



An  
Bord  
Pleanála

## Inspector's Report 248000

**Development** The proposed development relates to the office building approved under Planning Permission DCC Reg. Ref. 2769/11, as amended by Planning Permission DCC Reg. Ref. 3246/15, that is currently under construction, comprising: Provision of a non-illuminated sign (c.1.5-sq.m) located at ground floor level adjacent to the main staff entrance fronting Lad Lane; Provision of an external door and an internally illuminated sign (c.3.1-sq.m) at ground floor level on the south-eastern elevation adjacent to the main visitor entrance fronting Wilton Place; and all associated development works.

**Location** Former Office of Public Works site (c.0.39ha) at Wilton Place, Lad Lane and Pembroke Row, Dublin 2

<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4163/16
<b>Applicant(s)</b>	LinkedIn Ireland Unlimited Company
<b>Type of Application</b>	Application for permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party

<b>Appellant(s)</b>	Rodhlann O'Lorcain & Frank O'Lorcain
<b>Observer(s)</b>	Nicola Mac Kenzie
<b>Date of Site Inspection</b>	15/05/17
<b>Inspector</b>	John Desmond

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## 1.0 Site Location and Description

- 1.1. The application relates to a site of c.039ha at the north corner of Wilton Place, onto which it has minimal frontage, in south Dublin city, c.110m north of the Grand Canal, fronting onto a mature urban park. The site is bounded by Lad Lane to the northwest and Pembroke Row to the northeast, two mews type laneways. The site has recently been developed for a 6-storey building over basement car park, with vehicular access onto Pembroke Row, but principle entrance to the building being onto Wilton Place. An additional entrance door has been constructed on the southeast facing elevation onto the entrance to Wilton Place. The main staff entrance is provided onto Lad Lane.
- 1.2. The site context is of mixed character, with Wilton Place developed for office and apartment development of up to 7-storeys in height, dating from the late 20<sup>th</sup> century, but with a terrace of six period dwellings remaining at the easternmost corner. Much of Pembroke Row, a former mews lane, has also been redeveloped for office and residential apartments, whereas development along Lad Lane has largely been limited to mews dwellings and small scale commercial / office developments to the rear of the period dwellings on Fitzwilliam Street Upper / Square East / Place.

## 2.0 Proposed Development

- 2.1. The proposed development comprises:
- (i) Provision of a non-illuminated sign (c.1.5-sq.m) located at ground floor level adjacent to the main staff entrance fronting Lad Lane; the freestanding, non-illuminated, pressed metal sign, would carry the LinkedIn name / logo, measuring c2.05m (W) X 0.725m (L), to a height of c.1.3m above entrance terrace level (c.2m above finished road level).
  - (ii) Provision of an internally illuminated sign (c.3.1-sq.m) at ground floor level on the south-eastern elevation adjacent to the main visitor entrance fronting Wilton Place; the wall signage would consist of individual mounted letters (powder coated aluminium) spelling 'Linked' (0.7m X 2.8m) and a powder coated box sign (1m X 1m) with white acrylic, internally illuminated letters spelling 'in'. The sign is to be affixed to the façade above the

proposed new external door to a maximum height of 4.3m above entrance terrace level.

- (iii) Provision of new external door to Wilton Place.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

To **GRANT** permission subject to 6no. standard conditions.

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

##### **3.2.1. Planning Reports**

The report of the Council's Planning Officer is consistent with the decision of the Planning Authority and the conditions attaching thereto.

#### **3.3. Third Party Observations**

Three observations were received from Rodhlann O'Lorcain and Frank O'Lorcain, from Nicola MacKenzie and from Patricia Hodgins. The main concerns raised may be summarised as follows:

- Visual impact of signage on Wilton Place and / or Lad Lane
- Out of character with Wilton Place and / or Lad Lane
- New entrance will intensify use of entrance to the detriment of the amenities of adjoining residents
- Signage to Lad Lane will lead to confusion over main entrance and increase traffic generation / intensification on the lane.
- Contrary to Dublin CDP 2016 s.16.24.3 regarding signage
- Unnecessary to provide signage to staff entrance.
- Garish – will shine light into adjacent apartments.

## 4.0 Planning History

**Reg.ref.3246/15:** Permission **GRANTED** by Dublin City Planning Authority (04/09/15) for modifications to previously permitted development under Reg.Ref.2769/11 (Board Ref.240278), entailing change of use at basement level of 3no. enterprise office units (c.585-sq.m) to gym, studio/ wellness unit (c. 280-sq.m), and plant room (c.299-sq.m) ancillary to and amalgamated as part of the permitted larger office building; associated reconfiguration of shower and WC facilities and removal of lift core at basement level; and associated modification of permitted north east external building elevation at basement and ground floor level at the current appeal site.

**PL29S.240278 / reg.ref.2769/11:** Permission **GRANTED** by the Board (01/02/13) for office use and 3 no. enterprise units in a six storey (over basement) building of c.17,658-sq.m replacing existing building on the current appeal site at the Former Office of Public Works Site at, Wilton Place, Lad Lane and Pembroke Row, Dublin 2.

## 5.0 Policy Context

### 5.1. Development Plan

**Land use zoning objective Z6** – To provide for the protection and creation of enterprise and facilitate opportunities for employment creation. Advertisement and advertising structures are open for consideration.

#### **S.4.5.6 Outdoor Advertising Strategy –**

**Policy SC22:** To consider appropriately designed and located advertising structures primarily with reference to the zoning objectives and permitted advertising uses and with secondary consideration of the Outdoor Advertising Strategy. In all such cases, the structures must be of high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.

**Policy SC23:** To actively seek the removal of unauthorised advertisements, fabric banners, meshes, banner or other advertising forms from private property and public areas.

### **S.16.24.3 Signs of Shopfronts and Other Business Premises –**

- The signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront. The lettering employed should be either on the fascia, or consist of individually mounted solid letters mounted on the fascia. The size of the lettering used should be in proportion to the depth of the fascia board.
- Signage internal to the premises, including interior suspended advertising panels, which obscure views into the shop or business and create dead frontage onto the street shall not normally be permitted.
- Corporate signs will only be permitted where they are compatible with the character of the building, its materials and colour scheme and those of adjoining buildings
- Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to the upper floors, in a form and design which does not detract from or impinge upon the integrity of the ground floor shopfronts, or other elevational features of the building
- Shopfronts sponsored by commercial brands will generally not be permitted
- Proposals for shopfront signage shall have regard to the contents of the Retail Design Manual, 2012, Dublin City Council's Shopfront Design Guide, 2001 and the O'Connell Street Area Shopfront Design Guidelines, 2003, where appropriate [www.dublincity.ie](http://www.dublincity.ie)
- All proposals for shopfronts shall have regard to the guidelines for illuminated signs as set out in the Appendices in this plan.

### **Appendix 19 – Outdoor Advertising Strategy –**

**Zone 1:** This zone encompasses those areas that are most vulnerable and sensitive and primarily relates to the Georgian area of Dublin city. There is a strong presumption against outdoor advertising in this zone.

#### **19.3 Illuminated Signs**

Illuminated signs in appropriate locations can provide both information and colour in the townscape after dark. Accordingly, the following guidelines will apply, in conjunction with the provisions of the general outdoor advertising strategy and with regard to the zones of sensitivity:

- The type of illuminated signs, internally or externally illuminated, individual letters, and neon tubes should be determined by consideration of the design of the building and its location, as well as the potential for low-energy options
- The design of an illuminated sign should be sympathetic to the building on which it is to be displayed and should not obscure architectural features such as cornices or window openings in the area; on new buildings they should be part of the integral design
- The daytime appearance when unlit will be considered
- Sky signs, i.e. signs that project in any part above the level of a building parapet or obtrude on the skyline, are regarded as objectionable in principle and will not be permitted
- Internally illuminated scrolling signs, or signs with exposed neon tubing are generally not acceptable
- Illuminated signs with the use of electronic visual display technology such as LED (Light Emitting Diode) and LCD (Liquid Crystal Display) will be considered having regard to the Advertising Management Standards, as set out in Section 6.
- The number of illuminated signs in the vicinity of the site will be taken into consideration when assessing proposals.

### **19.6 Advertising Development Management Standards**

Applications for new advertising structures on private lands (adjacent to primary routes) will be considered having regard to the following:

- The geographical zone in which the site is located, as set out in the Figure showing Zones of Advertising Control
- The rationale for the proposed advertising structure, including proposals for the removal and/or rationalisation of existing outdoor advertising structures
- The concentration of existing advertising structures in the area
- The design of the advertising panel and the use of high quality materials
- The scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located



- Impact on the character of the street and the amenities of adjoining properties
- Advertising panels will not be permitted where they interfere with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or if they obscure road signs
- Impact on the character and integrity of Architectural Conservation Areas, Protected Structures and Conservation Areas
- Proposals must meet the safety requirements of the Transport Infrastructure Ireland (TII), where appropriate.

## **Appendix 21 – Land-Use Definitions: 21.1 Land Use Definitions**

Advertisements and Advertisement Structures - Any word, letter, model, balloon, inflatable structure, kite, poster, notice, device or representation employed for the purpose of advertisement, announcement or direction. The definition includes any structure on which the advertisement is mounted, such as a hoarding, scaffold, framework, pole, standard, device or sign (whether illuminated or not), and which is used or intended for the use of exhibiting advertisements, or any attachment to a building or structure used for advertisement purposes.

### **5.2. Natural Heritage Designations**

There are 11no. Special Areas of Conservation and eight Special Protection Areas within 15km of the site subject of the appeal. The nearest Natura 2000 sites that are hydrologically connected to (and downstream of) the site include South Dublin Bay and River Tolka SPA site no.004024 and South Dublin Bay SAC site no.000210.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Rodhlann O’Lorcain and Frank O’Lorcain (10/02/17)

- Visual impact of proposed signage due to design and illumination, visible from along the canal and from Leeson Street Bridge.
- Would set precedent for similar signage.

- Signage is of excessive scale.
- Out of keeping with established norms and with the Council's own policy
- Unnecessary new entrance will intensify use of entrance to Wilton Place at an already dangerous junction to three separate car parks.
- Use of entrance as smoking / outdoor meeting place, annoying residential neighbours.
- The site notice was not kept in place for the duration required under regulations (absent on 18<sup>th</sup> and 19<sup>th</sup> December as chain link fencing to which it was attached had been removed and replaced – the appellant informed DCC) and the application is therefore rendered invalid.

## 6.2. Applicant Response

Stephen Little & Associates (15/03/17):

- Within the context of the site zoning (Z6), development plan policies promoting economic investment in Dublin and the permitted office development, the proposed signage is acceptable.
- The signage is necessary and limited to the company's name.
- It is proportionate given the 6-storey scale of the building.
- Only 2no. letters in the Wilton Place site will be internally illuminated with a highly diffuse light source limiting light glare with light spill of 1 Lux at 4.5m. It will not impact on the amenities of the area.
- The sign occupied a small proportion of the overall elevation.
- The Lad Lane sign is relatively small-scale and is not illuminated.
- The proposed new entrance is required for fire safety purposes and will remain inactive at all other times. Staff will have no need to use the door other than in emergencies as the main entrance is adjacent and it will not adversely impact on the amenities of the surrounding properties.

- Addressing concerns that the entrance would be used as a smoking areas or gathering area, condition 4(b) attaching to the Council's grant of permission seeks to control noise levels, which the applicant is willing to comply with.
- The building is being certified to LEED gold standards and in order to achieve same the applicant has undertaken to prohibit smoking within their premises.
- The planning authority deemed the application valid and noted the site notice was in place on inspection on 16/12/16 and it is outside the scope of the Board to invalidate the application on these grounds.

### 6.3. **Planning Authority Response**

No further comment (20/04/17).

### 6.4. **Observations**

Nicola Mac Kenzie (06/03/17)

- Supports the appeal by Rodhlann and Frank O'Lorcain and concurs with the objections included in same.
- Negative impact on sensitive surrounds of Georgian Dublin core.
- Impact on visual outlook of opposing mews on Lad Lane.
- Lad Lane signage will cause confusion as to the entrance and will attract traffic to Lad Lane.
- Contrary to s.16.24.3 of the Dublin CDP 2016 as it will not be contained within the building, is not compatible with the character of the laneway, will have a detrimental visual impact and will set an undesirable precedent.

### 6.5. **Further Responses**

Nicola Mac Kenzie (10/04/17)

- The Board, in considering the application de novo, will have to take into account the original submission.
- Issue of cost of appeal at €220 – objections were not withdrawn.

- All correspondence should be scanned on online.
- Reiterates concerns already made.

Stephen Little & Associates (24/04/17) – addressing Nicola Mac Kenzie observations. Additional points made include:

- The office building on site is not a shopfront and the Council's policy on same is not applicable.
- The development on the site is not comparable to mews development along Lad Lane and the proposal should be considered on its own merits.
- The Lad Lane signage will not create confusion as to the main entrance location.
- There are a number of traffic control measures in place to prevent unauthorised parking and ad hoc deliveries on Land Lane.

## 7.0 **Assessment**

The main issues arising in this appeal can be addressed under the following headings:

Policy

Visual impact

Other issues

Appropriate Assessment

### 7.1. **Policy**

7.1.1 The County Development Plan 2016-2022 contains a number of policies pertaining to advertising and signage, in addition development management standards and an outdoor advertising strategy (appendix 19 of the plan), however I find the policy context somewhat unclear.

7.1.2 The Council's Planning Officer referred to the outdoor advertising strategy (c.19.6 *Advertising Development Management Standards*) in the planning assessment.

Having reviewed the said strategy and also the policies (SC22 and SC23) under S.4.5.6 *Outdoor Advertising Strategy* of the Development Plan, it is not certain to me that the strategy is applicable to business premises signage rather than public advertising structures and panels, such as those operated by JCDecaux, for example. However, the distinction between the two may not always be precise and I note that such business signage falls within the definition of advertisements and advertisement structures as set out under appendix 21 of the Development Plan. The site is located within zone 1 of the strategy, which is considered the most vulnerable and sensitive of zones and where there is a strong presumption against outdoor advertising. I am satisfied that the proposed signage does not conflict with the *Advertising Development Management Standards* under s.19.6 of the strategy.

7.1.3 S.16.24.3 of the Development Plan, addressing *Signs of Shopfronts and Other Business Premises*, is pertinent and is referred to in the report of the Council's Planning Officer. It advises that corporate signs will only be permitted where they are compatible with the character of the building, its materials and colour scheme and those of adjoining buildings. The existing building permitted in early 2013, on lands zone Z6 '*to provide for the protection and creation of enterprise and facilitate opportunities for employment creation*', located within a designated Conservation Area, is of modern design and the immediately neighbouring premises on Wilton Place are of modern (later 20<sup>th</sup> century) construction. The character of Lad Lane includes modern 20<sup>th</sup> century structures on its southern side, with historic mews and some recent small scale development to the northern side within an Architectural Conservation Area.

7.1.4 I consider the proposed business signage, comprising of corporate signage, to be in keeping with the scale of the building developed on site, to be appropriate in materials and design and to be acceptable within the context of the streetscape to Wilton Place and to Lad Lane, and therefore to be consistent with the provisions of s.16.24.3 of the Development Plan. I also consider the proposed internal illumination to the Wilton Place signage to be acceptable having regard to the provisions for illuminated signage under s.19.3 of Appendix 19, as referred to under s.16.24.3 of the Development Plan.

7.1.5 I would agree with the applicant that the premises does not constitute a shopfront per se and therefore the specific guidance on same is not appropriate to consideration in this instance.

## 7.2. Visual impact

7.2.1 The proposed signage to Wilton Place, including having regard to the limited lighting proposals, would not be obtrusive in my opinion. The existing entrance is highly constrained, physically and visually due to the location of two high boundary walls with the neighbouring premises. Although the proposed signage will be visible over the two boundary walls to Wilton Place, the mature vegetation in the adjacent park obscures the premises from view, particularly during the growing season.

7.2.2 I note that the neighbouring IDA building to the west has three freestanding signs at the entrance to Wilton Place, which the Board may regard as precedent. Having regard to the diffuse nature of the internal illumination to the 'in' signage, I do not consider it likely that the sign will have any significant adverse impact on the amenities of the neighbouring residential properties in the apartment block to the east in terms of light glare.

7.2.3 I am satisfied that the non-illuminated signage to Lad Lane will also not be unduly obtrusive within the context of modern development on the southern side of the lane. I do not consider that the proposed sign will unduly impact on the visual amenities of the mews dwelling to the north.

## 7.3. Other issues

7.3.1 The observer has raised concern that the signage to Lad Lane will increase traffic to the rear of the premises, which is indicated as the staff entrance. Given the nature of the business I would assume that the majority of access to the site would be by staff members rather than by visiting members of the public, therefore the attraction of visitors to the rear of the premises by the proposed signage would not seem to be of significance.

7.3.2 No changes to access arrangements to the premises are proposed under this application, other than the provision of a new emergency exit adjacent to the Wilton Place access. I am satisfied that no issues arise from the proposed new emergency

exit in terms of site access. I do not consider there to be a link between the provision of the proposed signage and / or the proposed emergency exit and the gathering of staff outside any of the entrances to the premises (whether within or outwith the site), for smoking or otherwise. On the day of site inspection, it appeared that this behaviour by staff was already evident in the absence of the proposed development.

7.3.3 The proposed emergency entrance to Wilton Place was already in situ on the date of my site inspection (15/05/17). The wording of p.5 of the Planning Application Report by Stephen Little and Associates (23/02/17) would seem to acknowledge that the proposed door is already in place, yet the application for both proposed signage and entrance door is for permission rather than an application for retention, which would be the necessary application type to regularise the planning status of the existing door. Should the Board decide to grant permission, the decision should expressly not apply to the development of the said door structure which has already been carried out. I am satisfied that this can be addressed by condition rather than by a split decision.

7.3.4 The appellant submits that the application should be deemed invalid by reason of the absence of the site notice on the 18<sup>th</sup> and 19<sup>th</sup> December. The First Party notes that the planning authority deemed the application valid, that the site notice was in place on inspection on 16/12/16 and submits that it is outside the scope of the Board to invalidate the application on these grounds. The inspection and validation of an application site notice is a function of the local Planning Authority, not that of the Board, and it is apparent that that function was carried out by the authority.

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

7.4.1 Having regard to the small scale nature of the proposed development, comprising two business premises advertising signs and a pedestrian entrance door, and to the distance from the nearest European sites (South Dublin Bay and River Tolka SPA site no.004024 and South Dublin Bay SAC site no.000210 c.2.3km to the east), no Appropriate Assessment issues arise and it is not considered that the proposed 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 permission be **GRANTED** subject to the conditions attached under section 10.0

## 9.0 Reasons and Considerations

Having regard to the scale and nature of the development proposed, the zoning objective, Z6 *'to provide for the protection and creation of enterprise and facilitate opportunities for employment creation'*, the nature and scale of development on site and the character of the surrounding area, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be out of character within the Conservation Area and would be consistent with the provisions of the Dublin City Development Plan 2016-2022 and with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (i) This decision shall authorise only the erection of the proposed sign at the entrance to Lad Lane and the proposed sign at the entrance to Wilton Place, as detailed and described in the drawings and documentation submitted with the application.



(ii) This decision shall not authorise the proposed provision of the external door to Wilton Place, which has already been constructed.

(iii) All conditions attaching to the previous permission PL29.240278 / reg.ref.2769/11, as amended by permission reg.ref.3246/15, shall be complied with in full.

**Reason:** To clarify the extent of this decision to grant planning permission for proposed development, in the interest of the proper planning and sustainable development of the area.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the [residential] amenities of property in the vicinity.

5. a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 '*Noise Control on Construction and Open Sites, Part 1. Code of Practice for Basic Information and Procedures for Noise Control.*'
- b) Noise levels from the proposed development phases shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided in B.S. 4142 '*Method for Rating Industrial Noise Affecting Mixed Residential and*

*Industrial Areas*'.

**Reason:** In order to ensure a satisfactory standard of development, in the interests of residential amenity.

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John Desmond  
Senior Planning Inspector

16<sup>th</sup> May 2017