



An
Bord
Pleanála

Inspector's Report

ABP-319787-24

Development

Remove hedge and erect a 2.50m high steel fence along Ballysimon Road, installation of a roller shutter door to rear of unit no. 2 and permission to plant a landscape scheme along and to construct modifications to the existing 2.50m high steel fence along the Ballysimon Road, to construct 4 no. Kitchen Hub Units and associated signage, and a vehicle access road, turning area and parking in the forecourt area to Ballysimon Road and all associated ancillary site development works.

Location

Units 1B 2 + 3 Crossagalla Industrial Estate, Crossagalla Tld, Ballysimon Road, County Limerick.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2360443

Applicant(s)

Gringle Limited

Type of Application

Retention and Permission.

Planning Authority Decision

Type of Appeal	Third Party
Appellant(s)	Dan Garry and Glenn Davis
Observer(s)	Pat O'Hare
Date of Site Inspection	23 rd September 2024.
Inspector	Oluwatosin Kehinde

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1.0 Site Location and Description

- 1.1. The appeal site is located on the south side of the Ballysimon Road in Limerick City. There are a number of light industrial units on the site. 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 Crossagilla Industrial Estate comprises of units of varying light industrial / commercial uses.

2.0 Proposed Development

- 2.1. Permission is sought to retain the removal of the hedge and the erection of a 2.50m high steel fence along the Ballysimon Road, the installation of a roller shutter door to rear of unit no. 2, the operation of a car sales business and associated signage in part of unit no. 2 and car display area in part of forecourt area to Ballysimon Road and all associated ancillary site development works.
- 2.2. Permission is also sought to plant a landscape scheme along and to construct modifications to the existing 2.50m high steel fence along the Ballysimon Road and to construct 4 no. Kitchen Hub Unit (total area approx. 370sq.m.) and a vehicle access road, turning area and parking in the forecourt area to Ballysimon Road and all associated ancillary site development works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) decided to grant permission subject to 12 conditions, which were mostly standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- There were two planning reports prepared by the Planning Officer (PO) to determine a grant of permission for the development. The first report dated

15th of August 2023 established the compatibility of the development with the zoning objective of the area and assessed the development works and use elements of the development. Additional information was sought relating to issues of traffic movements, water drainage and landscaping.

- The PO also carried out a preliminary EIA examination and concluded that the development is not a type of development provided for under schedule 5 of the Planning and Development Regulations 2001 (as amended). And as such a screening determination is not required.
- The second report dated 25th of April 2024 assessed the response by the applicant and the PO was satisfied that the issues had been addressed. It was then recommended that planning permission be granted.
- An assessment of the need for AA was carried out and it concluded that the development would not exercise a significant effect on the conservation status of any SAC or SPA and as such an Appropriate Assessment is not required.

3.2.2. Other Technical Reports

- Road Section – Report dated report dated the 16th of April 2024 recommended an approval subject to conditions.

3.3. Prescribed Bodies

- Health Service Executive (HSE) – Report dated 24th of July 2023 requested that the applicant contact the Environmental Health Service regarding any structural hygiene requirements.
- Uisce Eireann – Report dated 5th of August 2023 recommended no objections subject to conditions.
- Transport Infrastructure Ireland (TII) – Report dated 10th July 2023 offered no observations to the development

3.4. Third Party Observations

Three third party observations were received by the PA and summarised as follows:

- Unauthorised use of the site and intensification of works
- Development contrary to Objective ECON O17 and the requirements of Table DM6 of the city and county development plan.
- Sufficient legal interest has not been demonstrated
- Fencing should be splayed and set back from the entrance.

4.0 Planning History

- PA Reg. Ref. 21/1149: Permission refused for signage and the installation of rear access point for vehicles to industrial unit by means of warehouse door and rear window, including all ancillary works
- PA Reg. Ref. 21/870: Permission refused for replacement boundary with security fencing to rear of commercial units 1 to 6A including all ancillary works.
- Enforcement proceedings under DC-172-20 for removal of hedgerow.

5.0 Policy Context

5.1. Development Plan

The Limerick Development Plan 2022-2028 is the statutory plan for the area.

The appeal site is zoned Enterprise and Employment - To provide for and improve general enterprise, employment, business and commercial activities.

Section 5.8 of the development plan covers Enterprise and Employment strategy for the county and Objective ECON O17 states:

It is an objective of the Council to:

- a) Promote, facilitate and enable a diverse range of employment opportunities by facilitating appropriate development, improvement and expansion of enterprise and industry on appropriately zoned lands, accessible by public and sustainable modes of transport, subject to compliance with all relevant Development Management Standards and Section 28 Guidance at Strategic Employment Locations and other appropriately zoned locations in a sustainable manner.
- b) b) Facilitate and support Limerick City Centre, University Hospital Limerick, Raheen Business Park, the National Technology Park, Higher Education Institutes, Public Hospitals, Dock Road, Northside Business Campus, Opera Centre and Cleaves Site as Strategic Employment Locations, identified in accordance with the Limerick Shannon Metropolitan Area Strategic Plan

Table DM 6 of the development plan provides for design guidelines for High Tech/Manufacturing, Warehousing, Business Park, Enterprise and Employment Centres.

5.2. Natural Heritage Designations

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

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of 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 at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The development has not addressed the requirement of Table DM6: Design Guidelines for high Tech/manufacturing, Warehousing, Business Park, Enterprise and Employment contained in the City and County Development Plan 2022-2028 of Limerick.
- The introduced mesh fencing and expansion of the industrial uses represents a significant departure and constitute visual intrusion on a primary approach into the city.
- The landscaping scheme will not reduce or soften the visual impact on the approach road to the city.
- The development is building forward of the established building line.
- The additional structures fronting the Ballysimon Road the car parking detracts from the established industrial uses and devalues the units. The introduction of bin storage to the front of the site further reduces the visual amenity.
- The increase of traffic by the development has the potential to create a traffic hazard. No traffic impact assessment or Road Safety Audit accompanied the planning application and therefore no analysis of the development impact regarding traffic has been carried out.
- There are no footpaths accessing the site with patrons of existing takeaways operating on site are walking in an uncontrolled manner. Having regards to vehicular movements, there potential for pedestrian safety.
- The applicant has not established sufficient interest in the lands within the appeal site.

6.2. Applicant Response

- All car sales activity has been eliminated from the site and the current use focuses on a more commercial uses and thus addressing concerns of the previous site activities.
- The development incorporates a contemporary design enhancing the visual appeal of Ballysimon Road. The development introduces facades and landscaping that significantly enhances the aesthetic value of Ballysimon Road.
- Improvising the site with the high quality commercial spaces align with the objective of the Limerick Development Plan with the development catering to the operational needs of modern businesses reflecting the development plan's emphasis on economic vitality and efficient use of land.
- The bin store is screened with shrubs and other vegetation, blending with the overall site and minimising negative visual impact.
- Extending the building line forward maximises the use of space and it creates a cohesive frontage along Ballysimon Road.
- PA conditions 5 and 6 addresses all traffic concerns.
- Legal letter confirming that Gringle Ltd is the rightful owner of the site

6.3. Planning Authority Response

- No response received by the PA

6.4. Observations

- Objecting to a section of the fence for safety issues and devaluing the look of the estate entrance.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the

site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Table DM6 – Design Guidelines
- Traffic
- Landscaping
- Legal Interest

7.2. Principle of Development

- 7.2.1. The site is located within an area zoned for enterprise and employment – To provide for and improve general enterprise, employment, business and commercial activities. Light industrial use is generally considered acceptable and I am satisfied that the proposed development represents an appropriate use of the site.

7.3. Table DM6 – Design Guidelines

- 7.3.1. I note that in the grounds for appeal by the third party, it is stated that the development does not meet the requirements of Table DM6: Design Guidelines for high Tech/manufacturing, Warehousing, Business Park, Enterprise and Employment contained in the City and County Development Plan 2022-2028 of Limerick. Under Table DM6, the guide sets out the considerations for developments on enterprise and employment zoned lands. The applicant, in a further information response to the PA. dated 03rd of April 2024 provided a table demonstrating compliance with Table DM6 and I am satisfied that the development is consistent with the requirement of Table DM6.
- 7.3.2. The design of the proposed building is in keeping with the architectural language of the site and the elevational treatment and materials will also be similar to existing structures. The proposed use of the building is in accordance with the zoning objective of the area. A bin storage area is to be located to the north of the site and housed in a blockwork structure similar in form and finishes of the proposed building.
- 7.3.3. Having regards to the design, scale and setting of the proposed development I consider that the structures proposed will not detract from the character of the area and will not have a negative visual impact on the existing developments in the area.

7.4. Traffic

- 7.4.1. The proposed development includes 4 no. kitchen hub units and access to the site is via the existing entrance. Car parking and circulation space associated with the development is to be provided. The Roads Sections of the PA, in their report dated 16th of April 2024 stated their concern of the absence of road markings and signage that can promote unpredictable and unsafe vehicle movements. Having regards to the nature of the development, I agree that there is potential for pedestrian safety. I am of the opinion that road markings consistent with relevant standards will avoid any traffic hazard for pedestrians.
- 7.4.2. I also note that the car sales activity and its associated signage has been omitted from development. Therefore reducing the traffic volume for the development.
- 7.4.3. The roller shutter door to be retained to rear of Unit 2 is intended to provide internal access from the proposed covered loading area attached to the proposed kitchen hubs building.
- 7.4.4. It is the intention of the applicant to provide 16 no car parking spaces to the north of the site and adjacent to Ballysimon Road. It is stated as part of the ground for appeal that this arrangement would detract from the established industrial uses and devalue the units in the area. The proposed car parking spaces to the north are arranged, perpendicular to Ballysimon Road and similar to other car parking arrangements along Ballysimon Road. This car parking together with the landscaping scheme proposed will ensure a soft space within an industrial setting. I therefore do not agree that the car parking north of the site will detract from the industrial uses of the area or devalue the existing units in the area.

7.5. Landscaping

- 7.5.1. I note the 2.5m high steel fence to be retained and the intention to plant a landscaping scheme to follow the boundary fence line for the full extent of the site boundary. The landscaping will provide for a selection of native species trees and shrubs within a 2m-2.5m area, inside of the fence line. Also to include native ground cover and flowers together with climbers along the fence. I consider that the proposed landscaping will provide soft screening and also enhance the visual amenity of the site.

7.6. Legal Interest

- 7.6.1. The third party has stated that the applicant has not shown sufficient legal interest in the appeal site. 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 third party in this instance, having regard to the provisions of S.34(13) of the 2000 Planning and Development Act.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the proposed development, the receiving environment, the separation distances, and the absence of any pathway to European sites, it can be concluded that the development, alone or in-combination with other plans or projects, would not give rise to any significant effects on any European site. As such, there is no requirement for a Natura Impact Statement in this case.

9.0 Recommendation

I recommend that permission be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the nature and scale of the proposed development, within the settlement boundary of Limerick City and Suburbs and on a site with an 'Enterprise and Employment' zoning objective, it is considered that the development would be in accordance with the Limerick Development Plan 2022-2028, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 04th day of April 2024, 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>Apart from the signage permitted, no further advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on the building exterior/within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: To allow further assessment of the impact of the permitted advertisement on the amenities of the area and in the interest of visual amenity</p>
3.	<p>The applicant/developer shall comply with the following:</p> <p>(a) Road Markings and Road Signs to be provided in accordance with “IS EN 1436 European Standard for Road markings” and in accordance with the “Traffic Signs Manual”.</p> <p>(b) A minimum of 10% of all the public realm car parking spaces to be provided with functioning electric vehicle charging points.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of traffic and pedestrian safety.</p>
4.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 properties in the vicinity.</p>
6.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
7.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>(a) The proposed SuDS measures shall be implemented in full. A final SuDS design and maintenance plan shall be submitted for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</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 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 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.



Oluwatosin Kehinde
Planning Inspector

14th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319787-24		
Proposed Development Summary	<p>Retain a 2.50m high steel fence along the Ballysimon Road and a roller shutter door.</p> <p>Permission for a landscape scheme along and the existing 2.50m high steel fence and to construct 4 no. Kitchen Hub Unit (total area approx. 370sq.m.) and a vehicle access road, turning area and parking in the forecourt area. And associated site works</p>		
Development Address	Units 1B 2 + 3 Crossagalla Industrial Estate, Crossagalla Tld, Ballysimon Road, County Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Oluwatosin Kehinde Date: 14th October 2024