



An
Bord
Pleanála

Inspector's Report 29N.249013

Development	Three external signs relating to a student residence complex permitted under PL29N.245025 (Reg Ref No 3611/14)
Location	Gardiner Street Lower, Summerhill and Gloucester Place Upper. Dublin 1.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2981/17.
Applicant(s)	Carrowmore Properties Ltd.
Type of Application	Permission.
Planning Authority Decision	Split Decision.
Type of Appeal	Third Party.
Appellant(s)	The Mountjoy Square Society.
Observer(s)	None.
Date of Site Inspection	9 th October, 2017.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at the junction of Summerhill and Gardiner Street Lower in the heart of Dublin city. It is bounded to the east by Gloucester Place Upper and to the south by Diamond Park. It accommodates a six-storey red brick building with a set back roof level. The building is used for student accommodation.
- 1.2. The area immediately adjacent to the site is primarily residential in character comprising 4/5 storey blocks of apartments on both Summerhill and Gardiner Street Lower. There is two-storey terraced housing to the north at Langrishe Place and three-storey residences to the east at Gloucester Place Upper. Immediately to the south there is a children's playground at the junction of Sean Mc Dermott St and Gardiner St Lower.

2.0 Proposed Development

- 2.1. The proposal seeks to erect 3 no. external signs on the façade of the permitted student resident complex on a site bounded by Gardiner St Lower, Summerhill and Gloucester Place Upper. The signs would be as follows;
 - 1 no. internally illuminated square sign (2.25m x 2.25m) at fifth floor level on the south elevation (Diamond Park).
 - 1 no. internally illuminated vertical sign (12.3m x 0.5m) comprising 13 no. individually pinned letters 'Kavanagh Court' at second to sixth floor levels on the north elevation (Summerhill).
 - 1 no. internally illuminated three-sided cube sign (0.75m x 0.75m) within the entrance underpass from Gardiner Street Lower.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a split decision in this case. A decision to grant permission was issued in respect of the proposed internally illuminated vertical sign at second and sixth floor levels on the north (Summerhill) elevation and the cubed

sign within the entrance underpass from Gardiner Street Lower subject to 7 no. conditions.

Condition No 3 specifies the requirements with regard to the vertical sign i.e. individually mounted lettering using high quality material such as stainless steel, backlit only and maximum height of 0.5m, to details to be agreed.

Condition No 4 removes the exemption provided under the Planning and Development Regulations for advertising signs and structures etc.

A decision to refuse permission was issued in respect to the proposed internally illuminated sign at fifth floor level on the south elevation (Diamond Park) on the grounds that it would adversely impact on the visual amenities of Diamond Park and Gardiner Street and set an undesirable precedent for similar signage in conservation areas.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report of 10/7/17 notes that the Gardiner Street elevation is part of a conservation area. These areas are designated in the Plan in recognition of their special interest or unique history and architectural character and important contribution to the heritage of the city. These areas require special care in terms of development proposals affecting both protected and non-protected buildings.

The provisions of the planning authority's Shopfront Design Guide are noted. It is recognised that some signage may be required for identification purposes, but that there is concerns regarding the provision of illuminated high level signage in a conservation area. Having regard to the scale and nature of the permitted development, it is considered that the proposed vertical lettering on the Summerhill elevation could be permitted for information/identification purposes. It is noted that the lettering in the proposed vertical signage is stated to have a height of 625mm in the detailed drawings but is shown to have a height of 520mm in the elevational drawing. Whilst the maximum height is normally 400mm, this is usually in the case of fascia signage at street level. Having regard to the scale of the building, lettering of up to 500mm could be permitted. The proposed cube sign is small in scale and should be permitted.

It is considered that the proposed high level signage at the Diamond Park elevation would have an unacceptable visual impact and that permission should be refused for this part of the development.

The **Drainage Division** in their report of 20/6/17 raised no objection to the development.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland in their submission of 12/6/17 stated that they had no observations to make on the proposal.

3.4. **Third Party Observations**

A submission was received from The Mountjoy Square Society, which raised issues similar to those raised in the appeal and which are discussed in more detail below.

4.0 **Planning History**

There is a substantial planning history relating to the subject site which is documented in the planning officer's report.

Permission was granted for the construction of a managed student residence complex (Reg Ref. 3611/14, PL29N.245025) incorporating 491 no. bed spaces in 88 no units. A series of revisions were permitted under Reg Ref No's 3345/16, 2243/17 and 2052/17, bringing the overall floor area of the development to 18,857 m² with 603 bedspaces in 169 units.

5.0 **Policy Context**

5.1. **Development Plan**

The operative development plan is the Dublin City Council Development Plan 2016-2022. The site is located in an area zoned Z4 – 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 Gardiner Street part of the site lies within a Conservation Area. Policy CHC4 (Section 11.1.5.4) seeks to protect the special and interest of Dublin's Conservation Areas.

Section 16.24.3 of the development plan sets out the standards for signage on shopfronts and other business premises.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows;

The student housing scheme is not a public building, nor, is it a hotel or hostel where guests are arriving on a daily basis. It is similar to a standard residential building and should employ signage at ground floor level and not on the façade in line with the provisions of the development plan for residential development (16.23.3). There is no guidance on signage for student housing in the development plan, presumably due to the lack of necessity for same. It is not considered that the developer has demonstrated any outstanding rationale for signage outside development plan norms to be permitted.

The development includes single and double height fenestration to Gardiner St and Summerhill including large areas of horizontal spandrel panel. These zones directly address the street and effectively form large areas of 'shop frontage', but there is no proposal for signage of any kind at this level. The need for signage to be integrated into human scaled street frontages is accepted urban design practice as well as a requirement of the development plan. From a practical perspective, signage at ground and first floor level will need to be provided and will also be the most visible for those on foot and in vehicles, but none has been proposed. The four-storey high

illuminated signage is more appropriate to out-of-town development rather than the finely scaled North Georgian core.

The proposed development is within a conservation area and will be visible from the edge of Mountjoy Square ACA. Gardiner Street is the principle space listed in the ACA (Fig 16) and this view south down Gardiner Street is a protected Strategic View within the ACA (Fig 34). The sign is completely inappropriate having regard to the significance attached to the streetscape in the development plan.

The development plan does not permit large vertical signage on the face of residential buildings. The developer has not demonstrated any special circumstances nor argued that the proposal in any way represents a level of 'design excellence' that is the exception for urban design in the development plan. The proposed vertical signage is inappropriate to the context, is grossly overscaled and represents a layer of unnecessary visual clutter.

6.2. Applicant Response

While a student residence complex provides a type of residential accommodation, it is not correct to equate this development directly with standard residential development. A student residence provides accommodation for a more transient population with residents typically residing on the premises for 9 months of the year. A significant portion will move to alternative accommodation after 1-2 years. In contrast to a typical residential block, a student residence will have a higher volume of visitors and service providers, which necessitates that it is easy to locate and distinguishable from neighbouring residential blocks.

The proposed signage on the north elevation (Summerhill) will identify the building for those arriving from the north along Gardiner Street Middle, east along Summerhill and west along Parnell Street. The proposed cubed sign forms a similar function for those arriving from the south along Gardiner Street Lower.

In the absence of the 'Kavanagh Court' sign there will be no clear and distinguishable means of identifying the student residence for those arriving from the north, east and west. This is not considered desirable for residents/visitors arriving to the busy Gardiner St, Parnell St and Summerhill junction. The proposed sign ensures that the building can be located with ease.

There is no basis for the appellants concerns regarding multiple signage in the future. The requirements for additional signage are largely limited to the café/restaurant unit located at the corner of Gardiner Street Lower and Summerhill. The facade of the permitted café unit has been designed to accommodate appropriate signage at fascia level. Condition 3 of Reg Ref 2243/17 relating to the permitted café/restaurant defines the nature/extent of the signage permitted for the café/restaurant. If there is a requirement for any additional signage at the entrance to the property it will form a separate application to the planning authority.

The issue of potential impact on ACA's was considered in detail in the original parent permission (PL 29N. 245025). It was accepted that the student complex would not adversely impacts on adjacent ACA's or the vista from Mountjoy Square to the Custom House (Inspector's Report Page 12). The proposed vertical sign has been designed to complement the contemporary design of the building and will not adversely impact on the ACA or the vista to the Custom House.

On the basis of the Board's previous assessment and having regard to the proposed signage, it is submitted that the proposed 'Kavanagh Court' sign is suitable for this location and does not detract from the Gardiner St ACA, or the view to the Custom House.

6.3. Planning Authority Response

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

6.4. Observations

None.

7.0 Assessment

7.1. The main issues that arise for determination by the Board in respect to the appeal relate to the acceptability or otherwise of the 3 no. advertising signs in this location, having regard to the sensitivity of the area and the use of the building.

7.2. The site is located in a sensitive area within the historic core of the city centre. It is proximate to, but outside the boundaries of Mountjoy Square Architectural Conservation Area. The view south from Gardiner Street Middle towards the Custom

House is identified in the Mountjoy Square ACA as Strategic View 2, which should be protected. The Gardiner Street Lower façade is located within a Conservation Area, where in accordance with the provisions of the plan special care is required in terms of development proposals.

- 7.3. The general guidance in relation to signs on business premises is that they should be placed at the entrance to the premises (16.24.3). The smallest of the 3 no. signs, a three sided LED illuminated cube sign (0.75m x 0.75m) would be located within the entrance underpass off Gardiner Street Lower. Having regard to its limited size and its location off the main façade of the building, I do not consider that it would result in any adverse impacts on the streetscape or the character of the conservation area. I recommend that permission be granted for this sign, subject to a condition that it be provided with a black background and white lettering to reduce its visual impact.
- 7.4. The other two signs comprise a larger square sign (2.25m x 2.25m) proposed at fifth floor level on the south elevation of the building and a vertical sign on the north elevation. The sign on the south elevation would face Diamond Park and would be visible from Gardiner Street Lower within the conservation area. The sign proposed on the northern elevation would comprise LED illuminated individual letters arranged vertically down the façade of the building, extending from second to sixth floor level. Whilst the sign would be set back from the Gardiner St façade, it would be visible from within the ACA and within Strategic View 2 from the western side of Gardiner St Middle. The impact would reduce moving eastwards across the street.
- 7.5. As noted by the appellant, there is a presumption against planning permission for development that would have an adverse effect upon important views of protected structures, landmark buildings, important groups of buildings and parks, squares and gardens (CONS Policy 8 of ACA). Policy CHC4 of the development plan seeks to ensure that development within or affecting a conservation area must contribute positively to its character and distinctiveness.
- 7.6. Whilst I do not consider that the signage on the north/south facades would result in significant adverse impact on the features of interest/importance within the ACA, my concerns relate to the precedent that would be created within the Conservation area should permission be granted. There is a notable absence of advertising signs/ structures and internally illuminated signage on Gardiner Street Lower. Discreet and

sensitive signage located above the entrance identifies premises in the area such as Gandon Hall, Custom Hall, Lower Gardiner Street Flats etc. Further south individual guesthouses, hostels etc are identified by small projecting signs. The absence of signage and visual clutter along the streetscape allows the buildings and their architectural features to be fully appreciated and contributes significantly to both the character of the streetscape and the visual amenities of the area. I do not consider that this should be compromised by what I consider is unnecessary signage, which would not contribute positively to the character or distinctiveness of the area, as required by Policy CHC4. I would also point out to the Board that the area, comprising Custom House Quay including Beresford Place and Lower Gardiner Street is included in the list of 10 no. phase priority areas which will be assessed for future ACA designation (Policy CHCO3).

7.7. Whilst I recognise that an acceptable balance needs to be achieved between the need to identify the building and the protection of the amenities of the Conservation Areas, I consider that there is scope for suitably scaled signage to be provided on the building façade at street level, similar to that on other buildings in the vicinity. I also consider that the widespread availability and use of smart technology to identify locations, negates the need for significant signage. Furthermore, I am not persuaded by the appellant's argument that the use of the building as student residences warrants any special consideration. I recommend that permission for the signs on the northern and southern elevation be refused.

7.8. **Appropriate Assessment**

Having regard to the location of the development within a built up area, the nature of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effect on any other European Site, in view of the sites conservation objectives and that, therefore, a Stage Appropriate Assessment and the submission of a Natura Impact Statement is not required.

8.0 Recommendation

- 8.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the 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 and to grant permission for the sign at the entrance to the underpass and to refuse permission for the proposed signs on the northern and southern elevation of the building for the reasons and considerations set out below.

9.0 Reasons and Considerations

Reasons and Considerations (1)

Having regard to the limited size and scale of the proposed cubed sign and its location within the entrance underpass and off the building facade, it is considered that subject to compliance with the conditions set out below the proposed sign 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 Policy CHC4 of the Dublin City Development Plan 2016-2022 or the proper planning and sustainable development of the area.

CONDITIONS

1. The 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any other 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 permission.

Reason: In the interests of visual amenity.

3 The sign shall be provided with a black background and white lettering. All illumination to the lettering and logos shall consist of backlit LED lighting only.

Reason: In the interests of visual amenity.

Reasons and Consideration (2)

It is the policy of the current Dublin City Council Development Plan (Policy CHC4) to protect and enhance the character and appearance of conservation areas. It is considered that the proposed signage on the north and south facades of the building, which would be visible from adjacent conservation areas and located within an area where there is a notable absence of advertising signs, would if permitted, create an

undesirable precedent for similar unsuitable development, which would detract from the visual quality, character and conservation status of the Conservation Areas. The proposed development would be contrary to Policy CHC4 of the Dublin City Council Development Plan 2016-2022, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Breda Gannon
Senior Planning Inspector

27th, October, 2017