



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308168-20

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<b>Development</b>	Expansion of retail area, provision of an off licence area, storage area, office and all associated works
<b>Location</b>	Sean's Shop, 20 New Road/19 John's Street, Johnsgate, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	20559
<b>Applicant(s)</b>	Imporium Stores Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Neil McCarthy
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	27 <sup>th</sup> November 2020.
<b>Inspector</b>	Bríd Maxwell

## **1.0 Site Location and Description**

1.1. The appeal site 0.025 hectares comprises the ground floor retail units at 20 New Road and the adjoining 19 John's Street located within Johnsgate in Limerick City Centre. The units are located within a three-storey red brick corner property. The ground floor of no 20 New Road is occupied by Sean's Shop a local convenience store. No 19 John Street comprises a currently vacant unit last used as an internet café. Between the units on the corner is the entrance to the upper floor levels which includes the New Road Medical Clinic at 20a New Road while the upper floors over No 19 John Street appear to be in residential use. Access to the rear of the property is achieved via Quinn's lane which also serves as access to a number of residential properties. There are a number of mixed retail commercial and residential uses in the area while Saint John's Catholic Church is located to the south opposite on John Street and Saint John's General hospital is located opposite New Road to the south east. Saint John's Cathedral is located a short distance to the south.

## **2.0 Proposed Development**

2.1. The proposal involves permission for expansion of the retail area of Sean's shop into the adjacent ground floor retail unit on 19 John's Street with the provision of an off-licence area, storage area, office and w/c. It is proposed to close up 2 no windows to John's Street to provide 2 no signage areas and all associated works. The existing floor area is 132sq.m and the proposed extension area is 86sq.m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1 By order dated 19<sup>th</sup> August 2020, Limerick City and County Council issued notification of the decision to grant permission and 8 conditions were attached, including condition 2 requiring the payment of a development contribution of €6,480.75. Condition 5 Signage shall be downlit only and not illuminated outside of normal business hours. The two large signage areas on submitted plans are not permitted and reduced signage area shall be submitted for written agreement

including a photographic brochure and scaled drawings of the type of signage.

Condition 6 Off license element shall be closed by 10pm every evening.

Condition 7 Roller shutter to be internalised.

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

#### 3.2.1. Planning Reports

Planners report considers the proposal to be generally acceptable however concerns are expressed regarding signage levels. Permission was recommended subject to conditions.

#### 3.2.2. Other Technical Reports

Assistant Chief Fire Officer – Proposed works to comply with building regulations 1997-2019 and Building Control Regulations 1997-2018 as amended. Fire Safety Certificate and Disability Access Certificate required.

Environmental Services. No objection subject to condition including site specific waste management plan.

### 3.3. **Prescribed Bodies**

No submissions

### 3.4. **Third Party Observations**

Submission from Neil McCarthy, Proprietor of *Carry Out* off licence at nearby 22 Cathedral Place Limerick. Proposal would have serious impact on business and income. Area is well served with off licenses.

## 4.0 **Planning History**

**00/770159** Permission granted for store extension to rear of Sean's shop. Granted 14/6/2000.

## 5.0 Policy Context

### 5.1. Development Plan

The Limerick City Development Plan 2010-2016 (as extended) refers.

The site is within an area zoned City Centre Area CCA Objective Z01: To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the City Centre as defined in the 2030 Economic and Spatial Plan.

#### Advertising on Buildings

In general advertising on buildings should conform with the following:

- Be sympathetic in design and colour both to the building on which the signage will be displayed and the surrounding buildings etc.
- Not obscure architectural features such as cornices or window openings.
- Illuminated signs or other advertising structures will not be allowed above the eaves or parapet level on buildings in any part of the City.
- Shop front advertising should be designed as an integral part of the shop front and not left as an afterthought.
- Applications for new, or a change of use of commercial units, will be required to indicate what type of signage is proposed.

#### Shop Front Facades

##### Policy DM.3 Retention of Traditional Shop Front Facades

***It is the policy of Limerick City Council to preserve and retain traditional shop fronts in order to keep the commercial heritage and vibrancy of the City Centre intact.***

Planning control over alterations to shop fronts and facades of commercial premises is necessary in order to maintain good architectural standards in the commercial core and historic centre of the City.

##### Fascia Signage/ Illuminative/Projecting Signs

As a general principal fascia signs and projecting signs should be simple in design, not excessive in illumination or size.

***The following basic guidelines will be applied in assessing planning applications:***

- Plastic derived fascias with product advertising will not be permitted.
- Projecting signs should be of 2.4m clearance above street level.
- Internally illuminated fascias will not be permitted.
- Internally illuminated signs shall be restricted.
- Overall illumination of fascia signage or shop fronts or distinctive architectural features should be discreet and limited to spotlighting, up-lighting or disguised minimalist strip lighting.
- The use of banners, flags, billboards and other forms of commercial and cultural advertising will be strictly controlled in the City Centre and essentially restricted to those

outlets of a cultural/entertainment activity.

- Product advertising on canopies will not be permitted.
- An over-riding principle is the avoidance of visual clutter and an improvement in the quality of the commercial character of the city.
- **Security Screens**
- Security measures are an integral part of shop-front design. Consideration must be given to security measures at the design stage. It is important to strike a balance between the security needs of the shop unit and the visual impact (if any) the security method chosen will have on the appearance of the street in question.
- Planning permission is required for the erection of roller shutters.
- External roller shutters will not be permitted particularly in the City Centre.
- Box housing for shutters, mounted externally or concealed behind a large projecting fascia is a material alteration which is unlikely to be permitted in any shopping street.
- Security screens located inside the shop window or to the rear of the display area do not require planning permission as a general rule but must be visually permeable.
- Demountable metal-grills or wrought iron-work grills may also be acceptable.
- **Security Screen Check List:**
- Allow for visibility between the shop and the street.
- Provide opportunity for window shopping;
- Discourage vandalism through durable design features;
- Allow for the spill of light from the shop front onto the street;
- Provide activity and interest at the street level.

## 5.2. Natural Heritage Designations

None in the vicinity

## 5.3. EIA Screening

- 5.3.1 On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development, nature of the receiving environment no

likelihood of significant effects on the environment arises from the development. The need for environmental impact assessment can, therefore, be excluded.

## **6.0 The Appeal**

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

6.1.1 The appeal is submitted by Neil McCarthy, 15 Iona Drive north Circular Road who is the owner of the Carry out off licence nearby at 22 Cathedral Place. Grounds of appeal are summarised as follows:

- Over intensification of licensed premises in the area. In close proximity are The Carry Out, The Holy Ground, Centra and Top Service Station. There are a number of pubs in the area which also provide off licence services.
- Layout does not meet new off licence guidelines for separate standalone off licence area.
- Proposal will exacerbate traffic congestion.
- No loading bay.
- Inadequate parking access for cars.
- Rear access of the property has not been taken in charge. Antisocial behaviour an issue in the area.
- Significant level changes within the unit. Disability access is not demonstrated.
- Consent from owners of other units within the building not demonstrated.
- Previous refusal by Limerick City Council for off license within this building.

### **6.2. Applicant Response**

The response by Kildimo Planning Services on behalf of the applicant is summarised as follows:

- Reject assertion of over intensification of off-license in the area. The license for the Holy Ground has been acquired by the applicant.

- Loading bay at 20 New Road will serve the unit.
- There are no internal level changes between the units and all works will be compliance with the building and fire regulations.

### 6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

### 6.4. **Observations**

None

## 7.0 **Assessment**

- 7.1. From my assessment of the file and inspection of the site, it is my view that the key issues for this appeal relate to the appropriateness of the proposed change of use and impact on the amenities of the area. The issue of appropriate assessment also needs to be addressed.
- 7.2. As regards the principle of development in the context of planning policy and the provisions of the Limerick City Development Plan 2010-2016 (as extended) I note that on the basis of the city centre zoning objective pertaining to the site which seeks to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the City Centre, there is no objection in principle to the proposal. The existing unit is currently vacant and I noted on the date of my site visit that there are a number of vacant retail and commercial units in the local area therefore it is considered that the provision of a viable use is welcome. On the question of an excessive concentration of off license facilities in the area I note that it is outlined in the first party response to the appeal the applicant has acquired the license formerly held by *The Holy Ground* off license therefore the proposal will not result in a net increase in such facilities. As regards the potential for impact on established off license facilities I note that it is not the function of the planning system to restrict competition. Given that the proposal is an extension of the existing retail unit it is considered that the development which results in an improved retail offer is acceptable in principle.

- 7.3. As regards traffic and servicing the proposal relates to the extension of the existing retail use and it is considered that the unit is adequately serviced by way of the existing loading bay. Having regard to the established use which serves a predominantly local area, I consider that the proposal will have a negligible impact on traffic conditions in the vicinity.
- 7.4. On the issue of potential for anti-social behaviour I note that the licensing regime provides for controls over the supply of outlets in a particular neighbourhood and duplication of functions in this regard is not necessary. I consider that any wider societal issues are not matters to be addressed in this planning appeal.
- 7.5. The question of whether other owners within the building consent to the proposal is not a matter for consideration in terms of the planning merits of the proposal. As regards universal access fire safety and compliance with the building regulations and off licenses guidelines the agent for the first party has indicated the intention to comply with all relevant standards.
- 7.6. As regards the visual impact arising I would be concerned regarding the proposal to block up the two windows on the frontage to John's Street and in their place create extensive advertising signage panels. I consider that this would be entirely detrimental to the streetscape and would be at odds with the reasonable objective as set out in the Development Plan to protect the vibrancy of the city centre and provide activity and interest at street level. On this basis I consider that this element of the development should not be permitted. The detailed proposals in relation to signage and advertising and the elimination of external roller shutters in accordance with the requirements of the development plan should also be addressed. I consider that these matters can be addressed by condition.
- 7.7. On the matter of appropriate assessment having regard to the nature and scale of the proposed development and the lack of connectivity with a Natura 2000 site, I am satisfied that 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.



## 8.0 Recommendation

8.1 Having regard to the foregoing, I am satisfied that the proposed development is in accordance with the objectives of the Development Plan and that there will be no undue impact on the amenities of the locality. I recommend that the decision of Limerick City and County Council be upheld and permission granted for the reasons and considerations set out below and subject to the conditions attached.

## 9.0 Reasons and Considerations

Having regard to the established retail use on the site, to the zoning objectives for the area and the pattern of land use in the vicinity it is considered that, subject to the conditions set out below, the proposed development will not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore 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 points of detail to be agreed with the planning authority, these matters shall be subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The proposal to close up the two existing windows to John's Street and their replacement with signage areas is not permitted.
  - (b) Security roller shutters, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of open lattice type and shall not be used for any form of advertising unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

3. Details of all external signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of the amenities of the area.

4. A waste management plan including the provision for the storage, separation and collection of all waste, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the permitted use.

**Reason:** In the interest of public health and the amenities of the area.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2.000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Bríd Maxwell  
Planning Inspector  
14 December 2020