



An
Bord
Pleanála

Inspector's Report ABP315583-23

Development	Replacement of 3 no. existing static advertising displays with 1 no. slimline display (3.4m high by 6.28m wide).
Location	Junction of Clonliffe Road and Ballybough Road, Dublin 3.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1813/22.
Applicant	Julie Mulleady.
Type of Application	Planning application.
Planning Authority Decision	Permission.
Type of Appeal	First Party
Appellant	Julie Mulleady.
Observer(s)	None.
Date of Site Inspection	10 th May 2023.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located at the south western corner of the junction of Clonliffe Road and Ballybough Road a prominent junction located in the northern inner suburbs of Dublin City. Ballybough Road is an important radial road leading into Dublin City Centre and Clonliffe Road is an important road link between Ballybough Road and Drumcondra Road. Clonliffe Road is characterised by terraced residential development and Ballybough Road has mix of retail and residential development. There are residential properties on the northern (opposite) side of Clonliffe Road extending to the junction with Ballybough Road.
- 1.2. On the site which is a standalone site is regular in configuration and has a stated area of 224m² there are three rectangular shaped billboard advertising structures.

2.0 Proposed Development

- 2.1. The proposed development is for the replacement of the 3 no. existing externally illuminated static advertising displays with 1 no. slimline digital display (3.4m high by 6.28m wide) which will be located in close proximity to Ballybough Road angled for viewing from the approach from Ballybough Bridge to the north. It is proposed to replace existing fencing with a perforated steel fence 2100mm in height with provision for a gate access. Landscaping of the site is proposed.

A planning statement outlining history of the site and compliance with planning policy was also submitted.

In a response to a request for further information dated the 30th November 2022 the applicant reiterates the position of wishing the original proposal to be considered by the planning authority.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission for the development subject to nine conditions.

Condition no 2 required development to be revised providing for a maximum sign size of 4.5m by 3m.

Condition nos. 3 and 4 relate to the mechanism of the nature of the display of the sign and luminance of the sign.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 27th October 2022 in its assessment refers to the non-conforming use, its location on a radial route and the need to assess impact on residential amenities. The reduction of advertising and visual clutter is noted but concern is indicated in relation to the scale of the sign. Further information was recommended requesting the reduction of the scale of the sign to a maximum of 4.5m by 3m.

The planning report dated the 9th December 2022 notes the response of the applicant and that removal of two of the signs represents a considerable planning gain. The report address similar signs granted referenced by the applicant but in relation to this site it is within the Z1 zoning and a sign of a maximum of 4.5m by 3m would be acceptable in this zoning. Permission was recommended.

3.2.2. Other Technical Reports

Transportation Planning indicate no objection subject to conditions.

4.0 Planning History

Reference is made in the grounds of appeal to precedence for granting similar signs.

5.0 Policy and Context

5.1. Development Plan

The current statutory development is the Dublin City Development Plan 2022-2028. The Dublin City Development Plan 2016-2022 was operative at the time of decision of the planning authority.

The site is located within the Z1 zoning, Sustainable Residential Communities in the Dublin City Development Plan 2022-2028. Signs are not a permitted use in the zoning.

In relation to land use in section 14.5 Non-Conforming Uses Throughout the Dublin City Council area there are uses that do not conform to the zoning objective for their area. When extensions to, or improvements of, premises accommodating such uses are proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area.

Appendix 17 of Volume 2 of the plan relates to Advertising structures. In section 1 of the appendix geographic zones are identified throughout the cite and the appeal site is within Zone 3 and which are defined as: *The 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.*

It is indicated that the preferred location for outdoor advertising panels in the city is on public thoroughfares, distributor roads and radial routes contained within Zones 2, 3 and 5 as indicated in Figure 1 showing Zones of Advertising Control; 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.

Section 2.0 outlines requirements in relation to Digital Signage and section 8.0 Advertising Development Management Standards and that applications for new advertising structures will be considered having regard to the criteria outlined which include the geographical zone in which the site is located; the rationale for the proposed advertising structure, including proposals for the removal and/ or rationalisation of existing outdoor advertising structures; the scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located and impact on the character of the street and the amenities of adjoining properties.

5.2. Natural Heritage Designations

None relevant

5.3. EIA Screening

The proposed development does not fall within the scope of any of the Classes of development for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appellant main grounds of appeal can be summarised as follows:

- The appeal is in relation to condition no.2 of the planning authority decision and requesting the Board to omit this condition.
- The proposal as submitted represents a reduction of advertising signs from 3 to 1 and a reduction of 66% of display area and this is a considerable planning gain and the reduction as indicated in the condition is problematic.
- The light emitted is not deemed to be in excess of that currently existing on site.
- The removal of the existing two signs which are opposite existing residential properties on Clonliffe Road will reduce visual impact and the existing fence will be removed. These improvements is recognised by the planning authority.
- The sign will face directly towards the road and not the residential properties on Clonliffe Road located with a separation distance of between 27.2m and 33.1m.
- The proposed display is fully compliant with the Professional Lighting Guide 05 (PLG 05) and will not light into proximate residential properties.
- The reasons set out by the condition contradict provisions of the plan in relation to Zones of Advertising Control stated in the development plan.

- The site is within Zone 3 and is compliant with both the previous and current Dublin City Development Plans in terms of geographical location, reduction of display area; is appropriate in relation to scale; will not interfere with safety of pedestrians and road users.
- Reference is made to planning precedence referencing P.A Ref 4642/17 a sign on Drumcondra Road where permission for a replacement sign on the railway bridge was granted and which is considerably larger than the current surrounded by Z1 and Z4 zonings. Reference was also made to ABP Ref 312608-23 which is similar to the current site. Both sites are within the Zone 3 on orbital/radial routes and reduced display area.

6.2. Planning Authority Response

No response

7.0 Assessment

- 7.1. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Visual Impact and residential amenity.
- Appropriate Assessment

7.2. Principle of the development

- 7.2.1. The site is located within a residential area with the Z1 residential zoning. Advertisements and advertisement structures are not permitted or open for consideration within this zone. The Dublin City Development Plan 2022-2028 does however outline provisions in section 14.5 for the assessment of Non-Conforming Uses where it is deemed as an improvement of the existing situation, each shall be considered on their merits, and permission may be granted where the proposed

development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area.

7.2.2. In relation to this site there is an established use of the site for advertisement structures and the proposal is for a reduction of the number of structures from three to one on the site. The appellant has referred to the planning gain arising from the proposal and the planning authority have also accepted that there is a gain arising from the proposal. The proposal also provides for an enhanced landscaping of the site and reduction in the height of fencing on the site. I consider that the proposal represents a planning gain and I am satisfied that the level of decommissioning/reduction is sufficient to merit the consideration of the proposed development at the subject site and I would therefore have no objection to the principle of the proposed development.

7.3. **Visual Impact and residential amenity**

7.4. The proposal seeks to replace three static type illuminated advertising boards which is prominently sited for south bound traffic on Ballybough Road. The buildings in closest proximity are not a protected structures and the site 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 residential use with a smaller level of commercial development.

7.4.1. Visual Impact and residential amenity are central to the imposition of condition no. 2 of the planning authority's decision which is subject of this appeal. The planning authority have required a reduction of display area of the advertisement structure on the basis of the site's land use zoning and its impact on the area and nearby residential properties.

7.4.2. The signage to be erected will be the same size as one of the existing structures though it is more angled for viewing from the incoming traffic and nearer the junction. 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 300 candelers m² compliant with the Professional Lighting Guide 05 (PLG 05).

7.4.3. As assessed against the criteria as set out in Appendix 17, 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 structures which is commensurate to the subject site.
- The area does not exhibit a proliferation of advertising structures.
- The design of the advertising panel is of standard industry norms in the use of materials.
- The scale of the panel is appropriate relative to the street in which it is located and represents a major reduction in scale to 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 is angled relative to the properties on the opposite side of Clonliffe Road located approximately 30 metres distant and across a major road so as not to directly interface with these properties.
- The proposal as submitted 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 proposal 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 with the removal of signage at the location. On balance this rationalising of signage by removal is a positive planning gain and will assist in improving the City's visual amenity. The reduction of the height of fencing and the landscaping proposed will also enhance the site.

Notwithstanding the zoning objective for the area and proximity of residential development I do not consider that the reduction of display area required by condition no.2 of the planning authority's decision is warranted when all the above factors are taken into account.

7.5. Appropriate Assessment

Having regard to the minor nature of the proposed development and the separation distance to any European site, it is concluded that 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

8.1. I recommend that permission is granted.

9.0 Reasons and Considerations

Having regard to the proposed development which includes the reduction of signage from three advertising structures to a single structure on the site, it is considered that the replacement sign on the site would achieve an acceptable balance between providing advertising on a radial thoroughfare where billboard advertising currently exists and the protection of the visual and residential 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 17 of the Dublin City Council Development Plan 2022-2028 and would not be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>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.</p>

	<p>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.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The proposed development shall incorporate the following:</p> <p>(a) The maximum luminance of the advertisement display between dusk and dawn shall not exceed 300 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.</p> <p>(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.</p> <p>Reason: To ensure the signs do not have any adverse effect on the amenity of the area or road safety</p>
4.	<p>Prior to commissioning of the new digital display advertising structure, the developer shall remove the existing static advertising panels on the site and carry out the removal of existing fencing and the construction of the new proposed fencing and associated landscaping and associated development works,</p> <p>Reason: In the interest of orderly development and visual amenity.</p>
5.	<p>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.</p> <p>Reason: In the interest of visual amenity</p>

. Derek Daly
Planning Inspector

31st May 2023