



An
Bord
Pleanála

Inspector's Report ABP-311207-21

Development	Demolition of 2 number single storey detached dwellings and proposed construction of new single storey pharmacy with ancillary café, and all associated site works.
Location	Pill Road, Carrick-on-Suir, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	201223
Applicant(s)	Jazzberry Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Patrick Lannen
Observer(s)	None
Date of Site Inspection	23 rd September 2022

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The proposed development site is located on the outskirts of Carrick on Suir, Co. Tipperary. It is within the 50 km/h speed limit zone on Pill Road (N24).
- 1.2. A small town park is located on the opposite side of the road to the north, residential development is located to the west, and a number of HSE buildings including the Carrick on Suir primary care centre, St. Brigid's Hospital, and a day care centre are located to the east.
- 1.3. The site has a stated area of 0.1 hectares and currently comprises of two vacant buildings, one of which was a former shop.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - Demolition of two existing vacant buildings.
 - Construction of pharmacy with ancillary café together with provision for part first floor storage facility.
 - A 'Click and Collect' option is proposed for both medicine and coffee services.
 - Provision of signage including a totem sign.
- 2.2. Details submitted in response to a Further Information Request included the following:
 - Revised map indicating details of landholding in ownership of Council at this location along N24.
 - Revised traffic safety details.
 - Revised surface water drainage details.
 - Lighting Proposals.
 - Revised signage details.
 - Construction Management Plan.
 - Details of floor area of buildings to be demolished.

- Proposals for dealing with noise and odour emissions.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission granted subject to 17 conditions.

- Condition 2 (i) and 2 (ii) required that the pedestrian route around the building shall be clearly demarcated and bollards or other measures included to prevent parking on the pedestrian pathway, together with signage for 'no pedestrian access' at the entry to the drive through.
- Condition 5 required that the totem sign and green cross sign on the east facing elevation were omitted.
- All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial planner's report noted that the proposal was acceptable in land use terms and that the modest scale of the development would not impact on the town centre of Carrick on Suir. Further Information was required in relation to a number of issues. The second report recommended permission subject to conditions.

3.2.2. Other Technical Reports

- The initial report from the District Engineer required Further Information in relation to a number of issues. The second report noted the Further Information responses and had no further comments.

3.3. Prescribed Bodies

- The report from the Regional Design Office considered that the site was located within the urban centre of Carrick on Suir and stated that 'we can see no conflict with potential options for the N24 Waterford to Cahir project.'

3.4. Third Party Observations

- 3.4.1. One third party objection was submitted to the Planning Authority. The issues raised are similar to those raised in this appeal.

4.0 Planning History

- 4.1.1. None relevant.

5.0 Policy Context

5.1. Development Plan

5.1.1. Tipperary County Development Plan 2022-2028

- Carrick on Suir is identified as a District Town in Fig. 2.4 Core Strategy Map.
- Table 4.2 indicates that LAP preparation for Carrick on Suir will commence in 2023.
- The Town- Profile Plan (Figure 4.8) for Carrick on Suir indicates the town boundary, compact growth area, walking and cycling distance and other relevant planning opportunities and constraints. The site is within the area identified as the 10 minute town concept.

Carrick on Suir Town Development Plan 2013

- The site is located on lands zoned for existing residential the objective of which is to preserve and enhance existing residential amenity.

- A shop is open for consideration under this land use zone.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Lower River Suir SAC
- Comeragh Mountains SAC
- Hugginstown Fen SAC

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development, the brownfield nature of the site, the site location in the built up area of Carrick on Suir, the nature of the receiving environment, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- It is the stated policy of the Carrick on Suir Development Plan to strengthen the retail/commercial core of the town. As of August 2021, there are 12 vacant commercial buildings on the main street. The current proposal is excessive in scale and disadvantages other retailers including the appellant, who have developed their businesses in line with the plan.
- Concerns in relation to traffic safety at this location on the N24.

6.2. Applicant Response

6.2.1. The response submitted on behalf of the applicant can be summarised as follows:

- The response refers to a number of decisions by ABP for similar facilities.
- It is stated that the size of the premises is modest and will have no impact on the vitality or viability of the town centre. It is also stated that the use proposed is complementary to adjoining community care developments.
- The District Engineer was satisfied with the proposals. It is expected that a high percentage of customers will walk from the primary care centre or use the drive- through facility.

6.3. Planning Authority Response

- The Planning Authority confirms that the proposal is in accordance with the land use zoning objectives for the site as set down under the Carrick on Suir Town Development Plan 2013 and the redevelopment and removal of vacancy is welcomed.
- The Planning Authority considers that all traffic and associated safety matters have been adequately examined and addressed.

6.4. Observations

- None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional, and national policies, I conclude that the key issues raised by the appeal are:

- Principle of Development
- Traffic Safety
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The main case made by the appellant is that the development is contrary to the Development Plan policy to strengthen the retail/ commercial centre of the town. It is stated that there are at least 12 vacant commercial buildings on the main street of Carrick on Suir at present. Concern is raised that the current proposal to develop a retail unit in the middle of a residential area away from all other retail development is not in line with developing a retail centre in the town and disadvantages other retailers such as the appellant, who have developed their businesses in line with the plan.
- 7.2.2. The proposed development is located on the outskirts of the town of Carrick on Suir within the 50km/h speed limit zone. It is proposed to demolish two buildings including a former shop to construct a pharmacy and café including provision for a drive through click and collect service.
- 7.2.3. The site is zoned as 'Residential' under the current Development Plan for Carrick on Suir and retail use is open for consideration under the plan. I note that the Planning Authority response considers that the proposal is in accordance with the land use zoning objectives as set out for the site under the Carrick on Suir Town Development Plan 2013, as varied. It notes that the existing buildings on the site are vacant and advises that redevelopment is welcomed. The Planning Authority does not consider that the proposal would be contrary to the proposals to consolidate the town centre in Carrick on Suir for retail and commercial development and notes that the proposal is modest in scale.
- 7.2.4. I concur with the views of the Planning Authority in relation to this matter. Furthermore, I note that the development is located adjacent to a number of HSE buildings including a hospital, day care centre, and primary care centre. I consider that the proposed use is appropriate taken together with the existing cluster of buildings associated with healthcare at this location. I also note that the Town Profile Plan (Figure 4.8) for Carrick on Suir included in the Tipperary County Council Development Plan 2022-2028 illustrates the town boundary, the relatively compact nature of the town and its suitability to support a '10 minute town concept'. This site is located within the boundary of the 10 minute town concept indicated on Figure 4.8.

As such, the site is considered to be within easy cycling and walking distance of the town.

- 7.2.5. Taken together with the permitted uses in the vicinity of the site, the modest nature and scale of the proposed development, and the proximity of the site to the town of Carrick on Suir, I am satisfied that the principle of development is acceptable at this location.

7.3. Traffic Safety

- 7.4. The site is located on the N24 within the 50 km/h speed limit zone of Carrick on Suir. A number of concerns in relation to pedestrian and traffic safety have been raised in the appeal.

- 7.5. I have examined the documents submitted with the application and the Further Information Response. I note that a Traffic and Transport Assessment was submitted with the application which indicates existing traffic flows in the area. The estimated peak traffic is expected to be at midday with 18 arrivals and departures.

- 7.6. Revised drawings were submitted in response to the Further Information Request which provided improved pedestrian priority movement together with a new turning area and arrangements for delivery vehicles. A Road Safety Audit was submitted as part of the Further Information Response.

- 7.7. I note that the report from the District Engineer and the Regional Design Office consider that the proposal is acceptable. I note that there will be future road works at this location to upgrade the N24 carriageway. I am satisfied that adequate sightlines are available and that the revised details submitted in response to the Further Information Request provide for improved traffic and pedestrian safety measures. I consider that the scale of development is modest and there will be shared trips with the existing healthcare facilities at this location. Having regard to the above, I am satisfied that the potential for traffic and pedestrian safety does not warrant a reason for refusal.

7.8. Other Matters

- 7.8.1. I note that Condition 5 of the grant of permission by the Planning Authority omitted the totem sign and the green cross sign on the east elevation. The applicant has not

appealed this condition and is agreeable to omitting the green cross pharmacy sign. It is requested that as the Board will be considering the application de nova, it is hoped that the permission will allow for a sign which is similar to the sign at the hospital.

- 7.8.2. I have examined the drawings proposed for the totem sign proposed and consider that it is excessive in height with a total overall height of 4.5m and would add to visual clutter in the area and detract from the visual amenities of this location. I note that the hospital at this location does have a totem sign, however, it is of a much smaller scale than the proposed sign.

7.9. Appropriate Assessment

- 7.9.1. Having regard to the nature and scale of the proposed development and the location of the site in an established, serviced, urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend a grant of permission for the proposed development.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Tipperary County Council Development Plan 2022-2028 and the Carrick on Suir Development Plan 2013 as amended, together with the existing cluster of healthcare facilities in close proximity to the site and the modest nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8th day of June, 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development a revised site layout shall be submitted for the written agreement of the planning authority that incorporates the following requirements:</p> <p>i) The pedestrian route around the building shall be clearly demarcated and bollards or other measures included to prevent parking on the pedestrian pathway.</p> <p>ii) Signage shall be erected at the entrance to the drive through advising of 'No pedestrian access' to prevent potential conflicts with pedestrians and drivers.</p> <p>iii) The recommendations of the Stage 1 Road Safety Audit shall be incorporated into the development design.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

4.	<p>The proposed totem sign and the green cross sign on the eastern elevation shall be omitted. Prior to the commencement of development on site, the developer shall submit full details of all signage associated with the development both on the proposed pharmacy and ancillary café and at the vehicular entrance for the written agreement of the planning authority. Any lighting of such signage shall be by means of concealed neon tubing or by rear illumination. No advertising structures or other projecting elements including flagpoles shall be permitted within the site unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed pharmacy and ancillary cafe shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

	<p>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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.</p>
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Emer Doyle
Planning Inspector

3rd October 2022