



An
Bord
Pleanála

Inspector's Report

ABP-305766-19

Development	Retention of signage on shop unit
Location	Burgery Lands West, Clonmel, Co Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	18/601329
Applicant	Corajio t/a Mr Price Branded Bargains
Type of Application	Permission for retention
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant	Corajio t/a Mr Price Branded Bargains
Date of Site Inspection	07.01.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The appeal site is located in a commercial/retail park in northern Clonmel located just off the N24 road. Other occupants of the park include Tesco and Supermac's. Mr. Price is a standalone structure with car parking adjacent to the south and east. There is an area of vacant land to the west and the N24 runs along the northern boundary of the site. The finished floor level of the building is below that of the N24.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of signage on the retail unit.
- 2.2. Further information was submitted in relation to the removal of some signage it was originally proposed to retain.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to refuse permission for retention for the following reason:

1. Having regard to the nature, size and extent of the signage for which retention is sought and the prominent location of the signage on the elevations of a highly visible building adjacent to the N24 Waterford – Limerick National Primary Route, it is considered that the proposed development is inappropriate in terms of scale and mass to the principal structure on which it is located. Furthermore, the proposed development would detract from the visual appearance of the principal structure and the wider area.

The proposed development would, therefore, be contrary to Policy TC7 (Advertising and Signs) of the Clonmel and Environs Development Plan 2013, as varied, and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Reports are the basis for the planning authority decision.

3.2.2. Other Technical Reports

3.2.3. None received.

3.3. Prescribed Bodies

3.3.1. None received.

4.0 Planning History

4.1. None relevant.

4.2. Enforcement Notice TUD-16-035 relates to signage at the Mr. Price premises.

5.0 Policy Context

5.1. Clonmel & Environs Development Plan 2013-2019

5.1.1. The six-year lifetime of the Plan expired since the decision to refuse permission for retention was made by the planning authority. However, Section 1.6 (Relationship with Town Development Plans) of the South Tipperary County Development Plan 2009 (as extended) states that Town Development Plans will remain the statutory plans for these areas until a review and preparation of Local Area plans for these towns take place.

5.1.2. Under the Plan the subject site is in an area zoned 'Light Industry and Employment'.

5.1.3. The following section of the Plan is relevant:

- Section 9.28 (Shopfronts & Advertising Signage).

5.2. Natural Heritage Designations

5.2.1. The Lower River Suir SAC is approx. 1.1km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

The main issues raised in the grounds of appeal can be summarised as follows:

- The nature and size of the signage proposed to be retained is appropriate to its context, size and design of the building in a newly emerging mixed use and retail development area. The building is industrial in appearance, is not located in an ACA, there is no defined character to the area and signage is proportional. TC7 of the Tipperary County Development Plan does not prohibit multiple signs on buildings which address multiple aspects of the public arena.
- The appeal site is not any more over-subscribed with signage than the adjoining Tesco which has substantial signage associated with its overall development including signage wholly above the parapet of the roof and backlit.
- There is a plethora of examples of signage of far greater extent, and backlit, within the environs and around Clonmel which could not be deemed less 'visible' than the signage proposed for retention.
- It is unclear to the applicant why one company can comply with Policy TC7 given the plethora of signage they have on site and an adjoining user is prevented by the Local Authority from doing so despite best attempts to comply. The planning authority have been unreasonable when it comes to realistic signage in the context of its surroundings and there has been a protracted history in this regard.
- The extent of the signage has been dramatically decreased for the retention application. The applicant considers the planning authority were being unreasonable in the request to remove all but 2/3 signs on a building of this scale, particularly in the context of signage permitted to adjoining land uses.

- The proposed signage is deemed to be required as the structure is below the level of the N24. It has a poor height profile relative to the road and there is no active frontage.
- If the Board is minded to a split decision the applicant would prefer that particular signage to be removed is outlined so the matter can be finally put to rest.

6.2. Planning Authority Response

6.2.1. None received.

7.0 Assessment

The main issue is that raised in the planning authority's reason for refusal and I am satisfied that no other substantive issue arises. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Signage
- Appropriate Assessment

7.1. Signage

7.1.1. Signage that it was originally proposed to retain at elevated positions on the building comprised signs of varying shapes and dimensions. There were 2 signs to be retained to the building entrance/east side, to the north facing the N24 and to the south facing an area of car parking (6 in total). To the west side facing an area of vacant ground there was 1 sign to be retained. There was also some signage at ground floor level to the east and south elevations. The submitted elevation drawings showed alterations to the signage for the purposes of the planning application including proposals to reduce the size of some signage and remove some other signage. The planning authority sought further information seeking, inter alia, to further reduce the extent of signage on the building.

- 7.1.2. As part of the further information response revised elevation drawings were submitted which showed a reduction in the amount of signage to be retained. The planning authority did not consider the response to adequately reduce the extent of signage on the building and the application was refused for the reason set out in Section 3.1.
- 7.1.3. The reason for refusal specifically cites the nature, size and extent of the signage in a prominent location along the N24 and states that it would be contrary to Policy TC7 of the Clonmel & Environs Development Plan 2013. I do not consider that Policy TC7 is the appropriate policy to consider this planning application under as it is contained within Section 3.0 (Town Centre Strategy) of the Plan and this is not a town centre site. Rather, it is in a light industry and employment zoned area away from the town centre. The provisions of Section 9.28 (Shopfronts & Advertising Signage) of the Plan are applicable.
- 7.1.4. Section 9.28 states that planning applications for signage will be considered on their own merits and of importance will be integrating the proposal into its setting. Despite being applicable to areas outside of the town centre the section relates primarily to more traditional types of shops along a streetscape rather than a larger, detached unit with significant car parking provision and a more industrial appearance. Therefore, I consider that the subject application must be considered on its merits.
- 7.1.5. As part of the further information response the extent of signage was reduced, including the removal/amendment of all signage that breached the ridge height. It is proposed to retain a single sign to the north, south and west elevations. It appears that it is proposed to retain the single sign on the west elevation until such time as a new totem sign for the wider area is provided. Notwithstanding, taking the application on its own merits, I consider that the retention of a single sign on the west elevation is acceptable. The applicant proposes to retain 2 signs to the entrance elevation. I consider the provision of 2 signs on this approx. 22 metres long elevation to be excessive and one of the signs should be removed. I consider the matter of which sign is to be retained to be a matter for the applicant and this can be agreed with the planning authority. Notwithstanding, if the sign closest to the entrance is to be retained the projecting head feature should be omitted as set out in the further information response.

7.1.6. Therefore, I consider that the retention of a single sign on each elevation is acceptable and would not result in any undue visual impact or clutter and would be appropriate to its setting.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no hydrological link to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the provisions of the Clonmel & Environs Development Plan 2013, and the nature and scale of the development, it is considered that, subject to compliance with the conditions as set out below, the development would be acceptable in terms of the extent of signage and would not detract from the visual appearance of the principal structure and the wider area, including along the N24 road. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18.09.2019, 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 within 8 weeks of the date of grant of this application and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) This grant of permission permits the retention of the sign on the west elevation as set out in the further information response to the planning authority.
(b) Of the 2 no. signs on the east/front elevation as set out on the further information response 1 no. sign only shall be retained and 1 no. sign shall be removed within 2 months of the date of grant of this planning application. Detail relating to which sign is to be removed shall be agreed with the planning authority within 2 months of the date of this Order.

Reason: In the interest of clarity and visual amenity.

Anthony Kelly
Planning Inspector
27.01.2020