



An
Bord
Pleanála

Inspector's Report

ABP-311828-21

Development	Retention permission for signage and rear vehicular entrance with associated site works.
Location	Unit 2 Crossagalla Industrial Estate, Ballysimon Road , Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	211149
Applicant(s)	Gringle Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Gringle Limited
Observer(s)	1. Glenn Davis 2. Dan Garry
Date of Site Inspection	24 th February 2022
Inspector	Liam Bowe

1.0 Site Location and Description

1.1. The appeal site is located on the south side of the Ballysimon Road in Limerick City. The site is comprised of one unit within the Crossaglla Industrial Estate and a formerly green area to the north of this unit adjacent to the Ballysimon Road. Development in the immediate vicinity consists of a range of building types and primarily commercial units which vary in height but are generally two storeys. The Crossaglla Industrial Estate comprises of nine units of varying light industrial / commercial uses. The existing light industrial unit associated with this development is Unit No.2 with an area of 144m² and a height of 6.5m. The appeal site is enclosed along the northern boundary by a c.2m high paladin fence. The former Roadbridge HQ is immediately opposite and to the north west of the appeal site at the entrance to this industrial area from the Ballysimon Road.

2.0 Proposed Development

2.1. The site of the proposed development has a stated area of 0.1501 hectares. The development comprises the retention of signage and a rear vehicular entrance with associated site works. There are four signs for retention that includes two on the existing unit and two on the north western corner of the appeal site. The vehicular entrance for retention, in the form of a roller shutter door, and a small window for retention, are located on the northern elevation of the light industrial unit.

3.0 Planning Authority Decision

3.1. Decision

By order dated 4th October 2021 Limerick City and County Council issued a notification of the decision to Refuse Permission for the proposed development due to the nature of the works facilitating the consolidation and intensification of an unauthorised use on the site and considered that the development would injure the amenities and depreciate the value of properties in the vicinity.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The report of the Planning Officer notes the zoning provisions, the reports received and the third party submissions. The Planning Officer recommended refusal of permission consistent with the notification of decision which issued.

3.2.2. **Other Technical Reports**

Central Roads Section – States that no planning permission for this unit / site to operate as car sales and requests that a revised site layout plan be sought.

Fire Service – No objection.

3.3. **Prescribed Bodies**

TII – No observations to make.

3.4. **Third Party Observations**

Submissions on the proposal was received from Dan Garry and Glenn Davis. The submissions reflect the principal concerns raised in this appeal and these include concerns regarding alleged unauthorised uses, visual impact and precedent, devaluation of the existing units, increase in traffic activity since unauthorised use commenced, lack of sufficient legal interest to carry out the works, issues with sewerage system, fire escape issues, and concern about the removal of established estate signage and about the vagueness of what ancillary works entails in the development description.

4.0 **Planning History**

4.1. **Appeal site:**

P.A. Ref. No. 21/870: Concurrent application for permission for retention of replacement boundary with security fencing to rear of commercial units 1 to 6A including all ancillary works (further information requested 10/08/2021 – extension of time to submit further information allowed until 10/04/2021).

P.A. Enforcement Ref. No. DC – 172-20: Current enforcement for removal of hedgerow; court proceedings initiated under Section 154.

5.0 Policy Context

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

- 5.1.1. The site is zoned 'Objective ZO.4 (A) Light Industry' with the objective "to provide for light industry".

"Light industry is where the primary activity is the manufacturing of a physical product in a manner that does not impact on the amenities of the adjacent area. The following uses will be acceptable in principle in this zone: light industry; trade warehousing and distribution; wholesaling; trade showrooms; retail showrooms (where ancillary to manufacturing, fitting and trade); and incubator units. Pure retailing and retail warehousing will not generally be acceptable in these zones as indicated in Chapter 3 Economic Development Strategy."

5.1.2. Part III Development Management

Advertising Hoardings - Billboard Locations

Excessive outdoor advertising will be strictly controlled. Such advertising will not be permitted in the following locations:

- The City Centre,
- Along the frontages of the River Shannon, especially in order to preserve the river's amenity,
- In predominantly residential areas, especially on prominent gable walls.
- Where a proliferation of them already exists,
- On stone walls in suburban areas, and
- Where they may cause a road hazard.

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, and
- Applications for new, or a change of use of commercial units, will be required to indicate what type of signage is proposed.

5.2. **Natural Heritage Designations**

The site is not located within any European site. The closest Natura 2000 sites are the Lower River Shannon SAC (Site code: 002165) and the River Shannon and River Fergus Estuaries SPA (Site code: 004077) located approximately 1.8km to the north and 2.8km to the north west, respectively.

5.3. **EIA Screening**

The proposed retention of alterations to an elevation and signage at an existing unit within an industrial estate is not a class of development for which EIA is required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted by Dermot McHugh, Claire McHugh and Charlie Cox, Directors of Gringle Limited, Suite 13, First Floor, Ross House, Victoria Place, Galway. The main points made can be summarised as follows:

- Contends that the Planning Report writer appears to want a different planning application submitted.

- Contends that commercial signage and warehouse door and rear window would be acceptable under the light industry zoning in the Development Plan.
- States that a concurrent planning application has been lodged to address the fencing to the rear of Units 1 – 6.
- Highlights that there are no objections to the commercial signage and warehouse door and rear window and that both objectors have display signage promoting their business activity.
- States that the Planning Authority were informed of the intended car sales use of the unit on 3rd July 2021 under planning permission ref. no. P80/170 and that this letter was not referenced in the Planning Report.
- Alleges that the Planning Report writer has not acted responsibly in compiling her report.
- Contends that the reference to advertising on an adjacent site is unacceptable and does not relate to this planning application.
- Queries the statement in the Planning Report that enforcement proceedings should proceed without delay as the concurrent planning application under ref. no. 21/870 is at further information stage.

6.2. Planning Authority Response

The Planning Authority has not responded to the grounds of the appeal.

6.3. Observations

6.3.1. An observation on the appeal was submitted by Glenn Davis, Davis Design Print & Sign Solutions, Unit 6 Crossagalla Enterprise Centre, Ballysimon Road, Limerick and the main points made can be summarised as follows:

- Contends that the development description is not correct as the work carried out was not a replacement fence but a new boundary fence.
- States that no permission was sought to use to retain the use of the former green area as car sales forecourt / sales office / car valeting.
- Queries what the intended ancillary works are in the development description.

- Contends that issues have arisen with their sewerage system since works have been undertaken on the appeal site.
- States that the fencing has blocked fire escape routes from their building and others.
- Concerned about the implications of additional traffic within the industrial estate and contends that the fencing / parked cars obscures the view of on-coming traffic on the Ballysimon Road.
- States that the signage advertising units within the industrial estate was removed without consultation.

The observation was accompanied by photographs of the appeal site and nearby junction.

6.3.2. An observation on the appeal was submitted by Dan Garry, Garry IT Solutions LTD, Unit 1A Crossagalla Industrial Estate, Ballysimon Road, Limerick and the main points made can be summarised as follows:

- States that the current appeal is one of two current planning applications on the appeal site and neither application seeks to retain the primary use of the site as car sales.
- Highlights that planning permission is required for the use of the green area for the display and sale of motor cars.
- Concerned about the negative visual impact of the mesh fence and alleged unauthorised use of the former green area for car sales.
- Draws the Board's attention to the car valeting on the site and further intensification of use on the site.
- States that the signage advertising units within the industrial estate was removed without consultation.
- Contends that the scale of the car sales area detracts from the permitted / established uses within the industrial estate.
- Contends that his ability to service, maintain and develop his building is now restricted.

- Contends that the alleged unauthorised use of the appeal site has resulted in a significant increase in traffic in the industrial estate and is concerned about the vehicular activity along the restricted access to the appeal site between Units 1A/1B and 2.
- Contends that the Frist Party has not established sufficient legal interest in the lands that are the subject of this appeal.

7.0 **Assessment**

I consider the main issues in determining this appeal are as follows:

- Principle of development
- Design
- Other issues
- Appropriate Assessment

7.1. **Principle of development**

7.1.1. I note a number of concerns and contentions within the observations submitted to the Board on this appeal regarding alleged unauthorised uses and works on the appeal site. For clarity, the development proposed for retention under this appeal, and per the development description, is 4 no. signs, a warehouse door and a rear window. I will limit the extent of my assessment / report to these matters.

7.1.2. As stated previously, the appeal site has a land use zoning 'Objective ZO.4 (A) Light Industry' under the Limerick City & County Development Plan 2010-2016 (as extended). The objective of this land use zoning is "to provide for light industry". Therefore, I consider the principle of alterations to existing building(s) and any associated signage is acceptable, subject to compliance with the development management standards for such development outlined in Chapter 16 of the Development Plan.

7.2. **Design**

7.2.1. I note that, and as highlighted by the First Party, there are no objections to the commercial signage and warehouse door and rear window. Notwithstanding this, I

must consider whether these works comply with the relevant design and signage policies / objectives in the Development Plan.

- 7.2.2. The First Party proposes the retention of a roller shutter door and window on the northern elevation of the light industrial unit. In the context of the existing unit within a well-established industrial estate, I consider that these works are relatively minor and do not negatively impact the appearance of the existing building or neighbouring buildings.
- 7.2.3. There are separate policies for advertising hoardings and advertising on buildings outlined in Chapter 16 of the Development, both described earlier in this report. The First Party is seeking to retain 2 no. advertisement signs on the existing building. One of these (Sign no.4) is located on the northern façade addressing the Ballysimon Road and comprises 10.25m x 1m fascia board; the other of these (Sign no.3) is located on the western elevation and is a 1m x 1m projecting sign that has the primary use of alerting customers to the office / sales area from within the industrial estate.
- 7.2.4. The First Party is also seeking to retain 2 no. additional advertisement signs on the paladin fence that is located along the boundary of the appeal site adjacent to the Ballysimon Road and the access road serving the industrial estate. One of these (Sign no.1) is located on the northern elevation of the fence addressing the Ballysimon Road and comprises 6m x 0.4m advertisement board; the other of these (Sign no.2) is located on the western elevation of the fence and is a 3m x 0.4m advertisement board.
- 7.2.5. The general policy in the Development Plan for advertising on buildings is that it should be sympathetic in design and colour both to the building on which the signage will be displayed and the surrounding buildings. In relation to advertising hoardings, I note the policy to strictly control excessive outdoor advertising and the policy not to permit it where a proliferation of them already exists and / or they may cause a road hazard.
- 7.2.6. Given the scale of the sign for retention on the building combined with the two other signs for retention on the boundary fence, I consider that this would represent excessive outdoor advertising and would be unsympathetic in design to the surrounding buildings. Furthermore, I consider that the retention of all the signage at

this location would represent a proliferation of signage at this location and would be detrimental to the visual amenity of the area. I also consider that the additional signage along the boundary fence at the access to the industrial estate would be a distraction to road users along this heavily trafficked road, which is a main entry route to Limerick City, and may therefore give rise to a traffic hazard. Consequently, I consider that the retention of the signage should be refused on this basis.

7.3. Other issues

7.3.1. Traffic safety

The issue of a traffic hazard has been mentioned in both observations submitted on this appeal, but this has been in the context of a contended intensification of traffic activity as a result of alleged unauthorised uses on the appeal site. The use of the land did not form part of this planning appeal or subsequent assessment, as outlined earlier in this report. Further to this, the roller shutter door to be retained as part of the development is intended to provide internal access within the appeal site and would present no traffic safety issues.

7.3.2. Enforcement Proceedings

In relation to the issue of an alleged ongoing unauthorised use, and the alleged unauthorised fencing, it is of note that the Board does not have a role in enforcement and, in this respect, regard is had to Section 10.1 of the Development Management Guidelines 2007 which provides that enforcement of planning control is the responsibility of the planning authority.

7.3.3. Legal Interest

One of the observers contends that the First Party has not shown sufficient legal interest in the appeal site to make a planning application, however no clear information contradicting them is presented. On the basis of the information available, I am satisfied that there is no clear information presented to conclude that the applicant does not have sufficient legal interest in the appeal site and I am satisfied that the applicant has provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, this is a matter to be resolved between the relevant parties, the applicant and the local authority in this

instance, having regard to the provisions of S.34(13) of the 2000 Planning and Development Act.

7.3.4. Fire Access

Interference with a means of fire escape has been raised as an issue by an observer on the appeal. However, such issues are not a matter for planning and are dealt with under other legislative codes.

7.4. **Appropriate Assessment**

- 7.4.1. The closest European sites are Lower River Shannon SAC (Site code: 002165) and the River Shannon and River Fergus Estuaries SPA (Site code: 004077) located approximately 1.8km to the north and 2.8km to the north west, respectively. There is no known hydrological link to the river or the SAC / SPA. Given the small scale of the development, the distances involved, and the absence of any indication of a hydrological link to the European sites, it is considered that Appropriate Assessment issues can be ruled out at this stage.

8.0 **Recommendation**

I recommend that permission is refused in accordance with the following reason and considerations.

9.0 **Reasons and Considerations**

The site of the development for retention is located along a main entry point to Limerick City where it is policy to strictly control excessive outdoor advertising and not to permit it where a proliferation of them already exists and they may cause a traffic hazard. It is also development plan policy to require signage to be sympathetic in design to both the building on which the signage is displayed and the surrounding buildings. It is considered that the signage for retention would be contrary to policy in the Limerick City & County Development Plan 2010-2016 (as extended) requiring signage to be sympathetic in design to both the building on which the signage is displayed and the surrounding buildings and it is further considered that the retention of the signage would result in a proliferation of signs on this site. Consequently,

given the scale and number of signs for retention on this site, located on a heavily trafficked entry point to Limerick City and on the junction of an established industrial estate, it is considered that the signage for retention would be a distraction to road users and would be likely to give rise to a traffic hazard, would be detrimental to the visual amenities of the area and, therefore, would be contrary to the proper planning and sustainable development of the area.

Liam Bowe
Planning Inspector

12th April 2022