



An
Bord
Pleanála

Inspector's Report

321021-24

Development

Replacement of 2 no. existing advertising displays (of c. 1920mm wide x 2880mm in height each) erected on a steel pole structure with 2 no. LED digital advertising displays (of c. 1920mm wide x 2880mm in height each) to be erected on the existing steel pole structure and associated minor site development works. The overall height of the newly proposed digital signage will remain as per the existing advertising display on site at c. 4.8m.

Location

Whelehans Wines Limited, Bray Road, Loughlinstown, Co. Dublin, D18 VK37.

Planning Authority

Dun Laoghaire-Rathdown Co. Co.

Planning Authority Reg. Ref.

D24A/0582/WEB

Applicant(s)

Whelehans Wines Ltd'

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal	First Party
Appellant(s)	Whelehans Wines Ltd..
Observer(s)	None.
Date of Site Inspection	5 th February 2025
Inspector	Des Johnson

1.0 Site Location and Description

- 1.1. The site is located to the south western side of the N11, approximately 400m north west of the Loughlinstown Roundabout and 300m to the north west of Loughlinstown Hospital (St. Columcille's Hospital). The site is located at the corner of Cherrywood Road (R116) and a slip road that runs parallel to the N11.
- 1.2. The site is occupied by an established wine business and restaurant set back from the N11. The site has carparking to the rear and side and accesses from Cherrywood Road and the Bray Road. There is an advertising structure in the south eastern corner of the site. Shanganagh River is to the south east of the site.
- 1.3. There is a large illuminated advertising hoarding to the eastern side of the N11, a short distance north of the Loughlinstown Roundabout.
- 1.4. There is residential development to the west of the site at Cherrywood Park and Cherrywood Road, and to the south served by a spur off the Old Bray Road. There is also various forms of commercial development in the vicinity.

2.0 Proposed Development

- 2.1. The proposal is for the replacement of 2 no. existing advertising displays (of c. 1920mm wide x 2880mm in height each) erected on a steel pole structure with 2 no. LED digital advertising displays of 1920mm wide x 2880mm in height each to be erected on the existing steel pole structure and associated minor site development works. The overall height of the newly proposed digital signage will remain as per the existing advertising display on site at c. 4.8m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for a single reason.

The reason for refusal states that the proposed development could confuse or distract motorists on the busy N11 endangering public safety by reason of traffic hazard, would not integrate satisfactorily with the existing pattern of development in

the area, would appear visually obtrusive, and would set an undesirable precedent. The proposal would be contrary to Section 12.6.8.2 and Section 13.1.2 of the County Development Plan (CDP) and would seriously injure the visual amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report states that the subject site is an established wine business and restaurant. It is within an area zoned Objective 'NC' in the CDP which seeks 'to protect, provide for and/or improve mixed-use neighbourhood facilities'. The proposed development is 'permitted in principle' in this zoning. The proposed development would replace existing displays. The location of proposed works is acceptable but concerns arise regarding the use of LED displays and its proximity to the adjoining road. The proposed development would be clearly visible from the N11. It would set a precedent for LED signage in this general location, and would not be acceptable in this instance. It would be a distraction to motorists on the N11.

3.2.2. Other Technical Reports

The Transportation Report raises no objection subject to conditions,
The Conservation Planning Section has no objection.

3.3. Third Party Observations

None.

4.0 Planning History

D17A/0414 – permission granted by Planning Authority for ground floor extension (43sqm), retention of change of use of ground floor from off-licence and bar with ancillary wine tasting area to restaurant, and retention of signage at this location.

D20A/0045 – permission granted at site adjacent to Loughlinstown Roundabout for replacement of internally advertising display (6.45m wide x 3.25m high) with 1 digital 48 sheet advertising display (6.45m wide x 3.568m high) and minor alterations to

landscape plan permitted under Reg. Ref. D17A/0876, including all associated site works and services.

5.0 Policy Context

5.1. The Dun Laoghaire-Rathdown County Development Plan 2022-2028 came into effect on 21st April 2022, and is the relevant Plan.

The site is zoned 'NC' with the objective to protect, provide for and/or improve mixed use neighbourhood centre facilities. Adjoining lands to the south are zoned 'A1' with the objective to provide for new residential communities and sustainable neighbourhood infrastructure in accordance with approved local area plans'.

Section 12.6.8.5 relates to Free Standing and Outdoor Advertisement Displays. It states that public information and advertising panels are permissible in situations such as pedestrian precincts of shopping centres, other areas of commercial activity and along major traffic routes. The location of all proposed freestanding advertising structures should be carefully considered having regard to pedestrian movement, and vehicles entering, and exiting a site or parking space.

Section 12.6.8.7 relates to Digital Advertising/Signage. It states that the Planning Authority acknowledges that the advertising world is moving at pace with new forms of advertising emerging, in particular with respect to digital advertising.

5.2. Natural Heritage Designations

- Rockabill to Dalkey Island SAC – c.3.4km to East
- Knocksink Wood SAC & pNHA – 5.5km to South West
- Bray Head SAC & pNHA – 6.7km to South East
- Wicklow Mtns SAC & SPA – c.7.9km to South West

5.3. EIA Screening

The proposed development is not a within a Class of Development specified in Part 1 or Part 2, Schedule 5, of the Planning and Development Regulations 2001, as amended.

6.0 The Appeal

6.1. Grounds of Appeal

These may be summarised as follows:

- The applicant wishes to upgrade the existing display in line with modern digital solutions. There was direct engagement between the design team and the Planning Authority before the lodgement of the planning application.
- The Transportation Department raised no concerns of significance. There is no assessment of this report, and the conclusion is merely disagreed with.
- Two illuminated advertising displays were permitted by the Planning Authority in close proximity at Loughlinstown Roundabout and they are significantly larger than the proposed. TII had no objection to this proposal. TII did not submit any negative assessment on the current proposal.
- A number of applications have been granted within the Council boundary along the N11.
- The Planning Authority's decision is contrary to the CDP.
- ARUP's Study submitted with the application concluded that the proposed development would not give rise to traffic hazard or impact on the amenities of residents or safety of road users.
- The existing signage forms part of the existing pattern of development in the area. It has existed for years.
- The proposed signage is c.300m from the closest residential properties, and would not impact negatively on residential amenities.

6.2. Planning Authority Response

The grounds of appeal do not raise any new matter that would justify a change of attitude by the Planning Authority.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. The proposal is for the replacement of 2 no. existing advertising displays with digital advertising displays, stated to be 1920mm wide x 2880m high, erected on an existing steel pole structure, and associated site development works. The location of the development is in the south-eastern corner of the site.

7.2. I consider that the key issues to be addressed in this assessment fall under the following headings:

- Public Notices
- County Development Plan
- Visual & residential, amenities
- Traffic issues

Public Notices

7.3. Both the Public Newspaper and Site Notices are incorrect in that they refer to the existing and proposed advertising structure being 2880m in height. The correct figure is 2880mm or 2.880m. I consider that this is a typographical error in the notices and that the public would have readily understood the nature and extent of the proposed development and would not have been misled by the notifications. The submitted drawings show the correct dimensions. The Board, however, may consider that the proposed development should be re-advertised.

County Development Plan

7.4. The proposal seeks to replace an existing advertising structure in the south-eastern corner of the site with a modern digital advertising display. The proposed development is permissible in principle within the zoning objective for the site and

consistent with the tenor of Sections 12.6.8.5 and 12.6.8.7 of the current Dun Laoghaire-Rathdown County Development Plan 2022-2028. The Plan recognises that the advertising world is moving at pace with new forms of advertising emerging, in particular with respect to digital advertising. I consider that the proposed development is consistent with the provisions of the County Development Plan.

Visual and Residential amenities

- 7.5. The reason for refusal refers to serious injury to the visual amenities of the area. The Planners report considers the location of the proposed works to be acceptable with concerns arising from the use of LED displays in the proximity to the adjoining road. I submit that there is mixed commercial development in the vicinity of the site. Having regard to the nature and scale of the proposal to replace an existing advertising structure, the existing pattern of development in the area, and to the separation distance to existing residential property, I consider that the proposed development would not be seriously injurious to the visual or residential amenities of the area.

Traffic Issues

- 7.6. The reason for refusal states that the proposed development could confuse or distract users on the busy N11, endangering public safety by reason of traffic hazard. The Transportation Planning report states no objection to the proposed development subject to conditions. I submit that there is a commercial premises with an existing permitted advertising structure at this location. This is set back from the N11 with a slip road separating the two. Permission was granted for replacement of an internally advertising display (6.45m wide x 3.25m high) with a digital advertising display (6.45m wide x 3.568m high) at a site adjacent to Loughlinstown Roundabout close to the north east side of the N11. I submit that having regard to the location, nature and scale of the proposed replacement advertising display, the proposal, subject to the conditions recommended by Transportation Planning Department of the planning authority, would not be likely to act as a confusion or distraction to motorists on the N11 endangering public safety by reason of traffic hazard.

8.0 AA Screening

- 8.1. Having regard to modest nature and scale of the proposed development, location in a built up area, and separation from and absence of connectivity to European sites, 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.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the nature and scale of the replacement advertising sign, the location, the zoning objective for the site, and the established pattern of development in the area, it is considered that the proposed development, subject to the following conditions, would be visually acceptable, would not distract motorists and endanger public safety by reason of traffic hazard, and would be compatible with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The proposed 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. Reason: In the interest of clarity.
2.	The permission hereby granted relates to the site of the existing sign in the south-eastern corner of the site. Reason: In order to clarify the extent of the permission hereby granted.

3.	<p>The maximum nighttime luminescence shall not exceed 350 candelas per square metre (cd/m²). At all other times the sign shall be operated to the requirements of the planning authority.</p> <p>Reason: In the interests of visual amenity and traffic safety.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Des Johnson
Planning Inspector

17 February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321021-24		
Proposed Development Summary	Advertising signage		
Development Address	Bray Road, Loughlinstown, Co. Dublin D18 VK37.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	Yes	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	No		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ **Date:** _____