



An
Bord
Pleanála

Inspector's Report

ABP-315263-22

Development	Construction of a warehouse extension, 6 no. car parking bays, a loading bay and all associated site works.
Location	Ennis Enterprise Centre, Gort Road Industrial Estate, Gort Road, Dulick, Ennis, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	22660
Applicant(s)	Balloonloft Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Martin O'Malley
Observer(s)	None
Date of Site Inspection	19 th June 2023
Inspector	Eoin Kelliher

1.0 Site Location and Description

- 1.1. The subject site is situated in the Gort Road Business Park, circa 1.75km north of Ennis town centre, County Clare, on the west side of Gort Road (R458). The site is within the development boundary of the town and has a stated area of 0.175ha.
- 1.2. The site comprises Units No. 1, 2 and 3 of the Ennis Enterprise Centre, which is situated to the south of the business park. The Enterprise Centre comprises four blocks arranged along a private cul-de-sac access road. Units No. 1, 2 and 3 are contained within a block to the front of the centre, set back circa 15.4m from the main business park access road, and are accessed from the rear via a shared compound. Unit No. 3, which is to be extended, is occupied by 'NW Detailing Studio', which provides vehicle paint correction, scratch removal, valeting and car audio upgrade services. The site also includes a section of the access road serving the centre, which is flanked by footpaths and an inner strip of soft landscaping on either side. The area to the front of the site is grassed. There are 19 no. communal car parking spaces located on either side of the access road serving the centre.
- 1.3. On the opposite (south) side of the enterprise centre access road there is a similar building containing Units No. 4-6. There is an An Post Delivery Office building to the north of the site within an independent plot.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - i. Construction of a warehouse extension to light industrial Unit No. 3. The extension would be located on the west side of the unit adjoining the business park access road and has a stated floor area of 242sq.m. The design of the extension incorporates a mono-pitch roof with clerestory windows in keeping with the existing building on the site. The proposed external finishes include red brick to the road facing elevations and corrugated metal cladding to the roof.
 - ii. Minor alterations to Units No. 1 and 2. These include blocking a door opening in Unit No. 1 and removing an internal stair in Unit No. 2.

- iii. Erection of new signage boards on the front (west) elevation of the proposed extension.
- iv. Construction of 6 no. parallel car parking bays on the adjoining access road to the south of the site (3 no. on either side).
- v. Construction of 1 no. loading bay to the front (west) of the site.
- vi. All associated site development works including roads, paths, paving, parking bays, drainage, street lighting, modifications to existing ground levels and boundary treatments.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 7th November 2022 Clare County Council decided to grant permission subject to 5 no. conditions. Condition No. 1(b) states the loading bay is not authorised by the permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Report

The Planning Officer's initial report dated 12/09/22 acknowledges the existing car parking issues in the centre but states that the proposed development is unlikely to exasperate the problem, noting that 6 no. additional car parking spaces would be provided.

The Planning Officer recommended seeking further information in respect of the proposed loading bay to the front of the site, including:

- A site layout plan showing a designated loading bay which will enable the pedestrian walkway to remain unobstructed while loading / deliveries take place.
- Vehicle tracking drawings for the proposed loading bay demonstrating that movements can take place safely when vehicles enter and exit the space.

- Confirmation that the loading bay would not, when in use, obstruct sightlines for vehicles exiting the Enterprise Centre at the junction with the business park road.

Further Information

In response to the Planning Authority's request for further information the applicant proposed to omit the loading bay and submitted a drawing indicating that 70m sightlines can be obtained from the junction to the south of the site for vehicles exiting the centre.

Subsequent Report

The Planning Officer was satisfied that concerns raised in respect of the proposed loading bay would be addressed by omitting it, as proposed by the applicant and recommended granting permission subject to 5 no. conditions. The Planning Officer's recommendation is reflected in the Planning Authority's decision.

3.2.2. Other Technical Reports

Transportation and Road Design Office: Report dated 18/08/2022 does not raise any significant issues. Sets out requirements in respect of surface water drainage, waste management during the construction phase and maintaining sightlines at junctions.

3.3. **Prescribed Bodies**

Uisce Eireann: No objection.

3.4. **Third Party Observations**

6 no. third-party submissions were made in support of the application stating that the proposed development would assist with the parking situation at the centre.

A further submission made by the appellant raises issues regarding design, parking, and sightlines. The content of this submission is echoed in the grounds of appeal summarised in Section 6.1 below.

4.0 **Planning History**

Subject Site: None

Relevant Applications:

P.A. reg. ref. 21/963 and ABP ref. 312084-21: Permission granted on 4th April 2022 for the use of Unit No. 15 Ennis Enterprise Centre as a pet crematorium for domestic animals. Condition No. 2 states 4 no. car parking spaces shall be provided to serve the development, one of which shall be reserved for the carcass transportation parking vehicle.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

Under the Clare County Development Plan 2023-2029 the subject site is zoned 'Light Industry'.

Motor sales / repairs / service uses are identified as open for consideration on Light Industry zoned lands in the land use zoning matrix of the Plan.

The Plan states, *inter alia*, that the processes carried out, or the machinery/plant installed on land zoned for Light Industry must be such that they could be carried out or installed in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit.

Section A1.6.3 of Appendix 1 of the Plan sets out bicycle and vehicle parking standards for various uses. For industrial and manufacturing uses 1 no. bicycle parking space per 100sq.m and 2 no. car parking spaces per 100sq.m should be provided.

5.2. Natural Heritage Designations

The River Fergus, which forms part of the Lower River Shannon SAC (Site Code 02165), is located circa 135m west of the subject site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and small scale of the proposed development, its location within a built-up and fully serviced area, and the absence of any significant environmental sensitivity in the vicinity / any connectivity to any 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.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal against the decision of Clare County Council to grant permission. The grounds of appeal are summarised as follows:

- The proposed development is not in keeping with the symmetrical design of the enterprise centre and detracts from the properties on the opposite side of the road (Units No. 4,4a, 5 and 6).
- The removal of existing soft landscaping would be contrary to the planning authority's normal requirements.
- There is insufficient car parking in the centre; customers are parking on the footpaths and at entrances to units (photographs provided) which gives rise to a health and safety risk. The photographs included in the Council's planning report were not taken during normal business hours.
- The proposed additional car parking spaces are not sufficient as cars are already parking in the location where they are proposed.
- Entrances to Unit No. 12/12A are constantly blocked by vehicles associated with Units No. 7, 10 and 11, which are in use for automotive repairs. Much of the centre's car parking is being taken up by these businesses resulting in car parking overflow into the general areas for each unit's compound.
- Vehicles are parked long term in the common area car parking spaces. The unit to which the current application relates is for an automotive garage; concerns raised that an extension to this unit would result in further congestion.
- There are 15 no. car parking spaces in the centre. Lifford Drycleaners and Laundry has erected signs claiming that the spaces on the left side of the access road are for its customers only although they are for the use of all

tenants. Unit No. 15 is required to provide 3 no. designated car parking spaces as per a condition attached to reg. ref. 21/963, leaving a total of 5 no. common car parking spaces for the rest of the businesses in the centre.

- Units No. 4a, 6, 12, 13, 14, 18 and 19 are presently either vacant or used for storage and do not require car parking facilities. If this situation changes in the future, they may require car parking.
- The other submissions made on the application acknowledge there is currently an issue with car parking in the centre as they welcome the proposed increase in car parking.
- When the enterprise centre was constructed, there was public car parking owned by Clare County Council to the west of the centre, which is now exclusively used by 'Essilor'. This further reduced the availability of car parking in the centre.
- The roller shutter door on the west elevation of the extension is not required if the loading bay is not to be provided as per Condition No. 1(b).
- The forward building line of the extension could potentially restrict sightlines for vehicles exiting the centre / create a blind spot.

6.2. Applicant Response

No response received within the statutory timeframe.

6.3. Planning Authority Response

Refers to the considerations set out in the Planner's Report and requests that An Bord Pleanála uphold the Council's decision.

6.4. Observations

None.

7.0 Assessment

7.1. Having inspected the site and examined the application details and all other documentation on file, including the appeal, and having regard to the relevant policy, I consider the following to be the main issues to be addressed in this appeal:

- Design
- Car Parking
- Road Safety
- Other Matters
- Appropriate Assessment

7.2. Design

7.2.1. The design of the building subject to this application is mirrored by the building on the opposed site of the access road serving the enterprise centre. Both buildings are mainly characterised by their C-shaped footprint and butterfly roof profile incorporating clerestory windows and are set back from the main access road serving the business park. They are not buildings of architectural significance warranting the retention of their symmetrical arrangement. Whilst the proposed extension would result in an asymmetrical composition, it would not detract from the overall appearance of the enterprise centre. I note the extension incorporates a lean-to roof with a roof pitch and clerestory windows in keeping with the design of the existing building, and that the proposed external finishes would also match the existing building. Accordingly, I am satisfied that the design of the extension would integrate with its surroundings.

7.2.2. I am also satisfied that the relatively minor reduction in soft landscaping associated with the proposed parallel car parking spaces would not have an adverse impact on the visual amenity of the area although I acknowledge that the soft landscaping makes a positive contribution to the setting of the centre.

7.3. Car Parking

7.3.1. Whilst I note the existing car parking spaces within the centre are heavily subscribed, I agree with the Planning Officer that the proposed development is unlikely to exacerbate the current car parking situation. The submitted planning application form

states that an additional 2-3 persons would be employed on foot of the proposed development, with an estimated requirement for 2 no. additional car parking spaces; 6 no. additional car parking spaces are proposed. This is more than the County Development Plan car parking requirement for industrial uses, which requires 2 no. spaces per 100sq.m, amounting to an additional 4 no. spaces in this instance (an extension measuring 242sq.m is proposed).

7.3.2. The appellant raises issues regarding the use of existing car parking spaces for the storage of vehicles under repair. This is, however, a parking management issue as opposed to a parking provision issue. The appellant has also submitted photographs of vehicles parking on the footpath where the proposed car parking spaces are to be located. The proposal to provide formal car parking spaces at his location would prevent this type of parking from occurring and ensure that the footpath would be kept clear for pedestrians.

7.3.3. Having regard to the foregoing, I am satisfied that sufficient car parking would be provided to cater for the proposed development.

7.4. **Road Safety**

7.4.1. As per the 'Sightlines' drawing submitted with the application by way of further information, the proposed extension would not obstruct the sightlines of vehicles exiting the enterprise centre onto the business park access road. As such, I am satisfied that the proposed development would not give rise to a traffic hazard in this respect.

7.5. **Other Matters**

7.5.1. Whilst the appellant argues that the roller shutter door on the west elevation of the building is no longer necessary as the proposed loading bay has been omitted, I note the nature of the current use of Unit No. 3, which involves cosmetic repairs to vehicles and valeting services within the building. Given the location of the extension to the front of the unit, I consider it reasonable that provision be made for a roller shutter door at this location to facilitate parking vehicles inside the building for servicing. This does not entitle the applicant to use the public footpath as a loading / delivery bay. I recommend that a condition to this effect be attached to a decision to grant permission.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and modest scale of the proposed development, which comprises an extension to an existing light industrial building in a fully serviced built-up area, the distance to the nearest European Sites, and in the absence of any hydrological or other connections to European Sites, it is concluded that no Appropriate Assessment issues arise as 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. Appropriate Assessment is not, therefore, required.

8.0 Reasons and Considerations

Having regard to the zoning objective of the site as set out in the Clare County Development Plan 2023-2029, and the pattern of development in the area, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity or endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 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 particulars submitted on 13th October 2022, 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 and the development shall be retained and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The public footpath to the west of the site shall not be used for deliveries or for loading vehicles.</p> <p>Reason: In the interest of clarity.</p>

3.	<p>Drainage arrangements for the disposal of surface water shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development and in the interest of public health.</p>
4.	<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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and amenity.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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, 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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Eoin Kelliher
Planning Inspector

12th July 2023