



An
Bord
Pleanála

Inspector's Report ABP-305520-19

Development	Removal of two low level corporate signs and installation of one free-standing double-sided totem pole corporate sign
Location	Tralee Road, Castleisland, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	19/740
Applicant(s)	Lidl Ireland Gmbh
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Lidl Ireland Gmbh
Date of Site Inspection	26 th November, 2019
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The location for the proposed development is at the entrance to the car park of the Lidl store on the Tralee Road in Castleisland in County Kerry close to the town centre. The Lidl store building is set back from the road frontage and entrance behind established properties fronting onto the road and behind the car parking area for the shop. There is a range of shops, filling stations, community buildings and residential properties in the immediate vicinity of the site. There are two low-level corporate signs, one each flanking the existing entrance to the shop.

2.0 Proposed Development

2.1. The proposed development would comprise the demolition and removal of the two existing low level corporate signs and the installation of one free-standing double-sided totem pole corporate sign. The proposed sign would be to an approximate height of 5.975 metres.

2.2. The application included a planning report which set out the need for the proposed sign, the site and planning context, planning history, images of the proposed sign within the streetscape, and the planning policy context

3.0 Planning Authority Decision

3.1. Decision

On 6th September 2019, Kerry County Council decided to refuse permission for the proposed development for one reason relating to impact on visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions, planning history, and reports received. Much of the content of the applicant's planning report was repeated. The proposal was seen as not being inconsistent with the zoning for the site and no traffic issues were seen to arise. It was considered that the proposal would have a significant negative visual impact given the nature and location of the proposal and

the surrounding land uses. The concerns regarding visual impact and impact arising for residential amenity highlighted in a previous refusal for a flag pole sign were considered to remain unchanged and still relevant. A refusal of permission was recommended.

3.2.2. Other Technical Reports

The National Roads Design Office stated it had no observations to make.

The Fire Authority had no objection.

3.3. Prescribed Bodies

Transport Infrastructure Ireland stated it had no observations to make.

4.0 Planning History

Planning history relating to the site included the following:

P.A. Ref. 14/263

Permission was granted for the extension and modernisation of the existing Lidl store.

P.A. Ref. 10/1157

Permission was granted for an extension to the store.

P.A. 08/2579

Permission was granted for two corporate logo entrance signs.

ABP Ref. PL 08.220780

Permission was refused by the Board for the retention of an internally illuminated corporate flagpole sign 5.85 metres in height.

5.0 Policy Context

5.1. Kerry County Development Plan 2015-2021

Development Management

Signage

All signage proposals, shall:-

- Not compromise road safety.
- Not be internally illuminated and shall be hand-written where appropriate.
- Be of a high visual quality in terms of design, colour and materials.
- Be, as appropriate, of a scale/character suitable to the subject building and the host environment.
- Not interfere with windows or other façade features or project above the skyline.
- Not detract from built or natural heritage.
- Comply with shop front policies set out in the urban design policies.
- Abide by the provisions of The Official Languages Act 2003, An tOrdú Logainmneacha (Ceantair Ghaeltachta) 2004, Signage Regulations S.I. No. 391 of 2008 and the Road Traffic Manual in relation to the use of Irish and English on various types of signage and the NRA Road Signage Guidelines.
- Be attached to a wall/pole, i.e. free standing signs will generally not be permitted.
- Limit advertising to commercial areas where it is already a feature.
- Prevent an impression of clutter in any location.
- Ensure that the use of electronic variable messaging signs commonly known as “VMS signs”, shall be reserved strictly for use in roadwork activities, hazard information and or as part of an approved event traffic management plan. Advanced written consent of Kerry County Council will be required prior to installation and usage of such signage.
- Promote the use of multi-media and mobile media i.e. smartphone ‘apps’ and social networking (facebook, twitter, etc) instead of traditional road signs for directional and advertising information.
- Restrain the use of corporate image advertising in chain outlets where these are considered to be too dominant.

All proposed advertising signage shall meet the following criteria:-

- All signs will only be considered where an advertising “need” can be demonstrated. In this context the term “need” relates to the requirements of

the travelling public and not the desire of the applicant to advertise as widely as possible.

- In general advertisement structures will not be permitted at roundabouts, at traffic signalised junctions, at locations where they obstruct sight lines, compete with other traffic signs, give rise to confusion for road users or endanger traffic safety.
- Applications for road side signage along national routes and along approach roads to towns and villages will generally not be permitted, in accordance with the provisions of Section 3.8 of the DoECLG Spatial Planning and National Roads Guidelines (2012).
- Large scale commercial advertisements are not acceptable on or near buildings of architectural or historical importance, in parks, Architectural Conservation Areas and in areas of high amenity.
- Only permit general advertising signage on the subject business / development.
- Encourage the use of grouped advertising signs in industrial estates / enterprise centres.
- Permit on-site advertisements, small in scale, where they are considered not to detract from the environment.

5.2. Killarney Municipal District Local Area Plan 2018-2024

Castleisland

Zoning

The site is zoned 'Mixed Use - M4 Built Up Area'.

The area to the south-east of the appeal site entrance lies within an area designated a "Regeneration Area". Regeneration Areas are identified as areas where there are vacant properties that can be brought back into use.

5.3. Appropriate Assessment

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be

likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.4. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The proposal is appropriate to its urban setting, having regard to the mixed character of Tralee Road and will not impact on the visual amenity of the area.
- The proposal does not contravene the signage and advertising-related provisions of the County Development Plan.
- It will not impact on the residential amenity of adjoining properties. It is noted that no submissions were received by the planning authority from residents in the area.
- The proposal is consistent with the land use zoning objective.
- There is a need to provide a legible notification of Lidl's location, noting the store is set to the rear of structures that front onto Tralee Road. Freestanding signage is essential.
- The Planner did not undertake any realistic assessment of the current development proposal but rather focused on confirming the opinion of the planning authority reasons for refusal of a previous application remained relevant.

6.2. Planning Authority Response

I have no record of any response to the appeal from the planning authority

7.0 Assessment

- 7.1. I first note that the existing low-level signage flanking the shop entrance is set back from the road within the recessed entrance. As a consequence, this existing signage is not visible until a driver or pedestrian is very close to the entrance. As a principal shopping outlet in the town of Castleisland, the inadequate signage demarcating the entry to the outlet is likely to cause potential conflict with other road users as one effectively 'discovers' the entrance on both approaches along Tralee Road. Further to this, for a shop seeking to inform the public of its presence because the building is set back from the road, the existing signage does little to provide for this. On this basis, I am satisfied to conclude that the existing signage serving this shop is inadequate and can reasonably be seen to be so because its failure to function adequately likely causes access and traffic safety related issues for road users. The proposed sign would address these issues.
- 7.2. Further to the above, Tralee Road is one which is undergoing notable change. This stretch of the road leading into the town centre has a wide range of commercial and community uses as well as residential uses. It is most notable that there are two filling stations (one each side of the road) a short distance to the north-west of the appeal site. Both of these outlets have large free-standing signs close to the road edge, where they are prominent when viewed on approach in each direction along the public road. Such signage is commonly internally illuminated. This is not a road in which the proposed development would in any way be unique or any more visually obtrusive over that which exists.
- 7.3. I acknowledge that the street character is undergoing change (similar to many main streets in towns throughout the country) as new uses and structures replace old. The presence of the new Garda station directly opposite the appeal site is one such notable change, along with the development of the new filling station immediately north-west of it. It is also important to note that the area immediately to the south-east of the entrance to the Lidl shop is designated a 'Regeneration Area' in the recently adopted Killarney Municipal District Local Area Plan. This designation has identified this area as one where there are vacant properties that can be brought back into use. At such a pivotal location close to the town centre, one is likely to see the further development of these properties in the medium term. Taking these

observations on board, one can reasonably determine that this is an urban street continuing to evolve and change.

- 7.4. With regard to Development Plan provisions relating to signage, I would first acknowledge that, given the permitted development along Tralee Road in the immediate vicinity of the site, one could not reasonably conclude that the proposed development would be out of character or inconsistent with the pattern of development prevailing at this location. It is also reasonable to conclude that the proposed development is not viewed as likely to cause any traffic hazard. In the event that there is any concern about the impact on residential amenity at this location, the only issue arising may potentially relate to the illumination of the proposed sign. If the Board considers this a particular concern it could reasonably eliminate such illumination. I note that the appellant has no difficulty with such a requirement. In my opinion, given the site's location and context on a lighted urban street with free-standing filling station signage in the vicinity, this is not an essential requirement. I finally note that many of the other signage requirements set out under the Kerry County Development Plan do not apply to the proposed development.
- 7.5. Overall, it is considered that the proposed development is acceptable and will not give rise to any particularly concern relating to impact on the visual amenities of this mixed use urban street.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations, and conditions.

9.0 Reasons and Considerations

Having regard to the established retail use on this site, to the evolving nature of Tralee Road as a mixed use urban street close to the town centre of Castleisland, to the existence of free-standing signage in the immediate vicinity of the site, and to the provisions set out in the current Kerry County Development Plan and Killarney Municipal District Local Area Plan, it is considered that the proposed development would not adversely impact on the visual or residential amenities of properties in the

vicinity, would be compatible with development plan provisions, and would otherwise be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Kevin Moore
Senior Planning Inspector

3rd December 2019