



An
Bord
Pleanála

Inspector's Report ABP-306364 -20

Development	Retention permission for the erection of two no. Pharmacy Signs (each 800 mm x 800 mm) to the northern and southern elevations of the existing pharmacy at Shankill Shopping Centre.
Location	Shankill Shopping Centre, Corbawn Lane, D18.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D19A/0770
Applicant(s)	Shankill Pharmacy Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Date of Site Inspection	3 rd March 2020
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The site contains a retail unit, which is currently occupied by a pharmacy, located on the southern side of the Shankill Shopping Centre. The shopping centre is to the north of Shankill Village and is located within a triangle of land bounded by Corbawn Lane to the south, Shanganagh Road to the west and Beechfield Manor to the north. This shopping centre consists of a standalone retail unit operated by Lidl and three units to the south in Block B which is two storey and the subject site is located towards the centre. A third block, which is detached, is located to the east of the Lidl unit.
- 1.2. This shopping centre has been recently redeveloped/ reconfigured. There is extensive surface car parking around the site. Vehicular access is to the north from Beechfield Manor and pedestrian access is available on all three sides of the shopping centre. Access to the pharmacy is only possible from the northern side.

2.0 Proposed Development

- 2.1. The development consists of the retention of signage located on the northern and southern elevations at first floor level. The signs are in a cross/ + shape and project off the building by means of an extension section. They are two sided and allow for illuminated electronic lettering/ information to be projected in green coloured text. A small aerial, projects downwards from the extension section. The signs have a stated size of 800 mm by 800 mm, though the extension section provides for an additional 300 mm, therefore the signs project by 1100 mm from the front of the building.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for a single reason as follows:

'It is considered that retention of the illuminated pharmacy signage consisting of 2 no. projecting crosses, would, when read in conjunction with the permitted signage serving the pharmacy, result in a proliferation of signage and would adversely impact

on the visual amenities of the area by reason of visual clutter. The development proposed to be retained would materially contravene Section 8.2.6.8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and would be seriously injurious to the visual amenities of the area. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area’.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The Planning report reflects the decision to refuse permission. The site history and potential for visual clutter were noted in the report.

3.2.2. **Other Technical Reports**

Municipal Services Department – Drainage Planning: No objection to this development.

Transportation Planning: No objection.

4.0 **Planning History**

P.A. Ref. D17A/0426 / ABP Ref. PL06D.249380 refers to a June 2018 decision to grant permission for the demolition of an existing retail building and for the construction of a mixed use development consisting of a discount foodstore, ancillary off-licence, café, medical centre, creche and all associated site works. The following parts of condition 5 are noted as of relevance:

5 (a) Advertisement and corporate signage shall be as shown on the drawings submitted to the Planning Authority on the 18th day of August 2017, except that the elevational signage on the northern (signage type number 5) and eastern elevation of the discount food store shall be omitted. The proposed signage to be fixed to the projecting canopies of the mixed use building shall be reduced to 3 number signs only. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(b) No additional advertisement, advertisement structure, freestanding sign, or other projecting elements including flagpoles or banners, shall be erected or displayed on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

P.A. Ref. 2719/ ABP Ref. ABP-304490-19 refers to September 2019, Section 5 declaration assessment that the erection of signs on this building constitute development and are not exempted development. These signs may normally be exempt, but in this case, they would contravene a condition of permission in accordance with the provisions of Article 9(1)(a)(i) of the Planning and Development Regulations 2001 as amended.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned NC, 'To protect, provide for and/or improved mixed use neighbourhood centre facilities'. 'Advertisements and Advertising Structures' are listed within the 'Permitted in Principle' category of this zoning objective.

5.1.2. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

8.2 'Development Management' – with particular reference to section 8.2.6.8 – 'Shopfronts, Signage and Advertising'. This section states in summary that signage should be simple in design, limited in quantity and be sympathetic to its surroundings. 'Control will be exercised to prevent an impression of clutter in any location'.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has engaged the services of McCutcheon Halley – Chartered Planning Consultants, to prepare an appeal against the decision to refuse permission for the retention of the signage on the southern and northern elevations of this building.

Issues raised in support of the appeal include:

- The applicant erected the signage and following the receipt of a Warning Letter, they applied for a Section 5 Declaration, that subsequently determined that permission was required for the signage.
- There are no particular restrictions on the provision of signage in this location within a neighbour centre.
- The appellant refers to other legislation under the Regulation of Retail Pharmacy Business Regulations 2008 as amended, where a pharmacy is to be clearly identifiable.
- The signage does not give rise to visual clutter and is necessary to direct customers to the premises.

6.2. Planning Authority Response

- 6.2.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

7.0 Assessment

- 7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Impact on the Visual Amenity of the Area
- Appropriate Assessment Screening

7.2. Principle of Development

7.2.1. The subject site is zoned for neighbourhood centre uses and advertising signage etc. is permitted in principle.

7.3. **Impact on the Visual Amenity of the Area**

7.3.1. The appellant has set out a number of justifications for these signs including that they are normally exempt from requiring permission, compliance with other legislation and the need for providing direction for customers. The appeal decision under ABP Ref. PL06D.249380 very clearly by way of condition no. 5, limited the provision of additional signage on this site including the subject building. It has been established that they are not exempt from permission and require permission for their retention.

7.3.2. The extracts provided in the appeal document from other legislation does not imply that the signage subject to this appeal have to be provided on a pharmacy. The appeal is slightly confusing in some of its statements. The pharmacy is 'only' accessible from the north for members of the public as this is where the public entrance is. The frontage of the pharmacy includes three sections with the front door and window to the north east and two separate window sections to the centre and north west. Over the front door is the wording 'O'Donnell's' in grey/ silver individual lettering, the next section states 'totalhealth' in purple and green and finally the last section state 'Pharmacy' in grey/ silver individual lettering. Whilst there is road frontage to the south of the site, there is no public entrance into the pharmacy here, though the design of the building has attempted to provide some active frontage through fenestration. Taking account of the existing permitted signage on this building, I agree that care needs to be taken to stop the over proliferation of same.

7.3.3. I therefore consider that that retention of the signage on the northern elevation is acceptable and will direct customers to the entrance to this unit. The signage on the southern elevation is unnecessary and permission should not be granted for this. Taking account of the appeal statement, the retention of the signage here may confuse members of the public and the single sign in the vicinity of the front/ northern elevation is sufficient to direct customers to the entrance.

7.4. Appropriate Assessment Screening

- 7.4.1. Having regard to the nature and scale of the proposed development and the location of the site in a 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 that permission be granted for the retention of the signage on the northern/ front elevation of this building only.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for neighbourhood centre purposes, to the location of the site in a neighbourhood centre and to the nature, form, scale and design of the proposed development, it is considered that, permission should be granted only for the retention of the signage on the northern/ front elevation only. This sign in combination with the existing signage on the front elevation is sufficient to direct customers to this premises. The signage on the southern/ rear elevation does not serve a useful purpose and gives rise to visual clutter.

10.0 Condition

1.	The development consisting of the signage on the northern/ front elevation only, shall be retained in accordance with the plans and particulars lodged with the application on the 14 th October 2019. Reason: In the interest of clarity.
2.	The developer shall comply with all other conditions under P.A. Ref. D17A/0426 / ABP Ref. PL06D.249380 and in particular with Condition No.5 of the ABP order.

	Reason: In the interest of clarity.
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Paul O'Brien
Planning Inspector

18th March 2020