



An
Bord
Pleanála

Inspector's Report ABP306821-20

Development	Erection of telecommunications antenna and ancillary equipment and cabinet at roof level of existing office building.
Location	Harmony Court, Harmony Row, Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3986/19.
Applicant	Three Ireland (Hutchison) Limited.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party -v- Condition.
Appellant	Three Ireland (Hutchison) Limited.
Observers	None.
Date of Site Inspection	8 th June, 2020.
Inspector	Paul Caprani.

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1.0 Introduction

ABP306821-20 relates to a first party appeal against a condition attached to Dublin City Council's grant of planning permission for the erection of telecommunications antennae and ancillary equipment on the roof of an office building at Harmony Hill in the eastern environs of Dublin City. Condition No. 2 of Dublin City Council's decision to grant permission required the developer to submit revised drawings showing a radio friendly PVC screen of 1.5 metres in height to reduce the visual impact from the antennae proposed to be located at roof level. The grounds of appeal suggest that the equipment proposed does not warrant such a mitigation measure and also suggests that the wording of the condition is unclear.

2.0 Site Location and Description

2.1. The building of which the proposed antennae is to be located at roof level on a curved shaped office building ranging from 4 to 6 storeys in height known as Harmony Court. This building is located at the intersection between Erne Place Little and Harmony Row. The Harmony Court office building is located approximately 300 metres to the east of Pearse Street Station and 100 metres north of the junction of Harmony Row and Hogan Place in south-east Dublin City Centre. The subject site is bounded to the north by the railway line between Pearse Street and Grand Canal Dock. Lands to the immediate east of the site comprise of two-storey red bricked artisan cottages dating from the late 19th century together with some more recent infill residential development. Lands to the west of the site incorporate a mixture of uses including four-storey residential flats, newer four and five-storey apartment blocks, some two-storey artisan dwellinghouses, warehousing and office buildings.

3.0 Proposed Development

3.1. Planning permission is sought for the provision of telecommunication equipment and antennae on the rooftop of the six-storey element of Harmony Court. The antennae are to be clustered in three separate areas of the roof. One cluster is to be located above the north-western elevation of the building and is to comprise of three

antennae and associated equipment. Two further clusters of equipment are to be located above the south-western and south-eastern elevation of the six-storey element of the building. These likewise comprise of square compounds 3.5 sq.m in size and are each to accommodate two no. antennae and associated equipment. Cable trunking across the rooftop is to connect to three separate compounds (see Drawing DU1457-PO5). The proposed antennas (7 in total) are the largest structures proposed. They are 1.5 metres in height and are to be installed on a 2.3-metre-high support pole. Other telecommunication equipment to be installed range between 1 and 2 metres in height. Details of the height of the telecommunication equipment to be installed is indicated on Drawing No. DU1457-PO6.

4.0 **Planning Authority's Decision**

Dublin City Council issued notification to grant planning permission for the proposed telecommunication infrastructure on 11th February, 2020 subject to six conditions. Condition No. 2 required that *“prior to the commencement of development the developer shall submit revised drawings for the written agreement of the Planning Authority showing a “radio friendly PVC screen” at 1.5 metres in height, to reduce the visual impact of the proposed antennae”*.

Reason: In the interest of visual impact.

4.1. **Documentation Submitted with Planning Application**

4.1.1. The application was accompanied by:

- The planning fee.
- A planning application form.
- A copy of the site notice.
- A copy of the newspaper notice.
- A copy of a letter of consent.
- Requisite drawings.
- A covering letter on behalf of the applicants Three Ireland (Hutchison) Limited.

4.1.2. The covering letter sets out details of the subject site and the proposed development together with the technical justification for the proposed development making reference to the performance of the existing network and the coverage requirements of Harmony Row. It also sets out details of the proposal's compliance with national policies and the policies contained in the development plan. In terms of visual impact, the report states that the proposal represents a reasonable balance between providing required coverage in a busy city centre location and protecting the visual amenity of this part of the city. It states that the proposed installation alleviates the requirement for an independent freestanding antennae and support structure. On this basis it is concluded that the proposal is considered to be the optimum solution in terms of providing appropriate telecommunication coverage.

4.2. Planning Authority Assessment

4.2.1. A report from the Engineering Department Drainage Division stated that there is no objection to the proposed development.

4.2.2. The initial planner's report dated 6th November, 2019 express concerns in relation to the visual impact of the proposed development and on this basis requested the following additional information.

- Submit a visual impact assessment for the proposed development.
- Consider reducing the quantum and scale of the proposed equipment and/or setting of the proposed equipment in from the edge of the building.

4.2.3. Consider providing a radio friendly screen surrounding the proposed telecommunication antennae to reduce visibility. Details, drawings, and photomontages of the proposed screen should be submitted to the planning authority.

4.3. Additional Information Submission

4.3.1. In response to this additional information request Three Ireland submitted additional information on the 17th January, 2020. It states that the applicant proposes to reduce the size of the antennae from 2 metres to 1.5 metres and these are indicated on the attached drawings submitted. The drawings also show the use of "radio friendly"

shrouds around each of the antennae. It is stated that the antennae cannot be setback any further from the edge of the building as to do so would result in the “clipping” of the signal.

- 4.3.2. Photomontages of the proposed equipment with and without the shrouds are enclosed. The submission states that the proposed development can be built with or without the shrouds depending on the Planning Authority’s preference.
- 4.3.3. Finally, it is stated that the proposal is fully in compliance with national guidelines with regard to the location and design of the infrastructure etc. and the proposal alleviates the requirement for an independent freestanding structure. Furthermore, the subject site is not located in an Architectural Conservation Area or in any proximity to protected structures.
- 4.3.4. A further planning report dated 11th February, 2020 noted the additional information submitted and notes the visual impact assessment which included photomontages showing the equipment with and without shrouds. It is considered that the shrouds do not reduce the visual impact. The Planning Authority welcomes the reduced size of the antennae. However, it is disappointing that the applicants did not propose a radio friendly screen to reduce the visual impact of the proposed antennae. The existing roofscape is very streamlined and the antennae create a visual impact. The Planning Authority do acknowledge the need to provide additional communications equipment and improve the existing service in the area. It is noted that in a recent application for satellite dishes on the Metro Hotel at Ballymun, a 2 metre high radio friendly screen above the upper roof parapet was proposed. The PVC screen allows the Wi-Fi signal to pass through the screen without interfering with the radio signal. It is considered that a similar type of screen on this building will reduce the visual impact. Accordingly, it is recommended that an appropriate condition reflecting this be attached. On this basis Dublin City Council incorporated Condition No. 2 into its grant of planning permission.

5.0 Planning History

- 5.1. No files are attached.
- 5.2. The local authority planner’s report makes reference to two applications.

Under Reg. Ref. 6477.07 planning permission was granted for a 54 square metre single storey office extension onto the private roof terrace of an existing office unit at the third floor of the office building comprising of two meeting rooms and two rooflights.

Under Reg. Ref. 2948/16 a c.100 metre single storey office extension to the private roof terrace of the existing office unit at the third floor was permitted to the office building comprising of open plan offices with four rooflights.

6.0 Grounds of Appeal

6.1. The decision of Dublin City Council was the subject of a first party appeal specifically in respect of Condition No. 2. The grounds of appeal make reference to the planning report prepared on foot of the additional information submitted and the grounds of appeal argue that:

- The extent of the equipment proposed does not warrant the provision of a 1.5-metre-high radio-friendly PVC screen. It is argued that such a measure could even increase the visual impact of the proposal considering the height and scale of the building.
- It is argued that in the case of the Metro Hotel in Ballymun which is used as justification for the provision of such a screen accommodates a significant amount of telecommunications equipment due to its suburban location and therefore a screen of this nature serves a valid purpose. Furthermore, the height and scale of the building ensures that the screen itself will have a negligible visual impact.
- The proposal is required to provide infill coverage at the city centre location. The applicants are proposing minimal equipment and have even reduced the height of the antennae in response to the further information request.
- Shrouding as proposed in the further information submission is deemed to be a more appropriate solution to reduce the visual impact.
- No structural analysis of the has been undertaken to confirm that the screen is even a viable option. Setting the antennae back further from the roof edge would result in the “clipping of the signal”.

- 6.2. The subject site is not located in an Architectural Conservation Area or in proximity to any protected structures. Considering the height and scale of the building and the surrounding pattern of development, it is considered that the screen running around the perimeter of the roof is an overengineered solution which is at variance with the level of mitigation required to address the visual impact.
- 6.3. Finally, it is stated that the proposal is fully compliant with all national guidelines with regard to location, design and visual impact and will be of significant benefit to the area. The amount of equipment proposed and its positioning on the rooftop has been carefully considered to ensure that the potential visual impact is minimised. It is on this basis that the Board are requested to omit Condition No. 2.

7.0 **Appeal Responses**

Dublin City Council have not submitted a response to the grounds of appeal.

8.0 **Planning Policy Context**

8.1. **Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996**

- 8.1.1. The guidelines suggest that specific design measures should be undertaken to eliminate visual impact of telecommunications structures. Sharing and clustering of telecommunication facilities is encouraged. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share the use of the same structure or building by competing operators.

8.2. **Dublin City Development Plan 2016 – 2022**

- 8.2.1. Section 9.5.11 of the Plan notes that telecommunications infrastructure is a key requirement within the city of Dublin. The availability of services such as high street broadband is essential to the national economy but also to local communities in everyday life. Dublin City Council is mindful that the provision of telecommunications infrastructure, most notably antennae, can impact on residential amenity and visual amenity.
- 8.2.2. SIO30 seeks to avoid a proliferation of communications mast and antennae and facilitate the potential for a future mast sharing and co-location.

- 8.2.3. Section 16.33 sets out details of development management in respect of telecommunications apparatus.
- 8.2.4. In respect of siting, design and visual amenity, Section 16.33.1 states that telecommunications antennae and supporting structures should preferably be located in industrial estates or on lands zoned for industrial/employment uses. Possible locations in commercial areas, such as rooftop locations on tall buildings may also be acceptable subject to visual amenity considerations. In terms of the design of freestanding masts, masts and antennae should be designed for the specific location. In assessing proposals for telecommunication antennae and support structures, factors such as the object in the wider townscape and the position of the object with respect to the skyline will be closely examined. These factors will be carefully considered when assessing proposals in designated Conservation Areas, open space and amenity areas, historic parks or in the vicinity of protected buildings, special views or prospects or monuments or sites of archaeological importance. The location of antennae and support structures within any of these areas or in close proximity to protected structures, archaeological sites or other monuments should be avoided.
- 8.2.5. Section 16.33.2 relates to possible sharing of installations. It states that where existing support structures are not duly obtrusive, the City Council will encourage the co-location or sharing of antennae on existing support structures, masts and tall buildings. Applicants must satisfy the City Council that they have made every reasonable effort to share with other operators.

8.3. **Observations**

No observations have been submitted by third parties or prescribed bodies in respect of the proposed development.

8.4. **Natural Heritage Designations**

The nearest Natura 2000 sites are located over 2 kilometres to the east and north-east of the subject site within the confines of Dublin Bay.

9.0 EIAR Screening Assessment

Telecommunications antennae are not a class of development for which EIAR is required.

10.0 Planning Assessment

- 10.1. I have read the entire contents of the file, visited the site in question and have had particular regard to the sole issue raised in the grounds of appeal which relates to Condition No. 2. Having regard to national policy in relation to telecommunications and ancillary infrastructure and the technical justification for the proposed development as set out in the covering letter submitted to the Planning Authority with the application, I am satisfied that there is a deficit in both indoor and outdoor coverage and that the technical justification submitted demonstrates the need in demand terms for the installation of additional telecommunications infrastructure. On this basis, I am satisfied that the Board can restrict its deliberations to the issue raised in the grounds of appeal, namely whether or not Condition No. 2 – requiring the provision of a PVC screen is appropriate and necessary in terms of protecting and enhancing the visual amenities arising from the installation of telecommunications infrastructure.
- 10.2. Thus, the fundamental issue which the Board must determine in the case of the current application and appeal, is whether or not the provision of a radio-friendly PVC screen of 1.5 metres in height is necessary in terms of reducing the visual impact from the proposed antennae. The appellant correctly points out that Harmony Court is not a protected structure nor is it located in an Architectural Conservation Area and as such the receiving environment cannot be considered particularly as sensitive from a visual, architectural or historical perspective. The area surrounding the appeal site has been the subject of significant redevelopment proposals in recent years and no uniformity of design is apparent in the architecture of the area. The nearest protected structures include the railway bridge at Erne Street Upper and the resource centre at Pearse Street both of which are visually detached and separate from the building in question. Notwithstanding this point, the planner's report in my view makes a valid point in highlighting the fact that the roofscape of the existing building is very streamlined and presents a clean / sleek line in the context of the

existing building skyline. The curved nature of the roofline exhibits a very graceful and elegant element of the overall design of the building. The provision of three separate clusters of antennae as proposed in the current application add an element of visual clutter to the roofspace. The fact that three separate clusters of telecommunication equipment are proposed at various locations exacerbates the visual impacts and makes the telecommunications infrastructure more readily visible from numerous vantage points around the subject site (see photos attached to my report) and this in my view is adequately demonstrated in the photomontages submitted on foot of the additional information request.

- 10.3. The appellant in the grounds of appeal proposes that the telecommunications equipment can be shrouded which it is argued significantly alleviates the visual impact. Having carefully inspected the photomontages submitted to the Planning Authority I am of the opinion that the shrouding of the equipment does not significantly alter the appearance of the telecommunications equipment proposed and therefore in my view does not materially or significantly reduce the visual impact arising from the telecommunications antennae.
- 10.4. It is on the above basis that I would be inclined to agree with the conclusions of Dublin City Council that the incorporation of a 1.5 metre high screen around the perimeter of the roof would assist in maintaining the streamlined and graceful nature of the roofline profile of the building and would assist in reemphasising the curved nature of the building at roof level which would in turn reduce the visual impact arising from the proposed telecommunications equipment. On this basis I would recommend that the Board in issuing a grant of planning permission for the telecommunications antennae and support structure would incorporate a condition requiring the applicant to provide a PVC screen of 1.5 metres in height around the perimeter of the roof. I therefore recommend that Condition No. 2 of the Planning Authority's decision be retained in this instance.
- 10.5. The first party appeal also suggests that no structural analysis of the roof has been undertaken to confirm that the screen is a viable option. In relation to this issue it appears from the drawings and plans submitted that there is a sufficient residual area between the edge of the antennae proposed around the roof perimeter to accommodate a PVC screen. Furthermore, such a screen would be relatively insubstantial in terms of weight and therefore would have no adverse impact on the

structural integrity of the building. A light PVC rail around the perimeter of the roof is likely to have less weightbearing impact than the telecommunications infrastructure it is intended to screen.

11.0 Appropriate Assessment

11.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, 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.

12.0 Conclusions and Recommendation

Arising from my assessment above I consider that the Board should uphold the decision of the Planning Authority and grant planning permission for the proposed development and in that grant of planning permission include Condition No. 2 as worded by the Planning Authority based on the reasons and considerations set out below.

13.0 Decision

Retain Condition No. 2 of the Planning Authority's decision under Reg. Ref. 3986/19.

14.0 Reasons and Considerations

It is considered that the incorporation of Condition No. 2 of the planning authority's decision assists in screening the antennae and telecommunications support structures thereby improving the visual amenities of the area which is considered to be in accordance with the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.
22nd June, 2020.