

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0046 **Application Date:** 11-Feb-2022
Submission Type: New Application **Registration Date:** 11-Feb-2022
Correspondence Name and Address: Francesca Rowson, Gravis Planning Denshaw House,
120-121 Baggot Street Lower, Dublin
Proposed Development: The replacement of 2 existing backlit '48 sheet'
advertising panels (6.0m x 3.0m) with a single 6.0m
x 3.0m digital advertising panels along with all
associated site works and services.
Location: 22 Fox and Geese, Naas Road, Dublin 22
Applicant Name: GWR Property Co. Limited
Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area

Stated as 0.0002 Hectares

Site Description

The application site concerns an existing advertisement structure that is located within the car park of a car sales premises on the Naas Road. The surrounding area is largely industrial/commercial in nature.

Proposal:

The application proposes the following:

- The replacement of two existing backlit '48 sheet' advertising panels (6m x 3m) with one single 6m x 3m digital advertising panel for traffic heading eastbound only.

Zoning:

The application site is subject to zoning objective '*REGEN*' – '*To facilitate enterprise and/or residential led regeneration*'.

Consultations:

Roads Section – **Refusal** recommended.

Irish Water – **Additional information** recommended.

Water Services – **Additional information** recommended.

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

Submissions/Observations

None received.

Relevant Planning History

SD20A/0241: The replacement of 2 existing blacklit '48 sheet' advertising panels (6m x 3m) with a single pole-mounted digital advertising panel (5m x 7m), along with all associated site works and services.

Decision: **REFUSE PERMISSION.**

Reasons for Refusal SD20A/0241

- 1. The proposed advertisement structure, by reason of its excessive height, scale and significant increase in size in comparison to the existing structure, would result in an incongruous and visually prominent feature that would detract from the visual amenity and character of the area. Thus the proposal would contravene the South Dublin County Development Plan 2016-2022, the Outdoor Advertisement Strategy and the proper planning and sustainable development of the area.*
- 2. Having regard to the lack of information submitted in relation to the stability of the structure, and the proximity of the footpath and road, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not result in a traffic hazard and endanger pedestrian/public safety and therefore is not in the interests of the proper planning and sustainable development of the area.*
- 3. Having regard to the lack of information submitted in relation to foul and surface water, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area.*

S99A/0020: Construction of new A.T.M. enclosures/signage over.

Decision: **REFUSE PERMISSION.**

Adjacent sites

SD20A/0240: Lands adjacent to the junction of New Nangor Road & Killeen Road, Dublin 12
The replacement of the existing blacklit '96 sheet' advertising panel (12m x 3m) with a 6m x 3m digital advertising panel mounted on a 'green wall' structure (mesh panel with climbing plants), along with all associated site works and services.

Decision: **GRANT PERMISSION.**

Recent Relevant Enforcement History

None.

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Council Development Plan 2016-2022

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

Section 11.2.8 Signage – Advertising, Corporate and Public Information

Schedule 6 Outdoor Advertising Strategy

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.6.3 Environmental Hazard Management

Section 11.6.3 (i) Air Quality

Section 11.6.3 (ii) Noise

Section 11.6.3 (iii) Lighting

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009)

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009)

Regional Spatial & Economic Strategy 2019-2031, Eastern & Midland Regional Assembly (2019)

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Assessment

The main issues for assessment are:

- Zoning and Council Policy
- Visual Impact
- Access and Parking
- Services and Drainage
- Overcoming Previous Reasons for Refusal
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

Following Variation 3 of the CDP (2016-2022) the application site is subject to zoning objective *'REGEN'* – *'To facilitate enterprise and/or residential led regeneration'*. Also relevant to the proposal is Variation 5 of the CDP which concerns Outdoor Advertising and Schedule 6: Outdoor Advertising Strategy.

Visual Impact

The site currently consists of two backlit '48 sheet' advertising panels that have a width of 6m and height of 3m that are located within the car park of a car sales premises and as such are not located within the public realm but on private land. There is no planning record for the structure or information on whether it is authorised or not. The applicant was previously advised during pre-planning (PP001/20) discussions for reg. ref. SD20A/0241 for a similar application to provide a full planning history of the site and structure.

The SDCC Outdoor Advertising Strategy (OAS) has developed a policy based on geographical zones. The application site is located within Zone 5 as it is not located directly on the road but within a private site. The application site is located within Zone 5 which generally consists of significant developing areas including strategic developments, regeneration areas or new mixed use communities where advertising may form part of new streetscapes, having regard to the need to protect residential amenities. This is reflective of the zoning objective *'REGEN'* as a result of Variation 3 of the CDP. Advertisements are subject to compliance with development management standards in Section 7 of the OAS and are open for consideration.

The Development Management Standards require proposals to be assessed against a number of criteria. In terms of the geographical zone, as previously discussed the application site is located within Zone 5 where the preferred location for outdoor advertising is on the public realm. The application site is located within private land with the structure located on the opposite side of a fence, adjacent to the footpath. One of the key aims of the strategy is to

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

encourage the upgrade, removal or replacement of unsightly and outdated advertising structures.

The proposal would see a more modern design and the replacement of two existing backlit '48 sheet' advertising panels (6m x 3m) with a single 6m x 3m digital advertising panel. The proposed sign would be the same height and same width as the existing sign however it is noted that the proposed sign will be mounted on posts at a slightly higher level (6.65m) than the existing sign (6.25m). This height difference of c.0.4m would be slightly more visually prominent. It is noted that the OAR outlines that SDCC has a preference for smaller types of advertising panels such as six-sheet size advertising panels and 8sq.m advertising structures.

In terms of the concentration of advertisements in the area, it is noted that there are examples of existing advertisements along this stretch of the Nass Road associated with commercial premises including car show rooms, petrol stations and restaurants. It is noted that, as per Schedule 6 of Variation 5 of the CDP, any upgrading of existing outdoor advertising (e.g. trivision, scrolling, electronic) will only be permitted if it is acceptable in amenity/safety terms and an agreement to decommission at least one other display panel in the County and to extinguish the licence for that panel is fully considered. In this instance the applicant has proposed to decommission one of their two signs so that the new sign will only be visible to eastbound traffic.

The character of the area is largely commercial/industrial in nature with the closest residential properties located over 200m to the east of the site, which are an exception in this area.

Due to the site's location in an established industrial area there are not considered to be any harmful impacts on biodiversity or protected views and prospects.

Although the height difference of c.0.4m for the proposal would only be slightly more visually prominent, the level of distraction the proposed digital sign panel would create for road users with a change of frequency approximately every 10 seconds would be of serious concern to the Planning Authority due the location alongside a wide section of road containing two traffic lanes and a bus lane and due to its proximity to major junctions with in substantial traffic movements. These concerns are further expressed in the Access & Parking section of this planning report where Roads Section have recommended refusal.

Access and Parking

The Roads Section has assessed the proposal and has recommended refusal. An extract taken from the Roads report states the following:

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description

The replacement of 2 existing backlit '48 sheet' advertising panels (6.0m x 3.0m) with a single 6.0m x 3.0m digital advertising panels along with all associated site works and services.

Roads have concern that the illuminated sign will be a distraction to road users. This location is alongside a wide section of road containing two traffic lanes and a bus lane. It is in leading proximity to major junctions resulting in substantial traffic movements. Even considering the suitable controls suggested in the Digital Advertising Highway Safety Report submitted with the application the Roads Department consider the distraction potential of an illuminated digital sign constitutes a traffic hazard.

Roads recommend refusal.

The Planning Authority considers that as the proposal would endanger public safety by reason of a traffic hazard it should therefore be **refused**.

Services and Drainage

Both Irish Water and Surface Water Drainage have recommended Additional Information be requested regarding required distances from services for Irish Water and Surface Water Drainage. An extract taken from the Irish Water report states the following:

IW Recommendation:

Further Information Required

1 Water (Further Information)

1.1 The proposed development is approximately 1.7m from an existing 100mm uPVC public watermain North of the site. Irish Water Standard Details for water Infrastructure require a minimum 3m clear distance from a main of this size. Therefore, it is required that the applicant shall:

- (a) Submit a revised drawing to show a minimum distance of 3m from the foundation of proposed sign to existing adjacent 100mm uPVC watermain north of site. OR*
- (b) Submit a letter or email from Irish Water clearly stating that Irish Water are in agreement with the proposed development in close proximity to the watermain.*

All development shall be carried out in compliance with Irish Water Standards codes and practices. Reason: In the interest of public health and to ensure adequate water facilities.

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

2 Foul Not applicable

Having regard to the lack of information submitted in relation to water supply, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area. Therefore the application should be **refused**.

An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: **Further Information** Required:*

1.1 Proposed development is approximately 1.5m (3m set back distance is required) from an existing 225mm surface water sewer north of site. Submit a revised drawing showing foundations of proposed sign at least 3m from the outside diameter of existing 225mm surface water sewer north of site.

Flood Risk No Objection:

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

Having regard to the lack of information submitted in relation to surface water, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area. Therefore the application should be **refused**.

Overcoming Previous Reasons for Refusal

Reg. Ref. SD20A/0241 was refused for a similar but not identical application. The description of works for SD20A/0241 is stated below:

The replacement of 2 existing blacklit '48 sheet' advertising panels (6m x 3m) with a single pole-mounted digital advertising panel (5m x 7m), along with all associated site works and services.

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

Reasons for Refusal SD20A/0241

- 1. The proposed advertisement structure, by reason of its excessive height, scale and significant increase in size in comparison to the existing structure, would result in an incongruous and visually prominent feature that would detract from the visual amenity and character of the area. Thus the proposal would contravene the South Dublin County Development Plan 2016-2022, the Outdoor Advertisement Strategy and the proper planning and sustainable development of the area.*
- 2. Having regard to the lack of information submitted in relation to the stability of the structure, and the proximity of the footpath and road, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not result in a traffic hazard and endanger pedestrian/public safety and therefore is not in the interests of the proper planning and sustainable development of the area.*
- 3. Having regard to the lack of information submitted in relation to foul and surface water, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area.*

1.This application reduced the size of the advertising sign and proposed to remove one of the existing signs. However due to the Planning Authority concerns that the proposal would endanger public safety by reason of a traffic hazard it should therefore be **refused**.

2.This application has addressed this previous reason for refusal regarding the stability for the structure. However due to the Planning Authority concerns that the proposal would endanger public safety by reason of a traffic hazard it should therefore be **refused**.

3.This application has not overcome this previous reason for refusal as sufficient information regarding Irish Water and Surface Water Drainage requirements have still not been submitted. Therefore the proposed development would be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area. Further consideration required.

Screening for Appropriate Assessment (AA)

Having regard to the scale and nature of the development and the distance from Natura 2000 sites, it is not considered 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.

Screening for Environmental Impact Assessment (EIAR)

Having regard to the nature of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

The Planning Authority considers that as the proposal would endanger public safety by reason of a traffic hazard it should therefore be **refused**.

Roads Section have concerns that the illuminated sign will be a distraction to road users. This location is alongside a wide section of road containing two traffic lanes and a bus lane. It is in leading proximity to major junctions resulting in substantial traffic movements. Even considering the suitable controls and mitigation measures suggested in the Digital Advertising Highway Safety Report submitted with the application the Roads Department consider the distraction potential of an illuminated digital sign constitutes a traffic hazard and should therefore be **refused**.

As the proposal would impact injuriously on road safety this would not comply with *Schedule 6 Implementation of the Outdoor Advertising Strategy of Variation No.5 Outdoor Advertising of the SDCC Development Plan 2016-2022* and should be **refused**.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The proposed development would endanger public safety by reason of traffic hazard. The Planning Authority have concerns that the illuminated display panel sign will be a distraction to road users. This location is alongside a wide section of road containing two traffic lanes and a bus lane. It is in proximity to major junctions resulting in substantial traffic movements. Even considering the controls suggested in the Digital Advertising Highway Safety Report submitted with the application, it is considered that the distraction potential of an illuminated digital sign on road users constitutes a traffic hazard. As the proposal would impact injuriously on road safety this would not comply with Schedule 6 Implementation of the Outdoor Advertising Strategy of Variation 5 Outdoor Advertising of the South Dublin County Development Plan 2016-2022.

Comhairle Chontae Atha Cliath Theas

PR/0446/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0046

LOCATION: 22 Fox and Geese, Naas Road, Dublin 22



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 07/04/2022



Colm Harte,
Senior Executive Planner