



An  
Bord  
Pleanála

## Inspector's Report 29N.247287

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<b>Development</b>	Retention of replacement signage changing the brand name from Jury's Inn to Hilton Garden Inn.
<b>Location</b>	Custom House Quay and corner of Commons Street. Dublin 1.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3241/16
<b>Applicant(s)</b>	Jury's Inn Group Ltd
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Split decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jury's Inn Group Ltd
<b>Date of Site Inspection</b>	November 30 <sup>th</sup> , 2016
<b>Inspector</b>	Breda Gannon

## 1.0 Site Location and Description

- 1.1. The site is located at Custom House Quay, Dublin 1. It is bounded on the east side by the CHQ building (shopping centre) and to the west by Commons Street. The appeal site accommodates the Hilton Garden Inn (previously Jury's Inn), which addresses the River Liffey. It extends over six floors with a roof level and is predominantly brick construction.
- 1.2. Immediately adjoining to the rear is DEFA Bank and a multi-storey car park. Rear and service access to the hotel is provided via Exchange Place. The area is one of predominantly office/commercial uses, displaying wide variety in terms of the scale, design and finish of buildings.

## 2.0 Proposed Development

- 2.1. The development as described in the public notices received with the application seeks the retention of a number of replacement signs changing the brand name from Jury's Inn to Hilton Garden Inn as follows;
  - North elevation – two sets of internally illuminated letters and logos positioned at 19m and 2.5m above ground level.
  - South elevation – three sets of internally illuminated letters and logos positioned at 22.5m, 15.5m and 3.7m above ground level and one stainless steel name panel 1m above ground level adjacent to the front entrance.
  - East and west elevation – one set of internally illuminated letters and logos positioned 16m above ground level on each elevation.

The logo and signs consist of fabricated aluminium, finished in silver with opal acrylic faces. The lettering/logo is internally illuminated by means of white LED's (logo) and re LED's (lettering). At the hotel entrance to the front and rear, the lettering is internally illuminated by white LED's.

With the exception of the stainless steel name panel, the lettering/logo associated with the other signs projects by 127mm from the building façade. The size of the signs, lettering etc varies, with the largest sign located to the rear of the building above sixth floor level.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority issued a split decision on the application.

1. A decision to grant permission was issued for the retention of the illuminated lettering and logo at the east and west elevations; the illuminated lettering and logos 2.5m above ground level at the north elevation; and 3.7 m above ground level on the south elevation, and the stainless steel panel at the front entrance subject to 6 no. conditions. It contains the following conditions of note;

**Condition No 2** – The permission excludes the illuminated lettering and logos 19m above ground level in the north elevation and 22.5 and 15.5m above ground level in the south elevation.

**Condition No 3** – Requires that the illumination to the lettering and logos shall consist of backlit LED lighting only.

2. A decision to refuse permission for the retention of the illuminated lettering and logos 19m above ground level in the north elevation and 22.5m and 15.5m above ground level in the south elevation on the grounds that the development, located in the Liffey Quay conservation area, and by reason of its scale, illumination and materials used, would be detrimental to the visual amenities of the area and would set an undesirable precedent.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **Planning Officer's** report of 25/8/16 notes the zoning provisions and the location of the site in a Conservation Area. It is stated that while the Shopfront Design Guide refers mainly to ground floor retail units and retail developments, it's provisions are considered to be relevant.

Although the lettering at the upper levels of the east and west elevations marginally exceeds the maximum recommended in the Shopfront Design Guide, when viewed in the context of the height above street level and the scale of the building, it is

considered acceptable. The lettering above the entrance is also of an appropriate scale and within the recommended maximum. These signs also replace previous signage.

Whilst the signage on the north (rear) elevation does not face the Quays it is considered that it is excessive in scale and could set an undesirable precedent in the docklands area. Refusal for retention is recommended.

Whilst there is no objection to the scale of the proposed upper level signage at the front elevation, there is concern regarding the materials used, which are not considered to be of sufficiently high quality in this prominent quayside location, which is a conservation area. Refusal for retention is recommended.

It is noted that the rooftop sign is set back significantly from the street elevation and is not visible from the street. It is visible further away from the quays on the opposite side of the river. The signage, which would be illuminated at night would appear to advertise the hotel rather than provide information at street level. The signage replaces previous signage associated with Jury's Hotel. However, it is not clear if the sign had planning permission as the 2004 permission relates to the rear elevation only. While there is a variety of signage in the area, not all of which is authorised, there is concern regarding the scale of the signage in the context of the surrounding conservation area.

### 3.2.2. Other Technical Reports

The **Drainage Division** in their report of 27/7/16 raised no objection to the development subject to standard type conditions.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) in their report of 27/7/16 noted that the development falls within the area set out in the Luas Red Line Docklands Extension Section 49 Levy Scheme and requested that if permission is granted that it include a Section 49 levy.

### 4.0 Planning History

- **2941/15 (PL 29N.245385)** – Permission granted for extension to the rear and to the west of existing building and an additional floor at roof level with all associated site works. Condition No. 5 specified that no advertising signs, structures etc, including those which would normally be exempt, should be erected, unless authorised by a grant of permission.
- **DD583** -Development permitted on 10<sup>th</sup> September, 2009 consisting of various extensions/alterations to the existing building on the site, redesign of hotel entrance, signage etc. Condition No. 4 required the submission of a separate Section 25 application in relation to all proposed signage.
- **DD 006** – Certification issued on 21<sup>st</sup> July 1997 under Section 25 of the Dublin Docklands Development Authority Act, 1997, stating that additional signage at plantroom level of Jury's Hotel is consistent with the Planning Scheme and that the development was therefore exempted development for the purposes of the Planning and Development Acts.
- **4085/04** – Permission granted for the erection of hotel signage and a hotel entrance canopy to the rear façade of Jury's Inn. Conditions 2 & 3 specified that details of the canopy and banner to be agreed with the planning authority prior to commencement of the development.
- **PL 29N.243371** – Planning permission refused for 2 no. signs at the Spencer Hotel, Excise Walk to the east of the appeal site on the grounds that they would be seriously injurious to the visual amenities of the area and detract from the conservation status of the quays.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Dublin City Development Plan 2016-2022, which came into effect on 21<sup>st</sup> October, 2016.

The site is located in an area zoned Z5 - City Centre, with the following objective; *'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.*

Advertisement and advertising structures are 'open for consideration' in Z5 zoned areas.

The front section of the site lies in a Conservation Area. Policy CHC4 (Section 11.1.5.4 of the Plan) seeks to protect the special interest and character of Dublin's Conservation Areas.

An Outdoor Advertising Strategy for the city is contained in Appendix 19 (Volume 2). The site is located in Zone 2 (Fig 2 Zones of Advertising Control) 'Zone of significant urban quality with retail/commercial uses, where special controls should apply to advertising in the street'.

Relevant extracts from the Plan are appended to the back of the report for the information of the Board.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The appeal is against that part of Dublin City Council's decision to refuse permission for three signs.
- The three signs that have been refused permission are two signs on the southern elevation (front) at 22.5m and 15m above ground level and one on the northern elevation (rear) at 19m above ground level. In each case a sign was already in existence at this level.

- The proposed development would not set a precedent for similar development of this type along the quays and the docklands area, as the signage fronting the quays has been in place since the late 1990's, as can be seen from the drawing submitted with the DD 006 (section 25 application).
- The planning report states that it is not clear if the sign at rooftop level has permission as that granted in 2004 refers to the rear of the building only. The report does not refer to DD 006 where permission clearly relates to the rooftop sign on the south elevation in question. The drawing accompanying that application also showed the Jury's sign at 15.5m above ground level on the southern elevation. The planning history (4085/04) relating to the rear of the building, also permitted a vertical surface mounted banner but the drawings are not available on Dublin City Council's website.
- The existing and replaced signage is not for advertising purposes but is fundamental to identify the hotel along the quays for those arriving in the city. As the quays operates a one-way traffic system, it is of great importance to those who do not know the city to be able to visually locate the building from the south side of the quays, as well as those arriving from the north of the building. It is common in other cities that a hotel of such a height would have advertising at the top floor level so that visitors arriving can identify the building by day/night (see attached photographs). To omit the high level sign is to place the business at a serious disadvantage.
- The smaller sign at 15.5m above ground level is very modest in scale and is hardly legible in daytime from south of the river. The Planning Officer stated that this sign was in keeping with the Shopfront Design guide and appropriate to the scale of the building, yet permission was refused for this element.
- Many visitors approach the building from the rear, from Exchange Place as they are coming from the Luas stop at Georges Dock, the train/Dart station at Connolly station and from Busarus. When approaching the building from the northeast, it is very difficult to identify the building amongst the docklands buildings. The sign on the rear elevation is essential for identification purposes. Exchange Place provides service access to the hotel and the signage is critical for drivers to locate the correct entrance. The sign at the

rear of the building cannot be considered to create an undesirable precedent as a back road (Exchange Place) terminates at a main elevation of an important tourist building operating 24 hours.

- It is considered that the advertising signs are of a scale, colour and design that are appropriate to the hotel building and are very similar to those signs they replaced. It can be argued that the rooftop sign has less of a visual impact than the previous sign where the lettering was at the top of the roofline as opposed to the current position which is lower and does not have a contrasting backdrop. The red signage compliments the tones of the brick and plaster finishes on the elevations, which does not detract from the amenity of the building or the area where the building is located.
- The appellant would accept a condition requiring that the signage be designed in accordance with the requirements of the planning authority. However, the principle of the signage on the north and south elevations has been established, both by permissions and long use and should not therefore be refused.

## 6.2. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

## 7.0 Assessment

- 7.1. The decision to be made by the Board in this case is whether the retention of the signs as proposed are acceptable in this location. The application documentation and photographs show the location of the proposed signs on the various elevations of the building.
- 7.2. I draw the attention of the Board to two recent decisions made to refuse permission for advertising signs in the vicinity. These relate to the Spencer Hotel (PI.29N.243371) and the AIG building further to the east (2115/14). In the case of the Spencer Hotel two signs were proposed, one double sided projecting (9.7m high x 1.2m wide) internally illuminated sign fixed to the southern North Wall Quay façade and one at penthouse level (10.5m x 1m) on the southern North Wall Quay façade and above the parapet of the building. The Board concluded that by reason of their



location in a Conservation Area and by reason of their design, size, colour, materials, internal illumination and positions on the building the signs would seriously injure the visual amenities of the area and detract from the quality, character and conservation status of the quays.

- 7.3. In the case of the AIG building, two illuminated painted aluminium signs at roof level were proposed and two at street level on each of the elevations facing North Wall Quay and Guild Street. These signs were considerably smaller (3.29m x 1.7m). The planning authority refused permission for the signs due to the design, size, colour, materials and in the case of the high level signs, their roof level positions, which were considered to be contrary to the provisions of the development plan regarding advertising signs.
- 7.4. I have viewed the signage on the appeal site both during daytime and nighttime to assess the overall impact of the development in the immediate vicinity of the hotel, from George's Dock/Major Street Lower to the rear of the site, from Sean O'Casey Bridge and from City Quay on the opposite side of the River Liffey. I note that the signs substantially replace those that were in place prior to the rebranding of the hotel.
- 7.5. On the northern elevation of the building (rear) there are two sets of internally illuminated letters and logo's proposed for retention. These are shown as Item No 6 & Item No 7 on the application documents. The lower sign (Item No 7) is 3.9m long with lettering of 270mm and a logo of 500mm x 505mm. It is located c 2.5m above ground level, is fitted to the existing canopy and frames the entrance to the hotel. The second sign (Item No 6) is positioned 19m above ground level above sixth floor level. It is the largest sign to be retained, being 11.7m horizontally with 775mm high lettering and logo of 1500mm x 1516mm.
- 7.6. The rear entrance to the hotel is screened from view by existing buildings on Exchange Place and is not visible from adjacent streets. The lower sign will not, therefore, be visible from the public domain and will have no significant impact on the visual amenities of the area during daytime/nighttime. It is well proportioned and well positioned and I have no objection to its retention. Whilst the sign at the higher elevation is more visible, I accept that it allows the hotel to be more easily identified on approaches from the north/northeast. The sign is also well proportioned and

positioned so as not to obscure any features or elements of the building. It is below parapet level and is well contained within the mass and scale of the rear elevation. I do not consider that the retention of the sign would detract from the building itself or the overall character of the area. I also note that this part of the site lies outside the defined Conservation Area.

On the east and west elevation of the building respectively, there is one set of internally illuminated letters and logo's (Items 4 & 5). These signs are located at sixth floor level and identify the hotel on approaches from the east and west along the quays. The scale of these signs ( 5.17m long with 517mm lettering and logo of 1011mm x 1000mm) is proportionate to the building and at 16m above ground level, have limited impact from the public domain. I do not consider that the signs detract from the character and appearance of the building or the streetscape generally.

On the south elevation of the hotel facing the river there are there are three sets of internally illuminated letters and logos positioned at 22.5m, 15.5m and 3.7m respectively above ground level ( Items 1A, 1B and Item 3). There is also a stainless steel name panel 1m above ground level adjacent to the front entrance (Item 2), which is relatively innocuous and has no adverse visual impact. The lower sign on the building façade at 2.5m frames the main entrance, the middle sign is located centrally on the façade above fifth floor level and the higher sign is positioned centrally at roof level.

The lower level signage is readily visible at street level at the front entrance to the hotel. Its proportions are sympathetic and suitable and does not result in adverse visual impacts. The middle level sign (3.2m long with 210mm high lettering and logo of 400m x 424mm) has little impact from the public realm in the immediate vicinity of the buildings and the sign at roof level (10.14m long with 303mm high lettering and logo 1314 x 1300mm) is not visible from the streetscape at Custom House Quay. The two upper level signs come into view and are visible in the wider public domain i.e from City Quay and Sean O' Casey Bridge etc,. However, they appear subordinate and do not dominate the building or the appearance or character of the area.

The signs appear more visible in the streetscape at nighttime. However, this has to be considered in the context of the existing streetscape which is already dominated

by vertical strip lighting on the IFSC building, by small scale signage on CITI Bank and AIG and the horizontal strip lighting associated with the Convention Centre. When viewed from the south quays the signage associated with the proposed development fades into insignificance and is not visually dominant in this context.

I do not consider that direct comparisons can be made between the visual impact of the signage refused at the Spencer Hotel, one of which would have projected significantly from the building façade and the other located above parapet level. Whilst the signs proposed on the AIG building were smaller, I would accept that the identification of the hotel, would be more critical than an office building, particularly at night.

I accept that it is the policy (Policy CHC4) of the planning authority to protect the special interest and character of this Conservation Area. When considered in the context of the provisions of Policy CHC4 , I do not consider that the retention of the signs would constitute development that would;

- harm buildings, spaces etc which contribute to the special interest of the conservation area;
- involve the loss of historic traditional features/details
- introduce inappropriately design details and materials;
- harm the setting of the conservation area; or
- constitute a visually obtrusive or dominant form.

I do note that the signs proposed for retention are replacing the signs that formed part of the streetscape prior to the rebranding of the hotel, albeit in a different colour.

I accept that a balance has to be achieved between identifying the location of the hotel and the need to protect the amenities of the Conservation Area. I consider that in the case of the southern elevation, that hotel can be identified adequately from the signs at lower and middle level and that the retention of the sign at roof level would result in an unnecessary proliferation of signage which could detract from the visual amenities of the area. I accept that the retention of the remaining signs can be achieved without detracting from the the building itself, or, the setting appearance or character of the conservation area.

I would point out to the Board that the Clarion Quay apartments are at a remove from the hotel and no impacts on the amenity of residents is likely arising from the retention of the signage.

## **8.0 Appropriate Assessment**

8.1. The nearest Natura 2000 site is South Dublin Bay & River Tolka SPA. Having regard to the nature and scale of the development and the separation distance from the Natura 2000 site, I do not consider that the proposed development, either alone or in combination with other plans and project has the potential to impact on the qualifying interests of any Natura 2000 site. Appropriate Assessment is not therefore required.

## **9.0 Recommendation**

9.1. Having considered the content of the application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that the Board issue a split decision in this case.

9.2. I recommend that permission be granted for the retention of the following signs;

- the two signs on the northern elevation (Items 6 & 7 on application documents) ,
- the sign on the east and west elevation (Items 4 & 5 on application documents), and
- the stainless steel name panel (Items 2), the sign over the front entrance and (Item 1B) the sign at 15.5m above ground level on the southern elevation (Item 1A).

I recommend that permission be refused for the retention of the roof level sign on the southern elevation (Item 3).

## 10.0 Reasons and Considerations

### Reasons and Considerations (1)

Having regard to the size and proportions of the signage on the northern elevation, the east and west elevation, the name panel, the sign at the front entrance and the sign at 15.5 m above ground level on the southern elevation and their subordination relative to the scale and mass of the building on which they are located, it is considered that the retention of the signage as proposed, would achieve an acceptable balance between the need to identify the hotel in the wider domain and the protection of the amenities of the Conservation Area. It is considered, therefore that the retention of the signage as proposed would not detract from the building itself or from the overall character, appearance and setting of the conservation area and would not, therefore, be contrary to Policy CHC4 of the Dublin City Council Development Plan 2016-2022, or, the proper planning and sustainable development of the area.

### Condition

- 1 Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertising signs or structures shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

**Reason:** In the interests of visual amenity.

- 2 The developer shall pay to the planning authority a financial contribution in respect of LUAS Red Line Docklands Extension C1 Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid within one month of this order or in such phased as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such

agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act, 2000 that a condition requiring an contribution in accordance with the Development Contribution Scheme made under Section 49 of the Act be applied to the permission.

### **Reasons and Consideration (2)**

It is considered that when taken in conjunction with the existing signage proposed for retention, the proposed roof level sign on the front façade of the building would result in an unnecessary proliferation of signage on the southern elevation of the building which would detract from the building itself and the visual amenities of the Conservation Area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Breda Gannon  
Planning Inspector  
15<sup>th</sup> December, 2016