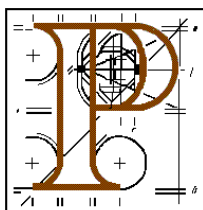


An Bord Pleanála



Inspector's Report

Appeal Ref. PL 29S.245448

Location: Land adjacent to 99 Drimnagh Road, Drimnagh, Dublin 12.

Proposed Development: Communal sign 3.4 metres high by 1.5 metres wide.

Planning Application

Planning Authority: Dublin City Council.

Planning Authority Reg. Ref.: 3026/15

Applicant: Antcon Limited

Application Type: Planning permission

Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): Antcon Limited.

Observers: None.

Date of Site Inspection: 16th December, 2015.

Inspector: Stephen Kay

1.0 Site Location and Description

- 1.1 The appeal site is located on the southern side of Drimnagh Road between the junctions at St. Mary's Drive and Balfe Road. To the southeast there is a vacant site, which has zoning objective Z1 – 'to protect, provide and improve residential amenities'. Immediately to the west is another vacant site, formerly occupied by a Methodist church and which currently is surrounded by a hoarding.
- 1.2 The site is located c.200m west of Crumlin Children's Hospital and a short distance east of the district centre at the junction of Balfe Road/Walkinstown Road. The site is bounded to the east and south by existing two-storey terraced houses, and additional two storey housing is located facing the site on the opposite (north) side of Drimnagh Road. The site was formerly occupied by a snooker hall, however on foot of Ref. 3598/13 the site has recently been the subject of development comprising two single storey buildings, one a café (Costa) and convenience store with off licence (Centra) and one a pharmacy (Boots), with a total floor area of 928m².

2.0 Proposed Development

The proposed development comprises the erection of a shared sign to advertise the uses at the site. The sign is proposed measure 3.4 metres in height by 1.5 metres in width and would have an area of c. 9.6 sq. metres. The sign is proposed to be back lit and is proposed to be located to the north east of Unit 1 of the development (Costa Coffee) and the Drimnagh Road and in a position to the west of the vehicular entrance to the site.

3.0 Planning History

There is an extensive planning history on the site which can be summarised as follows:

Amendments to Parent Permission

Dublin City Council Ref. 2104/15: Permission granted for amendments to previously granted planning permission (Reg. Ref. 3598/13) and previous decision to grant planning permission (Reg. Ref. 3707/14) for development located on site of 0.2783ha at site of former snooker hall, to comprise relocation of main entrance pedestrian doors and glass canopy over from west end of north/front elevation, to centre of north/front elevation (facing Drimnagh Road) of already approved Unit Number 3.

Dublin City Council Ref. 3707/14: Permission granted for additional ESB substation and minor amendments to existing permission (Reg. Ref. 3598/13); substation to be located to south/east rear corner of site; amendments to comprise: (1) addition of pedestrian fire escape door to

front/north elevation of Unit 1; (2) addition of pedestrian fire escape door to rear/south elevation of Unit 3; (3) relocation of pedestrian entrance doors to east elevation to Unit 1 and (4) addition of pedestrian back-of-house door to west elevation to Unit 1; total gross internal floor area of proposed substation building to be 23.5m².

Parent Permission

Dublin City Council Ref. 3598/13: Permission granted for mixed use development on site of 0.2783ha at site of former snooker hall, to comprise two single storey buildings, building 1 to accommodate a café to front with outdoor café seating area fronting onto Drimnagh Road and local convenience store including small off-licence to rear unit; Building 2 to accommodate a convenience retail unit including pharmacy; total gross internal floor area of proposed buildings to be 928m²; development to incorporate one vehicular entrance/exit to Drimnagh Road with modifications to footpath along site frontage with associated landscaping, site and service works, totem advertising sign (omitted by condition) and new boundary wall to east, south and west of development; development to provide 19 car parking spaces with 4 bicycle spaces within site curtilage. Condition 3(a) of the grant of permission required a proposed freestanding 'totem pole' sign to be omitted from the development.

Dublin City Council 3115/10; An Bord Pleanála Ref. PL29S.237542: Permission granted by the Planning Authority and upheld on appeal for four storey mixed use building comprising two retail units and entrance to upper floors on ground floor, twelve medical consulting rooms and ancillary spaces on first floor, five medical consulting rooms, offices and ancillary spaces on second floor and offices on third floor, total gross internal floor area of proposed building, inclusive of circulation and service areas, to be 2935 sq. metres.

Adjoining Sites

Dublin City Council Ref. 3436/09: Permission granted for development of community primary care health centre including six GP medical suites; three dental suites; associated medical service rooms; offices; two retail units and underground car parking within a four-storey over basement building at the site of the former Methodist Church (adjoining site to west).

4.0 Planning Authority Assessment and Decision

4.1 Internal Reports

Planning Officer - The report of the Planning Officer notes the planning history of the site and the nature of the proposal. It is noted that signage is open for consideration on lands zoned Objective Z4 however it is considered that the scale of the signage is not appropriate in this location and that the existing units already have their own signage. It is also noted that original grant of permission for the

development omitted a totem sign by way of condition. A refusal of permission consistent with the Notification of Decision which issued is recommended.

Drainage Division – No objection subject to conditions.

There is no indication on file of any objections to the proposed development.

4.2 Decision

A Notification of decision to refuse Permission was issued by the Planning Authority and cited two reasons for refusal as follows:

1. The proposed 3.4m high freestanding sign would contribute to an edge-of-town character which would not be consistent with the character of the existing district centre in which the site is located or the surrounding residential area. The proposal would set an undesirable precedent for similar signage in district centres, which would be contrary to the provisions of the current Dublin City Development Plan (2011-2017) including the Shopfront Design Guide, and to the proper planning and sustainable development of the area.
2. The proposal would contravene materially a condition attached to a previous grant of permission (i.e. Condition 3(a), Reg. Ref. 3598/13) which required the omission of a proposed totem pole sign.

5.0 Grounds of Appeal

A first party appeal has been submitted against the proposed development. The following is a summary of the main issues raised in this appeal submission:

- That the scale of sign proposed is modest and is proportionate to the location and to the scale of the buildings.
- That discussion of the appropriate size of signage was included during the pre application consultations for Ref. 3598/13 where it was stated by the planning authority that signage should be in keeping with the scale of the building and that a height of 4.5 metres may be more appropriate than the 6 metres proposed.
- That the scale of sign proposed under this application at 3.4 metres by 1.6 metres is smaller than that omitted by condition (4.5 metres high by 2.0 metres wide).

- Submitted therefore that the sign differs from that originally proposed and omitted by condition and does not therefore materially contravene that permission (Ref. 3598/13).
- Argued that the development plan 15.10.4 sets out how the basis of a district centre is larger scale commercial outlets on busy routes and which would attract large volumes of traffic and therefore that such centres need to be visible.
- That the provision of signage is acceptable under the land use zoning objective for the site (Objective Z4).
- RD4 and RD19 of the plan promote retaining and specifically retailing and development in district centres.
- That the layout of the development, specifically the setting back of the Centra unit is such that signage is required to create an identity and sense of place.
- That the retail strategy supports the development and expansion of the functions of the key district centres. The proposal providing necessary signage is in compliance with this principle.
- That the proposed sign is similar to that which exists at other locations and other similar centres.
- That the signage is essential to the commercial success of the centre.
- That Appendix 27 relates to signage and pg. 392 of the plan identifies zones for signage within the city. The planners report states that it is not clear which zone the site is located in which is not satisfactory when signage is permissible in one zone and not in another.
- That the signage meets the specific requirements set out at Appendix 27.
- The appellant notes and agrees with the planning authority that highway safety would not be compromised as a result of the proposed development.

6.0 Response Submissions

6.1 Planning Authority Response to Grounds of Appeal

No response to the grounds of appeal on file.

7.0 Development Plan Policy and Guidance

7.1 Dublin City Development Plan 2011-2017

The appeal site is zoned Objective Z4, '*to provide for and improve mixed services facilities*' under the provisions of the Dublin City Development Plan, 2011-2017. Under this land use zoning objective advertising structures are classified as Normally Permissible.

Zoning as Objective Z4 means that the site is identified as a district centre and the plan (15.10.4) states that such centres 'provide for a far higher level of services than neighbourhood centres'.

The areas in the immediate vicinity of the site are objective Z4 in the case of the commercial site immediately to the west. The balance of lands in the vicinity are zoned Objective Z1 (residential).

Appendix 27 relates to advertising structures. A number of zones are identified for the purposes of advertising and the appeal site would appear to fit into Zone 3 radial routes for the purposes of this classification. Within this zone the plan states that '*subject to compliance with development management standards the development of outdoor advertising in this zone will be open for consideration other than in conservation areas*'.

8.0 Assessment

The main issues arising are considered to be as follows:

- Principle of Development
- Design and Visual Impact
- Other Issues

8.1 Principle of Development

8.1.1 The appeal site is located on lands that are zoned Objective Z4 under the provisions of the Dublin City Development Plan, 2011-2017 and which has the stated objective '*to provide for and improve mixed services facilities*'. Advertising structures are identified as an Open for Consideration Use on lands zoned Objective Z4. The principle of signage in some format is therefore acceptable in this location.

8.1.2 Regarding material contravention, the reasons for refusal cited by the Planning Authority does not state that the proposed development would materially contravene the development plan however it is stated that the proposal would materially contravene a condition attached to a previous grant of permission. Specifically, Condition No. 3 Condition of Reg. Ref. 3598/13 required the omission of the roadside totem sign proposed as part of that application. The first party argues that the

current proposal does not materially contravene this condition as cited in reason for refusal No.2 as the sign as currently proposed is very significantly smaller than the original design. The current proposal at 3.4 metres high by 1.5 metres wide is significantly smaller than the original proposal for a 4.5 metre high by 2 metres wide sign under Ref. 3598/13 however the fact is that the sign was omitted by the Planning Authority rather than being reduced in size by way of condition. I am therefore of the opinion that the sign, if permitted would contravene condition No.3 of Ref. 3598/13. In stating this, however, there is no onus on the Board to refuse permission for this reason.

8.1.3 Appendix 27 of the Plan relates to the outdoor advertising strategy. While this strategy appears to relate to a significant degree to billboard advertising it also relates to other forms of commercial signage. The strategy identifies six zones and the appeal site is located on a radial routes that comprises one of those in Zone 3. Within this zone the plan states that *'subject to compliance with development management standards the development of outdoor advertising in this zone will be open for consideration other than in conservation areas'*. The principle of the provision of advertising structures in the vicinity of the appeal site is therefore open for consideration. Appendix 27 of the plan sets out a number of tests to be applied to proposals and these will be considered in more detail in the sections below.

8.1.4 Regarding the principle of development, I also note that the appellant makes reference to extracts from 15.10.4 of the development plan (District Centre zoning – Objective Z4) in support of the provision of the proposed sign. Specifically, the case is made that a sign is appropriate given the function of district centres their location on busy routes and which would attract large volumes of traffic and therefore that such centres need to be visible. At a number of points in the appeal submission however the sections quoted relate to key district centres which are the designated top tier of district centres. The appeal site is not however identified in the development plan as being a key district centre and the bulk of the content of 15.10.4 of the Plan is not therefore directly applicable to the site.

8.2 Design and Visual Impact

8.2.1 The basis for the decision of the Planning Authority to refuse permission is that the signage proposed is inappropriate in an area that is primarily residential in character. It is accepted that the bulk of the surrounding uses are residential however regard in my opinion also has to be had to the character of the road. Drimnagh Road in the location of the appeal site is a very heavily trafficked arterial route into the city. These heavy flows of traffic are part of the basis why the site and the adjoining site to the west have been identified as a district centre.

8.2.2 As noted in 8.1.3 above, Appendix 27 lists a number of assessment criteria that should be applied to outdoor advertising proposals and which I consider appropriate to the current assessment. The first is geographical location of the site and as noted already under both the

Advertising strategy designations and the land use zoning, signage is open for consideration. Regarding rationale for the proposed structure, the first party has set out how the advertising is required from a commercial perspective. The layout of the development is such that the building line of Units 1(Costa) and 3 (Boots) have been set back from the road edge to respect the line of the adjoining dwellings. The result is a development that does not have a clear presentation to the street and which is not clearly visible to traffic on Drimnagh Road until very close to the site. The boundary wall to the front garden of the dwelling to the east of the site and the hoarding, albeit temporary, around the site to the west make visibility of the site an issue. The unit occupied by (Unit1), Costa Coffee does have clearly visible signage and there is signage attached to the boundary wall at the north west corner of the site however the Centra outlet is not visible from Drimnagh Road at all. Overall, given the layout of the development on site it is my opinion that there is a case to be made for permitting some form of additional commercial signage at this location.

- 8.2.3 The criteria listed in Appendix 27 makes reference to the concentration of similar structures in the vicinity and the impact on the character of the area. As noted in the report of the Planning Officer there are limited examples of similar structures in the general area and there are no similar features in close proximity to the appeal site. While the area is primarily residential in use, the route is a main traffic artery into the city and its character reflects this role. Overall, I do not consider that the potential impact of the proposed development on the character of the area would be significantly adverse.
- 8.2.4 Regarding the design of the structure and its scale, the materials proposed comprise an aluminium frame with a grey satin finish. Illumination of the signage is proposed to be internal backlighting polycarbonate signage. The general format of the proposed signage is considered to be acceptable. In terms of scale, the original proposal for a free standing sign in this location was for a structure 4.5 metres in height and 2 metres wide. This is now proposed to be reduced to 3.4 metres in height and 1.5 metres in width. The guidance in Appendix 27 stresses the importance of the scale of signage being proportionate to the scale of the development and the street. The scale proposed is in my opinion appropriate to the setting and scale of building and the street in this location and any significant reduction in the scale would limit its effectiveness. In the event of a grant of permission it is recommended that details of the materials and finishes of the signage should be submitted for written agreement.
- 8.2.5 There is no report on the appeal file from the Roads and Traffic Planning Division of the council however the location of the proposed signage is such that it would not obstruct views of traffic exiting the site and would not impact on pedestrians.

8.3 Other Issues

- 8.3.1 Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

REASONS AND CONSIDERATIONS

Having regard to the design and scale of the proposed signage, to the location of the site on an radial route into the city and the layout of the existing development on site and to the nature, layout and character of surrounding land uses it is considered that, subject to compliance with conditions below, the proposed development would be consistent with the land use zoning provisions of the site and the designation under the outdoor advertising strategy, would not seriously injure the amenities of the area or of property in the vicinity 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.

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. Prior to the commencement of development, details of all materials in the signage structure shall be submitted for the written agreement of the Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of development consistent with the normal specifications of the Planning Authority.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

Stephen Kay
Inspectorate
17th December, 2015