Mary's Park/Old Road area would lead to a bottle neck, which would result to delay and access problems.
- The resulting use of alternate routes, specifically the top of St Mary's Park would lead to an increase in traffic in an area in which children play and could impact upon traffic safety.

8.0 **Assessment**

8.1. The main issues in this appeal are those raised in the grounds of appeal and the reasons for refusal, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Traffic Hazard
- Local Area Plan
- Historical Entrance to the Property
- Appropriate Assessment

8.2. Traffic Hazard

It is noted that the subject site is located in a town centre location, the principal characteristic of which is a variety of both pedestrian and vehicular entrances all crossing and converging at less than the required modern standard for sight lines for roads. This is a form of development which has developed over a long period of time and leads to a street condition which encourages vigilance and awareness from both pedestrian and driver. The flow of traffic in an urban area is self-regulating and responds to vehicle manoeuvres as residents and business users alike access their properties. This is further identified and understood by the Design Manual for Urban Roads and Streets (Department of Transport 2013), which sets out that guidance such as the Design Manual for Roads and Bridges will no longer apply to urban roads and streets. A balance must therefore be struck between safety and common sense in relation to vehicular entrances across footpaths close to junctions in a town centre setting.

It is noted that there is an existing vehicular entrance across the street from the subject site, at a point closer to the junction with Main Street. In addition, there are numerous vehicular entrances on Main Street itself, including a relatively recent mixed use development adjacent to the cinema across from the junction of Old Road with Main Street. All of this leads to the conclusion that the occurrence of vehicular entrances in close proximity to each other and junctions is a normal town centre condition and that the site entrance it is proposed to retain is acceptable. I note that there are no technical road engineering reports on the planning file which advise the planning authority to refuse permission on the grounds of traffic hazard or restrictive sightlines. Given the foregoing, I do not believe that the provision of a vehicular entrance point at this location, in conjunction with other existing vehicular entrance points in the vicinity would lead in itself to the creation of a traffic hazard and therefore recommend that permission should be granted. If the Board are minded to

grant permission, I recommend that attachment of a condition which requires the gate to swing inwards, in order to prevent an obstruction across the footpath.

8.3. Local Area Plan

The Rathkeale Local Area Plan 2012-2018 is the operative planning document for the area and in which a number of opportunity areas are outlined. In the case of the subject site, Area 6 – Infill Development on multiple plots in the backland of Old Road and New Road, the plan provides a detailed sketch proposal and a number of objectives. The planning authority refused permission based upon the reasoning that the proposed development would impact upon the delivery of the Plan and specifically the provision of a building line along Old Road. It is noted that the appellant has submitted a sketch masterplan for the lands the subject of the opportunity area which demonstrates that the area can be developed despite the existence of the entrance gateway. It is not anticipated that the retention of a vehicular entrance gate will in itself prevent the comprehensive redevelopment of the area. I do not consider therefore, that the retention of a gateway would be at variance with the aims and objectives for the area and should the site be developed in the future, the removal of the gateway would in all likelihood simply be a design consideration.

8.4. Historical Entrance to the Property

The appellant states that there has always been an entrance to the property at this location along Old Road. I cannot confirm whether or not this was the case, however, it is likely that properties along Main Street would have had rear access from Old Road or Borreen as it was known on historical maps. The precise location of an entrance cannot be determined although breaks in the building line on

historical maps may indicate entrances along Borreen. It is also noted that there are other entrances in the vicinity, which appear to have been in existence for some period of time. In any case, the existence or otherwise of an entrance at this location is irrelevant from the perspective of the matter in hand, which is to assess the appropriateness of the vehicular entrance today.

8.5. Appropriate Assessment

Having regard to the nature and scale of the development it is proposed to retain within an established urban environment, no Appropriate Assessment issues arise and it is not considered that the development it is proposed to retain 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. I recommend that retention permission be granted, subject to conditions for the reasons and considerations as set out below.

10.0 Reasons and Considerations/ Reasons

Having regard to the provisions of the Limerick County Development Plan 2010-2016, the Rathkeale Local Area Plan 2012-2018 and to the nature and scale of the development it is proposed to retain and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the development it is proposed to retain would not seriously injure the amenities of the area or of property in the vicinity. The development it is proposed to retain would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained 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.

Reason: In the interest of clarity.

2. The gate(s) to the vehicular entrance onto Old Road shall be inward opening and shall not open onto the public footpath/road.

Reason: In the interests of visual amenity and traffic safety.

3. Within six months of the date of this order the external finishes of the north western gate pier shall be the same as the south eastern gate pier in respect of colour and texture.

Reason: In the interest of visual amenity.

Stephen Rhys Thomas
Planning Inspector

4 October 2016