



An
Bord
Pleanála

Inspector's Report ABP – 307126- 20

Development	To Retain existing LED sign (3m x 6 m x 150mm) at first floor level; conversion to an LED display sign with alternative static advertising (6 per minute).
Location	No 29 Ranelagh (The Triangle), Ranelagh, Dublin 6.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	2066/20
Applicant	Declan Coleman Signs.
Type of Application	Permission for Retention and Permission.
Decision	Refuse Permission for Retention and Permission.
Type of Appeal	First Party X Refusal
Appellant	Declan Coleman Signs
Inspector	Jane Dennehy
Date of Inspection.	10 th July, 2020.

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1.0 Site Location and Description

- 1.1.1. The location of the existing sign subject of the application is the upper façade of the gable end of a corner site two storey building overlooking 'The Triangle' at 29 Ranelagh which at ground floor level is occupied by a Spar Convenience store and also by post office. The Spar store has shopfront signage, the Post Office has shopfront signage on the Ranelagh Road frontage mounted above the Spar shopfront signage and a large totem sign is mounted on the footpath at the corner in front of the main entrance to the convenience store.
- 1.1.2. There is considerable and wide-ranging commercial advertising signage in addition to shopfronts, projecting signs above the ground floor level within the area.

2.0 Proposed Development

- 2.1.1. The application lodged with the planning authority indicates proposals for Retention of existing LED sign (3m x 6 m x 150mm) lightbox sign at first floor level and conversion of the sign to an LED digital display sign with alternative static advertising (6 per minute) No variation in dimensions are proposed and it is the applicant's case that the change comes within the provisions of section 4 (1) (h) of the Planning and Development Act, 2000 as amended. Should the application be successful the applicant is willing to decommission the left half of a sign and its supporting brackets displayed on the two upper floors of the façade of No 56 O'Connell Street, at the corner of Bachelor's Walk which is included on the record of protected structures. It is stated that it is intended, in connection with a concurrent application, to remove 'the left half' of this sign which is on the upper façade of the adjoining building at No 34 Bachelor's Walk.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 12th March, 2020, the planning authority decided to refuse permission based on the following reason:

“Having regard to the siting of the proposed development at a prominent location at Ranelagh village, and in particular to the excessive scale, proportion and the proposed nature of illumination and intensification of use, it is considered that the proposed development would be visually obtrusive and would seriously impact on the overall visual character of the immediate receiving environment of Ranelagh Village. The proposed development would accordingly be contrary to Policy SC22 and Appendix 19 of the Dublin City Development Plan, 2016-2022 which seeks to control the location and design of outdoor advertising structures in the city and to generate an urban realm of the highest possible quality

3.2. Planning Authority Reports

- 3.2.1. The planning officer in his report refers the existing visual clutter in the form of unauthorised and unmanaged advertising signage in the area.
- 3.2.2. He considers the proposed development comprising the changing panels seriously injurious to the character of the area at the Triangle and the radial route through the village and, that it would set undesirable precedent.
- 3.2.3. With regard to the signage at 56 Lower O’Connell street it is stated that written consents to the decommissioning and information on the methodology for making the facades good at the O’Connell Street property (which is included on the record of protected structures) are not available. Reference is also made to the unknown outcome with regard to the separate proposals relating to the “half” of the signage on the façade of No 34 Bachelor’s Walk.

3.3. Prescribed Bodies

- 3.3.1. Refusal of permission is recommended in the submission of An Taisce due to adverse visual impact on the historic character and setting of the prominent location in the area.

3.4. Observations

- 3.4.1. In the submissions lodged with the planning authority, the issues raised are that of adverse impact on visual amenities, interference with safety of road users, undesirable precedent, and disregard to the requirements of the planning code.

4.0 Planning History

- 4.1. Permission was refused for an additional advertising board at first floor level under P.A. Reg. Ref. 3818/03 for reasons relating to scale, visual amenities and adverse impact on the visual amenities and character of the area.
- 4.2. With regard to the location of the sign subject of the application it is stated that there is a current enforcement file. (Ref No E0924/19.refers.)
- 4.3. According to the planning officer report, there is an extensive planning history for the site location at No 29 Ranelagh and for No 34 Bachelor's Walk and No 56 Lower O'Connell Street at which the sign, the removal of which is included in the applicant's proposals, should permission and permission for retention be granted for the proposed development.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is within an area subject to the zoning objective Z4: *to provide for and or improve mixed services facilities.* It is the policy objective for development to contribute positively to creation of a vibrant commercial core and animated streetscape. Advertising is *'open for consideration.'*
- 5.1.2. Dublin City Council's 'Outdoor Advertising Strategy' for the city is provided for in sections 4.5.6 and Objective SC22 is set out in Appendix 19 in which the city is divided into zones. Each zone has its own set of objectives and standards for outdoor advertising having regard to the sensitivity and capacity to accept outdoor advertising. The strategy is also based on constraints and opportunities for outdoor advertising development having regard to consideration of commercial viability in the

context of protection and enhancement of sensitive areas and, creation of a high-quality public realm.

- 5.1.3. The site location comes within Zone 3, “*Radial Orbital Route where the opportunity exists for advertising in the street and where normal controls would apply*” within the strategy. Section 19.3 within Appendix 19 provides for coordination in the management of advertising in the city and provides for acceptability of upgrading of existing signage, if acceptable on amenity and safety grounds and if there is agreement for decommissioning of at least one other sign and extinguishment of the license.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Manahan Planners on 30th April, 2020 on behalf of the applicant and it includes a specification and quotation for works involved in removal of the signage at No 56 Lower O’Connell Street.

- 6.1.2. According to the Appeal:

- There has been established use of the commercial site for signage over several decades and, a 48-sheet display panel sign was permitted on an adjoining site under P.A. Reg. Ref. 3818/03 in 2003.
- The legal background for changing signs is relevant. Reference is made to *Dublin Corporation v Lower and Signways Ltd* relating to a hoarding on a gable wall on Inns Quay. It was held that the use was pre 1964 use and that the hoarding was within section 4 (1) (g) of the Local Government Planning and development Act, 1963. The planning unit considered was the gable wall and hoarding. The hoarding was identical, so it was held that there was no material alteration to character to appearance of the structure. Thus, the case revolved around the signage location which predated the introduction of the 1963 planning legislation without addressing the issue of exempt development rights which have since been untested.

- The proposed development accords with the Outdoor Advertising Strategy of the CDP in that removal of signage is also part of the proposal. It is an appropriate implementation of the Advertising Strategy given that there is considerable gain involved in removal of such a sign from one of the most prominent buildings in the city. In other instances, the sign proposed for removal involves no planning gain due to being in a redundant location of low sensitivity and with low footfall.
- The proposed replacement sign is a slimmer structure and achieves an acceptable balance between advertising on a thoroughfare where there is billboard advertising which is permitted in principle and protection of the amenities of a prominent commercial streetscape.
- The sign is to be removed off the façade of No 56 Lower O'Connell Street by an experienced company which has already removed the brackets for the sign. Holes will be filled and the building repaired, cleaned and repainted to a colour in accordance with the specification included with the appeal and in agreement with the planning authority by way of compliance with a condition attached to a grant of permission.
- Permission has been granted for several digital signs in the Dublin area over recent years including a Metropole double sided LED structure with a sign displaying advertisements and civic information 5.8 m high x 3.72 m wide outside the American Embassy by means of the Part 8 provisions, under P. A. 2975/16. There is another grant of permission for a replacement sign, 10.95 m in height off the ground, with digital display 6.5 m x 6.5 m at No 2 Wexford Street, (A Conservation Area) under P. A. Reg. Ref. 2473/19.
- Pre-existing circumstances and conditions for successful applications for digital signs include consistency with the outdoor advertising strategy, locations inside the 50kph speed limits and no risk to public safety, radial routes, removal of signage, display duration of ten seconds, instantaneous transition rather than scrolling and static images, Illumination less than 250 candelas per square metre.
- Acceptable balance between advertising on a thoroughfare where billboards exist and protection of amenities of the streetscape is appropriate.

- The digital signage would be available for use for public service announcements.
- Digital signage is environmentally friendly with remote management, replacing plastic sheeting and materials and back lit panels which are replaced fortnightly by engineers travelling to the site.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. There is a significant difference between the existing unauthorised sign, permission for the retention for which is sought and, the proposed replacement use of the sign as a LED display sign carrying a series of alternative static advertising panels the which permission is sought. It is not clear as to how the judgement whereby it was determined that a gable wall and hoarding was the planning unit in *Dublin Corporation v Lower and Signways Ltd.*, could be taken as precedent for determination that contemporary standard advertising displays on such support structures including the current proposal for changes to the technical specification of the display would come within section 4 (1) (h) of the Planning and Development Act 2000 as amended. The proposed change to the existing (although unauthorised) advertising displays, is considered a significant and a material consideration. However, it appears that this matter has not been considered in accordance with the provisions of section 5 of the Planning and Development Act 2000 as amended.
- 7.2. The location of the existing sign subject of the application is very prominent in views on approach along the radial route through Ranelagh. Notwithstanding the classification of the route through the village as a radial route between the southern suburbs and the central city area, it is a very busy commercial and residential area with significant footfall and traffic congestion among commercial private and public transport vehicles, cycles motorcycles and pedestrians. Furthermore, as stated in the planning officer report and noted in the course of the inspection, the immediate area is dominated by extensive and wide-ranging advertising signage.

- 7.3. It is not agreed that the proposed replacement sign is a visual enhancement relative to the existing sign or that it would ameliorate the negative visual clutter effect of all the signage in the area which includes the existing unauthorised sign the retention of which is sought. However, the case made as to the environmental benefits relative to the existing sign arising out of different management and maintenance requirements is reasonable.
- 7.4. Although the view of the Transportation Division is not available, it is considered that there is potential for a display sign comprising alternating static images mounted at an upper gable end level where it partially terminates a vista on approach from the south to increase potential distraction to drivers and other road users in the vicinity notwithstanding the 50 kph maximum speed zones given the congestion and conflicting vehicular and pedestrian circulation movements in the area. However, it is noted concerns as to hazardous conditions of this nature did not arise in the assessment of the planning application or in the reasons attached to the decision to refuse permission and the matter is a new issue.
- 7.5. The references in the appeal, in support of the proposed development, to the sign displaying public information outside the American Embassy authorised through the Part 8 provisions and at Wexford Street are noted. It appears, given the use of Part 8 provisions that the intended purpose and justification for the sign is based on a requirement for display by the local authority of public services information. The other sign at Wexford Street referred to in the appeal which is subject of the grant of permission P. A. Reg. Ref. 2473/19 is stated in the planning officer's report on that application to be a replacement sign where there is an established, (but presumably unauthorised) use. He also states that he considered the proposed replacement sign to constitute a visual enhancement and he referred to an agreement with the planning authority over removal of 48 sheet signs at North Circular Road and at Charlemont Street which took place prior to the determination of the decision to grant permission by the planning authority.
- 7.6. In principle, the proposed removal and extinguishment of a license for the unauthorised signage on the upper facades the 56 Upper O'Connell Street property, having regard to the provisions of section 19.2 of the Outdoor Advertising Strategy in Appendix 19 of the CDP is welcome. However, one part of a large unauthorised sign which straddles the upper facades of two buildings at the corner of O'Connell Street

Lower and Bachelor's Walk is proposed in the current application with the removal of the other part being proposed as part of a separate application. This results in inter dependency on implementation of concurrent applications, if both are successful, to be delivered in order for there to be clarity and certainty regarding the decommissioning, removal and, any necessary restorative, repair and associated works. It is noted that a detailed specification for such works as been included within the appeal submission.

Environmental Impact Assessment Screening.

- 7.7. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment Screening.

- 7.8. Having regard to the nature of the proposed development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Given the foregoing, it is recommended that the decision of the planning authority to refuse permission be upheld. Draft Reasons and Considerations follow:

9.0 Reasons and Considerations

- 10.0 Having regard to the inner suburban village area within Ranelagh in which the existing advertising sign is displayed on a prominent gable end location within the village, and to the extensive scale, illumination and changing static images within the proposed display system, it is considered that the proposed development would exacerbate the visual obtrusiveness and would seriously injure the visual amenities and character of the existing built environment. As a result the proposed development is contrary to Policy SC22 and Appendix 19 of the Dublin City

Development Plan, 2016-2022 which seeks to control the location and design of outdoor advertising structures in the city and to generate an urban realm of the highest possible quality and would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
30th July, 2020