



An
Bord
Pleanála

Inspector's Report ABP-315881-23

Development	Construction of new vehicular entrance off Main Street, provision of visitor and staff car parking facilities, construction of an extension to existing office/warehouse building and all associated site works
Location	Unit 2, Patrickswell Enterprise Centre, Patrickswell, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	22225
Applicant(s)	Seakel Communications Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Declan Bracken and Co.
Observer(s)	None
Date of Site Inspection	7 th July 2023
Inspector	Eoin Kelliher

1.0 Site Location and Description

- 1.1. The subject site is situated in Patrickswell Enterprise Centre, at the southwestern end of Patrickswell village, Co. Limerick. The site has road frontage on the south side of Main Street (R526) and is accessible from a minor access road to the west of the site serving the enterprise centre and St. Mary's Cemetery to the southeast. The M20 motorway, which bypasses the village, is located c.270m southeast of the site.
- 1.2. Patrickswell Enterprise Centre comprises a pair of light industrial units set back from Main Street with a private grassed area to the north of the units. The units are contained in a long one and a half storey building with a shallow pitched roof. Unit No. 1 is occupied by Designwise Automation Limited, a business owned by the appellants. Unit No. 2, which is the subject of this application, is occupied by Seakel Fire and Security, which provides fire safety and electronic security services. There is a shared yard to the rear of the units. To the south of the yard is a larger detached two-storey commercial building (plumbing supplier) of later construction behind which is a telecommunications mast. To the southeast and east of the site there is warehouse and a concrete yard which are accessible from the yard of the enterprise centre and Main Street. Further east again is a recently constructed community centre building. Public realm improvement works have recently been undertaken on Main Street and include a new footpath and indented parallel parking spaces to the north of the site.
- 1.3. The redline boundary of the subject site has an L-shaped configuration and comprises Unit No. 2, a portion of the yard to the rear of Unit No. 2, and the grassed area to the front of Unit No. 1 and Unit No.2. The site extends to the middle of Main Street. Unit No. 2 has a stated floor area of 276sq.m. The site has a stated area of 0.16ha.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new vehicular entrance off Main Street and the provision of visitor and staff car parking facilities in the green area to the north of the Enterprise Centre / Unit No. 1 and No. 2, and the construction of a part single storey, part two-storey extension to the front of Unit No. 2.

- 2.2. The proposed extension has a stated floor area of 201sq.m. The extension would have a flat roof with an overall parapet height of 5.7m to match the ridge height of the existing unit. The design of the extension has a contemporary appearance comprising architectural cladding externally and large windows. The extension would contain, *inter alia*, a reception area, workshop and showroom at ground level, and office accommodation at first floor level.
- 2.3. Existing connections to surface water and foul water sewers and the public water mains are to be utilised.
- 2.4. The layout of the proposed car parking area to the front of the site was modified by way of further information submitted to the Planning Authority on the 9th January 2023. The revised layout provides for a one-way access / through road with a new vehicular entrance off the minor access road to the west of the site and exiting onto Main Street via the previously proposed vehicular entrance.

3.0 **Planning Authority Decision**

3.1. **Decision**

By Order dated 2nd February 2023 Limerick City and County Council decided to grant permission subject to 9 no. conditions.

Condition no. 4(i) requires that prior to the commencement of development a revised site layout plan shall be submitted to the Planning Authority for written agreement to address the fact that the proposed access road onto Main Street was shown extending onto the public road in the application. Revised sightlines, junction radii, road markings and signage are to be included.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Initial Report

The Planning Officer's initial report recommended seeking further information regarding the following:

1. Advises that the Planning Authority is not in favour of providing a second access onto the R526 (Main Street) and that the applicant should consult with the adjoining landowner regarding the provision of joint access utilising an existing entrance.
2. Raises concerns regarding the significant removal of green space and the impact on the adjoining unit to the west; requests that the applicant submit revised proposals in this regard.
3. Seeks a Traffic Impact Assessment for the overall development and neighbouring sites, a revised site layout providing for delivery areas, electric vehicle charging points and covered cycle parking, and auto-tracking analysis.
4. Public lighting design proposals.
5. Surface water disposal proposals.

The need for Appropriate Assessment and Environmental Impact Assessment were screened out.

Further Information Submission

The applicant submitted the following further information on 9th January 2023:

1. States proposal to provide joint access with adjoining landowner was investigated but agreement between the parties could not be reached. A revised one-way system was proposed with access off the adjoining minor road to the west and egress onto Main Street.
2. Revised hard and soft landscaping proposals for the carparking area to the north of the site including a treeline along the roadside boundary.
3. Traffic Impact Assessment, revised site layout plan providing for deliveries to the rear of the site, electric vehicle charging points and covered cycle parking, and auto-track drawings.
4. Public lighting design proposals prepared by lighting consultants.
5. Surface water proposals incorporating techniques to treat, reduce and limit the discharge rate from the site.

Subsequent Report

The Planning Officer's subsequent report considered the further information acceptable and recommended granting permission subject to 9 no. conditions. The Planning Officer's recommendation is reflected in the decision of the Planning Authority.

3.2.2. Other Technical Reports

Road Section: Initial report raises concerns regarding, *inter alia*, the provision of an additional access onto the R526 (Main Street). States that the use of the existing access to the northeast of the proposed access would be acceptable if written agreement from the owner can be obtained. Recommends seeking a revised site layout plan addressing the foregoing and various parking requirements, a traffic impact assessment, and auto-tracking drawings. Further Information also sought in respect of public lighting and the disposal of surface water.

Subsequent report notes the revised site layout plan shows the proposed access road extending onto the public road. Recommends that this matter, *inter alia*, be dealt with by way of a compliance condition.

Mid-West National Road Design Office: No observations to make on the application.

Fire and Building Control: No objection in principle.

3.3. Prescribed Bodies

Transport Infrastructure Ireland: No observations to make on the application.

Uisce Eireann: States submission does not include any water services issues. Recommends standard conditions.

3.4. Third Party Observations

1 no. third party observation on the application was made by the owners of Unit No. 1, Patrickswell Enterprise Centre. The contents of this submission are largely echoed in the appeal summarised under Section 6.1 below. The following matters were also raised:

- The proposed development would lead to the loss of light, overshadow and overlook Unit No. 1.
- Parking, loading and turning provision for Unit No. 1 would be impacted if planning is granted.
- Noise and disturbance will make it impossible for Unit No. 1 to operate.
- Site notices not in place on the date indicated on the notice.

4.0 Planning History

Subject Site: None.

Surrounding Sites:

P.A. reg. ref. 21/574: Permission granted 26th July 2021 for an existing telecommunications support structure previously granted under ABP ref. PL13.239048 together with associated ground equipment cabinets to the rear (southeast) of the Patrickswell Enterprise Centre.

P.A. reg. ref. 21/526: Permission granted 13th July 2021 for the construction of a two-storey multi-purpose community building fronting Main Street on a site circa 27m east of the subject site.

P.A. reg. ref. 16/8005: Part 8 proposal for Patrickswell Village Improvement Scheme / public realm enhancements approved in 2016.

5.0 Policy Context

5.1. Limerick County Development Plan 2022-2028

The current County Development Plan identifies Patrickswell as a Level 4 Large Village (>500 population).

The Plan states Local Area Plans will remain in place and will be revised in accordance with the requirements of the Planning and Development Act 2000 (as amended) for, *inter alia*, the settlement of Patrickswell.

Section 11.8.3 sets out car and bicycle parking standards for various classes of development.

5.2. Patrickswell Local Area Plan 2015-2021 (extended to March 2024)

The Patrickswell Enterprise Centre is zoned 'Enterprise and Employment' in the LAP. The LAP states the following in respect of this zoning objective:

"It is envisaged that these lands will accommodate high quality and sensitively designed enterprise and employment development and complementary uses as indicated in the zoning matrix. The form and scale of development on these sites shall be appropriate to their location having regard to surrounding land uses and scale."

Objective ED1 of the LAP states proposals for new industrial and enterprise development or extensions to existing industrial development will be permitted where it is clearly demonstrated that the proposal:

- a) is located on appropriately zoned land;
- b) is appropriate to the respective area in terms of size and the type of employment generating development to be provided;
- c) would not result in adverse transport effects;
- d) would have no significant detrimental effect on the surrounding areas or on the amenity of adjacent and nearby occupiers; and
- e) can be serviced efficiently and economically.

Objective ED2 of the Plan requires that sufficient land be reserved around the site boundaries of industrial, enterprise or distribution activities to accommodate landscaping to soften the visual impact and reduce the biodiversity loss of the development.

Objective T1 seeks to improve accessibility; reduce dependence on private car transport and encourage the use of energy efficient forms of transport and alternatives to the private car.

5.3. Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal against the decision of Limerick City and County Council to grant permission made by the owners of Unit No. 1, Patrickswell Enterprise Centre. The grounds of appeal can be summarised as follows:

- The proposed development makes no reference to a right of access to the main entrance of Unit No. 1 provided by the pathway on the site of the development.
- The plot of land / green area on which the main entrance to Unit No. 1 is located was sold to the owner of Unit No. 2 without any consultation with the appellants.
- The green area was sold to the applicant by the Patrickswell Community Council without consulting the appellants. A councillor that advocated for the planning application is the son of the chairman of Patrickswell Community College. A conflict of interest arises in this regard.
- Many fine tree specimens on the green space were subsequently removed during which time the main entrance to the front of Unit No. 1 was blocked and damage done to manhole covers, brick verges and the lawn.
- The proposed development would result in the loss of amenity and green space.
- Public parking spaces would be lost to provide access to private carparking spaces for Unit No. 1.
- The proposed access in front of Unit No. 1 precludes it from expanding in the same manner as Unit No. 2 and would, therefore, devalue it.
- The proposed new access road is circa 1.6m from the main entrance door to Unit No. 1 which opens outwards; this is likely to result in a traffic hazard as pedestrians would step out onto the access road.

- Parking of Seakel branded vehicles in front of Unit No. 1 would diminish the view / presence of Unit No. 1 from the public road as demonstrated by previously erected illegal signage.
- Unit No. 1 already suffers a loss of privacy due to cameras erected on Unit No. 2.
- Claims of antisocial behaviour / intimidation on the part of the applicant.

6.2. Applicant Response

The applicant responded to the appeal by letter dated 22nd March 2023. The response can be summarised as follows:

- The right of access to Unit No. 1 is to the rear and not the front of the building as stated in the appeal. The door to the rear of Unit No.1 is an emergency exit and not the main entrance to the unit as stated.
- There can never be an equal opportunity for Unit No. 1 to expand as the land to the rear of the units is fully owned by Unit No. 2. The devaluation of Unit No. 1 in this respect is not a relevant planning consideration. The applicant has no objection to Unit No. 1 building on its own land.
- The proposal complies with Phase 2 of the Patrickswell Village Renewal Scheme. There is allocated car parking provided to the front of Unit No. 1 and Unit No. 2.
- The temporary Seakel signage to the front of the site was removed as requested by the Council.
- The conflict-of-interest issue raised in the appeal is of no relevance to the application.
- Seakel is headquartered in Unit No. 2 and has outgrown the existing premises; the only parking associated with the unit is to the front of the building which is insufficient for current staff levels. Seakel wishes to remain in its current location and provide for the growth of the company with adequate space within which to operate.
- The cameras erected on Unit No. 2 do not record imagery of Unit No. 1.

- The site notice included in the appeal relates to another application within the enterprise centre.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. The main issues to be addressed in this appeal relate to:

- Access and Parking
- Amenities of Adjoining Properties
- Appropriate Assessment
- Other Matters

7.2. **Access and Parking**

7.3. I note pedestrian access to the entrance door to the reception of Unit No. 1, which is located on the northern façade of the building, would be maintained by way of a new footpath extending from the minor road to the west of the site to the proposed main entrance in the extension to Unit No. 2. As such, the appellants would not be disenfranchised by the proposal once it has been completed. I also note that a 610mm high vehicle restraint barrier is to be installed between the proposed access road and the footpath (drawing titled 'Drainage Details' – Dwg. No. 120-RevA1 refers). I am satisfied, therefore, that there is no risk of pedestrians stepping out into the access road at the entrance to Unit No. 1 and that a traffic hazard would not arise.

7.3.1. The proposed vehicular access and car parking layout, as modified by way of further information submitted with the application, comprises a one-way carriageway with access off the minor access road to the west of the site and egress onto Main Street at a point where parallel on-street carparking is provided. As noted in the appeal, the

proposed egress onto Main Street would result in the loss of public on-street carparking (the approved Part 8 public realm works provided for 3 no. parallel car parking spaces to the north of the subject site). The Planning Authority did not raise any objection to same although I note pre-planning correspondence on file recommends locating the proposed vehicular entrance on Main Street as far east as possible so as not to interfere with the provision of spaces as part of the Part 8 works. The loss of on-street parking would not, in my view, give rise to adverse traffic impacts, given the peripheral location of the parking spaces at the western end of the village; I also note that 15 no. car parking spaces and 1 no. accessible parking space are to be provided on the opposite side of the road as part of the Part 8 scheme. Furthermore, I consider the provision of off-street carparking appropriate at this location given the need for staff car parking to serve the proposed expansion of the unit. The detailed design of the egress onto Main Street should be dealt with by way a compliance condition as the recently completed on-street parking to the north of the site will need to be reconfigured to accommodate the egress.

- 7.3.2. Notwithstanding the foregoing, I do have reservations regarding the extent of car parking proposed (8 no. standard spaces and 1 no. accessible space as per the revised proposals submitted by way of further information). The submitted site layout plan indicates 4 no. existing spaces in the yard to the south of the unit. The submitted Mobility Management Plan envisages 12 no. staff would be employed at the facility with the remaining staff based on the road. The MMP sets a target of 1 no. single occupancy and 4 no. shared occupancy car-based journeys, with the remainder of on-site staff walking, cycling, or travelling by bus. This would suggest a target requirement for 3 no. staff car parking spaces. The MMP indicates a requirement for 7 no. staff spaces for the existing facility based on current travel behaviours.
- 7.3.3. The MMP states based on the provision of 326sq.m of office space and 150sq.m of warehouse space 12 no. car parking spaces are required (based on the previous County Development Plan parking standards in force at the time). The current City and County Development Plan, however, stipulates maximum car parking standards of 1 no. space per 150sq.m of office space and 1 no. space per 50sq.m of retail warehousing (Table DM9(b) refers). The City and County Development Plan does not stipulate car parking standards that align with the exact nature of the subject land

use / business activity. The foregoing standards would allow a maximum of 5 no. car parking spaces to serve the expanded business.

- 7.3.4. Having regard to the foregoing I recommend that a maximum of 5 no. standard carparking spaces and 1 no. accessible carparking space be provided in the area to the north of the site in the interest of promoting sustainable modes of transport. I consider it reasonable to allow for the retention of the 4 no. parking spaces to the south of the unit for ancillary purposes such as overnight storage of company vehicles. This matter should also be dealt with by way of a compliance condition.

7.4. Amenities of Adjoining Properties

- 7.4.1. Units No. 1 and No. 2 were originally designed to front onto a shared car parking area to the south of the units, as can be seen in historical aerial photography (OSI 1995). Unit No. 1 provided pedestrian access to a door to the rear of the unit in the intervening period. The proposed development would improve the relationship between both units and Main Street by providing desirable building frontage in the form of a contemporary extension and pedestrian access from Main Street. In this regard I note the design of the community centre to the east of the subject site which comprises a contemporary two-storey building of a similar design to the proposed extension.
- 7.4.2. Whilst I acknowledge the removal of the existing trees on the site has had a negative visual impact on the interface between the enterprise centre and Main Street, I note that 6 no. trees are to be planted in a grassed area along the roadside boundary which would, in the medium to long-term, provide for an acceptable level of screening and soft landscaping.
- 7.4.3. Furthermore, the loss of green space within a small enterprise centre would not, in my view, seriously injure the amenities of the users of the enterprise centre.
- 7.4.4. The appellants raise concerns regarding their privacy already being compromised by existing CCTV cameras installed on Unit No. 2. The applicant has indicated in its response to the appeal that the cameras do not record imagery of Unit No. 1. This issue is, however, a civil matter outside the scope of a planning assessment.
- 7.4.5. I am satisfied that the proposed development would not give rise to adverse overlooking impacts on Unit No. 1 given the commercial nature of their uses. I am

also satisfied that no adverse or overshadowing or noise impacts would arise during the operational phase of the development. Potential impacts on the operations of Unit No. 1 during the construction phase can be dealt with by way of a Construction Management Plan, as conditioned by the Planning Authority.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the scale and nature of the proposed development, its location in a fully serviced and built-up area, and the distance to the nearest European sites and the absence of known pathways to European sites, it is considered that the development would not be likely to have a significant effect individually, or in combination with other plans or projects, on a European site. Accordingly, Appropriate Assessment is not required.

7.6. Other Matters

- 7.6.1. The grounds of this appeal largely relate to the fact that the green area to the north of the enterprise centre was sold to the applicant without affording the appellants an opportunity to purchase the land, and the circumstances under which the land was sold. This is not, however, a consideration which has a bearing on the proper planning and sustainable development of the area. The applicant is the legal owner of the site, which is in a serviced urban area. The proposed development accords with the land use zoning objective for the site, would not give rise to adverse impacts on the amenities of adjacent or nearby occupiers, and would provide for the expansion of an existing employment generating business in Patrickswell. I am satisfied, therefore, that the proposed development compiles with the Limerick City and County Development Plan 2022-2028.
- 7.6.2. The proposed development does not comprise freestanding signage to the front of the site that would impact on the visibility of Unit No. 1 from Main Street. The erection of signage on the site without the benefit of planning permission is an enforcement matter for the Planning Authority. The drawings submitted with the application indicate signage in the form of individual freestanding letters (Seakel) mounted on the roofs of the 2 no. single storey elements of the extension. The proposed signage would be in keeping with the overall design of the extension and would not detract from the adjoining unit or the streetscape.

8.0 Recommendation

- 8.1. I recommend permission be **GRANTED** for the reasons and considerations set out below subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the 'Employment and Enterprise' zoning of the site as set out in the Patrickswell Local Area Plan (extended to March 2024), and the nature and scale of the proposed development, it is considered that the proposed development would be in keeping with the pattern of development in the area and would not seriously injure the amenities of adjoining properties 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.

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 9th day of January 2023, 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>A maximum of 5 no. standard car parking spaces and 1 no. accessible car parking space shall be provided in the proposed carparking area to the north of the site.</p> <p>Reason: To promote sustainable modes of transport and travel patterns.</p>
3.	<p>The access road serving the proposed development including the setting out of entrances, paving and surface finishes, signage and lighting, and</p>

	<p>any modifications required to the public roadway on foot of the proposed works, shall be carried out and completed in accordance with the requirements of the planning authority.</p> <p>Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, detailed drawings and specifications in this regard.</p> <p>Reason: In the interest of traffic safety and orderly development.</p>
4.	<p>Drainage arrangements, including the attenuation and 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>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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 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 proposed development, including noise, dust, vibration, and traffic management measures.</p> <p>Reason: In the interest of public safety and amenities.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the development in</p>

	<p>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

22nd August 2023