



An
Bord
Pleanála

Inspector's Report PL09.247615

Development	Stainless steel and glass bus shelter with two internally illuminated advertising panels.
Location	Dublin Bus Stop No. 3981, Main St., Maynooth
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	16/929
Applicant(s)	Dublin Bus
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Will Coonan and Brian Lanigan
Observer(s)	Dublin Bus
Date of Site Inspection	22 nd February 2017
Inspector	Joanna Kelly

1.0 Site Location and Description

- 1.1. The appeal site refers to the current bus stop location along the Main Street in Maynooth. There is a current Bus pole with a stand-alone electronic sign indicating next bus arrival times. The existing footpath is approx. 6m in width with an existing cycle lane (demarcated with white lines) running along the footpath with the road edge. The Main Street is characterised by commercial/retail uses and is quite busy with a notable level of traffic on the Main Street. The proposed shelter would be located to the front of Londis and McCormack's pharmacy close to the junction of the Main street with Buckley's Lane.

2.0 Proposed Development

- 2.1. The proposal provides for the provision of a bus shelter along the Main Street in Maynooth. The bus shelter would have a canopy of approx. 6.6m in length with 2 no. advertising panels the exact location of which are not indicated. Whilst no indication of materials to be used are set out on the plans submitted the public notices refer to a stainless steel construction.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission for the proposed development subject to 7 no. conditions.

Planning Authority Reports

3.1.1. Planning Reports

The planning report noted four third party submissions which raised issues, inter alia, depth of cycle and pedestrian lane; anti-social behaviour; obstruction to sightlines; et al.

The proposal will provide for an upgrading of an existing bus stop. The proposal would not detract from the existing streetscape. It was considered that the proposal

will contribute to the Council fulfilling its county development plan objectives relating to encouraging the use and enhancement of public transport facilities within the county. The planner recommended a grant of permission subject to 7 conditions.

3.1.2. Other Technical Reports

Water Services Report

There is a 150mm watermain indicated on plans running through the proposed location.

Transportation Department

No objection subject to realignment of cycle lane around bus shelter.

Conservation Officer

No Objection

Maynooth Area Office

No objection

Fire Services

No objection subject to conditions

3.2. **Prescribed Bodies**

Section 131 notices issued to Development Applications Unit, The Heritage Council and An Taisce. No responses have been received to date.

4.0 **Planning History**

4.1. There is no relevant planning history with the appeal site.

5.0 **Policy Context**

5.1. **Kildare County Development Plan 2011-2017**

Chapter 6 refers to Movement and Transport

The following policy is of relevance:

TP 1 To co-operate with national and regional bodies/agencies to promote and facilitate the implementation of a sustainable transportation strategy for the county and the wider Greater Dublin Area (GDA) as set out in Transport 21 (2006-2015), the Department of Transport's "Smarter Travel – A Sustainable Transport Future 2009-2020", the Dublin Transportation Office's strategic document "Platform for Change 2000-2016" and the finalised transportation strategy to be published by the NTA.

5.2. **Maynooth Local Area Plan 2013-2019**

Part B of this plan refers to policies and objectives.

The site is located within an ACA.

The following policies and objectives are of relevance:

TCS 7 To improve the quality of the town's streetscape by

- Promoting and encouraging high quality shop front design particularly within the ACA
- Encouraging the retention, sensitive repair and re-use of traditional shop fronts
- Reducing visual clutter by removing and preventing the introduction of poor quality projecting signage.

Section 7.5.1 refers to Public Transport

PT 5 To improve bus transport facilities throughout the town and to seek to ensure the provision of parking facilities to support tourist related uses where appropriate including bus stops and shelters. The council will seek the provision of termini close to the town centre with appropriate timetable information.

6.0 The Appeal

6.1. Grounds of Appeal

First Party Grounds of Appeal

The main points are summarised as follows:

- The bus shelter will be located outside 'McCormack's' Pharmacy and the adjoining 'Londis'.
- The application shows that the bus shelter will be located directly over the existing 1.2m wide cycle lane which runs along the pavement.
- The Council has taken the view that there is sufficient room between the buildings facing onto Main Street and the proposed bus shelter to accommodate a realigned cycle lane and pedestrian traffic.
- The importance of the cycle lane appears to have been downgraded to a low quality facility that is only used by primary school children and this space should be viewed as a shared surface.
- The downgrading of the status of the existing cycle lane is remarkable in light of the policies in the Maynooth LAP 2013-2019 which strongly support the provision of cycle lanes throughout the town.
- No consideration appears to have been given as to whether this is the correct location for a bus stop in the first instance.
- It is submitted that the current location is wholly inappropriate for a bus shelter. The applicant's drawing indicates that there will only be a distance of 3m between the rear of the proposed bus shelter and the existing buildings. Condition 6 now requires the applicant to realign the cycle lane around the rear of the bus shelter within this 3m space.
- The cycle lane will measure 1.2m wide resulting in 1.8m wide corridor for pedestrians only on this busy street.
- Photographs are submitted to demonstrate the third parties' points of appeal i.e. that there will be minimal room for pedestrians to walk in the event of the realigned cycle lane.

- Persons leaving the chemist or Londis will not be able to see oncoming cyclists. The potential for an accident is very high and is exacerbated in the case of a person exiting either shop with a buggy.
- Reference is made to a similar type bus shelter PL.29N.218959 which was refused by ABP on Howth Road on the basis that the proposed shelter would reduce the available width of the public footpath to 1.6m and would obstruct the public footpath and give rise to an inconvenience to pedestrians.
- It is submitted that this bus shelter should also be refused.
- It is further submitted that the proposed bus shelter would obstruct sightlines for vehicles accessing Main Street from Buckley's Lane. The bus shelter has panels at either end and these will contain advertising so there will be no through view for drivers, thus representing a significant traffic hazard and compromise public safety.
- McCormack's Pharmacy is located in an ACA. It is submitted that the proposed new bus shelter will significantly obscure views of the pharmacy's shopfront and therefore significantly detract from the streetscape.
- It is submitted that Maynooth has witnessed a large number of outdoor seating arrangements in recent times and these have added to active frontage along Main Street/Parson St in particular. The proposed development will impact on property value of McCormack's and Londis as it will compromise the ability of these two units to ever provide such a facility if they were to seek a change of use.
- It is requested that the proposed development be refused having regard to the proper planning and sustainable development of the area.

Planning Authority Response

- The appellant's submission substantiates the area engineer's comments relating to the cycle lane being frequently obstructed by passengers queuing for the bus.

- The proposed bus shelter has been designed to minimise any potential visual impact. Glass panels are proposed to specifically ensure that views of buildings on Main Street are not obscured. The site layout plan shows that the bus shelter will only partially sit in front of the pharmacy where it will be set apart from the shop by a distance of 3 metres.
- It is considered that no significant obscuring of the pharmacy will occur.
- No direct or indirect negative impacts will result within the wider ACA.
- It is necessary to provide high quality bus stops to attract passenger to bus services. The current situation is that people waiting for the bus are seeking shelter in the doorways of businesses.
- It is considered that the proposal accords with the proper planning and sustainable development of the area.

The Board should note that there is an internal memo that accompanies the response to the appeal from the planning authority from the area engineer. The main points set out in this memo as are follows:

- The combined 6m width of existing path is sufficiently wide to accommodate all potential users and the bus shelter in a shared space.
- The description of the cycle lane as 'low quality' is considered valid. The cycle lane markings disappear as you approach the traffic lights 30m west.
- There has been a bus stop at this location for in excess of 20 years and it is at the optimum location on the main street.
- The proposed shelter will be set back 3.4m from the road edge. This would have no effect on the available sightlines from vehicles exiting Buckley lane onto the Main Street.

7.0 Observers

7.1. Dublin Bus

- The proposed bus shelter at this very busy bus stop is badly needed. The public currently have no shelter or protection from the elements.
- It is considered that the proposal will improve the situation for customers entering both the chemist and the 'Londis' as people waiting for the bus will not have to shelter along the front of the buildings.
- As the position currently stands, a pedestrian or cyclist wanting to use the footpath has to negotiate their way through people waiting for public transport who stand randomly right across the footpath.
- By providing a designated bus shelter for the people waiting for public transport it will immediately free up the footpath area behind the shelter for the uninterrupted use of pedestrians and cyclists.
- The appellant has incorrectly stated that there will be an advertising panel at both ends of the shelter. There will only be one panel and it will be at the northern end of the proposed bus shelter and will be 1.63m set back from the kerb of the bus pull-in bay.
- The bus pull- in bay itself is 2.0m set back from the roadside kerb. In total the distance from the roadside kerb to the front of the advertising panel of the bus shelter will be 3.63m. It is proposed to position the proposed shelter 6m southwest of Buckley's Lane and will not affect the sightlines.
- It is urged that the Board uphold the grant of permission.

8.0 Assessment

Having regard to national, regional and local policies, inspected the site and immediate environs, and following examination and consideration of all the submissions and documentation on the file, I consider that the substantive planning issues pertaining to this *de novo* assessment can be encapsulated under the following heading:

- Suitability of the location for a bus shelter.

- 8.1.1. As set out in the engineer's report and pursuant to site inspection, the existing bus stop is well established at this location along the Main street in Maynooth town. The current location is in close proximity to the main public space identified in the Local Area Plan. There is current electronic signage setting out times of the next buses. The proposal provides for the provision of a shelter generally 2.4m in height and approx. 6.6m in length (overhead shelter). In principle, the proposal is acceptable.
- 8.1.2. With regard to the impact on the ACA and protected structures, the current streetscape is considered to contain shop fronts that contribute to the qualitative visual amenity. There is a notable absence of clutter due to signs *et al*, and there is a specific policy to avoid the creation of such. In this regard, whilst I have no objection to the bus shelter, I do consider that the proposed internally illuminated advertising signs will introduce inappropriate visual signs that would contribute to the creation of visual disharmony on the current main street. Whilst the Observer states only one advertising sign is being provided, the public notices refer to two and the plans are not clear as to where they are to be located. In any event, I consider that having regard to the location of the shelter in an ACA and the existing character of the streetscape that all panels should be glass. The provision of glass panels will also address the appellants' concerns about sightlines from Buckley's Lane which I do not in any event, consider an issue.
- 8.1.3. With regard to the cycle lane, this currently forms part of the public footpath. My observations along the main street would indicate that pedestrians are generally unaware of this cycle path and regularly walk within the dedicated cycle path. The lane is demarcated with two solid white lines which are faded in places. There are no cycle signs printed on the ground to highlight the lane. The existing cycle path runs along the bus stop pole and people (as evidenced in the appellants' photographs) tend to congregate in the cycle path area. I consider that the appellants' concerns are justified in that the re-alignment of the cycle path around the bus stop closer to existing doorways of commercial properties will give rise to a conflict of movements between pedestrians and cyclists. However, the current situation gives rise to cyclists diverting closer to the shopfronts to avoid pedestrians waiting for a bus and

the proposal as conditioned by the planning authority is formalising this diversion. The current footpath is typically wider than those normally found in a traditional town and residents/shoppers in the town have become accustomed to such. The concerns raised by the appellants are therefore justifiable and reasonable. However, on balance, I consider that given the current arrangement whereby cyclists have to divert currently around the bus stop if there are large numbers waiting, the proposal poses no more of a risk to public safety. The current area to the front of the bus shelter is approx. 1.4m and it would appear that this could be reduced to 1m whilst still permitting appropriate pull-in area and footpath to the front of the shelter for pedestrians to alight the bus safely. This would increase the footpath width to the rear of the shelter. It is considered that a condition to this effect should be included. I note the reference to a refusal in relation to a bus shelter in Kilbarrack, PL.29.218959. The overall width of the footpath in this instance would have been 1.6m. The proposal in this case exceeds this width. There was also a minimum provision in the development plan in that case which I am not aware of any such provision in the Kildare or Maynooth Local Area Plan.

8.2. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives.

9.0 **Recommendation**

I recommend that the proposed development should be **GRANTED** subject to the conditions hereunder.

10.0 Reasons and Considerations

Having regard to the existing established use of the current location as a bus stop along the Main Street, it is considered that, subject to compliance with the conditions set below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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 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 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. Within three months of the grant of this permission, the developer shall submit revised plans providing for
 - (a) The relocation of the bus shelter towards the public road edge;
 - (b) The omission of the advertising panels within the shelters;
 - (c) The re-alignment of the cycle path to the rear of the re-located bus shelter;
and
 - (d) The retention of at least a 2m wide pedestrian footpath for the length of the bus shelter.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development and to avoid conflict in pedestrian movements.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

Joanna Kelly
Senior Planning Inspector

28th February 2017