



An
Bord
Pleanála

Inspector's Report ABP 307769-20.

Development

Replacement of existing advertising panel over entrance which projects full motion dynamic content with rapid transitions, with new single displaying a loop of static content separated by smooth transitions.

Location

St Stephen's Green Shopping Centre,
St. Stephen's Green, Dublin 2.

Planning Authority

Dublin City Council

P. A. Reg. Ref.

2529/20.

Applicant

Nightlights Screens Ltd.

Type of Application

Permission

Decision

Refuse Permission

Type of Appeal

First Party X Refusal

Inspector

Jane Dennehy

Date of Inspection

21st November, 2020

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1.0 Site Location and Description

1.1. The site location is that of the Stephen's Green Shopping Centre at the north western corner of St. Stephen's Green at the junction with South King Street the southern end of Grafton Street and Stephen's Green North and West adjacent to the main entrance to St Stephen's Green Park and the LUAS Green line. There is a canopy over the main entrance to the Shopping Centre at the corner and overhead there is curvature glazing at which screen advertising onto which advertising has been displayed from two projectors within the centre.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for removal of the existing advertising screens over entrance onto which full motion dynamic content with rapid transitions are displayed from projectors within the interior and, erection of a replacement sign which is a new single sign displaying a loop of static content separated by smooth transitions.

2.2. According to the application the proposed development:

- will project static images whereas the existing screen in full motion
- involves fewer and smooth transitions with slow fades and with each display over a longer timespan than the existing sign.
- will have a luminance level of 250 candelas per square metre which is less than half the limit of metro panels (JC Decaux) in the surrounding area.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 6th July, 2020 the planning authority decided to refuse permission based on the following reason:

“The proposed development is located in an area of significant urban design quality zoned 2 for the purpose of assessing advertising structures in the Dublin City Development Plan 2016-2022. The proposed development by

reason of its scale, design and location at a significant junction of Grafton Street and St. Stephen Green would seriously detract from the urban design quality of the area, would seriously injure the visual amenity of the area and would therefore be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. The Planning Officer in his report acknowledges the impact of the proposed development as being reduced relative to the signage to be replaced. However he considers that the issues of concern as to the dominance of the signage, particularly as it faces facing towards Grafton Street, in visual because the location located adjacent to the designated ACA, CA and SPCS which are sensitive.
- 3.2.2. The report of the **Drainage Division** indicates no objection.
- 3.2.3. There is no record of any other internal technical reports on the application.
- 3.2.4. The submission of **Transportation Infrastructure Ireland** (TII) indicates concerns as to potential detrimental impact on the capacity, safety and operational efficiency of the light rail network as no impact assessment is included in the application. It is stated that tram drivers need to pick signals from long distances and that cluttering of their views especially light emitting or reflective structures impedes this as they might interfere with views and visibility of drivers.

3.3. Planning History

- 3.3.1. P. A Reg. Ref. 3660/19 / (PL 305723/19): The planning authority decision to refuse permission for retention of the existing sign (to be replaced in the current proposal) was upheld following appeal, based on the following reason: -
- 3.3.2. *“The proposed development is located in an area of significant urban design City Development Plan 2016-2022. The proposed development by reason of its scale, design and location at a significant junction of Grafton Street and St. Stephen Green would seriously detract from the urban design quality of the area, would seriously injure the visual amenity of the area and would therefore be contrary to the proper planning and sustainable development of the area.”*

- 3.3.3. Previously, under P. A. Reg. Ref. 3975/15 the planning authority decision to refuse permission for retention of projecting advertising signage from the front lobby was overturned and a grant of permission for a period of three years was granted. This duration of this grant of permission has now expired.
- 3.3.4. There is an extensive prior planning history for the site location, the most recent of which relates to proposals for a screen cinema and associated development at the rooftop under P.A Reg. Ref. 2618/14 and 3208/10.
- 3.3.5. The planning authority also holds enforcement files, according to the planning officer's report relating to advertising screens at St. Stephen's Green SC.

4.0 Policy Context

4.1. Development Plan

- 4.1.1. 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 Z5: *It is the policy objective to consolidate and facilitate the development of the central area and identify, reinforce, strengthen and protect its civic design character and dignity*. Advertising and Advertising signage structures are 'open for consideration'.
- 4.1.2. The Stephen's Green location is a "Category 1" Principal Shopping Street within the retail strategy, and it adjoins the:
- *St. Stephen Green Conservation Area (CA)*
 - *the South City Retail Quarter Architectural Conservation Area (ACA)* in which, according to section 7, it is the objective for commercial street signage is to be restricted to public information or within street furniture.
 - *Special Planning Control Scheme for the Grafton Street and Environs (SPCS)* in which there is a presumption against new advertising. (*section 3.4.6*)
 - *Policies and objectives for ACAs and CAs are set out in Section 11.1.5.4.*
- 4.1.3. Policy Objective CHC4 provides for protection of the special interest and

character of all Dublin's Architectural Conservation Areas and Conservation Areas Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

- 4.1.4. Reference to the zoning objectives with secondary consideration being given to the Council's Outdoor Advertising Strategy. Dublin City Council's 'Outdoor Advertising Strategy' for the city is provided for in sections 4.5.6 and is set out in Appendix 19 which the city is divided into Zones. The site location is within Zone 2. Each zone has its own set of objectives and standards for outdoor advertising having regard to the sensitivity and capacity to accept outdoor advertising. Criteria for consideration of advertising on private land are set out in section 19.6.
- 4.1.5. 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.

5.0 The Appeal

5.1. Grounds of Appeal

- 5.1.1. An appeal was received from Sheehan Planning on behalf of the applicant on 31st July, 2020. It is accompanied by an appendix with examples of stated precedent cases, visual impact and visibility review with a report (VIA) on an examination of potential viewpoints a statement by night light, along with a drawing of the SPCS and ACA both of which are referred to in the appeal and statements of support from DAVY Real Estate, the Green Gallery, First Fortnight Golden Discs, Sinnotts Bar. The submission is outlined in brief below:

- The area from which there are views to the site are constrained although it would be visible from a small area on Grafton Street. The façade rather than the sign would be dominant in that the sign proposed is smaller than the existing sign and is not disproportionate visually or in context and, with the proposed (250 candela) lighting would be barely discernible in views except in close proximity and there is no serious negative impact on the ACA or the

area. The planning officer does not explain how the proposed sign injures visual amenity. The existing visual impact is into a context of existing, 19th, 20th and 21st century buildings are in a variety of scales and heights and there is considerable and extraordinary visual clutter according to the VIA

- The policies referred to in the planning officer report to support the rejection of the proposal are all irrelevant with the exception of policy CHC4 as the site is not within a CA, ACA, SPCS and is above an entrance to a shopping centre as opposed to a shopfront. The Z5 zoning provides that signage is 'open for consideration' with criteria for outdoor advertising in appendix 19.
- The proposed sign contributes to the ACA, contrary to the view of the planning officer as the visual amenities of the very active shopping and entertainment area where advertising is fundamental and essential in contrast to a formal area within the Georgian core. Advertising is fundamental and not discussed in the planning officer's report.
- The proposed sign will be a positive contribution in that existing signage provides spin off benefits benefitting viability of the centre. There is evidence of this claim in the statements supported by the traders whose detailed letters of support which are appended) especially given the current environment.
- The proposed sign contributes to wider society in that it displays *pro bono* support for charitable causes such as First Fortnight. A letter of support is provided.
- The proposed sign will contribute to employment in the advertising sector. A letter is provided by the applicant explaining how refusal of permission affects employment at and the business operated by the applicant.

There have been inconsistencies in planning assessments of proposals advertising within the application site area referred to as the "Geographical Zone in the planning officer report. The location for the sign is recessed in the front entrance and not on Grafton Street. It is outside the CA and ACA so restrictions of those designations do not apply but the criteria for Zone 2 in the outdoor advertising strategy do apply. At the top of the street on adjacent unzoned land in the CA, and SPCS a free-standing digital advertising sign was permitted under P. A. Ref. Ref. WEB1692/18. Upgrades to the existing

free standing digital sign on King Street South within the ACA have been permitted (WEB 1453/17 and WEB 1454/17) The planning authority also granted (to itself) permission for a free standing digital sign outside the US Embassy on unzoned lands in Zone 1.

As the proposed site location is zoned 'Z5' where advertising is 'open for consideration' and, Zone 2 (of the outdoor advertising strategy) and outside the CA and SPCS the planning officer took irrelevant considerations into account in the assessment. Advertising is appropriate at the top of Grafton street as permission has been granted for these new signs and upgrades. (Details and photographs of the examples claimed to set precedent are in appendix 3 of the appeal.) There is no detracting from the urban design quality of the area outside the ACA and SPCS.

Building mounted signs are not distinguished from other advertising structures in the CDP according to section 19.6 of the appendix of the CDP on concentrations of signs A sign was permitted under 2473/19 at Wexford Street and Cuffe Street 400 m from the application site in Z5 and conservation area. The current proposal is just smaller replacement sign, in contrast to the examples provided.

The design fits with the glass feature façade over the entrance with minimal impact on the aesthetic of the building. A silver border reflects those of the Metro pole advertising panels in the vicinity and is not discordant with the emerging advertising aesthetic in the city.

The sign is not out of scale with the building as it is for a fourteen-metre square screen on the double height entrance which is 0.35% of the overall façade of 5,250 at a six storey over basement building of circa 70,000 square metres. The height is 1.955 m height positioned at 2.9 m above street level less than ten percent of the overall building height. The buildings on King street are four storey and the roadway is wide.

The luminescence at 250 candelas per square metre which is well below the maximum of 300 candelas recommended for brightness of advertisements in the Institution of Lighting Professionals Guidance Guide. PLG05. The VIA shows that the proposed signage accords with Policy CHC 4 of the CDP.

5.2. **Planning Authority Response**

There is no submission from the planning authority on file.

6.0 **Assessment**

6.1. The assessment which follows is considered under the following subheadings.

Comparability to advertising screens proposed for removal.

Precedent

Vitality and viability of commercial and retail sector in the area

Impact on the Character and Visual Amenities of the Built Environment

Vehicular and Pedestrian safety and Convenience.

Environmental Impact Assessment Screening.

Appropriate Assessment Screening.

6.2. **Comparability to advertising screens proposed for removal.**

6.2.1. It is agreed with both the applicant's agent and the planning officer that that the proposed screens, having regard to the size of the display area and the technical specification would have less negative impact than the screens the removal of which is proposed it is considered that the difference would be marginal. The adverse visual impact on the surrounding built environment would not be overcome in the current proposal.

6.3. **Precedent**

6.3.1. There is no dispute as to the CDP zoning or specific designations of the site locations for the permitted signs referred to in the appeal for the purposes of precedent. However, it is not agreed that there is relevant precedent having regard other permitted advertising display developments referred to in the appeal because they are not considered directly comparable to the current proposal. The examples mostly relate to free standing digital display signs, part of the function of which is the

display of public information. There is no detail within the application and appeal submission supporting the claim in the appeal regarding the inclusion of display of public information on the proposed screens. It therefore appears that the purpose of the proposed screens is to display commercial advertising material.

6.4. Vitality and viability of commercial and retail sector in the area

- 6.4.1. The function of advertising displays in contributing to vitality such as principle shopping and entertainment areas is not disputed but the extent and effectiveness of the role proposed screens in contributing positively to enhancement of the vitality and amenity of the commercial and retail sectors based in the area having regard to the subject "Z5" zoning objective is not indicative or apparent within the applicant's submissions.
- 6.4.2. As such, the proposed advertising screens displaying commercial advertising from private commercial property towards views within the public realm, would be at odds with the objective within section 7, of *the South City Retail Quarter Architectural Conservation Area (ACA)* according to which commercial street signage is to be restricted to public information or within street furniture.

6.5. Impact on the Character and Visual Amenities of the Built Environment

- 6.5.1. There is considerable emphasis in the appeal grounds as to the proposed site location just outside the designated ACA and CO and within a commercial area in which advertising displays are pertinent to the function and character of the environs. Contrary to the assertion that these designations are irrelevant the site location for the current proposal is considered to be 'transitional'.
- 6.5.2. The St. Stephen's Green Shopping Centre borders and faces directly into the designated St. Stephen's Green Conservation Area in the public realm incorporating the park, its main entrance and railings, street-network and buildings including some historic buildings included on the record of protected structures. Similarly, the display area for the proposed screens overlooks and is prominent in views on approach from the southern end of Grafton Street within the Architectural Conservation Area and is clearly visible on approach along St Stephen's Green North. As pointed out in the planning officer report, the location for the proposed screens is "*at the junction..... of these highly sensitive areas.*"

6.5.3. It is considered proposed development by reason of the prominent position over the main entrance of the St. Stephen Green proposed for the screens incorporating transitions in displays, would be visually dominant and would detract from the visual amenities and architectural character of surrounding built environment in the public realm at the southern end of Grafton Street bordering and overlooking the South City Retail Quarter Architectural Conservation Area and the St. Stephen's Green Conservation area according to the Dublin City Development Plan 2016-2022.

6.6. Vehicular and Pedestrian Safety and Convenience.

6.6.1. Transportation Infrastructure Ireland,(TII) in its submission to the planning authority has indicated that further information so required so that the impact, including any proposed mitigation, on the safety and capacity of the operation the light rail network can be assessed. Given the heavy pedestrian circulation and extent of light rail traffic and manoeuvres involved for tram drivers at the location it would essential that this mater be addressed, in the event of possible favourable consideration of the proposed development.

6.7. Environmental Impact Assessment Screening.

6.7.1. 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.

6.8. Appropriate Assessment.

6.8.1. Having regard to and to the nature of the proposed development and the inner urban site 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.

7.0 Recommendation

7.1. In view of the foregoing, it is recommended that the planning authority decision be upheld, and that permission be refused on the basis of the draft reasons and considerations set out below.

8.0 Reasons and Considerations

The site of the proposed advertising display screens over the entrance of the St. Stephen's Green Shopping Centre is at an important junction at the corner of St. Stephen's Green adjacent to the public realm at the southern end of Grafton Street bordering and overlooking the South City Retail Quarter Architectural Conservation Area and the St. Stephen's Green Conservation area according to the Dublin City Development Plan 2016-2022. The proposed development by reason of the prominent position over the main entrance of the St. Stephen Green proposed for the screens incorporating transitions in displays, would be visually dominant and would detract from the visual amenities and architectural character of surrounding built environment. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector

24th November, 2020