



An
Bord
Pleanála

Board Direction
28.RL3623

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11th June 2018.

The Board decided, generally in accordance with the inspector's recommendation, that the signage in question is development and is not exempted development.

WHEREAS a question has arisen as to whether:

1. The blue, red and white Sports Direct.com lettering attached to the fascia board over the main entrance on North Earl Street
2. The brand names and logos on the fascia board over the main entrance on North Earl Street (namely Puma, Adidas, Nike and Under Armour)
3. The double sided projecting banner sign located at upper storeys denoting Sports Direct.com
4. The Sports Direct.com lettering at Marlborough Street
5. The Adidas and Nike brand name logos located on the fascia panel above the entrance and window display at Marlborough Street

And the:

6. Solid black panel located at 1st floor level with advertising including USC House of Brands
7. Black ban located between the 1st and 2nd floor level including Jack Jones, Luke, Henri Lloyd, Calvin Klein, Lyle & Scott, Pretty Green, Hilfiger

Denim, Replay, Levi's and Emporio Armani

8. Small black advertising panel located to the right of the main entrance at ground floor denoting USC, House of Brands, Calvin Klein, Tommy Hilfiger, Emporio Armani, Levi's Replay, Converse, Vans, Off the Wall and Jack Jones

9. Electronic Window Display located to the left of the entrance at ground floor level on North Earl Street.

is or is not development and if so or is or is not exempted development:

AND WHEREAS Heatons Unlimited Company requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 1st day of August, 2017 stating that the matter was not exempted development:

AND WHEREAS Heatons Unlimited Company referred this declaration for review to An Bord Pleanála on the 25th day of August, 2017:

- a. **AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –
 - (b) Section 2(1) of the Planning and Development Act, 2000, as amended,
 - (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
 - (d) Section 82 of the Planning and Development Act 2000, as amended,
 - (e) Section 87 of the Planning and Development Act 2000, as amended,
 - (f) Article 6(2)(b) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
 - (g) Parts 2 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

- (h) the planning history of the site,
- (i) Scheme of Special Planning Control for O'Connell Street and Environs 2016
- (j) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The amended signage constitutes signage which affects the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and of neighbouring structures and are works which would materially affect the character of the O'Connell Street Architectural Conservation Area
- (b) The new signage and electronic window display constitutes signage which affects the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures and are works which would materially affect the character of the O'Connell Street and Environs Architectural Conservation Area
- (c) The signage is contrary to the Scheme of Special Planning Control for O'Connell Street and Environs 2016
- (d) In these circumstances, the signage in question can not avail of any exemptions available under the Planning and Development Act 2000 (as amended) or under the Planning and Development Regulations 2001 (as amended), having regard to the provisions of sections 82 and 87 of the Act.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the amended signage, additional signage, and electronic window display is development and is not exempted development.

Board Member

Date: 12th June 2018

Conall Boland