



An
Bord
Pleanála

Inspector's Report ABP 312608-22

Development	Replacement of existing advertising sign structure and overhead lighting with a digital display sign at the gable end of 284 Rathmines Road Lower, Dublin 6.
Location	280, 282 & 284 Lower Rathmines Road, Rathmines, Dublin 6.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3779/21
Applicant	Mistomer Ventures Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Cllr. Mannix Flynn
Observer(s)	None
Date of Site Inspection	16/03/22
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The existing advertising signage measuring 6 metres by 6 metres is on the gable wall of No. 284 Rathmines Road Lower which is a three storey building in commercial use close to the junction with Castlewood Avenue.

2.0 Proposed Development

Replace 2 no. 48 sheet poster display advertising structure with overhead lighting (sometimes presented as a single large sign 6 m x 6m) with a digital display advertising structure 6m x 6m. A letter of consent from the adjoining landowner giving permission for overhang and access over his property accompanies the application.

As part of the proposal existing signage on the front elevations and windows will be removed.

Advertising signs at No.94 Dorset Street at its junction with Blessington Street are to be decommissioned and the façade made good in accordance with the City Council's Advertising Strategy. A letter consenting to the removal of the signage accompanies the application.

The application is accompanied by a supporting planning statement.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 9 conditions. Of note:

Condition 2: Mechanism of changing the digital display to be by means of fade transition at intervals of 10 seconds or more.

Condition 3: maximum luminance of 250 candelas per sq.m. Static images only.

Condition 4: Prior to commencement of development the advertising display and brackets on the side of No.94 Dorset Street to be removed and licence extinguished.

A dated photographic record of their removal to be submitted to the planning

authority within one month of their removal. Any future proposed advertising use at this location to be subject to a prior grant of permission.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The removal of advertising signage is considered commensurate to the upgrading of the application location in terms of overall advertising space. The removal of the two panels would be sufficient planning gain with regard to the rationalisation of external advertising within the public realm of the inner city.
- The proposal is considered to comply with section 19.2 of the Outdoor Advertising Strategy.

A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Drainage Division has no objection.

Transportation Planning Section has no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to those raised in the 3rd party appeal summarised in section 6 below. In addition concerns regarding distraction to motorists are raised.

4.0 Planning History

The planning history on the site is detailed in the Area Planner's report on file. Permission was granted under ref. 0386/00 for replacement of the advertising signs

with an ultravision unit with three alternating faces. This permission was not implemented,

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

The site is located in an area zoned Z4 – District Centre the objective for which is to provide for and improve mixed-services facilities. Advertisement and advertising structures are open for consideration.

Section 4.5.6 refers to outdoor advertising policy

Policy SC22 - to consider appropriately designed advertising billboards. Signs must of high quality design and not obstruct road users or pedestrians.

Appendix 19 sets out the Outdoor Advertising Strategy for the City.

The strategy is based on geographic zones wherein different forms and degrees of advertising are permissible depending on the urban environment. The site is on a radial route and accordingly falls under zone 3.

Section 19.1 - radial routes leading into and out of the city are areas where opportunity exists for the managed provision of outdoor advertising. Subject to compliance with the development management standards, as set out in Section 6, the development of outdoor advertising in this zone will be open for consideration.

Section 19.2 - Any new applications for outdoor advertising structures will generally require the removal of existing advertising panels, to rationalise the location and concentration of existing advertising structures. Ninety six sheet and forty-eight sheet advertising panels will no longer be permitted and any new applications for advertising structures must relate to the scale of the buildings and streets in which they are to be located.

Section 19.3 provides for illuminated signs subject to compliance with design criteria such as type, building features, skyline impact and LED and subject to further assessment of advertising management standards as set out in section 19.6. The criteria in this regard is based on:

- The geographical zone in which the site is located, as set out in the figure showing zones of advertising control.
- The rationale for the proposed advertising structure, including proposals for the removal and/or rationalisation of existing outdoor advertising structures.
- The concentration of existing advertising structures in the area.
- The design of the advertising panel and the use of high-quality materials.
- The scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located.
- Impact on the character of the street and the amenities of adjoining properties.
- Advertising panels will not be permitted where they interfere with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or if they obscure road signs.
- Impact on the character and integrity of Architectural Conservation Areas, Protected Structures and Conservation Areas.
- Proposals must meet the safety requirements of the Transport Infrastructure Ireland (TII), where appropriate.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd Party appeal against the planning authority's notification of decision to grant permission can be summarised as follows:

- The process by which there are negotiations as to what advertising structure would be removed should permission be granted is unacceptable in terms of planning policy or law. It is open to abuse and inconsistent with the proper management and planning for outdoor advertising development. It is the duty

of the Board to investigate this practice of awarding planning permission through a peculiar barter system.

- The proposal is not consistent with the Outdoor Advertising Strategy and is contrary to policy SC22 and Appendix 19 of the Dublin City Development Plan.
- The site is at a prominent location within the streetscape. It would be visually obtrusive, out of scale and out of character with existing pattern of development in the vicinity.
- The digital format by reason of its illumination and extent of change in advertisements would seriously injure the visual amenities of the area and would set an undesirable precedent in Rathmines.
- There are many residential properties in the vicinity that would be directly impacted by the proposal with relentless flashing images.
- Negative cumulative impact of existing signage along the radial route through Rathmines.

6.2. Applicant Response

The response by Manahan Planner's on behalf of the applicant can be summarised as follows:

- The proposal, in removing signage at a location on Dorset Street, accords with current Dublin City policy which requires the decommissioning/rationalisation of advertising signage in the city.
- The review of the policy during the current City Development Plan review is the appropriate forum. It is beyond the remit of the Board to review the policy.
- The issues of visual impact, scale, impact on character of the area and precedent have been assessed by the area planning and found not to apply.
- The nearest resident gave consent to the proposal. Evidence of this consent was lodged with the application.
- The safety of pedestrians and the safety and free flow of traffic is not altered.

- The site is on radial route. The impact on the amenity and street will have no appreciable difference in this commercial zone where advertising is an accepted part of the visual environment.
- The sign faces south where traffic is travelling slowly approaching traffic lights.
- It fits within the specification proposed and approved for other digital sites in the city.
- The sign will present as one impact at any one time which is no different to the single image at a time presently shown. Permission was previously granted for a trivision sign on the site which had movement within it.
- There is also the advantage of removing the requirement for use of cherry pickers/scaffolding to change the sign.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

I consider that the issues arising can be assessed under the following headings:

- Principle of Development
- Visual Amenities and Impact on Character of Area
- Other Issues

7.1. Principle of Development

The site is zoned Z4 district centre the objective for which is to provide for and improve mixed-services facilities. Advertisements and advertisement structures are open for consideration within this zone.

It would appear that a sign has been in position at this location for a considerable period of time. That currently on the site comprises of 2 no. 48 sheet poster display advertising structures with overhead lighting which is sometimes presented as a single large sign 6 m x 6m. Permission was secured under ref. 0386/00 for its replacement with an ultravision unit with three alternating faces. This permission was not implemented.

Policy SC22 allows for the consideration of appropriately designed advertising billboards of high quality design and where they do not obstruct road users or pedestrians. Appendix 19 sets out the Outdoor Advertising Strategy for the City. The strategy is based on geographic zones wherein different forms and degrees of advertising are permissible depending on the urban environment. The site is on a radial route and accordingly falls under zone 3 where opportunity exists for the managed provision of outdoor advertising. Section 19.2 requires that any new applications for outdoor advertising structures will generally require the removal of existing advertising panels so as to rationalise the location and concentration of such structures. This translates to an agreement to decommission at least one other display panel in the city and to extinguish the licence for that panel. Whilst the appellant is critical of this current policy, I submit that this is a matter more appropriately addressed and assessed through the development plan review process which is currently underway.

With respect to proposals to decommission another display panel in the city, the applicant has identified a panel advertising sign at No.94 Dorset Street at its junction with Blessington Street and the façade made good in accordance with the City Council's Advertising Strategy. A letter consenting to the removal of the signage accompanies the application. The panels are in place although advertising was not erected thereon on day of inspection. The said site is visually prominent on a busy road and I am satisfied that the level of decommissioning is sufficient to merit the consideration of the proposed development at the subject site.

7.2. Visual Amenities and Impact on Character of Area

The proposal seeks to replace a static type illuminated advertising board on the south elevation of a three storey building on Lower Rathmines Road. Arising from the single storey structures immediately to the south it is prominently sited for north

bound traffic on both Upper Rathmines Road and Rathgar Road. The building on which the sign is erected is not a protected structure and is not within an Architectural Conservation Area. The vicinity of the site is characterised by a streetscape comprising a mix of architectural designs and heights predominately in commercial use.

I note that there is an advertising sign on the southern elevation of Slattery's Pub on the opposite side of the road.

The signage to be erected will be the same size as the existing signage. The mechanism of changing the advertising display will be an instantaneous transition at intervals of 10 seconds or more. Only static images without movement, animation, flashing 3D effects or full motion video will be provided. The maximum luminance will not exceed 250 candelers per sq.m. The surrounding gable is to be painted.

As assessed against the criteria as set out in Appendix 19 I note the following:

- The site is on a radial route Zone 3 where advertisements are open for consideration.
- Acceptable proposals have been provided for the removal of existing outdoor advertising structure which is commensurate to the subject site.
- Save for the advertisement on the gable of Slattery's pub on the opposite side of the road the area does not exhibit a proliferation of advertising structures
- The design of the advertising panel is of industry norms.
- The scale of the panel is large relative to the building and street in which it is located. It is the same size as the existing panels
- It is not considered that the proposal would have a greater impact on the character of the street and the amenities of adjoining properties than that existing.
- The panel will not interfere with the safety of pedestrians, the accessibility of the public footpath or roadway by reason of its elevated location. Traffic travelling northwards would be slow on approach to the traffic lights within a 50kph speed limit.

- The building on which it is to be attached is not a protected structure and it is not within an Architectural Conservation Area, Protected Structures and Conservation Areas.

Whilst the sign by its nature and intent will be visible this is countered by the compensatory measures proposed namely the removal of signage at another prominent location. On balance this rationalising of signage by removal is a positive planning gain and will assist in improving the City's visual amenity.

7.3. **Other Issues**

Appropriate Assessment – Screening

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as the 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**

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations and subject to conditions.

9.0 **Reasons and Considerations**

Having regard to proposed development which includes the removal of signage at the corner of Dorset Street Upper and Blessington Street, Dublin 1, it is considered that the replacement sign on the gable end of No. 284 Rathmines Road Lower, Rathmines would achieve an acceptable balance between providing advertising on a thoroughfare where billboard advertising exists and the protection of the amenities of the area. It is considered that, subject to compliance with the conditions set out below, the proposed development be in accordance with the Outdoor Advertising Strategy in Appendix 19 of the Dublin City Council Development Plan 2016-2022 and would not be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mechanism of changing the digital advertising display shall be by means of a fade transition of the display at intervals of 10 seconds or more. Any change to the nature of the advertising display including a flick or scroll transition between advertisements, shall be subject to a prior grant of planning permission.

Reason: In the interest of the proper planning and sustainable development of the area.

3. The proposed development shall incorporate the following:
 - (a) The maximum luminance of the advertisement display between dusk and dawn shall not exceed 250 candelers per square metres (sd/m²). The luminance level of the display shall be subject to review by the planning authority and following review, adjustments or amendments shall be carried out in accordance with the requirements of the planning authority.
 - (b) Only static images without movement shall be permitted, that is, no animation, flashing, three dimensional effects, noise, smoke or full motion video shall be permitted without a prior grant of planning permission.

Reason: To ensure the signs do not have any adverse effect on the amenity of the area or road safety.

4. Prior to commencement of development the developer shall remove, decommission and extinguish the license for the advertising displays on the south-western elevation of No.94 Dorset Street and any advertising use of these display locations shall be subject of a prior grant of planning permission. Details of the existing advertising displays to be removed, including location map and photographs of the structure, and a dated photographic record of their removal shall be submitted to the planning authority within one month of their removal.

Reason: In the interest of orderly development and visual amenity.

5. All public service cables for the development, including electrical and telecommunications cables, together with support structures shall be located discreetly within the structure. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

Pauline Fitzpatrick
Senior Planning Inspector

March, 2022