



An
Bord
Pleanála

Inspector's Report ABP-308852-20

Development	Erection of LED advertising display on an existing structure.
Location	Malahide Road, next to Clarehall Shopping Centre, Dublin 17
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3406/20.
Applicant(s)	Nightlight Screens Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Nightlight Screens Ltd.
Observer(s)	None.
Date of Site Inspection	14 th April 2021
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by the applicant against the decision to refuse permission for an advertising display on an existing structure for reasons relating to visual impact and the public realm.

2.0 Site Location and Description

2.1. Clarehall

The appeal site is located within a retail development at the south-eastern corner of the junction of the R139 road and the Malahide Road (Northern Cross). The area is characterised by a mix of high density residential, commercial units, a hotel, a large shopping centre (Clarehall Shopping Centre) and some smaller warehouse style retail units. There is short strip of landscaped area between the appeal site, which is the corner retail unit, and the main junction.

2.2. Appeal site

The appeal site is within a landholding at the R139/Malahide Road junction occupied by a large single storey red bricked retail unit containing a number of retail units and large gym, surrounded by carparking in addition to a fast food takeout unit. The red lined area is a smaller area within the site at the corner facing the main junction. There is a tall steel framed structure on the site.

3.0 Proposed Development

The proposed development consists of the erection of digital/electronic LED advertising display panels on an existing steel frame advertising structure.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse permission for the reason that (to paraphrase), it would detract significantly from the appearance of the area, would not

result in a rationalisation of existing signage and would thus detract from the visual amenities of the area.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- A number of planning permissions relevant to the site are summarised, including for advertising signs. It is stated that it is unclear as to under what permission the existing structure was permitted.
- It is noted that it is located within the Strategic Development and Regeneration Area North Fringe, and within an area designated as a Key District Centre and Local Area Plan (north fringe).
- Policy on advertising structures is set out in Appendix 19 of the 2016-2022 Development Plan.
- It is considered to be both for general advertisement, and also directional and informational use.
- It is considered to be unacceptable in visual terms and refusal is recommended.

4.2.2. Other Technical Reports

Drainage Engineering: No objections.

4.3. Prescribed Bodies

Irish Water: No objections.

4.4. Third Party Observations

None on file.

5.0 Planning History

The overall development has permission under **2290/13** with amendments in **2743/14**.

A number of other permissions for signs are referred to in the planning report and the applicants submission, including **6804/06** (metropole sign at the adjoining junction), **6783/06**; and **6800/06** for signage in front of the gym. The applicant refers to a number of other developments in the city, including **2473/19** (Cuffe Street) and **6804/06** (Malahide Road).

6.0 Policy Context

6.1. Development Plan

The appeal site is located within the Strategic Development and Regeneration Area North Fringe, and within an area designated as a Key District Centre and Local Area Plan (North Fringe). Relevant policy on advertising structures is set out in the Dublin City Development Plan 2016-2022.

6.2. Natural Heritage Designations

It is just over 3 km north of the Dublin Bay and the North Bull Island SPA (004006) and the South Dublin Bay and River Tolka Estuary SPA (004024) and the North Dublin Bay SAC (000206). The site appears to drain to the River Mayne, which in turn flows to Baldoyle Bay a similar distance to the east, where there are designated habitats including the Baldoyle Bay SPA Site code 004016 and the Baldoyle Bay SAC site code 000199.

6.3. EIAR

Having regard to the limited nature and small scale of the proposed development, the planning and development history of the site, and the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- It is noted that the planning authority did not give the applicants an opportunity to make any alterations through an FI request. Revised drawings are submitted with the appeal for a smaller panel (30 square metres).
- A number of decisions are referred to where similar or larger panels were permitted in more visually sensitive areas (Cuffe Street and Wexford Street), in addition to a larger one on the Malahide Road. It is therefore argued that there is ample precedent for such a development.
- It is noted that there are no conservation, historic, or other sensitive sites in the area.
- An illustrated argument is set out that the nature of the area is such that an advertising sign would not be out of context and would not be unduly intrusive – it is noted that the area is characterised by commercial buildings.
- It is emphasised that the advertising signs will be on an existing advertising structure, and faces other commercial buildings and a hotel and no sensitive sites.
- It is argued that in the context it would not be visually intrusive.
- It is denied that the proposed development is contrary to development plan policy and it is noted that the nearby JC Decaux sign is due to be removed in 2022.
- A number of letters of support from commercial operators are attached.

7.2. Planning Authority Response

None on file.

8.0 Assessment

8.1. Principle of development

Detailed policy on external advertising signs is set out in Appendix 19 of the Dublin City Development Plan 2016-2022. The site is within the Clongriffin/Belmayne North fringe, which is indicated as Zone 5 '*Key development area where advertising may form an integral part of newly created streetscape*'. More detailed criteria for advertisements on private lands adjacent to primary routes are set out in paragraph 19.6. I would interpret the policy context for this appeal as one where such proposed developments are open for consideration subject to a wide range of considerations including the character of the street, safety issues, the overall design and scale of the panel, and the interaction with other such panels within the visual envelope.

The applicant quotes a number of precedents for such signage, which I would concur are relevant, but in general this site, as with so many similar sites, is in many ways *sui generis* and so should be addressed on its own merits.

8.2. Visual impacts

The site is at the south-eastern corner of a prominent junction where the R107 meets the Malahide Road in the fast-growing Clongriffin/Belmayne area. The north-western corner has a high profile modern Hilton Hotel with 6-7 storey residential blocks on either side. The north-eastern and south-western corners are undeveloped with regenerating scrub woodland. Just south of the south-eastern corner is the prominent modernist Clare Hall Shopping Centre, the most distinctive architectural feature in the area. The appeal site is the corner site which is behind a small area of landscaped corner land next to the road and is occupied by visually banal brick clad retail box type structures. There is an existing lit advertising sign on the pavement at this corner on public land (i.e. not within the applicants ownership). The location of the proposed sign is an existing steel structure of uncertain origin but presumably is contemporary with the original retail development.

The prominent modern hotel indicates the potential for this area to significantly improve if structures of appropriate scale and design are placed on each of the corners. But at present, the vicinity of the junction is a somewhat desolate environment without much visual interest, and a distinctly hostile physical

environment for anyone not in a car. The south-eastern corner is particularly neglected, with an area of newly landscaped ground separating the road from the commercial retail structures on the site. There is an existing LED backlit advertising display at this corner, although given the overall scale of the area it is not all that noticeable.

Given the nature of the area, and with regard to the general guidelines in Appendix 19 of the Development Plan, I would consider that the junction is capable of visually absorbing a number of high profile advertising signs, so long as they do not create a visual cacophony and they are not permanent. I would consider a sign on this corner to be reasonable, but as there is already a permitted one on the corner, I would concur with the judgement of the planning authority that permitting further signage would be visually confusing and intrusive. I would consider permitting further signage within the visual envelope of existing permitted signage to be unacceptable.

I note the suggestion by the applicant that the proposed sign could be reduced in size, but I would conclude that it is the overall principle of additional signage at this corner that is the key issue in this appeal, not the particular size and scale. I therefore recommend that the planning authority's decision to refuse be upheld.

8.3. Safety

Appendix 19 of the Development Plan notes safety as a key issue in assessing if advertising signs are acceptable on such busy junctions. It was not raised as a significant issue by the planning authority, but I would note that in such areas excess lighting and signage can be a distraction for drivers and in rare circumstances can cause confusion. For this reason, I would consider that policy restricting the number of signs on each corner is reasonable.

8.4. Appropriate Assessment

There are no Natura 2000 sites within 1 km of the proposed development. It is just over 3 km north of the Dublin Bay and the North Bull Island SPA (004006) and the South Dublin Bay and River Tolka Estuary SPA (004024) and the North Dublin Bay SAC (000206). The area appears to drain to the River Mayne, which in turn flows to the Baldoyle Bay a similar distance to the east, where there are a number of designated habitats including the Baldoyle Bay SPA Site code 004016 and the

Baldoyle Bay SAC site code 000199. These sites are designated for a variety of migrating shorebirds and seabirds along with related coastal, dune, and littoral habitats. Having regard to the small scale of the works on an existing developed site and the separation distance from any Natura 2000 sites, no Appropriate Assessment issues arise, and I do not consider 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.

8.5. Other issues

I do not consider that there are other planning issues relevant to the appeal.

9.0 Recommendation

I recommend that the proposed development be refused planning permission for the reasons and considerations set out in the schedule below.

10.0 Reasons and Considerations

The site is located at a prominent junction in an area characterised by a mix of buildings and with an existing advertising structure on the corner. Having regard to the criteria set out in paragraph 19.6 of appendix 19 of the Dublin City Development Plan 2016-2022 and the overall visual context of the area it is considered that the proposed development would significantly detract from the visual amenities of the area and would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and would thus be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

18th April 2021