



An
Bord
Pleanála

Inspector's Report ABP-306453-20.

Development

A double fronted totem sign with a total advertisement area of 16.6m² (front and back) and a 21m high security light.

Location

Mountview Shopping Centre,
Mountview Road/Fortlawn Avenue,
Blanchardstown, Dublin 15.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW19A/0179.

Applicant(s)

Morgan and Foalan Crowe and Brid Large.

Type of Application

Planning Permission.

Planning Authority Decision

Refused.

Type of Appeal

First Party

Appellant(s)

Morgan, Foalan Crowe & Brid Large.

Observer(s)

None.

Date of Site Inspection

14th day of March, 2020.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site has a stated 0.65ha, is located on the north easternmost corner of the Mountview Shopping Centre and on the south western corner of the Fortlawn, Mountview Road and Lohunda Downs intersection, in the Dublin city of suburb of Blanchardstown.
- 1.2. The Mountview Shopping Centre is situated c264m to the west of Blanchardstown Road South (R121); and, c1.1km to the south west of Junction 3 of N3 as the bird would fly.
- 1.3. It consists of a redeveloped single storey with mezzanine level modest in size shopping complex containing 6 no. retail units and an anchor supermarket (Iceland) which is setback from Lohunda Downs road and its eastern boundary by car parking provision and circulation space. Similarly, the shopping complex is setback from Mountainview Road and its northern boundary by car parking provision and circulation space. These areas also contain some soft landscaping through to bicycle parking.
- 1.4. In addition, both the eastern and northern boundaries of the larger shopping centre site are setback from the roadside edge by way of open grass verges, individual specimen trees, footpaths and street lighting.
- 1.5. Adjoining the shopping centre to the west there is a detached building containing a Public House (Swallows Lounge, Bar & Off-Licence) and a Betting Shop (Paddy Power); to the south and south west there is recreational amenity space including Mountain Boys & Girls Football Club.
- 1.6. The surrounding area is characterised by mature residential development.
- 1.7. Photographs of the site and its setting are attached.

2.0 Proposed Development

- 2.1. Planning permission is sought for a double fronted totem sign with a total advertisement area of 16.6m² (front and back) and a 21m high security light. It would appear that the totem sign would not be independently lit and the 21m high security light would contain CCTV cameras positioned at 3m and 21m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority refused permission for the two stated reasons:

- 1) Visual Amenity Impact
- 2) It was considered that the totem sign was contrary to a condition of a previous grant of permission for the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority decision. This report notes the planning history of the site and the fact that it was specifically conditioned under a previous grant of permission (P.A. Reg. Ref. No. FW17A/0233) for a double fronted totem sign to be omitted. It was further considered that the proposed development would result in visual and residential amenity concerns.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site: Relevant Planning History

- **P.A. Reg. Ref. No. FW17A/0233:** Permission was **granted** subject to conditions for a development consisting of a single storey mezzanine retail unit; with associated signage; revised elevational treatments; new hipped roof structure

over; a replacement double fronted totem sign with a total advertisement area of 15.2m² (front and back); revisions to the existing car parking area, provision of bicycle parking, provision of an ESB substation and switch room, a 21m high security light with CCTV camera, associated landscaping together with all associated works and services.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The Fingal Development Plan, 2017 to 2023, is applicable.
- 5.1.2. The site forms part of a larger parcel of land zoned with the stated objective to “*protect, provide for and/or improve local centre facilities*”.
- 5.1.3. The stated vision for these lands include to “*provide a mix of local community and commercial facilities for the existing and developing communities of the County. The aim is to ensure local centres contain a range of community, recreational and retail facilities, including medical/ dental surgeries and childcare facilities, at a scale to cater for both existing residential development and zoned undeveloped lands, as appropriate*”.
- 5.1.4. Mountview Shopping Centre is located within “*Level 5: Local Shops and Small Villages*” within the retail hierarchy set out in the Development Plan.
- 5.1.5. Chapter 12 of the Development Plan on the matter of signage acknowledges that it can have a major impact on the visual amenity of an area. It also states that “*advertising signage, where permitted, should be simple in design, sympathetic to its surroundings, non-illuminated and not unduly obtrusive*”.

5.2. Natural Heritage Designations

- 5.2.1. None relevant.

5.3. EIA Screening

- 5.3.1. Having regard to the modest nature, scale and extent of the proposed development, the appeal sites location on serviced lands as well as the distance of the site from nearby sensitive receptors with the nearest European site being Rye Water

Valley/Cartron SAC (Site Code: 001398) which is located c7.4km to the south west, I consider that 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. The grounds of appeal can be summarised as follows:

- The rationale for the high security light with CCTV cameras is to prevent anti-social behaviour in the centre that is not being picked up by existing cameras.
- No adverse residential or visual amenity impact would arise.
- It is contended that from 1982 to mid-2019 there was a totem pole on site.
- The signage is similar to other shopping centres in the Dublin area.
- If the signage is not deemed acceptable to the Board, it is requested that it consider permitting the security light and camera.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- The issues raised in relation to anti-social behaviour are noted; however, the 21m high security light with CCTV cameras would be unduly visible and would impinge on residential amenities of the surrounding area.
- The proposed development would be highly visible from the adjoining road network.
- The totem signage, given its height, location and design would be excessive and unnecessary insertion at this location.
- The Board is requested to uphold its decision.

7.0 Assessment

- 7.1. By way of this application planning permission is sought for a double fronted totem sign with a total advertisement area of 16.6m² and a 21m high security light which would also include the provision of CCTV cameras at 3-metres and 21-meters intervals. It is proposed to locate these on the north easternmost corner of the Mountview Shopping Centre complex with a c2m setback from its roadside boundary with the heavily trafficked Mountview road; c4m setback from its roadside boundary with Lohunda Downs; and, c7.7m from the roadside edge of the intersection of these two roads which at this point also intersect with Fortlawns Avenue which is situated immediately to the north.
- 7.2. The Planning Authority decided to refuse planning permission for the development sought on visual amenity grounds and it was further considered by them that the proposed totem sign would materially contravene Condition No. 8(i) of an existing grant of planning permission under P.A. Reg. Ref. FW17A/0233 which I note at the time of my inspection of the site has been implemented. The two stated reasons for the Planning Authority's refusal for the development sought under this application are set out under Section 3.1 of this report above.
- 7.3. The Board has received a 1st Party appeal which seeks that the Planning Authority's decision is overturned and should the Board deem the totem sign proposed to be an unacceptable form of development they request that consideration is given to granting permission for the 21m high security light together with its associated CCTV attachments. In relation to this component of the development they contend that the rationale behind its provision is to deter anti-social behaviour; car theft and car damage which they indicate has been a problem at this centre.
- 7.4. The Planning Authority in their response to this appeal though noting the issues raised by the appellant regarding antisocial incidents at this location seek that the Board uphold its decision. They further reiterate the basis of their two reasons for refusal and they also indicate that they consider that the 21m high security light together with its CCTV cameras located at 3m and 21m would be unduly visible as well as would impinge on residential amenities of the surrounding area.
- 7.5. Having inspected the site, the documentation on file including submissions and responses received, alongside having regard to the applicable planning provisions for

such a development at such a location I consider that the substantive issues are whether or not the proposed development can be visually positively absorbed by its streetscape scene; whether or not the proposed development would give to any adverse residential amenity impacts, whether or not it would give rise to any adverse road safety issues; and, whether or not the proposed development is consistent with local planning policy provisions applicable to this type of development at this location. In addition to this regard to the site's planning history is also equally pertinent in this case and requires consideration having regard to the fact that refusal reason number two refers to the totem display being a type of development that would, if permitted, materially contravene a condition attached to a previous grant of permission relating to this site.

- 7.6. I therefore propose to deal with each of these broad issues in the context of my assessment below but I first of all note that the appeal site is located on land that is zoned under the Fingal Development Plan, 2017 to 2023, as local centre which has the stated objective to “*protect, provide for and/or improve local centre facilities*”. As the proposed totem sign and security light structure are types of development that are neither ‘permitted in principle’ nor ‘not permitted’ under the Development in such situations Chapter 11 advocate that they should be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision alongside their compliance and consistency with the policies and objectives of the Development Plan. I also note that retail and other range of land uses present within this modest in scale local shopping centre are uses that are deemed to be ‘permitted in principle’ on land zoned local centre.
- 7.7. Though modest in size 0.65ha appeal site occupies a prominent position on the south western corner of the Mountview Road, Lohunda Downs and Fortlawn Avenue intersection with the surrounding area being predominated by mature single through to two storey residential developments as well as generous open space provisions. The residential developments include the single storey terrace of ‘Whitechapel’ which is situated on the opposite side of Lohunda Downs road; the two storey terraces on the opposite side of Mountview Road both of which are setback from the roadside edge by deep linear green strips of open space; and, also the two storey mainly terraces but also semi-detached pairs that align either side of Fortlawn Avenue.

- 7.8. Whilst Mountview Road and Lohunda Downs are characterised by their semi-mature tree planting as well as they are well served by way of street lighting, street signage through to other streetscape infrastructure/features one would ordinarily expect to find in a suburban location like this that has been subject to recent public realm upgrades and I observed that Fortlawn Avenue benefits from deep footpaths with streetlighting due to their relatively straight horizontal and vertical alignment alongside their generous street width the site itself occupies a highly visible and prominent corner location within its streetscape setting.
- 7.9. Equally, despite the presence of a public house with off-licence and betting shop to the west of Mountview Shopping Centre and the presence of various recreational public spaces with their associated buildings to the south of the Mountview Shopping Centre the surrounding area as mentioned previously is predominantly characterised by residential development. With the residential schemes of single storey and two storeys aligning with the public domain of Mountview Road, Lohunda Downs and Fortlawn Avenue.
- 7.10. In addition, the Mountview Shopping Centre which is setback from the roadside edge like other buildings in this area is as a result of its mixture of mainly retail units together with the presence of an anchor store (Iceland) with their associated signage are in my observation despite the inclement weather of the day I inspected the site still highly legible and visible in their streetscape scene despite the presence of natural and man-made features on the public domain adjoining the public roads, in particular along Mountview Road.
- 7.11. Despite the potential synergy of the proposed development with the existing development at Mountview Shopping Centre, which appears to have been subject to recent refurbishment, additions and alterations as part of a recently implement permitted development (Note: P.A. Reg. Ref. No. FW17A/0233), it is my opinion that the nature and scale of totem signage as well as the lighting monopole structure with its attached CCTV cameras at various heights on it is not appropriate for a modest local centre like this where the signage associated with the units are more than highly visible and legible from the public domain. But also against the context where significant measures have been implemented to improve the public realm of the surrounding area.

- 7.12. Moreover, I acknowledge that the improvements to the public realm at this location has been aided by the measures taken by the applicants within the curtilage of the Mountview Shopping Centre. These measures have included soft landscaping through to improved treatments of the car parking surfacing, boundaries present and the like. In addition, the external appearance of the shopping centre itself also appears to have benefitted from a robust refurbishment. These together with the apparent good upkeep of the centre in my opinion have also improved the vibrancy, vitality and attractiveness of its presentation, particularly as appreciated from Mountview Road and Lohunda Downs. It has also improved its attractiveness of the centre when appreciated from Fortlawn Avenue though this is a more localised impact due to the orientation and placement of the shopping centre relative to this public road.
- 7.13. In my view the addition of the proposed structures at the intersection of Mountview Road and Lohunda Downs would detract from the substantive visual amenity improvements that have been implemented in this area. They would also result in excessive visual clutter of signage in this area with no real justification and/or demonstratable need for it.
- 7.14. Further, the notification to grant permission under P.A. Reg. Ref. No. FW17A/0233 included a condition that omitted the provision of this type of advertising (Note: Condition 8 (i)) mainly in the interests of visual amenity and as also in the interests of the proper planning and sustainable development of the area. I am therefore in agreement with the Planning Authority for their second reason for refusal which relates the proposed totem sign materially contravene Condition 8 (i) of P.A. Reg. Ref. No. FW17A/0233.
- 7.15. Moreover, of note the Planning Authority in their additional information request as part of their determination of P.A. Reg. Ref. No. FW17A/0233 achieved the omission of a similar 21m monopole light structure from the overall design scheme sought for approval. In addition, the applicant was advised of what the Planning Authority deemed to be acceptable at this location, i.e. that CCTV cameras should be attached to the building's façade and/or roofs and that they do not extend over the ridge/parapet of the roof structure itself. The applicant as part of their response to the Planning Authority's further information request omitted its provision and provided an alternative CCTV solution for the site.

- 7.16. The addition of a 21m monopole light structure and its associated CCTV camera's is in my opinion not acceptable and it would still be an excessively overt intrusion into this streetscape scene which is more than well provided for with standard type of streetlights at regular intervals alongside it and within the complex of the shopping centre. Moreover, the design as sought lacks any assurance that the lighting it would contain would be directional lighting and of a level of LUX that would not cause excessive visual glare nor have they examined the potential of improving light on site without the need for such a drastic piece of infrastructure within its curtilage.
- 7.17. In addition, the attachment of CCTV cameras in such an overtly obvious manner would be an aggressive insertion into a residential streetscape scene and there is more than ample options having regard to the layout through to the built form of the Mountview Shopping Centre to ensure that ample coverage can be obtained by less aggressive on site measures. Indeed, in a manner as similarly advised by way of the additional information request sought by the Planning Authority under P.A. Reg. Ref. No. FW17A/0233.
- 7.18. Similarly a more site sensitive lighting through to a more robust security solution could be provided instead of providing one 21m monopole structure should it be considered that within the curtilage of the shopping centre that its semi-private through to private domains are not adequately provided for in order to deter, capture and record anti-social behaviour situations during the evening and night times when the individual businesses it contains are not operational and having regard to the fact that the semi-private realm around the northern and eastern side of the shopping centre connects without impediment to the grounds associated with the Public House building.
- 7.19. I also consider that the 21m security lighting structure in terms of its height and the design is more characteristic of the lighting one observes at overpasses onto major routes like the M50 and M1 where such heights are needed to provide high level of LUXs and ambient lighting over more than one level of public road and require wide reach.
- 7.20. I also consider that, if permitted, it would result in visual glare that would not only be at odds with its residential streetscape scene and the modest local centre that is a part of but also there is potential for it to result in light pollution/overspill onto the public and

private domains of the surrounding area to an unacceptable degree. It could also result in visual glare for road users to an unacceptable degree.

- 7.21. I also note that whilst the appellant raises the fact that the development proposed under this application are common features in similar shopping centre complexes within this streetscape scene there is no precedent for the presence of totem display signs, or the type of lighting/security monopole proposed. Notwithstanding, this application does not give any assurance the light overspill, light pollution through to glare would not occur. Nor is any justification provided as to why a 21m stated pole is required for lighting and security considering the height of the shopping centre which is predominantly single storey with a mezzanine level for the anchor premises and the single to two storey heights of buildings on adjoining and neighbouring properties.
- 7.22. I note that Chapter 11 of the Development Plan on the matter of signage acknowledges that its presence and location can have a major impact on the visual amenity of an area with poorly positioned and unnecessary signage having the potential to reduce the overall visual quality of the area. It advocates where advertising is permitted, these should be simple in design, sympathetic to its surroundings, non-illuminated and not unduly obtrusive. It also indicates that *“the Council aims to reduce the amount of fixed structure signage”*.
- 7.23. In keeping with this approach Objective DMS11 of the Development Plan states that the Council shall *“evaluate signage proposals in relation to the surroundings and features of the buildings and structures on which signs are to be displayed, the number and size of signs in the area (both existing and proposed) and the potential for the creation of undesirable visual clutter”* and, Objective DMS14 of the Development Plan indicates that the Council shall resist other new large advertising structures and displays.
- 7.24. In addition, Chapter 7 of the Development Plan on the matter of lighting acknowledges that while *“adequate lighting is essential for a safe and secure environment”* it also acknowledges that *light spillage from excessive or poorly designed lighting is increasing recognised as a potential nuisance to surrounding properties and a threat to wildlife*. Moreover, it states that *“lighting columns and other fixtures can have a significant effect on the appearance of buildings and the environment”* and it indicates that *“where proposals for new lighting require consent that it will be required that these*

are carefully and sensitively designed providing only the amount of light necessary for the task in hand and shield the light given out so as to avoid creating glare or emitting light above a horizontal plane". It also advocates the minimum required approach for the proposed lighting scheme for reasons of public safety and security. It clearly indicates that light spillage, impact on neighbouring properties, dazzling or distraction to road users is not acceptable.

7.25. In keeping with this Objective LP01 states that the Council will “*require that the design of lighting schemes minimise the incidence of light spillage or pollution into the surrounding environment. New schemes shall ensure that there is no unacceptable adverse impact on neighbouring residential or nearby properties; visual amenity and biodiversity in the surrounding areas*”.

7.26. Based on the above considerations, it is my opinion that the proposed development would, if permitted, be contrary to the above local planning policy provisions, it would seriously injure the visual and residential amenities by way of visual clutter, light pollution and it would also have the potential to result in traffic hazard and road safety issues for road users by way of the additional glare that would arise at the heavily trafficked intersection of Mountview Road, Lohunda Downs and Fortlawns Avenue. For these reasons I generally concur with the reasons given by the Planning Authority in their notification for the refusal of planning permission for the development sought under this application.

7.26.1. **Other Matters Arising**

Proximity to a signalised pedestrian crossing: I raise a concern that the proposed development, if permitted, would interfere with the visual legibility of a pedestrian crossing located on Mountview Road that is situated in close proximity to the Mountview Road, Lohunda Downs and Fortlawn Avenue intersection.

Having regard to the heavy traffic observed on the Mountview Road at the time of my inspection, the layout of this road, the location of existing natural and man-made insertions along this road, the positioning of the associated traffic signals for this pedestrian crossing and its proximity to one of the entrances serving the shopping centre and the public house, off-licence as well as betting shop building all to the west of this intersection I consider that the proposed development together would, if permitted, have the potential to distract road users on their approach of this junction,

in particular those journeying in a westerly direction on Mountview Road from the R121, by way of visual glare and distraction. This impact would not be acceptable on road safety and road traffic hazard grounds.

Transitional Zoning Character of the Site and Surrounding Land: I note to the Board that Mountview Shopping Centre complex is located in a suburban setting that despite being characterised as being predominated by residential development has a transitional land use zoning character.

The lands bounding Mountview Road and Lohunda Downs are edged by strips of land zoned 'OS' – Open Space which has a stated objective of "*preserve and provide for open space and recreational amenities*" behind which the land is zoned 'R2'. The land use zoning objective for 'R2' land is to provide for residential development and protect and improve residential amenity.

This transitional change of land is observable from the semi-private domain of the Mountview shopping centre. In addition to this the land to the west of the public house, off-licence and betting shop is zoned for 'CI' – '*Community Infrastructure*' with it transitioning to mainly 'R2' land but also containing pockets of 'OS' zoned land to the north west, west, and south west.

To the south of the Mountview Shopping Centre, the adjoining lands are zoned 'OS' and these transition into 'R2' zoned land.

As such the 'LC' land use which the site forms part of is limited in terms of its area within its suburban setting. Having regard to the above I note that Section 11.4 of the Development Plan indicates that in dealing with development proposals in contiguous transitional zonal areas it is necessary that developments that would be detrimental to the amenities of the more environmentally sensitive zone.

In this instance it is my opinion that the introduction of the totem sign and the 21m high security light with its associated cameras would not for the reasons concluded above be a type of development that would not be detrimental to the amenities of more environmental zone, in particular, those associated with the residentially zoned land which is characterised by well-established residential properties.

8.0 **Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0 **Recommendation**

- 9.1. I recommend that planning permission be **refused**. I note that reason number three may be considered a new issue by the Board in its determination of this appeal case.

10.0 **Reasons and Considerations**

1. Having regard to the design and scale of the double fronted totem advertising signage structure as well as the design, scale and in particular the significant height of the high security light together with its associated CCTV infrastructure, the visually prominent position of the site on the south western corner of the junction of Mountview Road, Lohunda Downs and Fortlawns Avenue, and position relative to public realm improvements that characterise the streetscape scene at this location, it is considered that the totem advertising signage structure and the security light with its associated CCTV infrastructure, would be injurious to the visual and residential amenities of the area such that it would be contrary to Objective DMS11 and Objective DMS14 of the Fingal Development Plan, 2017 to 2023, which together essentially seek to resist visual clutter and the provision of unnecessary large advertising structures as well as displays. It would also be contrary to Objective LP01 which seeks that the design of lighting schemes minimises the incidence of light spillage or pollution into the surrounding environment and that new schemes ensure no unacceptable adverse impact on neighbouring residential or nearby properties through to adverse visual amenity impacts on the surrounding areas. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed totem sign would materially contravene a condition attached to an existing permission for development being Condition No. 8 (i) of P.A. Reg. Ref. FW17A/0233.

3. The advertisement structure proposed together with the lighting/security monopole, by reason of their size, their height, the illumination, and due to its proximity to a road intersection and signalised pedestrian crossing, would be likely to distract drivers on the heavily trafficked route of Mountview Road and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

18th day of March, 2020.