



An
Bord
Pleanála

Inspector's Report ABP 310551-21

Development	Digital Advertising Panel (5.65 metres x 2.2. metres square metres) on external façade.
Location	Unit B1B (TGI Friday) St Stephen's Green Shopping Centre, Nos 128-140 St Stephen's Green, St Stephen West, Dublin 2.
Planning Authority	Dublin City Council
P.A. Reg. Ref.	24590/21
Applicant	Nightlight Screens Ltd.
Type of Application	Permission
Decision	Refuse Permission.
Type of Appeal	First Party X Refusal
Appellant	Nightlight Screens Ltd.
Date of Inspection	13 th October, 2021
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site location for the proposed development is the upper-level external facade at Unit B1B (TGI Friday) at St Stephen's Green Shopping Centre, on the west side of St. Stephen's Green overlooking St. Stephen's Green Park across the LUAS track and stop.

2.0 Proposed Development

- 2.1. The application lodged with planning authority indicates proposals for erection of digital advertising panel on the external façade. The lower level of the 2.2 metres wide is to be positioned from first to third floor level on the facade circa 7.15 metres above the level of the footpath metres over the footpath level with the top of the 5.65 metres long sign at circa 12.8 metres above the footpath level. The total surface is 12.5 square metres in area.
- 2.2. The sign is to have an LED display with static images which transition at fifteen second intervals in a process described as, a "slow fade between the static imagery". A maximum luminance of 300 candelas per square metres for the signage in excess of ten square metres at daytime hours and a maximum of 250 candelas per square metres at night-time hours is proposed.
- 2.3. According to the written submission the proposed sign would be used to display advertising and information on cultural events

3.0 Planning Authority Decision

3.1. Decision

By order dated, 21st May, 2021 the planning authority decided to refuse permission based on the reason reproduced below:

"The subject site is located within a highly sensitive location within the Saint Stephen's Green Conservation area adjacent to the South City Retail Quarter Architectural Conservation Area and the Scheme of Special Planning Control for Grafton Street and Environs. The proposal by reason of its prominent position would be visually dominant and would detract from the visual

amenities and architectural character of the surrounding built environment. The proposal would set an unwanted precedent for similar such development and would therefore be contrary to conservation area designation, Policy CHC4 of the current City Development Plan and to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

The planning officer considered that the proposed development would detract from the design quality and amenities of the area, having regard to the designated Grafton Street ACA and Stephen's Green Conservation Area adjacent to the site location and due to potential for undesirable precedent.

4.0 Planning History

- 4.1. There is no record of planning history for prior proposals for advertising displays on the upper facades of the Unit B1B at Stephen's Green Shopping Centre, St. Stephen's Green West.

5.0 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 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'.
- 5.1.2. However, the external facades of the buildings along Stephen's Green West including the shopping centre come within
- 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.
- 5.1.3. The Stephen's Green location is a "Category 1" Principal Shopping Street within the retail strategy
- 5.1.4. 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.
- 5.1.5. The Council's Outdoor Advertising Strategy for the city as provided for in sections 4.5.6 and in Appendix 19 shows the city 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.
- 5.1.6. 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.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was lodged on behalf of the applicant on 15th June, 2021. Attached are letters of support for the proposal, (also submitted at with the application submission) a technical note on illuminance and a letter of consent to the application. According to the appeal: -

- The site location is not on the boundary with and does not abut the Conservation Area (CA) the South City Retail Quarter Architectural Conservation Area (ACA) or the Special Planning Control Scheme for the Grafton Street and Environs (SPCS) The sign is to be mounted on an architectural frame on a commercial building of no special merit, and, few historic buildings have been retained on St Stephen's Green There is a lot of illuminated signage and the LUAS stop acts as a barrier or transition between the more sensitive Stephen's Green Park and the shopping centre.
- The proposal does not set undesirable precedent: - Precedent can be taken from the following prior grants of permission by the City Council.

The proposed sign is much smaller than the signs at Cuffe Street/Wexford Street which is a 42 square metres digital panel in a conservation area on a gable end at a high level at a heavily trafficked location. (P.A. Reg. Ref. 2473/19 refers,)

A large free standing Metropole digital sign outside the US Embassy (Protected structure) on a traffic island in Advertising Zone 1 and (P.A. Reg. Ref. 2975/16 refers.)

An 18 square metres digital panel at first floor level at the Triangle in Ranelagh which is heavily trafficked and has a sensitive built context with historic structures. (P.A. Reg. Ref. 2233/21 refers.) It appears that permission was refused on appeal for the same sign under P.A. Reg. Ref. 2066/20. (PL 307126 refers.)

A free-standing digital advertising panel at the south end of Grafton Street on space not zoned, within the ACA, and ASPC within the latter of which there is a strong presumption against advertising but which the planning offer considered was in accordance with the CDP and 'Z5' zones. (P.A. Reg Ref. WEB1692/18 refers.)

Upgrades of freestanding structure at King Street South one of which is within the ACA and ASPC (WEB 1453/17 and Web 1454/17 refer)

- The sign would be almost imperceptible from Stephen's Green Park due to dense foliage. Except opposite The Royal College of Surgeons, The Fusiliers

Arch, and adjoining footpaths and the junction of Grafton Street and St Stephen's Green.

- The screen would be most visible at night-time but would be lit within a bustling commercial context of the shopping centre.
- Policy Objective CHC4 of the CDP would set a very high bar in requiring positivity in a contribution to character and distinctiveness of an area. The location is within the south retail core on a modern shopping centre beside the LUAS and its overhead lines and digital advertising. It is in a design to fit within an existing frame on the plain façade adjacent to decorative ironwork on the shopping centre's façade and this location is not particularly sensitive with the sign not being discordant within overall context. It will provide positive messaging about cultural events and commercial and general advertising including public service announcements.
- It is subjective as to whether the sign makes a positive contribution but a digital sign is to be expected in the context of the site location beside a transport stage with overhead lines and digital signs and an entrance to a shopping district. It would not stand out in the area from Fusiliers Arch. The sign is not visible (as stated) in Stephen's Green Park in the immediate context.
- In the appeal submission reference is made to the application's written submission in which it was submitted that the proposed development is positive in contribution to the area, by its availability to retailers for displaying information and advertising. Reference is made to letters of support from The Green Gallery and Sinnott's Bar extracts from which are included. With regard to positive contribution to the wider society reference is made to a letter of support from the Gaiety Theatre and First Fortnight from which extracts are included. Reference is also made to a requirement for removal of signage at the entrance to the shopping centre which would result in a net reduction in advertising.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. The issues central to the determination of a decision can be considered below on the following subheadings: -

Impact on the Character and Visual Amenities of the surrounding Built Environment

Precedent

Rationalisation

Environmental Impact Assessment Screening.

Appropriate Assessment Screening.

7.2. **Impact on the Character and Visual Amenities of the surrounding Built Environment**

7.2.1. The contention on the appeal that the site location is not within a sensitive receiving environment is not accepted. Furthermore, it is considered that where the outer edge of hatching on CDP zoning maps is up to a front building line on the footpath edge, the front facades, parapet and roof level elements which are visible within the public realm from inside or outside the designated area are to be considered as though they come within the Conservation Area and the proximity to the statutory ACA, and ASPC in relation to the subject proposal is also noted. To this end the interpretation as to the application of these designations to the building facades by the planning officer are supported.

7.2.2. Also, it is not agreed that the building at which the proposed advertising display panel is to be located can be disregarded as being of no architectural merit in making a case to justify the proposed development. It comes within and contributes positively to the grouping of buildings along Stephen's Green west which dictate the character and merits of the streetscape to be taken into consideration in the context of the architectural heritage designations.

7.2.3. The building façade on which the advertising panel is to be located is at the southern end of the shopping centre's street frontage and commercial buildings towards the centre of the St Stephen's Green West and the College of Surgeons. There is a strong uniformity in the streetscape character in scale and rhythm, following the

original Georgian plot widths with no interruptions to the continuity in this respect, and no signage or other fixtures above the ground floor level shopfronts. This view, from the area of the Fusilier's arch and the top of Grafton Street/Stephen's Green and on approach from Harcourt Street and Stephen's Green is positive.

- 7.2.4. Installation of a digital transitions sign, of the size and scale proposed over a large proportion of the overall façade above ground level rising over three floor levels from first to third floors would radically interrupt this continuity in itself and would be visually conspicuous and intrusive and negative in visual impact on this streetscape character along the west side of St. Stephen's Green and on the surrounding area. Digital signs and boards displaying, solely public information on tram arrivals/departures and overhead cables for the LUAS line are located away from the building facades as opposed to on them. These signs are relatively small scale, installed at ground level and the overhead cables are well below the height of the proposed advertising display panel. They are clustered around the LUAS stop and have little visual impact on the ACA, CA or St Stephen's Green and are justified based on their function in displaying public service information.
- 7.2.5. However, it is agreed with the appellant, that the proposed sign would come into view relatively inconspicuously, especially in late spring/summer/early autumn from a limited locations within St Stephen's Green. The proposed development would be an extremely insensitive and dominant insertion into the streetscape interrupting to the continuity and relatively inconspicuous form and uniformity above ground floor level shopfronts.
- 7.2.6. The planning authority's position that the proposed development is at a highly sensitive location being within the CA and adjacent to the ACA and ASPC, would be visually dominant and would detract from the visual amenities and architectural of the surrounding built environment and to Policy CHC4 of the CDP is considered reasonable and is supported.

7.3. **Precedent.**

- 7.3.1. It is considered that the permitted advertising developments referred to in the appeal are not comparable to the current proposal and are therefore not suitable for the purposes of taking direct precedent. In this regard it should be borne in mind that the current proposal is for signage on a building façade at which there is no pre-

existing advertising display or similar installation or any record of prior successful planning application for such development. In addition, it should be noted that the proposed location is on the upper façade above the ground floor shopfronts at first to third floor level at 12.7 metres above footpath level and covers a sizeable surface area (within an existing “frame”) both in itself and in proportion to the total surface area of the upper façade.

- 7.3.2. With regard to the signs at The Triangle in Ranelagh, it is noted that the proposal was contended to be an improvement relative to an existing unauthorised sign. (P.A. Reg.Ref.2066/20 /PL 307126 refers) The current proposal does not have similar circumstances. The statement in the appeal as to a subsequent successful application is acknowledged. (P.A. Reg. Ref. 2233/21 refers.) It is noted that this subsequent proposal did not come before the Board on Appeal and it has not been taken into consideration. According to the documentation on file in connection with that proposal there was 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.
- 7.3.3. 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. 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 constituting a visual enhancement where there is an established, (but presumably unauthorised) use.
- 7.3.4. The signage developments at the US embassy, in Ballsbridge and at the top of St Stephen’s Green on public space mounted erected ground level and is understood to have partially been justified on the basis of a requirement for display of public services and wayfinding information. ((P.A. Reg. Ref. 2975/16 and P.A. Reg Ref. WEB1692/18 refer.) Other than statements of support by the Green Gallery and the Gaiety Theatre which have cultural functions but are commercially operated and in private ownership, there is no clear evidence of any necessity for or agreement to display public information not of a commercial nature that would support the case for the proposed sign.

7.4. Rationalisation

- 7.4.1. The argument in the appeal that the proposed development amounts to rationalisation of advertising at Stephen's Green Shopping centre owing to the refusal of permission of replacement signage is also rejected in that the existing development to be replaced was unauthorised development. (P. A. Reg. Ref 2569/20 / PL 307769 refers.) The current proposal should regard as an addition at on the west side of St Stephen's Green, at the southern end of the shopping centre introducing signage at upper façade level over three floor levels.
- 7.4.2. Having regard to the foregoing, it is agreed with the planning officer that there is no justification for the proposed development and that it would set precedent, contrary to the assertions in the appeal. It would set undesirable precedent for authorisation of advertising display panels, digital or otherwise on the upper facades, above ground floor shopfront level on the west side of St Stephen's Green creating visual clutter which would also alter the quality and character of the streetscape and views along it from within and outside the designated ACA, CA and ASPC.

7.5. Environmental Impact Assessment Screening.

- 7.5.1. 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.

7.6. Appropriate Assessment Screening.

- 7.6.1. 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

Having regard to:

- The size and configuration and nature of the proposed development which includes transitions in static images, its position straddling three upper floor levels over the shopfront, the location midway along St. Stephen's Green West at the southern end of the St Stephen's Green Shopping Centre and to
- the highly sensitive location within the Saint Stephen's Green Conservation area adjacent to the South City Retail Quarter Architectural Conservation Area and the Scheme of Special Planning Control for Grafton Street and Environs and to Policy CHC 4 in the Dublin City Development Plan, 2016-2022 which provides for the protection of the special interest and character of Dublin's Architectural Conservation Areas and Conservation areas,

it is considered that the proposed development would be visually dominant and obtrusive, would detract from the integrity and continuity and relative uniformity of the upper facades in the streetscape would seriously injure the visual amenities and architectural character of the surrounding built environment particularly in views in both directions along St Stephen's Green West and especially at and close to the top of Grafton Street, would set an undesirable precedent for similar such development on the upper facades leading to visual clutter and would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector.

26th October 2021.