



An
Bord
Pleanála

Inspector's Report ABP 303422-19.

Development	Removal of signage on shopfront fascia board and replacement with new signage.
Location	No 40 Grafton Street Upper, Dublin 2.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4166/18.
Applicant	J. D. Sports
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	First Party X Condition No 2.
Date of Site Inspection	5 th March 2019
Inspector	Jane Dennehy

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1.0 Site Location and Description

1.1. The site of the proposed development is within a row of four storey buildings on narrow plots on the east side of Grafton Street facing toward Chatham Street to the west. Both the ground and first floor levels are in retail use. There is a double height shopfront on the façade. Signage “JD” is displayed inside the glazing at the upper level and new individually mounted lettering, (“King of Trainers”) with a small logo are on the fascia board above the ground floor entrance and shop windows. On the sides of the shop window displays on each side of the entrance the letters “JD” are also displayed on an illuminated yellow background material and are visible from the street.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for the mounting of 300 mm high lettering, “JD” above the existing signage “King of Trainers” on the shopfront. According to the written submission the applicant wishes to ensure that the shop name “JD” is displayed along with the strapline “King of Trainers”. The individually mounted letters for “King of Trainers” are to be reduced to 225 mm to 180 mm in height. According to the written submission, the applicant considers this display necessary so that potential diminution of the retail presence of JD Sports at first floor level within the building, further to removal of the existing unauthorised sign at first floor level, is avoided.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 7th December, 2018 the planning authority decided to grant permission subject to conditions which include the appealed condition, (No 2) in which a second row of letters shown on the proposed signage for “King of Trainers” is to be omitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer indicated concerns about “double row” type face and the length and number of letters and the corporate logo in the proposal. He notes that the lower row of letters is small, short and discreet on other double row shop signs on Grafton Street, examples of which were included in the application.

4.0 Planning History

P. A. Reg. Ref. 3544/17: Permission was granted for alterations to the shopfront to include new signage, removal and replacement of the existing shopfront cladding and installation of new product display light boxes on the internal reveals.

According to Condition No 2, a compliance submission comprising samples of a proposed “leathered” finish in Kilkenny limestone and yellow acrylic fascia return panel was required. The condition also provided for the planning authority to undertake further review of visual impact of the panel within three months of installation to allow for a requirement for it to be removed if deemed visually unacceptable. The planning officer in his report states that the applicant has established part compliance with this condition in that black stone cladding was accepted whereas a yellow acrylic sample was rejected.

The planning authority has an enforcement file on non-compliance with the conditions attached to the grant of permission under P. A. Reg. Ref. 3544/17. (EO298/18 refers.)

P. A. Reg. Ref. 3214/18. Permission was refused for the retention for the internally illuminated sign displayed on the inner side of the first-floor glazing.

There is a prior planning history in respect of proposals relating to the shopfront, fascia and lighting. (P. A. Reg. Refs. 2446/16, 3477/10, 3031/07, 3163/00 and 0444/00 refer.)

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location comes within an area subject to the zoning objective: “Z5: *To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protects its civic design character and dignity.*”

The site location is also within the Grafton Street and Environs Architectural Conservation Area. (ACA) according to which Grafton Street is a Category 1 Shopping Street. According to the CDP the purpose of the Category 1 designation is to protect the primary retail function as a principal shopping street in the retail core with emphasis on higher order comparison retail and a mix if uses.

The location within the ACA is also within the Special Area of Planning Control for Grafton Street, 2013. (SPC) Guidance on shopfronts and signage are provided within section 3.3.9 the SPC scheme. According to section 3.3.9 signage is an integral part of the shopfront and is to be restricted to the fascia and, in general, only the name and street number should be displayed.

Standards, policies and objectives for shopfronts are set out in section 17.25.3 incorporating objectives RD13-17 inclusive and within the ‘*Shopfront Design Guidelines*’ published by Dublin City Council in 2001 accoridng to which the name and street number only should be displayed on the facia panel in simple legible lettering with the dimensions of the facia dictating size and height of lettering.

Standards, policies and objectives for Architectural Conservation Areas, (ACA) are set out in section 11.1.5.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Conor Sheehan on behalf of the applicant on 11th January, 2019 according to which the applicant requests that Condition No 2 attached to the planning authority decision be omitted. Attached are copies of

correspondence and published articles on the challenging retail environment, particularly with regard to online trading and high street trading.

6.1.2. Condition No 2 is reproduced below:

“The second row of letters “King of Trainers” shall be omitted from the development. The signage shall comprise of “JD” of 300 mm with one corporate logo of a crown of 180 mm. Prior to the commencement of development, the Developer shall submit revised drawings showing these amendments and the method of illumination for written agreement of the Planning Authority.

6.1.3. The appeal submission includes a detailed account of options for signage displays that had been discussed with the planning authority prior to lodgement of the application. The proposal, it is submitted, was modified following the consultations to take account of the planning authority’s concerns and the planning officer’s assessment, brief details of which are available in para 3.2.1 above, is not accepted

6.1.4. According to the appeal:

- The signage is appropriate, inoffensive and critical to ensuring that JD Sports plc can maintain its retail presence on the street, given the requirement following refusal of permission for retention of the existing sign displayed at first floor level, for its removal. Visibility of the presence of JD Sports on the street (a category 1 retail street) affects the viability of the store so the presence of the lettering and logo on the fascia will alleviate this concern. JD Sports faces increasing competition from online retailers like several other high street retailers. Typically, JD Sports displays large lettering on its shopfronts. Included recently permitted signage under P. A. Reg. Ref. 3477/18 for the store at Mary Street.
- The proposed 300 mm size for the “JD” sign and smaller size lettering for “King of Trainers” complies with the Special Planning Control Scheme. The reduced length and size respond to the planning authority concerns.
- The signage will not cause visual clutter, and, it is consistent with other shopfronts and signs along Grafton Street at ground and first floor levels some of which have double rows of lettering on the fascias. Examples

provided and discussed include 'Peter Mark', 'Boss', 'Ginos Gelato' and, 'The White Company'.

- The proposed signage in the application will not undermine the objectives and guidance within the Shopfront Design Guide, and section 3.3.9 of the SPCS for Grafton Street and Environs 2013. first and ground floors are in active retail use. In this regard the lettering at 300 mm in height is smaller than the size applied at JD shopfronts and it is made up of two letters only whereas other signs have a series of words. The signage is required to ensure the continued trading on Grafton Street and the street's viability as a Category 1 Shopping Street.
- The planning authority is overcautious in its approach to signage to the disadvantage of some retailers. The current proposal and a prior proposal for signage at Stephen's Green Shopping Centre where a decision to refuse permission was overturned following appeal strike a balance between maintaining the vitality of retailing while protecting the street from inappropriate development.

7.0 Assessment

- 7.1. The appeal is for the removal of the requirement under Condition No 2 attached to the planning authority decision. The documentation available in connection with the application and the technical reports and the associated documentation issued by the planning authority in connection with its assessment have been fully reviewed. It is considered that there are no issues arising that would warrant *de novo* review and consideration of the application. It has therefore been concluded that *de novo* consideration of the proposed development, that is, consideration as if the application had been lodged with the Board in the first instance is unwarranted. In view of the foregoing, it is considered appropriate for the appeal, which is solely against Condition No 2 be determined in accordance with the provisions of section 139 of the Planning and Development Act, 2000, as amended.
- 7.2. It is agreed and accepted that some units on Grafton Street have lettering on the fascia on two rows, usually with one row larger than the other. The applicant, in the case of the subject shopfront and fascia wishes to indicate the presence of both "JD"

and “King of Trainers” at the unit. At present the presence of “JD” at the unit is quite evident through the display of the sign at first floor level which is to be removed, and the signs on the sides of the display areas within the shop windows at ground floor level as well as through the display of merchandise.

7.3. Nevertheless, it is reasonable that the presence of both “JD” (Sports) and “King of Trainers” be indicated on the fascia. However, the number of letters required for “King of Trainers” limits the scope for additional lettering without giving rise to a visual cluttering effect, if displayed in conjunction with the inclusion of the “crown” corporate logo. It is considered that there is capacity for the display of the “JD” lettering, in addition to the “King of Trainers” lettering, subject to the omission of the “crown” logo from the fascia so that the display is confined to individually mounted lettering that is relatively simple visually among the shopfront fascias in the streetscape. It is of note in this regard that the examples double rows of lettering elsewhere on shopfront fascias provided in the appeal, there is little evidence of display of corporate logos.

7.4. In view of the foregoing, it is recommended that the appeal be determined in accordance with the provisions of section 19 of the Planning and Development Act, 2000, as amended and that the planning authority be directed to amend Condition No 2, the appealed condition to allow for the proposed signage as indicated in the proposed specifications but to omit the “crown” logo. A draft condition preceded by Draft reasons and considerations are set out below.

7.5. **Environmental Impact Assessment Screening.**

7.5.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. **Appropriate Assessment Screening.**

- 7.6.1. Having regard to the small-scale nature of the proposed development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not 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. In view of the foregoing, it is recommended that the appeal be determined in accordance with the provisions of section 139 of the Planning and Development Act, 2000 as amended and that Condition No 2, the appealed condition be attached with revisions. Draft reasons and considerations and a draft condition follow.

9.0 **Reasons and Considerations**

Having regard to the Dublin City Development Plan, 2016-2022 according to which the site location comes within an area subject to the 'Z5' zoning objective is, "*To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*" and, to the Grafton Street and Environs ACA, 2013 according to which Grafton Street is a Category 1 Shopping Street, it is considered that subject to compliance with Condition No 2, as amended, the proposed development would not seriously the visual amenities of streetscape character of Grafton Street and the public realm and would be in accordance with the proper planning and sustainable development of the area.

10.0 Revised Condition (Draft)

Condition No 2

The corporate logo of a crown shall be omitted, and the signage shall be confined to the proposed individually mounted lettering only. Prior to the commencement of development, the Developer shall submit revised drawings showing this amendment with full details of the proposed lettering display and the method of illumination for written agreement of the Planning Authority

Reason: In the interest of orderly development and visual amenity.

Jane Dennehy
Senior Planning Inspector
13th March, 2019.