



An
Bord
Pleanála

Inspector's Report PL29N.247799

Development	Permission to replace existing advertising hoarding on the Upper Dominick Street elevation with a digital media display.
Location	No. 30 Bolton Street, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1416/16
Applicant(s)	Vision Sites Advertising Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Vision Sites Advertising Ltd.
Observer(s)	None
Date of Site Inspection	30 th March 2017
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located at the corner of Bolton Street and Dominick Street Upper to the north-west of Dublin City Centre. Bolton Street and Dorset Street (R132) and Dominick Street Upper and Lower meet at a crossroads on one of the main radial routes into the city centre from the north. The Luas extension will also continue in both directions along Dominick Street through the crossroads upon completion in 2017. The crossroads is surrounded by flats and apartments, ecclesiastical buildings and commercial buildings. The eastern side of the crossroads is within a conservation area.
- 1.2. The site comprises an end of terrace 5-storey corner building with recessed 4th floor. The ground level is occupied by a money transfer and internet café business and upper floors would appear to be in residential use. The property has a frontage of 5m onto Bolton Street and 11m onto Dominick Street Upper.
- 1.3. There is an existing advertising sign across the Dominick Street frontage above ground level. This structure has dimensions of 6.08m in height and 6m in width. The advertisement contains a fixed poster and paste billboard that has been in place for some time.

2.0 Proposed Development

- 2.1. Planning permission is sought for the replacement of an existing advertising hoarding with a digital media display. The proposed sign will be 4.80m wide and 7.2m high.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for the replacement sign for three reasons. Under the first reason, it is not considered that the *“...advertisement hoarding proposed for removal represents a sufficient planning gain with regard to the rationalisation of external media advertising within the public*

realm, as the sign is not perceived to be of equal value and in terms of prominence and visibility...”.

- 3.1.2. Under the second reason, it is stated that the “...illuminated signage would have a significant impact on the character and integrity of the nearby Protected Structure of St. Saviour’s Church and Priory and on the character of the adjoining Conservation Area...”.
- 3.1.3. The third reason states that “by virtue of the increased luminosity of the signage, frequency of advertisement change, intensification of this type of use on the site and the associated impacts on the residential amenities of adjoining properties, the proposed digital media advertisement would be considered to be visually inappropriate in terms of the Zone 6 zone of advertising control within which it is located...”.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to refuse permission, as outlined in the Planner’s Report, reflects the decision of the Planning Authority.
- 3.2.2. Under the assessment of the application, it is noted that the surrounding area is very mixed in character with residential and commercial properties and protected structures around the crossroads.
- 3.2.3. The site is within Zone 6 (predominantly residential) of the Zones of Advertising Control in the Development Plan where advertising is considered to be visually inappropriate. However, the site is on the periphery of this zone, within a transitional area between zones and on a radial route. It is stated that the opportunity would exist for advertising in these streets where normal controls apply.
- 3.2.4. It is noted that there are a number of existing large format advertising hoardings in the vicinity and it is considered that the proposal would be an intensification of use in this area.
- 3.2.5. The Council Advertising Strategy states a preference for 6 sheet and 8 sq.m. advertising structures and the proposed structure would be significantly larger at 34.5 sq.m. Notwithstanding that the existing sign has been in place for some time and the fact that the proposal represents a reduction in the advertising area of the

sign, it is stated that the Council is seeking improvements to the public realm throughout the city through the management and reduction of these types of hoardings.

- 3.2.6. The Outdoor Advertising Strategy states that the upgrading of existing outdoor advertising will only be permitted if an agreement is made to decommission at least one other display panel in the city and to extinguish the licence for that panel. However, the Council do not consider that the proposed decommissioning of a sign at Emmet Road, Inchicore is sufficient in view of the location of the proposed sign at the edge of a conservation area and in proximity to protected structures.
- 3.2.7. It is also considered that the additional luminosity of the sign may have an impact on the residential properties located immediately opposite, notwithstanding the recessed nature of these properties and the screening provided by a broken line of trees. The in combination impacts with intensification of use from the proposed Cross City Luas is also considered to have a negative impact on residents and the streetscape.
- 3.2.8. The Planning Authority would have concerns regarding the rate of proposed change between advertisements and consider a frequency change of 10 seconds to be excessive given the prominent location of the site.

4.0 Planning History

Dublin City Council Reg. Ref: 2692/97 (PL29N.105257)

- 4.1. Permission granted at No. 30 Bolton Street to replace 2 no. 6m x 3m static advertising panels with one 6m x 3m prismatic advertising panel.

Dublin City Council Reg. Ref: 5824/04

- 4.2. Permission granted for demolition of interior of entire 4 storey over basement building including roof and rear wall, only retaining external and party walls and reconstruction of building to include basement level, retail shop unit to ground floor and a 1-bedroom apartment on each level over, including a new 1 bed apartment at existing roof level leaving a 5 storey over basement building 16.66m high in total. Also associated elevational changes including new balconies at each upper level on

Bolton Street & Dominick Street Upper at 30 Bolton Street, Dublin 1, siding onto Dominick Street Upper.

- 4.3. There was a condition attached to this permission requiring the removal of the two advertisement panels from the side elevation of the building.

Dublin City Council Reg. Ref: 3821/08

- 4.4. Permission granted for the retention of change of use of the ground floor from retail to financial services unit.

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The site is zoned "Z4" where the objective is *"to provide for and improve mixed-services facilities."* Advertisements and advertisement structures are open for consideration under this category.

- 5.1.2. The Council's Outdoor Advertising Strategy is set out in Appendix 19 of the Development Plan.

5.2. Natural Heritage Designations

- 5.2.1. The South Dublin Bay and River Tolka Estuary SPA is located approximately 2.7km to the east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was lodged on behalf of the applicant against the Council's decision. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Proposal is fundamentally designed to meet the aims of the Outdoor Advertising Strategy, which is to rationalise the supply of outdoor advertising in order to ensure the delivery of a high quality public realm across the city.

- High quality modern advertising format will improve the look and feel of the host building and local area.
- Appellant has agreed to purchase the host building and will secure investment into the whole site via its upgrade and refurbishment.
- Digital advertising attracts higher end brands than traditional poster and paste billboards – appellant understands the requirements for the site to present a positive image in order to attract higher value brands.
- In seeking to improve the public realm, the Council must look towards investment in new technology as being a positive step towards this.
- Advertisement at corner of Dorset Street Upper and St. Mary's Place North faces in the opposite direction and cannot be seen in the same view – adverts are 180m apart.
- Proposal is replacing an existing advert and is not introducing new advertising into the area and there will be a net reduction in area of advertising.
- Council's concentration on the preferred 8 sq.m. advertising format does not take account of the reality of the situation, the scale of the surroundings or the scale of the existing advert that is being replaced.
- A Europanel advert would look very awkward on the flank wall of a building in design terms and would reveal a large blank windowless façade. Europanel format is preferred for bus shelters or freestanding adverts.
- Dictating the size of new advertisements would prevent any improvement of existing sites which are larger than this format and this would run counter to the overall objective of improving the public realm.
- Preferred format does not form part of the assessment of upgrades set out in the Advertising Strategy, nor is it stated in the Development Management Standards – requirement is to take account of *“the scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located”*.

- There is a clear logic to the size of the advertisement relative to the building on which it is located and relative to the space available on the blank windowless flank wall.
- Commitment has been made to remove an advert elsewhere in the city that is of low quality and which is currently degrading the public realm in Inchicore – no indication was given that an assessment would be made of the relative weight attributed to this site in comparison to the proposal.
- Advertisement falls outside the scope of enforcement and is likely to remain in situ.
- Proposal represents an overall reduction in the number of advertising signs in the city and provides a platform which consolidates a greater amount of advertising onto one site, thereby meeting demand without increasing supply.
- Character of the area would be unchanged and the setting of the conservation area would not be compromised – use of the site will remain the same.
- Luas would have much greater impact as it passes the protected structures – any perceived change in character caused by the introduction of illumination would be outweighed by the changes already underway.
- Digital displays can be dimmed and the appellant would be willing to accept a maximum night time setting of 200 cd/m² (300 cd/m² is the maximum recommended night time output by the Institute of Lighting Professionals).
- Views from the residential block opposite will be obscured by trees and further interfered with by the infrastructure of the Luas – separation of 30m is great enough to ensure the display will not dominate residents' outlook.
- There is no evidence available across the UK that road accidents have increased around sites with scrolling advertisements – change rate of 10 seconds is standard practice.
- It would be more logical that the site is located within Zone 3 of the Advertising Strategy.

6.2. Planning Authority Response

- 6.2.1. In response to the first party appeal, the Planning Authority states that the comprehensive planning report deals fully with all the issues raised and justifies its decision.

7.0 Assessment

- 7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Visual Impact;
- Impact on residential amenity;
- Appropriate assessment.

Development Principle

- 7.1.1. The site is zoned “Z4” where the objective is *“to provide for and improve mixed-services facilities.”* Advertisements and advertisement structures are open for consideration within this zone.
- 7.1.2. From the outset, it would appear that a sign has been in position at this location for a considerable time. Permission was sought in 1997 under Reg. Ref: 2692/97 to replace 2 no. 6m x 3m static advertising panels with one 6m x 3m prismatic advertising panel. However, permission was granted for a temporary period of 5 years and on condition that the remaining sign is static and non-illuminated. It appears therefore that the applicant did not act on this permission and has since amalgamated the signs into one advertisement display. There was a condition attached to Reg. Ref: 5824/04 on this site requiring the removal of the two advertisement panels from the side elevation of the building. The period for any enforcement action on the signage now appears to have lapsed.
- 7.1.3. The Council’s Outdoor Advertising Strategy states that *“any upgrading of existing outdoor advertising (e.g. trivision, scrolling, electronic) will only be permitted if it is acceptable in amenity/safety terms and an agreement is made to decommission at least one other display panel in the city and to extinguish the licence for that panel. The purpose of this measure is to ensure that other operators do not use the site.”*

- 7.1.4. Considerations of amenity and safety will be addressed in further detail below. With respect to proposals to decommission another display panel in the city, the applicant has identified a 48 sheet advertisement on Emmet Road, Inchicore for removal and extinguishment of licence. However, the Planning Authority is not satisfied that the level of decommissioning is sufficient to merit the increase and intensification of use on the appeal site.
- 7.1.5. I would be in agreement that the proposal fails to commensurately meet this requirement in a like for like manner. The existing 48 sheet display panel in Inchicore would have a 3m x 6m canvas, which is approximately half the surface area of the panel at the appeal site. The first reason for refusal refers to the comparable prominence and visibility of the signage at Bolton Street and Inchicore. In my opinion, a reasonable interpretation is for a similar area of advertising to be decommissioned within a similar Zone of Advertising Control.
- 7.1.6. Having regard to the above, I am not satisfied that the proposal is acceptable in principle or in compliance with the Council's Outdoor Advertising Strategy. The applicant has not proposed adequate compensatory measures through the removal of alternative signage to allow for the proposed signage upgrade, as required within the Outdoor Advertising Strategy.

Visual Impact

- 7.1.7. It is stated under the second reason for refusal that the proposed illuminated signage would have a significant impact on the character and integrity of the nearby protected structure of St. Saviour's Church and Priory and on the character of the adjoining Conservation Area.
- 7.1.8. Section 19.6 of the Outdoor Advertising Strategy sets out development management standards for advertising. Consideration should be given to the concentration of existing advertising structures in the area; the scale of the panel relative to buildings, structures and streets; the impact on the character of the street; impact on the character and integrity conservation areas and protected structures; and impact on traffic safety.
- 7.1.9. In terms of impact on built heritage, the Parnell Square Conservation Area is situated as close as 20m to the east of the sign location. The nearest protected structure is at a distance of approximately 35m and its curtilage is as close as 25m.

- 7.1.10. In my opinion, the illumination of the signage and the associated usage of digital display panelling will increase its visual presence within short and longer range views. Thus, my concerns regarding the visual impact of the proposed signage are not only related to the protected structure and conservation area but also the wider streetscape.
- 7.1.11. The sign will come into view at a distance of approximately 300m along Dorset Street. This is one of the main radial routes into Dublin city centre, and whilst advertising on these streets is acceptable subject to normal controls, I would have concerns that the digital sign will become over-dominant at this location given its prominence.
- 7.1.12. In addition to the above, I would have concerns regarding the illumination of the sign and the potential for it to become animated. It is submitted within application documentation that the sign will not display any moving or apparently moving images and that sequential adverts will not change more than once every 10 seconds. Furthermore, it is proposed within the appeal to limit the night time illumination setting.
- 7.1.13. If the Board is minded to grant permission for the replacement digital media display signage, it may wish attach a condition to control the animation and illumination of the signage. However, I would be of the view that a condition such as this would be difficult to enforce. Alternatively, a temporary permission could be granted to assess the impact of the proposed signage.
- 7.1.14. Notwithstanding the above, I consider that the timing would not be appropriate to grant permission for the proposed sign, even for a temporary period. The proposed Luas works are nearing completion and this will see the introduction of new traffic management arrangements at this crossroads. Motorists, pedestrians, cyclists and tram drivers will be required to familiarise themselves with the next junction layout and I would be concerned that the introduction of a large scale prominent sign could form a seriously distracting feature at this busy intersection.
- 7.1.15. Overall, I consider that the proposed sign will be significantly different and much more apparent than the existing sign. The proposed sign will have a greater visual impact in terms of clarity, illumination, animation, etc. and I would have concerns that it would adversely impact on the attention of surrounding road users.

Impact on Residential Amenity

- 7.1.16. Under the third reason for refusal, it is considered that the proposed sign would be visually inappropriate in terms its location within the zone of advertising control applicable to the site. It is also stated that the luminosity, frequency of change and intensification would have an adverse impact on the residential amenities of adjoining properties.
- 7.1.17. It is stated within this reason for refusal that the site is within Zone 6 which is described as a zone of predominantly residential uses where advertising would be visually inappropriate. However, within the Planner's Report, it is recognised that the site is within a transitional area as Bolton Street/ Dorset Street is a radial orbital route (Zone 3), where opportunity exists for advertising in the street and where normal controls would apply.
- 7.1.18. Notwithstanding the zoning location of the site, there are dwelling units within the building hosting the sign and there are apartments beside and opposite. The dwellings that would be most affected by the proposal are the flats on the northern side of Dominick Street Upper. These units are as close as 30m from the sign and there is an intervening line of trees to the front of the flats. Having regard to these factors, however, I would not be overly concerned that the sign would have an adverse impact on residential amenity. Consideration should also be given to the central location of the site and the mixed character of the area.

Appropriate Assessment

- 7.1.19. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity 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

- 8.1. I recommend that planning permission should be refused for the following reasons and considerations.

9.0 Reasons and Considerations

It is considered that the proposed sign, by reason of its excessive scale and proportions, and potential for illumination and animation, would be visually obtrusive within the streetscape and would seriously detract from the character the nearby conservation area and protected structures, whilst also forming an overly strident feature that would be distracting to users of the major transport intersection at this location. Furthermore, the Board is not satisfied on the basis of the information submitted with the planning application and appeal, that the proposal to decommission an alternative sign represents a commensurate measure to comply with the aims of the Development Plan Outdoor Advertising Strategy with respect to upgrading of existing outdoor advertising. The proposed development would, therefore, be contrary to the provisions of the Development Plan and to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector

31st March 2017