



An
Bord
Pleanála

Inspector's Report ABP-300638-18

Development	Retain existing hotel sign
Location	Spencer Hotel, North Wall Quay, IFSC, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4073/17
Applicant(s)	Spencer Leisure Investments Ltd
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Thomas Hayes on behalf of Clarion Quay Management Co. CLG
Observer(s)	None.
Date of Site Inspection	9 th April 2018
Inspector	Una O'Neill

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Dublin City Development Plan 2016-2022	5
5.2. Natural Heritage Designations	5
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Applicant Response	7
6.3. Planning Authority Response	7
6.4. Observations	8
6.5. Further Responses.....	8
7.0 Assessment.....	8
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	11
10.0 Conditions	11

1.0 Site Location and Description

- 1.1. The site fronts onto North Wall Quay and the river Liffey (to the south) and sides onto Excise Walk (to the west) and is located just northwest of the Samuel Beckett Bridge, in Dublin City Centre. Excise Walk is a pedestrian street.
- 1.2. The site comprises the eight storey, south facing, Spencer Hotel building. To its east is a six-storey office building and to its west, on the opposite side of Excise Walk, is an eight-storey, apartment building (Clarion Quay Apartments) with ground floor restaurant/commercial uses. North of the site is a service road and to its north is a large building owned by the National College of Ireland, which fronts onto Mayor Square and Mayor Street Lower, a mixed use area with commercial uses on the ground floor and residential apartments above. The Luas line passes along Mayor Street. There is a single storey glass building on the wide quayside opposite the site and a similar building on the quayside opposite the building on the western side of Excise Walk.
- 1.3. The external finishes to the Spencer Hotel are primarily a mixture of red brick and glass, with a small amount of stone facing at ground level. The front elevation has a four-storey, brick faced central section with balconies with glass balustrades on either side that extends from first to fifth floor. There are two signs on the front elevation which name the hotel, one at ground floor level on the stone façade and the second is positioned at fifth floor level on the upper section of the brick facade.

2.0 Proposed Development

- 2.1. The development is for the retention of:
 - Illuminated hotel sign on the southern façade. This sign is positioned at the upper fifth storey level and states 'THE SPENCER'.
 - The sign is 6.6sqm in area and 9m wide. The letters spelling 'SPENCER' are 840mm in height, and the letters spelling 'THE' are 350mm high. The sign comprises individually mounted, internally illuminated, acrylic letters, with acrylic jet black colour edge. The letters appear white.

3.0 Planning Authority Decision

3.1. Decision

GRANT subject to three conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer's report generally reflects the decision of the planning authority.

3.2.2. Other Technical Reports

Engineering Drainage Division: No objection.

3.3. Prescribed Bodies

TII: No observations.

3.4. Third Party Observations

One submission from received from the Board of the Clarion Quay Management Ltd. The issues raised are largely covered in the grounds of appeal.

4.0 Planning History

PL29N.243771 – Permission REFUSED by ABP for two signs, one at ground floor level and one on the rooftop level.

R1: Signage would conflict with policies of development plan, would constitute strident and visually discordant features at this location and would detract from visual quality, character and conservation status of the quays.

ABP-300171-17– Current application for construction of an additional 40 hotel bedrooms.

DD685 – Section 25 certificate issued for external signage measuring 9m wide with overall height of 840mm. A condition attached reduced the height of the signage to 500mm high.

[The glossary of the development plan states a Section 25 planning scheme was a mechanism for delivery of development within the former Dublin Docklands Development Authority (DDDA) area].

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- Z5, to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.
- Section 15.1.1.6, Strategic Development Regeneration Area 6, Docklands (SDZ and Wider Docklands Area).
- Section 11.1.5.6: Conservation Areas. The part of the site fronting the quays is within the River Liffey conservation area.
- CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- SC22: To consider appropriately designed and located advertising structures primarily with reference to the zoning objectives...In all such cases, the structures must be of high-quality design and materials.
- Appendix 19, Outdoor Advertising Strategy.
- Appendix 19.3, Guidelines on Illuminated Signs.
- Appendix 19.6, Advertising Development Management Standards.

5.2. Natural Heritage Designations

The river Liffey, onto which the appeal site fronts, flows into the North Dublin Bay SAC (0210).

6.0 The Appeal

6.1. Grounds of Appeal

A third party leave to appeal was submitted by Clarion Quay Management Co CLG. The grounds of appeal is summarised as follows:

- Proposed development will have a negative impact on the quality of life in the Clarion Quay apartments.
- The Docklands Shopfront and Signage Guidelines, 2003, states no signs should be erected without seeking permission and illuminated signs are not allowed adjacent to residential developments.
- DCC have refused permissions for illuminated signage on a number of sites in the area.
- Advertising and signage is open for consideration in Z5 zoning category and not a permissible use.
- Only one sign is required to name the hotel and additional signs would construe advertising.
- The visual impact from Beckett Bridge is significant as is the visual impact along North Wall Quay.
- Precedent signage in the area is to a large degree unauthorised. There are a significant number of illuminated signs in the area which affect the amenity of the area and the conservation status. PWC have their signs located on the east and west facing sides of the building, not fronting onto the Quays, as required by the DDDA signage policy.
- The scale of the sign is larger than permitted under DD685, Section 25 Certificate, whereby the height of the letters were reduced from 840mm high to 500mm high by condition.
- The scale of the proposed sign and its view from the Beckett Bridge at night time, as per the submitted photo, highlights how prominent the illuminated sign is at night time, which affects the character of the quays and the conservation area.

6.2. Applicant Response

The applicant has responded to the third party appeal as follows:

- Previous application for signage which was refused was significantly different to what is proposed in the current application.
- Any past enforcement issues/unauthorised development is irrelevant to the assessment.
- Development plan policy allows for the type of signage proposed. Site is located within Zone 2 and Zone 3 signage area. There is only a presumption against signage in Zone 1.
- There is not an over concentration of outdoor signage along the North Wall Quay. Signature buildings in the area, spaced out across the quay, comprise similar signage, namely Citi, AIG, and 3Arena.
- The sign has been assessed against Appendix 19.6, advertising development management standards. The design is modest and uses high quality materials. The signage is sympathetic to the existing hotel building and streetscape. It is located between floors and does not obscure windows or architectural features.
- The signage has no impact on the visual amenities of the Clarion Quay apartments. The sign is on the southern elevation of the hotel and is not visible to the vast majority of the apartments. Only a side view is visible to some of the apartments at the southern end of the scheme, as per the attached photo.
- The conservation designation of the Liffey Quays does not seek to preserve quay side sites. Significant developments have taken place along the quays during which time the conservation status has been in place.
- The design, scale and siting of the sign is appropriate to the building and provides an attractive visual marker at this location along the quays.

6.3. Planning Authority Response

None.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

- 7.1. The existing sign, proposed for retention, is positioned on the front elevation at fifth floor level onto the red brick façade. The sign comprises individually mounted letters, spelling 'THE SPENCER'. The sign is 9m wide and the letters spelling 'SPENCER' are 840mm in height, with the letters spelling 'THE' 350mm high. The letters are internally illuminated, acrylic letters, with acrylic jet black colour edge. The letters appear white.
- 7.2. The sign previously refused under PL29N.243371, was significantly different from the current sign in it's location, which was on top of the building, versus the current proposal which is on the façade above the fourth floor level. The previous rooftop sign was also slightly larger than the current sign being 10.5m wide, with the individual letters spelling 'SPENCER' being 1m high (reduced to 900mm in a submission to ABP) and the letters spelling 'THE' being 400mm high. No banner sign is currently proposed.

Zoning

- 7.3. The subject sign is zoned Z5, 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design, character and dignity'. Within this zoning, hotel use is a permissible use and 'advertisement and advertising structures' are open for consideration. The front part of the hotel is in the River Liffey conservation area, but the building is not a protected structure.
- 7.4. The primary issues for consideration are the visual amenity of the area and residential amenity of the area.

Visual Amenity of the Area

- 7.5. The grounds of appeal raises concerns in relation to the visual impact of the illuminated signage, the scale of the lettering and the impact of the proposal on the character of the river Liffey conservation area, particularly when viewed from Beckett Bridge. It is also argued that the policy is not in accordance with the development plan policy. The applicant considers the proposal to be sensitively designed and located, and is of the view that the signage does not detract from the conservation area but provides for an attractive visual marker at this location. Precedent in the area is quoted.
- 7.6. I am satisfied that the signage as proposed is not contrary to any development plan policy with regard to the identified strategic development regeneration area of the Docklands or to zoning objective Z5, whereby advertising is open for consideration. While precedent in the area is quoted by the applicant and the validity of such questioned in the grounds of the appeal, each application is assessed on its own merits and I consider further hereunder the appropriateness of the signage with regard to the proposal before me and in the context of the proper planning and sustainable development of the area.
- 7.7. The signage proposed comprises individually mounted lettering over the fifth floor level of the existing building and is placed centrally onto a section of the red brick façade. While a street level sign is usually sufficient for the purpose of the identification of a building, I can see the merits in proposing a high level sign for a hotel use at this location. While the lettering, at a maximum height of 840mm, is larger than what one would expect within a ground level façade design, the proposed signage is positioned high up on the façade of this hotel and by virtue of its location against the scale of the building and design style used of individually mounted letters, it is in my view that the signage does not detract from the character of the existing building and sits comfortably within the façade.
- 7.8. The policy (Policy CHC4) of the planning authority is 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 sign would constitute development that would harm buildings, spaces etc which contribute to the special interest of the conservation area, harm the setting of the conservation area, or constitute a visually obtrusive or dominant form. When viewed from the context of its location on the quays, alongside a number of modern well designed tall buildings,

and from vantage points such as the Samuel Beckett bridge, I consider the sign of a scale and design that will not in my view detract from the conservation status of the river Liffey area.

- 7.9. While concern was raised in relation to precedent for design of this large scale, I consider the building in this application lends itself to the design as proposed and that a hotel use could arguably be better served by a higher level sign at this location, than for example an office use. Other signage that exists is dispersed along the quays from this site and in my view the proposal does not result in a proliferation of such signage in this area.
- 7.10. With regard to the illumination of the sign, appendix 19.3 states illuminated signs in appropriate locations can provide both information and colour in the townscape after dark. I consider the illumination of the individual lettering is sympathetic to the building and while clearly visible at night in the context of views from along the quays and neighbouring modern developments, it is my view that the illumination does not result in a visually obtrusive sign and the sign sits comfortably on the building at this quayside location.

Residential Amenity of the Area

- 7.11. The grounds of appeal raises concerns in relation to impact of the illumination and visibility of the sign on the residents of the Clarion Quay apartments.
- 7.12. The proposed sign is on the southern façade of the hotel and its visibility from the apartments at Clarion Quay is quite limited. Having regard to the location of the apartments west of the appeal site and the positioning of the signage on the southern façade facing the quays, I do not consider the signage will impact on the residential amenity of neighbouring residential developments.

Appropriate Assessment

- 7.13. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and 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.

8.0 Recommendation

8.1. It is recommended that permission for retention is granted.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the signage to be retained, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application. 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 development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

Una O'Neill
Senior Planning Inspector

23rd April 2018