



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315219-22

#### Development

Retention of constructed forecourt canopy, freestanding totem signage, 2 no. main shop identification signs, 2 no. directional signs, the provision additional parking bays adjacent to the main service station building and 1 no. additional fuel dispensing island

#### Location

Ashford Fair, Main Street, Ashford, Co. Wicklow A67 YC60

#### Planning Authority

Wicklow County Council

#### Planning Authority Reg. Ref.

221011

#### Applicant(s)

Online Oil Limited

#### Type of Application

Permission

#### Planning Authority Decision

Refuse Retention

#### Type of Appeal

First Party

#### Appellant(s)

Online Oil Limited

#### Observer(s)

None

**Date of Site Inspection**

2<sup>nd</sup> June 2023

**Inspector**

Elaine Power

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## 1.0 Site Location and Description

1.1. The subject site is located on the western side of Main Street (R772) in Ashford. It is bound to the north by Chester Beatty Inn Hotel and to the south by a vacant site. There are commercial uses with surface level car parking to the front located on the opposite side of the road. The site has a stated area of 0.28ha. It currently accommodates a service station which was approved under Reg. Ref. 19/76 and amended under ABP 305711-19, Reg. Ref. 19/858.

## 2.0 Proposed Development

2.1. The development comprises the retention of the constructed forecourt canopy (c. 169sqm), freestanding totem signage (c. 28sqm), 2 no. main shop identification signs (c. 3 sqm each), 2 no. directional signs (c. 0.8sqm each), the provision of additional parking bays adjacent to the main service station building, including 1 no. disabled parking bay and 1 no. additional fuel dispensing island located beneath the forecourt canopy.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reason: -

*Having regard to: -*

- *The location on a prominent site within Ashford Town Centre,*
- *The size and scale of the forecourt canopy and totem signage,*
- *The extent of illuminated signage proposed,*

*It is considered that the proposed development is excessive for this site and over and above the needs of the filling station.*

*The proposed development would not accord with the objectives set out in the Wicklow County Development Plan 2022-2028 with regard to Town and Village Centres Placemaking, would unnecessarily detract from the visual amenities of Ashford Town Centre, would have an overbearing impact on the surrounding*

*streetscape and would set an undesirable precedent for similar inappropriate development within the settlement and would therefore be contrary to the amenities of the area and proper planning and development.*

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

#### 3.2.1. *Planning Reports*

The planners report raised concerns regarding the proposed development and recommended that permission be refused for the reason outlined above.

#### 3.2.2. *Other Technical Reports*

None

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

None

## 4.0 **Planning History**

### ***Subject Site***

**ABP 305711-19, Reg. Ref. 19/858:** Permission was granted in 2020 for signage relating to the service station. Condition no. 2 outlined below is considered relevant.

*2. The proposed development shall be amended as follows: The proposed canopy and dome signage shall not be illuminated. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.*

*Reason: In the interest of visual amenity*

**Reg. Ref. 19/76:** Permission was granted in 2019 for the retention and completion of the demolition of the original service station building (c. 306 sqm), the removal of redundant fuel storage tanks above and below ground, the construction of replacement single storey service station building (c. 245 sqm), replacement tanks below ground, upgrade works to forecourt area and rear car park to provide 23 no. car parking spaces. Conditions no. 6 outlined below is considered relevant.

*6(a) No advertising signs or structures, other than those shown or indicated on the submitted drawings shall be erected on the buildings or within the site as a whole without prior approval from the Planning Authority.*

*(b) No backlighting of signs shall take place save for the product logo and the price.*

*Reason: In the interest of visual amenity.*

## 5.0 Policy Context

### 5.1. Wicklow County Development Plan 2022 - 2028

The subject site is zoned TC: Town Centre with the associated land use objective to provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use. Section 1.2.1 sets out the vision for town centres which is to develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate residential and commercial developments ensuring a mix of residential, commercial, recreational, civic, cultural and leisure uses while delivering a quality urban environment, with emphasis on regeneration, infill town and historic centre conservation, ensuring priority for public transport where applicable, pedestrians and cyclists, while minimising the impact of private car based traffic and enhance and develop the existing centre's fabric.

Table 3.3 Wicklow Settlement Hierarchy identifies Ashford as a Level 5 Town. These towns are described as small with good local services and employment functions.

Section 5.6 of the development plan sets out objectives for healthy town centres including: -

CPO 5.1 1 *To protect and maintain the viability of town and village centres, target the reversal of decline and deliver sustainable reuse and regeneration outcomes.*

CPO 5.2 *To protect and increase the quality, vibrancy and vitality of town and villages centres by promoting and facilitating an appropriate mix of day and night time uses, including commercial, recreational, civic, cultural, leisure and residential uses and to control uses that may have a detrimental impact on the vitality of the streetscape and the public realm.*

Volume 2 Town Plans of the development plan notes that the town core of Ashford has developed in a disjointed manner overtime and it is an aim of the plan to consolidate the existing built pattern in Ashford by maximising the potential of large sites within the town core in order to create a distinct streetscape capable of meeting Ashford's function as a town serving its immediate and wider hinterland population.

Section 4.2 of Volume 3, Appendix 1 sets out development and design standards for petrol stations.

## 5.2. **Natural Heritage Designations**

None of relevance

## 5.3. **EIA Screening**

Having regard to the limited 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**

- 6.1.1. This is a first party appeal against the Planning Authority's decision to refuse permission. The submission addresses the reason for refusal and is summarised below: -

- The reason for refusal is unwarranted. The service station is an established feature of Ashford. The previous service station on the site was dilapidated. The service station was renovated by the applicant and is now fully operational and provides a local shop for the surrounding area.
- The signage is restrained and appropriate. There will not be a proliferation of signs, flags or bunting that would have a negative impact on the visual amenities of these area.
- The signage is seen as an improvement and supports the commercial viability of the service station.
- The level of illumination is required to ensure forecourt safety during the darkness / night time.
- The illumination of the canopy, totem sign and shop sign are standard practice for a service station.
- Details of the light levels arising from the signage have been submitted.
- The applicant provides examples of similar signage at various locations in the country.
- The free standing totem sign does not materially differ from the permitted design and features similar dimensions and specification.
- The shop signage is consistent with the character of the permitted development in terms of colour and style and does not detract from the amenity of the site.
- The directional signs are essential for vehicle management and safety.
- The additional constructed fuel dispensing island adds to the functionality of the site. There is adequate capacity within the site and prevents queuing.
- The additional disabled parking bay allows for ease of access for mobility impaired customers and the standard parking space provides a set down for customers who use the service station without purchasing fuel.
- The site is not located within a conservation area. There are no protected structures proximate to the site and there are no character designations in the town to warrant a restriction on the nature or scale of the signage proposed.



- The structures are typical of service station typologies and do not impact on the visual amenity of the area.
- The design and quality of the signage is of a high standard. The use of illumination has been limited.
- No impact on traffic or pedestrian safety.
- Enhances the functionality of the operating service station.

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

None

## 7.0 **Assessment**

7.1. The main issue in this appeal relates to the reason for refusal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Visual Amenity
- Car Parking
- Appropriate Assessment.

### 7.2. ***Principle of Development***

7.2.1. It is proposed to retain 1 no. additional fuel dispensing island located beneath the forecourt canopy. Having regard to the established use of the site as a petrol filling station and its location on lands zoned for town centre uses, where retail and commercial uses are permitted I am satisfied that the principle of an additional fuel dispensing island is acceptable. It is also noted that the planning authority raised no objection to the additional filling station or any associated traffic implications.

### 7.3. ***Visual Amenity***

- 7.3.1. The planning authority's reason for refusal considered that having regard to the location on a prominent site within Ashford Town Centre the size and scale of the forecourt canopy and totem signage and the extent of illuminated signage proposed that the proposed development is excessive for this site and over and above the needs of the filling station. It was therefore considered that the proposed development would not accord with the objectives set out in the Wicklow County Development Plan 2022-2028 with regard to Town and Village Centres Placemaking, would unnecessarily detract from the visual amenities of Ashford Town Centre, would have an overbearing impact on the surrounding streetscape and would set an undesirable precedent for similar inappropriate development within the settlement.
- 7.3.2. I agree with the planning authority that this is a prominent site within the town centre. However, it is acknowledged that there is an established service station use on this subject site and that permission was granted (Reg. Ref. 19/76) in 2019 for the removal of the existing service station and the construction of replacement single storey service station building and that permission was granted in 2020 (ABP 305711-19, Reg. Ref. 19/858) for signage relating to the service station. The site also accommodates a car wash and a laundry service to the rear of the site. It is my opinion that the combination of uses within the subject site are in accordance with the provisions of both Objectives CPO 5.1 and CPO 5.2 as they support the viability and vitality of the town centre. It is also noted that the site is not located within an Architectural Conservation Area.
- 7.3.3. In the interest of clarity the potential negative visual impact of the signage to be retained are addressed individually below.

#### *Freestanding Totem Sign*

- 7.3.4. The reason for refusal raised specific concerns regarding the size and scale of the totem signage and the extent of illuminated signage. The freestanding totem sign to be retained at the sites southern boundary, c. 3.5m from the public footpath. The existing sign is c. 7.5m in height with a base of 1.6m and features a 1.4m Perspex dome illuminated 'GO' logo and 1 no. fuel display price panel. The colour of the sign

is predominantly red and grey. It is noted that permission was previously granted (ABP305711-19) for a freestanding totem sign at this location. The approved sign was 6.5m in height with a 2.7m base and incorporated a 1.8, Perspex dome 'GO' sign, 1 no. fuel display price panel and 2 no advertising panels. It is my view that the location, size and scale of the totem pole is similar to that previously approved.

- 7.3.5. Condition no. 2 of ABP 305711-19 stated that the dome signage shall not be illuminated. The applicant has submitted details of the illumination of the sign to be retained. Having regard to the sites location within a town centre, immediately adjacent to non-residential uses I am satisfied that the level of illumination of the totem sign is acceptable and within the norm for a service station within an urban area.
- 7.3.6. While it is acknowledged that the totem sign is visually prominent when entering the town centre from the south. It is my opinion that due to its setback, 3.5m from the public footpath, it is not visually obtrusive and is in keeping with the character of a service station, which is a permissible and established use on the subject site.

#### *Forecourt Canopy*

- 7.3.7. The reason for refusal also raised specific concerns regarding the size and scale of the forecourt canopy and the extent of illuminated signage.
- 7.3.8. The forecourt canopy to be retained in c. 25m in length by 6.6m in width by 1.2m in height. The colour of the canopy is predominantly red and grey. The forecourt canopy previously approved on the subject site was c. 17m in length by 6m in width by 1m in height. It is noted that the style of the canopy as also changed, with a more contemporary canopy to be retained than that previously permitted. I have no objection to the proposed style of the canopy and consider it to be of a high quality design and materials. The width and the height of the canopy generally remains unchanged from that approved, while the length has been extended to allow for the additional fuel dispensing island to be covered, which in my opinion is appropriate. It is noted that the dimensions of the canopy do not extend beyond the area of fuel dispensing islands or the building line of the service station building. The canopy is also set back c. 3.5m from the public footpath. It is my opinion that the size and scale of the canopy are appropriate having regard to the nature and scale of the use on the site, which is permissible within the zoning objective.

- 7.3.9. The reason for refusal also raised concerns regarding the extent of illuminated signage. It is noted that the previously approved canopy incorporated an internally illuminated 5mm Perspex dome 'GO' logo on both the eastern and southern elevations and a non-illuminated logo on the northern elevation. The canopy to be retained incorporates an internally illuminated 1.5m diameter 'GO' logo on the eastern, western and southern elevations and a non-illuminated logo on the northern elevation. It is noted that the logo on the western elevation of the canopy is not visible from the public road as it opposes the service station building.
- 7.3.10. The applicant has submitted details of the illumination of the signage to be retained and I agree with the applicant that a level of illumination is required to ensure forecourt safety during the darkness / night time.
- 7.3.11. While it is acknowledged that the logos on the eastern and southern elevations are highly visible, having regard to the sites location within a town centre, immediately adjacent to non-residential uses I am satisfied that the level of illumination of the canopy signage is acceptable and within the norm for a service station within an urban area and would not negatively impact on the visual amenities of the area.

#### *Shop Identification Signs*

- 7.3.12. It is proposed to retain 2 no. shop identification signs above the service station building entrance. Both of these signs are c. 4m in width by 0.7m in height and contain an illuminated 'Spar' logo. These signs are located c. 17m from the sites eastern boundary with public footpath. Permission was previously approved on the site for 1 no. 'Spar' logo sign above the service station building. This sign was 4m in width by 1m in height. Permission was also approved for a 1m diameter spar logo wall sign. Both of these signs were internally illuminated.
- 7.3.13. It is noted that the planning authority raised no objection to the proposed shop signage. However, the reason for refusal referenced the extend of illuminated signage within the site. It is my view that the location, size and scale of the shop identification signs are similar to that previously approved. It is also my opinion the signs to be retained are high quality and would be within the norm of a town centre location. I also agree with the applicant that a level of illumination is required to ensure forecourt safety

during the darkness / night time. I do not considered the shop signage to be visually obtrusive or have any negative impact on the visual amenities of the streetscape.

#### *Directional signs*

- 7.3.14. It is also proposed to retain 2 no. lollipop style directional signs within the site. The signs are c. 1.4m in height with a 500mm diameter Perspex dome with the words 'Entrance' and 'Exit'. These signs are located c. 2.5m from the public footpath at both the vehicle entrance and exit. As there is a one-way system within the forecourt area they provide traffic management. I have no objection to the proposed signs and it is noted that the planning authority raised no objection to these signs.

#### *Conclusion*

- 7.3.15. The subject site is not located within an Architectural Conservation Area and is not subject to any landscape designation. It is my opinion that the signage and canopy to be retained are of high quality design and durable materials and are reflective of a contemporary service station. I am satisfied that the extent of the signage and illumination are acceptable having regard to the sites location on lands zoned for town centre uses and the established use on the site. I am satisfied that the development to be retained is not visually obtrusive and would be in accordance with the provisions of Chapter 5 of the development plan Town and Village Centres Placemaking, with particular regard to objective CPO 5.1 to protect and maintain the viability of town and village centres, target the reversal of decline and deliver sustainable reuse and regeneration outcomes and CPO 5.2 to protect and increase the quality, vibrancy and vitality of town and villages centres by promoting and facilitating an appropriate mix of day and night time uses, including commercial, recreational, civic, cultural, leisure and residential uses and to control uses that may have a detrimental impact on the vitality of the streetscape and the public realm. I am also satisfied that the development to be retained is in accordance with the development and design standards for petrol stations as set out in Section 4.2 of Volume 3, Appendix 1 of the development plan.
- 7.3.16. During my site visit on the 2<sup>nd</sup> June 2023 it was noted that there are additional items of signage located within the subject site, including sandwich board signs, a flag sign, a large 'Insomnia' cup sign and wall signage. In the interest of clarity it should be noted

that these items are not within the remit of this appeal and are not included in my assessment.

#### **7.4. Car Parking**

7.4.1. It is proposed to retain 2 no. car parking spaces including 1 no. disabled parking bay, adjacent to the main entrance of the service station building. I have no objection in principle to the provision of 2 no. additional car parking spaces to the front of the service building and agree with the applicant that these spaces would be used for short term stay for customers not purchasing fuel. It is also noted that the planning authority raised no objection to the retention of the additional car parking spaces.

7.4.2. Notwithstanding the above I have some concerns regarding the dimensions of the spaces to be retained. Table 2.1 of Appendix 1 of the development plan sets out dimensions for car parking spaces. In this regard 6m by 2.5m for a parallel space and 5m by 2.5m for a disabled parking bay with 0.9m between the spaces. The drawings submitted indicate that the standard car parking space would be 5m in length by 2m in width and the disabled space would be c. 3m in width by 5.5m. The footpath adjacent to the service station building is located c. 7.5m from the fuel dispensing island. Having regard to the distance between the footpath and the fuel dispensing island I am satisfied that there is sufficient space to accommodate the 2no. car parking spaces, cars parking to refuel and circulation. However the applicant should ensure that the spaces are in accordance with the standards set out in the development plan.

#### **7.5. Appropriate Assessment**

7.5.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distances to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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 retention planning permission be granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the sites Town Centre (TC) zoning objective, the established use of a service station within the subject site and the nature and scale of the development to be retained it is considered that subject to compliance with the conditions set out below, the retained development would not seriously injure the amenities of the area. 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 retained and implemented 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 and the development shall be carried out and retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the service station building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

3. Within 3 months of the date of this order the applicant shall submit the dimensions of the 2 no. car parking spaces to be retained on site for the written

agreement of the planning authority. Any amendments required shall be at the applicants expense.

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.

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Elaine Power  
Senior Planning Inspector

6<sup>th</sup> June 2023