Development Management Officer Report- Addendum
Committee Application

Summary	
Application ID: LA04/2023/2748/A	**Committee Meeting Date: 18th June 2024**
Proposal: 1 Digital Advertisement Display	**Location:** 12-13 Shaftesbury Square, Belfast, BT2 7DB
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member.	
Recommendation: Refusal	
Applicant Name and Address: Michael Fairfowl 5b Willowbank Rd, Milbrook Larne BT40 2SF	**Agent Name and Address:** Enda McKenna Unit A3 Harbour Court, 5 Heron Road Belfast BT3 9HB

Background:

This application was deferred at the Planning Committee on Tuesday 14th May 2024 to allow members of the Committee opportunity to visit the site. The site visit took place on Tuesday 21st May 2024.

This report should be read in conjunction with the original Committee report, appended.

Appeal Decision – 1 Bradbury Place (Planning Application Ref: LA04/2021/2842/A PAC Ref 2022/A0155):

Since the Committee meeting on 14th May, the PAC issued a decision (on 16th May 2024) to dismiss an appeal for a Digital Advertising Screen (LED) in close proximity to the application site at 1 Bradbury Place.

The main issue in the appeal was whether the proposed advertisement would be detrimental to visual amenity. The PAC report states that the proposed signage would obscure decorative stucco panels and be visually disruptive to the building's appearance. Furthermore, the decision states that proposed signage between first and second floor levels would visually dominate the upper floors of the host building and read as discordant features and would also be dominant in the immediate area when viewed approaching the building from critical viewpoints due to the location on the upper floor of the host building and the illumination. The report further states that '*overall, the proposal which would be considerably more illuminated that the in situ signage, would be dominant on the host building both during the day and at night on multiple approaches to the appeal site'.* Th PAC decision concludes that the proposed signs would not be sensitively located within the streetscape and would have a negative impact on amenity and be contrary to criterion (a) of Policy DES 4.

The appeal decision is considered material to the determination of this advertisement consent which is also considered contrary to criterion (a) of Policy DES 4 for the reasons set out in the original Committee report (appended).

In summary, these include that the proposed sign would visually dominate the upper floors of the host building and obscure architectural features and would be visually dominant in the immediate area when viewed on approach from critical viewpoints including Great Victoria Street, Dublin Road, Donegall Pass, Bradbury Place and Botanic Avenue.

Recommendation

Having regard to the development plan and other material considerations, the proposal is considered unacceptable. It is recommended that advertisement consent is refused for the reasons set out in the original report to Committee (attached).

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the reasons for refusal and deal with any other issues that arise provided that they are not substantive.

Development Management Officer Report
Committee Application

Summary	
Application Ref: LA04/2023/2748/A	**Committee Meeting Date:** 14th May 2024
Proposal: 1 Digital Advertisement Display	**Location:** 12-13 Shaftesbury Square, Belfast, BT2 7DB
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member.	
Recommendation:	Refusal.
Applicant Name and Address: Michael Fairfowl 5b Willowbank Rd, Milbrook Larne BT40 2SF	**Agent Name and Address:** Enda McKenna Unit A3 Harbour Court, 5 Heron Road Belfast BT3 9HB

Executive Summary

This application seeks advertisement consent for a digital advertisement located at Nos.12-13 Shaftesbury Square.

The key issues are:

- Impact on amenity
- Impact on the setting of listed buildings
- Impact on public safety.

The application has been referred to the Committee following a request from Councillor Magee.

Objections have been received from DfC HED and DfC Roads on grounds of adverse impact on the setting of the adjacent Listed Building and road safety, respectively.

The application originally sought to replace the existing LED screen (which measures 6.8m x 3.8m) with a larger LED sign measuring 20m (length) x 5m (height). The proposal was amended during the processing of the application, reduced to 16m (length) x 4m (height) in an attempt to address HED and DFI's concerns. However, both HED and DfI Roads maintain their objections.

Officers consider that the proposed sign, which would be significantly larger than the existing sign (i.e. 9.2m longer and 0.2m higher), would be unacceptably prominent in the street scene, adversely impacting on the amenity of the area and detracting from the setting of the adjacent Listed Building. Furthermore, the proposal would harm public safety, by prejudicing road and pedestrian safety.

3 letters of support have been received and are addressed in the main body of the report.

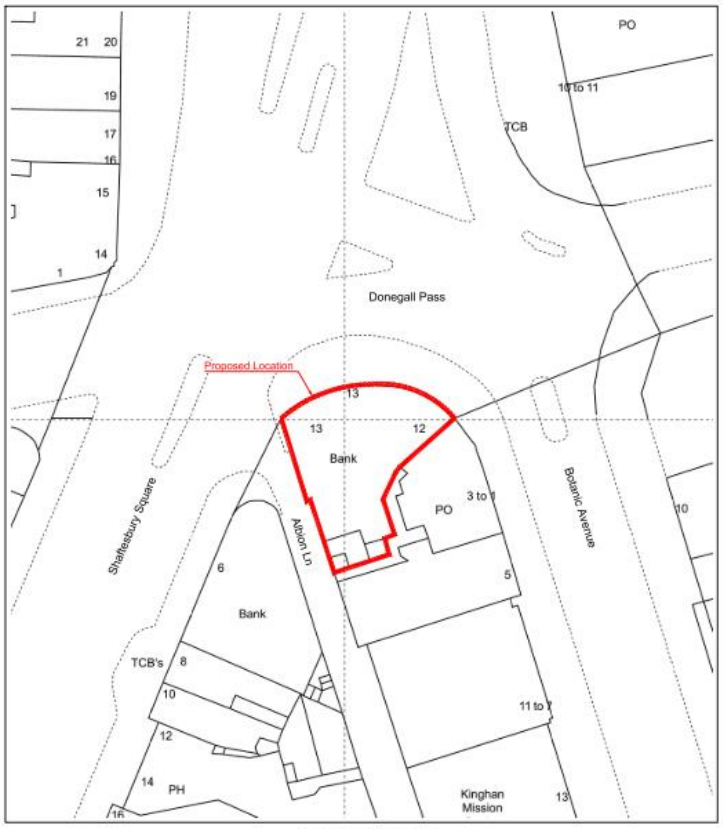
Recommendation

Having regard to the development plan and other material considerations, the proposal is unacceptable.

It is recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons and deal with any other issues that arise, provided that they are not substantive.

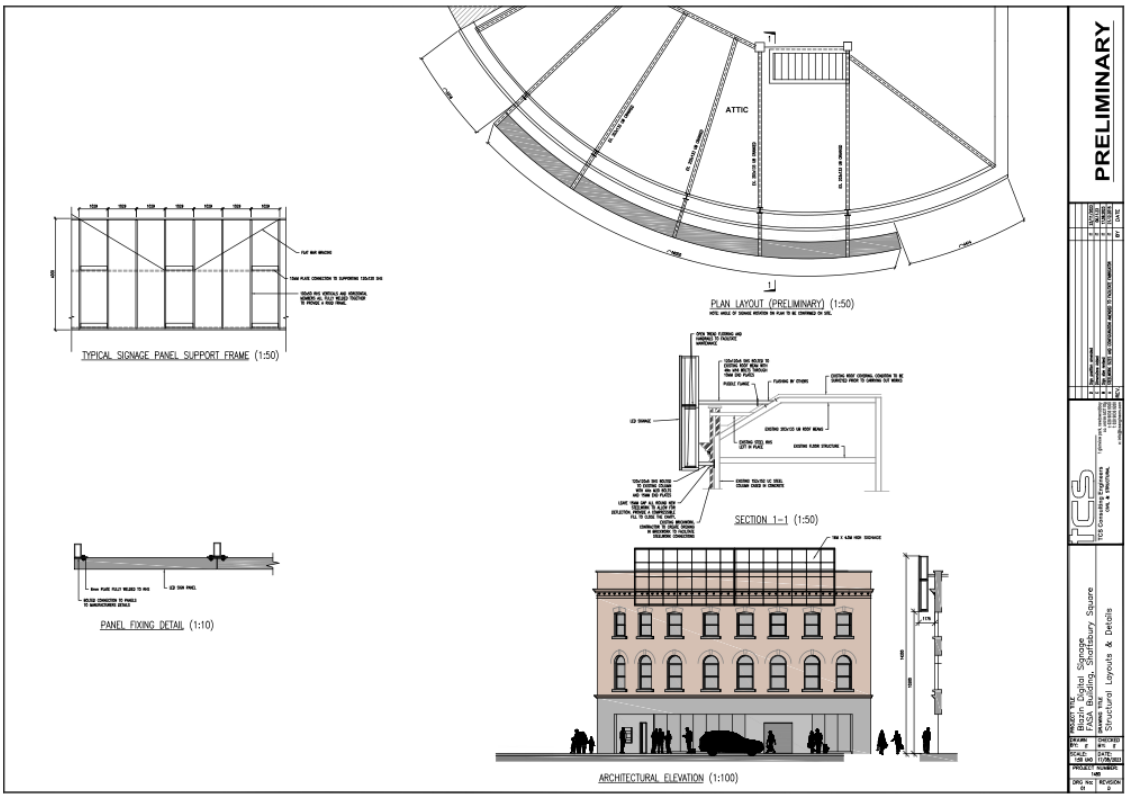
Officer Report

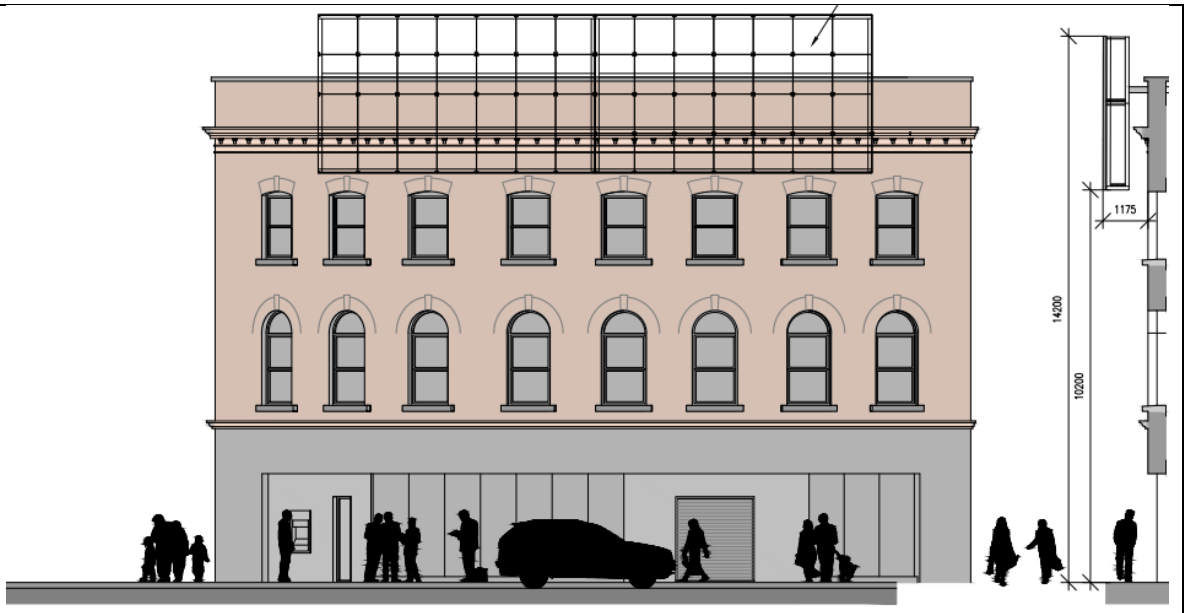
1.0	**Drawings**
1.1	**Site Location**



Site Plan (1/1250)

Proposed Plans



	
2.0	**Characteristics of the Site and Area**
2.1	The application site is located at Nos. 12-13 Shaftesbury Square, which is situated on the Shaftesbury Square, adjacent to the Bradbury place exit of the junction.
2.2	There is an existing digital sign located externally at the top of the building which measures 6.8m long x 3.8m high.
3.0	**Description of Proposal**
3.1	The application seeks Advertisement Consent for a replacement larger digital advertisement display.
3.2	The application originally sought to replace the existing LED screen (which measures 6.8m x 3.8m) with a larger LED sign measuring 20m (length) x 5m (height). The proposal was amended during the processing of the application reduced to 16m (length) x 4m (height) in an attempt to address HED and DFI's objections.
4.0	**Planning Policy and Other Material Considerations**
4.1	**Development Plan – operational policies** Belfast Local Development Plan, Plan Strategy 2035
4.1.1	Policies in the Plan Strategy relevant to the application include the following: • Policy DES4 – Advertising and Signage
4.1.2	<u>Supplementary Planning Guidance</u> Advertising and Signage
4.2	**Development Plan – zoning, designations and proposals maps** Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	**Regional Planning Policy** Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)

4.4	**Relevant Planning History** LA04/2015/0366/A - 12-13 Shaftesbury Square - 28 Panel LED digital screen on steel frame – Consent Granted – Appeal re: temporary condition, allowed – 23/11/2015. Z/2012/0032/A – 12-13 Shaftesbury Square- 20m x 5m building wrap banner - Consent Refused- 28/03/2012. Z/2005/2147/A – 12-13 Shaftesbury Square- Erection of new ATM surround sign - Consent Granted- 06/11/2008. Z/2003/0263/A – 12-13 Shaftesbury Square- Two no. shop signs front and side elevations, one no. projecting box. - Consent Granted- 31/03/2003. Z/1991/2671 – 12-13 Shaftesbury Square – Erection of signs- Consent Granted - 17/10/1992. Z/1994/5006 – Northern Bank, Shaftesbury Square - Electronic illuminated display – Permitted Development Z/1998/2679 – Northern Bank, Shaftesbury Square - Replacement of hi-level electronic advertising display panel (3.9m x 7.46m) – Consent Granted Z/1989/2867 - 12-13 Shaftesbury Square- Replacement sign – Consent Granted – 21/03/1990.
5.0	**Consultations and Representations**
5.1	**Statutory Consultations**. **DFI Roads** – recommends refusal on the grounds that the sign would, if permitted, prejudice the safety and convenience of road users.
5.2	**Non-Statutory Consultations** **DfC Historic Environment Division (HED)** – adverse impact on adjacent listed building.
5.3	**Representations** The Council has received 3 letters of support, 2 letters from Linen Quarter BID and 1 from the Belfast Chamber. The letters of support have been summarised below: 1. Linen Quarter BID – states Linen BID is a not-for-profit place making organisation that supports the installation of a digital screen at Shaftesbury Square. 2. They believe it is appropriate given the history with the Golden Mile. 3. The screen will provide interesting content and the applicant is willing to provide free community content as a condition of planning. 4. Digital signage is becoming more common, and Belfast should embrace this. They would not regard the screen dimensions to be disproportionate and would enhance the city centre. 5. This would support regeneration in the wider area. 6. Longstanding tradition of digital advertising at this location and it is natural location for a proposed new screen. 7. The proposed screen would help catalyst much needed further development in the immediate area. 8. Belfast Chamber support this application.

6.0	**PLANNING ASSESSMENT**
6.1	**Development Plan Context**
6.1.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.1.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.1.3	The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan ("Departmental Development Plan") until the Local Policies Plan is adopted.
6.1.4	**Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in section 4.0 of this report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).
6.1.5	**Proposals Maps** – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
6.1.6	The site is located within the settlement development limit in the BUAP and is not zoned for any use. In draft BMAP 2015 (v2004) the site is located within the settlement development limits of Belfast and is designated as a Character Area (CC 016), an area of parking resistant (CC 102) and within the city centre boundary (CC 001). In draft BMAP 2015 (v2014) the site is also located within the settlement development limits of Belfast and within a Character Area (CC 016), an area of parking resistant (CC 102) and within the city centre boundary (CC 001).
6.2	**Key Issues**
6.2.1	The key issues to be considered in this application are: • Impact on amenity • Impact on the setting of listed buildings • Impact on public safety.

6.2.2	*Relevant policy:* The proposal is assessed against Policy DES4 of the Plan Strategy and the guidance set out in the Advertising and Signage SPG ("SPG"). Policy DES 4 states that: '*Planning permission will be granted for advertisements and signage where it has been demonstrated that they:* a. *Are of good design quality, are located sensitively within the streetscape and do not have a negative impact on amenity;* b. *Will not result in clutter when read in addition to existing advertising and signage in the area;* c. *Will not adversely impact listed buildings, conservation areas or ATCs and their Settings' and* d. *Do not prejudice road safety and the convenience of road users.* *In all cases applications for advertising consent will be expected to adhere to supplementary planning guidance*.'
6.2.3	The proposal is assessed against the relevant criteria below.
6.2.4	Guidance on advertisements is provided at paragraphs 6.52 to 6.60 of the SPPS.
6.3.	*Planning history:*
6.3.1	The host building is located within a mixed commercial area, where offices and places of entertainment dominate. The principle of signage has already been established at this location. The planning history indicates that the site has been the subject of a number of consents and refusals for advertisements. The site has displayed a similar sized LED screen to the existing for many years. A sign was first approved on the building in 1994 and again in 1998. Advertisement consent was granted for a high-level electronic advertising display panel under planning application Z/1998/2679.
6.3.2	A previous sign on the building was removed in 2009 and there was no signage on the building for several intervening years. Temporary consent was later granted for the existing LED digital sign in 2015 (LA04/2015/0366/A), identical to that previously approved in 1998 under planning application Z/1998/2679. The temporary time condition attached to this approval was to allow reassessment of the long-term impact of the signage at this location, however, the temporary condition was the subject of a planning appeal which was allowed (PAC reference 2015/A0234) and permanent consent granted.
6.4.	**Impact on Amenity**
6.4.1	Criterion a. of Policy DES 4 indicates that consent will be granted for advertising where it is of good quality design and is located sensitively within the streetscape and does not have a negative impact on amenity. The SPG at paragraph 4.3.3 states that the term amenity is usually understood to mean their effect upon the appearance of the building or structure or the immediate neighbourhood where they are displayed, or their impact over long distance views. Paragraph 4.3.4 of the SPG: sets out the criteria to be taken into account when assessing the impact of an advertisement on amenity.
6.4.2	Paragraph 5.5.7 of SPG guidance highlights the potential of high-level signage to be obtrusive and dominant over long distances particularly when located on roofs.

6.4.3	The SPG provides the following design guidelines for high level advertisements: • *High level signs will generally be appropriate where they relate to the scale and primary use of the host building.* • *They should be designed to be read as part of the building and should not detract from any architectural feature.* • *They should not project above the eaves or parapet of the host building.* • *They should have only the lettering illuminated, preferably in the form of back lighting/halo illumination and restricted to sign lettering and logo only.* • *On upper floors, advertising/signage should be printed or etched onto the glass or on to internal window blinds. As an alternative, individual letters rather than an advertisement panel may be suspended behind the glass.*
6.4.4	Paragraph 5.9.3 of the SPG sets out further guidance in relation to digital advertisements and states that '*by their very design and sitting, digital advertisements can be visually prominent and 'attention focused' by way of their illumination and sense of movement particularly when they are large in size and in close proximity to each other'*. The SPG provides the following guidance for digital advertisements. • *More suitable to predominantly commercial areas, industrial areas or along transport corridors and areas with larger buildings where signage can be integrated more effectively into architecture.* • *Avoid siting in sensitive areas including listed buildings, with conservation areas/ATCs, predominantly residential areas and where they could become the most prominent feature of the street scene. Consideration should also be given to the orientation and positions to the carriageway and proximity to traffic signals and hazards.* • *Assess potential impact of lighting levels including degree of luminosity, brightness and operational hours, particularly during times of reduced daylight hours.* • *Consideration given to elements such as message duration, transitions and sequencing.* • *Consideration should be given to the cumulative effect of digital advertisements when read with other advertisements and signs which would result in clutter to the streetscape.*
6.4.5	The SPG states that digital and LED signs are more suitable in predominantly commercial areas**,** industrial areas or along transport corridors and areas with larger buildings where signage can be integrated more effectively into architecture. The site is located within a mixed-use area comprising offices, student accommodation, restaurants, hotel, retail uses etc. However, the proposed LED sign is considered to be too large, dominant and out of scale with the host building.
6.4.6	The initial drawings submitted with the application proposed an LED sign which measured 20m (length) x 5m (height). During the processing of the application, officers DfI Roads and HED met with the applicant to discuss concerns and amended drawings were received seeking to address issues raised in respect of amenity, road safety and impact on the adjacent listed building. The most recent amendment shows a reduction in size to 16m (length) x 4m (height).
6.4.7	The building on which the sign is proposed to be located is a neo-Georgian, 3-storey building with extended parapet wall, finished in brown brick with a unique curved frontage (semi-circular) onto Shaftesbury Square. The windows at first and second floor level display arched features with decorative brick surrounds. At parapet level the building displays a mutilated cornice which is a key decorative feature of the building's design.

	Whilst the building is not listed it is a building which displays key architectural features and makes an important contribution to the streetscape.
6.4.8	The proposed digital sign would project above the parapet by approximately 1.8m and would obscure key architectural features such as the mutilated cornice, in contravention of the SPG. Whilst it is acknowledged that the existing sign obscures some key features, the proposed sign would be 9.2m longer than the existing sign and 0.2m higher and would be located approximately 1.3m from the edge of the building on both sides. As a result, a substantial part of the building's key features at parapet level would be obscured. The sign itself is approximately 3m in depth and would be highly visually prominent when viewed from surrounding streets including Botanic Avenue and Donegall Pass. It is considered that the sign would be visually prominent in the streetscape with short and medium range views available including views on approach from Great Victoria Street. Given the significant size of the sign and proposed location at high level along with the digital format, the proposal would be unacceptably prominent and harmful in the street scene and of a scale which would adversely impact the character and appearance of the area. The proposed sign would also be an overly dominant feature on the host building and would be significantly harmful to the visual amenity of the area.
6.4.9	The proposed digital sign is considered to be contrary to criterion a. of Policy DES 4 and guidance on high-level, projecting, and digital advertisement signage as set out in the SPG: Advertising and Signage for the reasons set out above.
6.5.	**Impact on the setting of a listed building**
6.5.1	Section 91 (2) of the Planning Act (Northern Ireland) 2011 states that '*the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*.'
6.5.2	The proposal would sit adjacent to Nos. 2-6 Bradbury Place, Shaftesbury Square, which is a 3 storey Tudor revival style Grade B2 Listed Building.
6.5.3	Criterion c. of Policy DES 4 states that permission will be granted for advertising where it will not adversely impact listed buildings, conservation areas or ATCs and their settings. The SPG at paragraph 4.2.7 recognises that there is a particular need to protect the important townscape heritage assets, such as listed buildings and their settings and advises that they should avoid being siting in sensitive areas including near listed buildings.
6.5.4	HED has objected to the application on the grounds that the proposal would negatively impact on the setting of the Grade B2 Listed building at 2-6 Bradbury Place. They advise that '*The listed building of 2-6 Bradbury Place is positioned on the junction of Shaftsbury Square, Donegall Road and Bradbury Place. A key feature of the building is how it has been designed to be read on the approach from the Dublin Road as the listed building 'addresses' this approach - as expressed by the curved façade design towards the junction. We add that 1 Bradbury Place, Malone Lower (HB26 29 031), although not listed, has also been designed to 'address' the junction of Shaftsbury Square, Donegall Road and Bradbury Place. Again, notable due to the curved façade at the junction*.' '*HED acknowledge the existing illuminated signage on the application site, albeit significantly smaller in size than the current proposal. The proposed 20m x 5m, Digital Advertisement Display would form a continuous band across the full of the application building's façade. Due to the increased size and nature of the proposed moving/kinetic electronic signage screen, we consider the installation would have a detrimental impact on the setting of the listed building, due to its scale, form, height, alignment and would*

	form a competing focus to the listed building. The negative impact on the setting of the listed building would be further increased, due to the cumulative impact of existing signage at 1 Bradbury Place, further diminishing the setting of the listed building'.
6.5.5	Having regard to HED's advice, it is considered that the proposal would have a significant adverse impact upon the adjoining listed building. The proposal would fail to respect the setting of the adjoining listed building, would be unsympathetic to the essential characteristics of the listed building and would impact upon key views of the listed building by its reason of its location, scale, size, prominence, proximity to the listed building and design. The scale of the proposal would detract would unduly draw the eye away from the listed building having a detrimental impact upon its setting. The proposal fails to accord with the SPPS and criterion c. of Policy DES 4.
6.6	**Impact on public safety**
6.6.1	Criterion d. of Policy DES 4 states that permission for advertisements will be granted for signage which does not prejudice road safety and the convenience of road users. Policy DES 4 paragraph 7.2.35 and the SPG (Para 4.6.1) acknowledges that the very nature of advertisements and signs are designed to attract the attention of passers-by and therefore have the potential to impact on road safety and that the Council will expect all advertisements to accord with the supplementary guidance with regard to its impact on public safety. The SPG advises that the Council will have regard to effect of an advertisement upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians).
6.6.2	The SPG at paragraph 4.6.2 outlines the main types of advertisements and signs which are likely to pose a threat to public safety. Those criteria which the proposal is in contravention of are set out below:- *(b) Those which, by virtue of their size or siting (orientation/angle to road), would obstruct or confuse a road user's view or reduce the clarity or effectiveness of a traffic sign or traffic signal, or those which would be likely to distract road users because of their unusual design.* *(e) Illuminated signs:* • *Where the means of illumination is directly visible from any part of the road.* • *Which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals.* • *Which, because of their size or brightness, could result in glare or dazzle, or otherwise distract road users especially in wet or misty weather.* *(f) Signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message.*
6.6.3	The SPG further advises that in assessing the impact on road safety, a consideration for the council will be whether the advertisement/sign itself or its location is likely to be so distracting or confusing that it creates a hazard to, or endangers, people in the vicinity, be they drivers, cyclists or pedestrians.
6.6.4	DFI Roads advises that '*the proposed digital display is significantly larger than the current display and would therefore intensify the risk of driver distraction'*. They go on to say that '*this proposal conflicts with' the SPG, Para. 4.6.2 (b) in that it would, if permitted, prejudice the safety and convenience of road users. Since the erection of this proposal,*

	by virtue of its size and siting, would obstruct or confuse a road user's view and reduce the clarity or effectiveness of a traffic sign or traffic signal.'
6.6.5	DfI Roads considers the proposal to be unacceptable on the basis that the advertisement, if permitted, would prejudice the safety and convenience of road users, by virtue of its size and siting and would obstruct or confuse a road user's view and reduce the clarity or effectiveness of a traffic sign or traffic signal. The proposal therefore fails to comply with criterion d. of Policy DES and guidance set out in the SPG and is unacceptable.
8.0	**Recommendation**
8.1	Having regard to the development plan and other material considerations, the proposal is considered unacceptable. It is recommended that planning permission is refused.
8.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons and deal with any other issues that arise, provided that they are not substantive.

DRAFT REFUSAL REASONS:

1. The proposal, by reason of its character, excessive size, elevated position, highly prominent location and design, would have a significantly negative impact on amenity, including impact on the host building, Shaftesbury Square and surrounding area. The proposal therefore fails to accord with criterion a. of Policy DES4 of the Belfast Local Development Plan: Plan Strategy 2035, Advertising and Signage SPG and paragraphs 6.56, 6.57 and 6.59 of the Strategic Planning Policy Statement for Northern Ireland (2015).

2. The proposal, by reason of its character, excessive size, elevated position, highly prominent location and design, would adversely affect the setting of the adjacent Grade B2 Listed Building at No 2-6 Bradbury Place. The proposal therefore fails to accord with criterion c. of Policy DES4 of the Belfast Local Development Plan: Plan Strategy 2035, Advertising and Signage SPG and paragraphs 6.12 and 6.59 of the Strategic Planning Policy Statement for Northern Ireland (2015).

3. The proposal would, by reason of its excessive size and location, prejudice the safety and convenience of road users. The proposal therefore fails to accord with criterion d. of Policy DES4 of the Belfast Local Development Plan: Plan Strategy 2035, Advertising and Signage SPG and paragraphs 6.52, 6.56 and 6.57 of the Strategic Planning Policy Statement for Northern Ireland (2015).