



An  
Bord  
Pleanála

## Inspector's Report ABP-307659-20

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<b>Development</b>	1 No. new newspaper box, new fascia signage and alterations to facade to match existing signage at retail unit.
<b>Location</b>	Unit E–G23, The Former Montrose Hotel, Stillorgan Road, Dublin 4.
<b>Planning Authority</b>	Dún Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0185
<b>Applicant(s)</b>	Aicron Limited Spar Retail
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Aicron Limited Spar Retail
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	31 <sup>st</sup> August, 2020
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

1.1. The proposed development site is located at ground floor level within the former Montrose Hotel on Stillorgan Road, Dublin 4, approximately 1.3km west of Booterstown DART station and opposite the main campus of University College Dublin. It has a stated site area of 0.0237 hectares and comprises a SPAR retail unit / convenience shop (previously identified as Unit D-01) which has been amalgamated with Unit E–G23 to form a larger shop area that also encompasses a ‘SUBWAY’ food outlet / eatery. The former Montrose Hotel itself has been converted in recent years to student accommodation with the ground floor of the building providing for a series of retail / commercial uses including the subject retail unit, a café / coffee shop (‘Insomnia’), a branch of the Bank of Ireland, and the entrance foyer to the upper levels of student accommodation.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- The installation of 1 No. new newspaper box / storage unit (measuring 2m x 1.25m x 0.5m) to the front of the existing retail unit (seemingly as a replacement for an existing unauthorised newspaper box located further northwest along the shop frontage).
  - The erection of new fascia signage and alterations to the facade (i.e. the installation of a new bulkhead) to match existing signage at the retail unit (seemingly as a replacement for existing recessed signage).

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On 23<sup>rd</sup> June, 2020 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:
- The proposed enlarged and relocated corporate signage would be visually obtrusive, excessive in size and design contributing to visual clutter, overly prominent in its streetscape position and materials / colours, not reflective of

the permitted retail unit use, and would be contrary to Section 8.2.6.8 Shopfront, Signage and Advertising of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan. The proposed relocated newspaper box would also contribute to clutter and would obstruct through traffic for pedestrians (creating a safety hazard). It is considered therefore, that the proposed development would seriously injure the visual amenities, and depreciate the value of property in the vicinity, would help set an undesirable precedent for similar type development in the area, and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### *3.2.1. Planning Reports*

Details the site context, planning history, and the applicable policy considerations, before providing an in-depth review of the subject proposal in the context of previous developments on site. With respect to the proposed newspaper box, it is stated that whilst it will not have any significant visual impact (notwithstanding its contribution to visual 'clutter') and is generally acceptable, the Transportation Planning Dept. has recommended its refusal on safety grounds. In relation to the fascia signage, it is considered that this would be overly prominent and visually obtrusive in contravention of Section 8.2.6.8 of the Development Plan. It is also stated that the size of the signage would not be reflective of any 'subsidiary' use of the unit in question to the parent retail shop. The report thus concludes by recommending a refusal of permission for the reasons stated.

#### *3.2.2. Other Technical Reports*

*Transportation Planning:* States that permission for the relocation of an unauthorised newspaper display unit should be refused on the basis that it obstructs the movement of pedestrians and thus creates a safety hazard. The proposed signage is not considered to give rise to any transportation implications although a condition should be imposed to ensure that all necessary measures are taken to avoid any conflict between users of the car park and contractors during installation of the signage.

*Drainage Planning, Municipal Services Dept:* No objection.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

### 4.1. On Site:

PA Ref. No. 70/19. Determined that internal alterations within the retail unit, fascia signage identifying the retail unit, ancillary uses within the retail unit, subsidiary uses within the retail unit, a newspaper delivery box external to the retail unit, and the amalgamation of retail units at SPAR Unit D and Unit E-G22, at the former Montrose Hotel, were not exempted development.

PA Ref. No. D19A/0287. Was refused on 24<sup>th</sup> June, 2019 refusing Aicron Limited permission for alterations / retention of 1 no. newspaper box, new fascia signage, alterations to internal retail layout and associated works:

- Having regard to the residential zoning objective at this site, it is considered that the development, with respect to the floor layout proposed to be retained with the new sandwich / food outlet, and relocated separate delicatessen area by virtue of the nature, size and scale of the two separate food outlet areas and the retail offerings proposed, would be contrary to Section 8.2.6.5: Fast Food Outlets / Takeaways and Policy RET7: Convenience Shops of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan, would negatively impact on the existing mix of uses and represent an oversupply of such (fast food/takeaway/eatery) uses, and would, therefore, be contrary to the residential zoning objective at this site, Objective 'A', which is 'To protect and / or improve residential amenity'. It is considered therefore, that the development would depreciate the value of property in the vicinity, would set an undesirable precedent for similar type development in the area, and would be contrary to the proper planning and sustainable development of the area.
- The proposed enlarged and relocated corporate signage would be visually obtrusive, excessive in size and design contributing to visual clutter, overly

prominent in its streetscape position and materials / colours, not reflective of the permitted retail unit use, and would be contrary to Section 8.2.6.8 Shopfront, Signage and Advertising of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan. It is considered therefore, that the proposed development would seriously injure the visual amenities, and depreciate the value of property in the vicinity, would help set an undesirable precedent for similar type development in the area, and would be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D16A/0466 / ABP Ref. No. PL06D.247262. Was granted on appeal on 23<sup>rd</sup> January, 2017 permitting Aicron Limited permission for the change of use from storage use of Unit E-G23 to retail and amalgamation with Spar Retail Unit D-01 to incorporate ancillary retail, retail (broader range of goods), new delicatessen food preparation area, new public w.c., staff w.c., disabled w.c. with baby changing area, staff w.c., staff facilities and associated works.

PA Ref. No. D15A/0763. Was refused on 4<sup>th</sup> February, 2016 refusing Aicron Limited permission for the change of use from storage use of units E-G22-E-G23 to retail and amalgamation with Spar Retail Unit D and associated works.

- Having regard to the residential zoning objective at this site, it is considered that the proposed development, by virtue of the size and scale of the retail offering proposed, would materially contravene Section 7.3.7, Policy RET8 of the 2010-2016 Dun Laoghaire-Rathdown County Development Plan, would likely attract business from outside the local community and would, therefore, be contrary to the residential zoning objective at this site, Objective 'A', which is 'to protect and/or improve residential amenities. The proposed development would, therefore, seriously injure the residential amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D14A/0552 / ABP Ref. No. PL06D.244601 (appeal dismissed). Was granted on 26<sup>th</sup> May, 2015 permitting Ziggurat (Montrose) Ireland Ltd. permission & permission for retention of development at part of the ground floor and to the front car park area of the former Montrose Hotel to provide for the following: (i) Retention permission for demolition of single storey service areas to the rear (north) of the

ground floor of the former hotel and (ii) Permission for: (a) Improvements to the front car park area, including hard and soft landscaping, reconfiguration of car parking layout and all associated and ancillary works. The proposed development will provide a total of 46 no. car parking spaces and 62 no. bicycle parking spaces; (b) Change of use of part of the previous bar/restaurant area to provide a coffee shop/restaurant of 151m<sup>2</sup> gross; a retail unit of 121m<sup>2</sup> gross (maximum of 100m<sup>2</sup> net); storage and ancillary space of 85m<sup>2</sup> gross for the student accommodation and an extension to the existing bank (259m<sup>2</sup>) of 255m<sup>2</sup> gross; (c) Change of use of part (216m<sup>2</sup>) of the previous bar/restaurant/function room area and extension (184m<sup>2</sup>) to the rear (north) to provide student accommodation comprising 13 no. units arranged in 2 no. clusters to include shared living, kitchen and dining area. 12 no. bicycle spaces will be allocated to these additional rooms. 4 no. car parking spaces in the front car park will be allocated to the student accommodation use; (d) Amendments to the front elevation, including provision of new shop fronts and illuminated signage at proposed units B, C and D and (e) All associated and ancillary works, including amendments to the external refuse enclosure to the rear (north) permitted under Reg. Ref. D12A/0483. The total gross floor area of the proposed development is 1,091m<sup>2</sup>, including associated internal walls and partitions.

#### 4.2. *On the Wider Site of the Former Montrose Hotel:*

PA Ref. No. D17A/0564. Was granted on 21<sup>st</sup> September, 2017 permitting Hegreit II Montrose OpCo LLC permission for 3 no. external signs – 1 no. 0.92m<sup>2</sup> development name sign comprising internally illuminated individual letters fixed above door on sought west facade and – 1 no. 1.58m company logo sign comprising back lit individual letters fixed at fourth floor level on the southwest facade above reception and – 1 no. 1.7m<sup>2</sup> pillar sign in landscaped area to front of development at the site.

PA Ref. No. D16A/0563. Was granted on 26<sup>th</sup> October, 2016 permitting Ziggurat Montrose Ireland Limited permission for signage comprising (i) facade signage and (ii) totem signage (i) The proposed facade signage comprises of illuminated logo. The facade sign is located on the west side (Stillorgan Road) of the building and is c. 9.7m above ground level. (ii) The proposed totem sign is located to the southeast of the subject site to the left of the entrance. The totem sign is stainless steel with a double-sided ground mounted directional light for signage, inset into paving.

PA Ref. No. D15A/0587. Was granted on 16<sup>th</sup> December, 2015 permitting Bank of Ireland permission for: the amalgamation of the existing branch with the adjacent Unit B (granted Planning Permission D14A/0552), including internal demolition of wall between the units, modifications to the existing glazing, relocation of main entrance door, relocation of 1 no. ATM, installation of an additional 1 no. ATM and Cash Transfer Hatch, new fascia signage with back-lit corporate lettering and logo and an externally located totem sign, all to the south-west elevation, at ground floor level and all associated site works.

PA Ref. No. D12A/0483 / ABP Ref. No. PL06D.241957. Was granted on appeal on 20<sup>th</sup> September, 2013 permitting Ziggurat (Montrose) Limited and Lonnegan Trading Company Limited permission for the change of use from hotel to student accommodation of the first, second, third and part of the ground floor of the existing (vacant) Montrose Hotel and permission for the addition of one number part set back storey to the front of the existing building to provide a total of 190 No. student accommodation units arranged in 26 No. clustered groupings of up to 8 No. ensuite study bedrooms to include shared kitchen/living/dining areas. The development also includes the provision of communal facilities such as an entrance lobby, a reception area, a seminar room, and a laundry room at ground floor. A two-bedroom staff apartment providing 4 No. bedspaces is provided at fourth floor level. Permission is also sought for the secondary use of the property for short-term visitor let during the summer months. The total gross floor area of the building, including the new storey, will be 7,048.83m<sup>2</sup>. The total height of the proposed development will be five storeys, including the one additional set-back storey. The development includes all internal alterations, external alterations including the provision of 2 No. fire escapes to the rear (north-east) elevation of the existing building, a new entrance at the south-eastern corner of the existing building at ground floor level, a new party wall at ground floor level to provide for the subdivision of the ground floor, the provision of an open space/amenity area to the north of the existing building, hard and soft landscaping, a refuse storage area, 15 No. car parking spaces, 35 No. bicycle parking spaces, and all associated and ancillary site development works, including the demolition of existing structures to the rear of the building and at the existing roof level.

#### 4.3. *Other Relevant Files:*

PA Ref. No. D17A/0119. Was granted on 11<sup>th</sup> May, 2017 permitting National Building Services permission for the erection of three external signs, two signs to the (front) south elevation, and one sign to the side (west) elevation, at 1 Cranford Centre, Montrose, Stillorgan Road, Donnybrook, Dublin 4.

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

#### 5.1.1. ***Dún Laoghaire Rathdown County Development Plan, 2016-2022:***

##### *Land Use Zoning:*

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and / or improve residential amenity*'.

##### *Other Relevant Sections / Policies:*

Section 3.2: *Retail and Major Town Centres*

Section 3.2.2.7:

- *Policy RET7: Convenience Shops:*

It is Council policy to facilitate the provision of local convenience shops in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity.

Within residential areas, the Council recognises the need for convenience shopping provision and accepts that a neighbourhood centre may not always be available within easy walking distance. When evaluating proposals for such a use, the Council will have regard to the distance from the proposed development to existing shopping facilities and to its impact on the amenity of adjoining dwellings. Local convenience shops shall not have a floorspace greater than 100 sq.m. net.

##### *Chapter 8: Principles of Development:*

Section 8.1: *Urban Design*

Section 8.2: *Development Management:*



Section 8.2.6: *Retail Development:*

Section 8.2.6.3: *Convenience Shop*

Section 8.2.6.5: *Fast Food Outlets/Takeaways*

Section 8.2.6.8: *Shopfront, Signage and Advertising*

(ii) *Signage:*

To protect the amenities and attractiveness of the County, no commercial advertising structure will be permitted in the open countryside, on or near a structure of architectural or historical importance, in architectural conservation areas, on public open spaces, in areas of high amenity, within important views, in residential areas, or where they would confuse or distract users of any public road.

Particular attention will be paid to the design and location of new advertising in those areas where the Council intends to implement town and village improvement schemes in order to maximise the potential environmental benefits of such schemes and also in areas the subject of Local Area Plans.

Advertising signs, where permitted, should be simple in design and sympathetic to the surroundings and features of the building on which they will be displayed. The number of signs located on a property should be limited and no sign should be unduly obtrusive or out-of-scale with the building façade. Control will be exercised to prevent an impression of clutter in any location. Details in respect of signage illumination must be submitted and the Council will discourage the use of flashing/moving illumination on signs or TV screens within shop windows.

Section 8.2.6.9: *Street Furniture Strategy*

## 5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Booterstown Marsh Proposed Natural Heritage Area (Site Code: 001205), approximately 1.1km east of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 1.1km east of the site.

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 1.3km east of the site.

### 5.3. EIA Screening

- 5.3.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest 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 existing shop is entitled to signage along the full extent of its frontage (noting that it is paying rent to a landlord and rates to the Local Authority) and provides a vital service to the local community. In this respect, and by way of precedent, the Board is referred to the adjacent Bank of Ireland premises which has one of the longest fascia signs in Dublin at 34m in length as approved under PA Ref. No. D14A/0552 (which also permitted a doubling in the size of the bank unit).
- The shop has broadened its range of retail goods and now includes 'SUBWAY' sandwiches, which is permitted under 'retail sales' and is clearly not a 'takeaway'. The sale of hot and cold food for takeaway or consumption on or off the premises is subsidiary to the retail sales and is permitted in this jurisdiction. Accordingly, corresponding signage is also permissible in the same way as if, for example, the shop in question had a Post Office (as is commonplace through Ireland and beyond) when a post office sign would be displayed outside. The 'SUBWAY' signage is required at present, however, this may change in the future to reflect the services available e.g. An Post, Payzone etc., subject to the approval of the Local Authority.

- It is considered that the Planning Authority has been unfair and inconsistent in its approach by approving a substantial increase in the extent of signage for the adjacent Bank of Ireland premises whilst prohibiting the modest increase in signage proposed at the subject site.
- No evidence has been produced by the Local Authority to support its assertion as regards a depreciation in property values in the area or otherwise in relation to the development of the Bank of Ireland or the subject shop unit.
- A retail unit cannot function without a newspaper box, the provision of which is recommended nationally by An Garda Síochána in order to prevent the theft of newspapers and magazines. These are delivered outside of opening hours (usually between 03:00-06:00 hours) and necessitate a secure means of delivery and storage.
- Most local authorities accept that newspaper boxes are an essential and common aspect of the operation of retail units and do not require a separate grant of permission, however, some councils have obliged retail stores to obtain specific approval for such features despite the many precedents throughout the country. In this regard, the Board's attention is drawn to the recent grant of permission issued for PA Ref. No. D18A/1159 which approved a newspaper box at SPAR, Leopardstown Gardens, Brewery Road, but not before the Local Authority and its legal department caused a considerable degree of stress and expense to the retailer.
- It is considered that the approach of the Local Authority in this instance is bordering on vexatious by refusing permission for a simple newspaper box. Any reasonable concerns could have been addressed by way of condition thereby avoiding the costly and time-consuming appeal process.

## 6.2. Planning Authority Response

- The Board's attention is drawn to the planning history of the application site (and the development in question), with particular reference to the approval of the parent building and the sub-units which included conditions restricting the use / design of signage in general.

- In relation to the applicant's comparison of the proposed signage to that of the adjacent bank premises, it is considered that whilst the bank's fascia signage is elongated, it is less prominent and of a simpler styling than the subject proposal. The bank's signage is limited to 2 No. muted colours and consists of relatively small, box lettering whilst there are only two instances of its corporate name present across the full span of its fascia. Furthermore, although the bank's fascia is long, it is not adorned with any further signage or other items. In addition, due to its length / height, and the muted colour scheme which is broadly similar to the shades of grey used for the parent building, the bank fascia signage appears narrow and is not dissimilar to other elements of the building cladding / facade.
- The relocated and enlarged corporate signage would be visually obtrusive, would contribute to visual clutter, and would be overly prominent in the streetscape by reason of its excessive size, design, and materials / colours.
- The proposed signage is not reflective of the permitted retail unit (please refer to the similar planning history on site).
- Cognisance should be taken of the residential land use zoning of the site, the wider site context, and the interrelationship of the proposed development with neighbouring land uses and associated signage.
- The proposed newspaper box will contribute to clutter and will obstruct pedestrians thereby resulting in a safety hazard.

### 6.3. **Observations**

None.

### 6.4. **Further Responses**

None.

## 7.0 **Assessment**

- 7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and visual impact
- Appropriate assessment

These are assessed as follows:

## **7.2. The Principle of the Proposed Development:**

- 7.2.1. From a review of the available information, including the relevant planning history, with particular reference to PA Ref. Nos. D19A/0287 & D16A/0466 / ABP Ref. No. PL06D.247262, and having conducted a site inspection, it is apparent that the Planning Authority has serious reservations with respect to the operation and configuration of the existing 'SUBWAY' sandwiches offering on site and, more specifically, its relationship with the principal SPAR retail unit. In this regard, and by way of summation, the primary concern would appear to derive from the approval of ABP Ref. No. PL06D.247262 which authorised the change of use and amalgamation of Unit E-G23 with Unit D-01 to provide for a single larger shop unit incorporating retail uses and a new delicatessen food preparation area etc., and the suggestion that the existing 'SUBWAY' component is actually functioning in an entirely separate capacity to the 'parent' SPAR retail unit. By extension, in its assessment of the subject proposal, the Planning Authority has stated that the prominence of the proposed fascia signage is not reflective of the subsidiary nature of the food offering relative to the primary retail use.
- 7.2.2. With respect to the foregoing, whilst I would acknowledge the concerns raised by the Council as regards possible incidences of non-compliance / unauthorised development on site relating to the operation of the existing 'SUBWAY' outlet and its relationship with the parent retail unit, it should be noted that the Board has no function in respect of issues pertaining to enforcement and that the pursuit of such matters is generally the responsibility of the Planning Authority. Moreover, I am inclined to suggest that the signage element of the subject proposal can be distinguished from the debate as to whether the current use of the premises accords with the terms and conditions of the applicable grant of permission. Although the subject matter of the signage clearly pertains to the 'SUBWAY' food offering, this is not to say that its mere presence serves to establish or otherwise authorise an entirely separate use class distinct from the principle shop unit. Furthermore, in my

opinion, the display of varying signage relating to different aspects of a particular retail offering at a single premises is not uncommon and should not necessarily be construed as being indicative of any one element being subservient to another. Accordingly, on the basis of the foregoing, and in light of the permitted use of the subject premises for retail purposes, in addition to the site location within a series of established retail / commercial uses, in my opinion, the principle of the proposed signage is acceptable and thus the proposal should be considered on its merits.

- 7.2.3. With regard to the proposed newspaper box, it has been submitted that the purpose of this structure is to accommodate the delivery and secure storage of newspapers and / or magazines etc. outside of opening hours (usually between 03:00 and 06:00 hours). It has also been asserted that their use has been recommended by An Garda Siochana in order to prevent the theft of newspapers and magazines and that they form a normal part of the day-to-day operation of modern retail units.
- 7.2.4. On balance, I would accept the need for a newspaper box at the subject premises for the reasons outlined by the applicant. The former practice, whereby newspapers etc. would be left in bundles on the shop forecourt following delivery, would not be reasonable in modern circumstances.

### **7.3. Overall Design and Visual Impact:**

#### **7.3.1. *The Fascia Signage (and associated alterations to the façade):***

The proposed fascia signage will be affixed to a new bulkhead to be erected at the outer edge of the covered pathway which projects forward of the front elevation of the retail / commercial units and would appear to be intended to serve as a replacement for the existing 'unauthorised' signage displayed immediately above the recessed shopfront. In this respect, it will effectively fill a 'gap' within the wider expanse of fascia signage which already characterises the retail / commercial usage of the ground floor frontage of the existing building thereby providing for a continuation of the established advertising display.

- 7.3.2. The overall dimensions and size of the fascia are comparable to those of the adjacent units with the signage itself displaying the corporate 'SUBWAY' branding in large individual block lettering. It will be affixed to the new bulkhead construction and would not appear to be internally illuminated or back-lit in keeping with the

requirements of Condition No. 6 of ABP Ref No. PL06D.247262 which prohibits the display of '*internally illuminated or neon signage*'.

7.3.3. On balance, it is my opinion that the proposed signage will not be unduly prominent or visually obtrusive given the particulars of the site context. In this regard, whilst I would acknowledge the bold colours and distinctiveness of the corporate branding proposed, I am inclined to suggest that an objective evaluation of the visual impact would conclude that the signage in question is reasonably comparable to that employed by the adjacent retail / commercial units which also utilise the standardised format of their respective brands (i.e. 'Insomnia', 'SPAR' & 'Bank of Ireland') albeit in different fonts and colour schemes. Furthermore, the proposed signage will be set back a considerable distance from the public road and will be screened in part by existing tree planting alongside the roadway. In addition, cognisance should be taken of the limited additional visual impact attributable to the proposed signage when taken in context given its small size and scale when compared to the five-storey building to which it will be affixed.

7.3.4. *The Newspaper Box / Storage Unit:*

The proposed newspaper box / storage unit comprises a free-standing compartment / cabinet type structure measuring 1.25m x 0.5m and extending to 2.0m in height. It is shown on the submitted drawings as being positioned alongside the shopfront and immediately adjacent to an existing support pier / pillar. Notably, unlike the existing 'unauthorised' newspaper box positioned on the opposite side of the same support pillar, the subject development is not shown as including any advertising display.

7.3.5. In its determination of the subject application, the primary concern of the Planning Authority derives from the report of the Transportation Planning Dept. wherein it is stated that the proposed newspaper box will obstruct the movement of pedestrians along the covered accessway thereby giving rise to a safety hazard. In this regard, whilst I would concede that the siting, and particularly the orientation, of the proposed newspaper box / storage unit will result in some diminution in the space available to pedestrians forward of the existing shop, it should be noted that the circulatory space / footpath extends beyond the outermost façade of the main building construction thereby providing for increased freedom of movement. However, whilst the positioning of the proposed newspaper box will not unduly

impede pedestrian usage of the existing accessway / footpath given that sufficient space will remain to manoeuvre around and between the support piers etc., in my opinion, it would likely be preferable if the box were to be reoriented so that its principal dimension would be flush against the front façade of the retail store.

7.3.6. Given the size, scale, finish, and recessed siting of the newspaper box, its overall visual impact will be limited, however, I would accept that when taken in combination with other street furniture in the vicinity, such as litter bins, units for the display of retail goods for sale, and the storage of waste / recyclables, it could contribute to increased visual clutter, although I am not of the opinion that this would warrant a refusal of permission in this instance.

7.3.7. By way of further comment, I would reiterate that the design of the proposed newspaper box as shown on the submitted drawings does not include for any advertising panel on its exterior (unlike the existing 'unauthorised' newspaper box) and, therefore, in the interests of clarity and visual amenity, I would recommend that no advertisement logos or other advertisement matter of any kind should be placed on the exterior of the bin without a prior grant of permission.

#### 7.4. **Appropriate Assessment:**

7.4.1. Having regard to the minor nature and scale of the development under consideration, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 8.0 **Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:



## 9.0 Reasons and Considerations

- 9.1. Having regard to the zoning of the site in the current development plan for the area and to the commercial pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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 proposed development shall be amended as follows:
  - a) The newspaper box shall be reoriented so that its principal dimension is set flush against the front façade of the retail store.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of preserving the unobstructed movement and safety of pedestrians.

3. No advertisement logos or other advertisement matter of any kind shall be placed on the exterior of the newspaper box. The bin may be painted in colours to match those used on the exterior of the shop.

**Reason:** In the interests of clarity and visual amenity.

4. No additional advertising signs, symbols, flags, emblems or logos shall be erected externally on the building or anywhere on site whether or not such signs would constitute exempted development without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.

**Reason:** In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

11<sup>th</sup> September, 2020