



An
Bord
Pleanála

Inspector's Report ABP 306715-20

Development	Permission for development of 3 illuminated external signs.
Location	Nos. 41-46 South Great George's Street and Nos. 51-53 Stephen Street Lower, Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4534/19
Applicant	PI Hotels and Restaurants Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party Appeal Against Condition
Appellants	PI Hotels and Restaurants Ireland Ltd.
Observer(s)	None
Date of Site Inspection	17 th July 2020
Inspector	Brendan Coyne

1.0 Site Location and Description

- 1.1. The site comprises a corner block on the eastern side of South Great Georges Street (Nos. 41-46) and the northern side of Stephen Street Lower (Nos. 51-53) in Dublin 2. The site comprises a five-storey building, currently being re-developed as a mixed unit development consisting of three retail units and one restaurant unit at ground floor level and a 100-bedroom hotel at upper floor levels. Two of the retail units and the restaurant unit will be accessed via South Great Georges Street whilst the third retail unit and hotel will be accessed via Stephen Street Lower.
- 1.2. The retained façade of the building dates from the 1890's at upper floor levels and comprises red brick finish, with arch headed sash windows framed with brick detail, horizontal limestone brick banding and vertical red brick piers, characteristic of its era. The ground floor shopfront elevations have been reconstructed and date from the mid to late 20th century. The building provides a chamfered bay at its corner of South Great Georges Street and Stephen Street Lower. The site is bound by Wicklow Court (Nos. 38-40 South Great Georges Street) to the north-east and to the east by Drury Street car park. The character of the surrounding area comprises a wide mix of city centre uses including offices, restaurants, cafés / bars and retail.

2.0 Proposed Development

2.1. Application as lodged to the Planning Authority on the 25/11/2019

- 2.1.1. Permission sought for the erection of 3 no. illuminated signs comprising;
 - 1 no. illuminated sign (1.566 sq.m.) on the South Great Georges Street elevation at second floor level.
 - 1 no. illuminated sign (1.566 sq.m.) at second floor level and 1 no. illuminated sign (1.566 sq.m.) at ground floor level on the Stephen Street Lower elevation.

The proposed signage relates to the hotel element of the development permitted under P.A. Ref. 2546/18 and amendments permitted under P.A. Ref. 4387/18.

2.2. **Alternative Proposal as submitted on appeal to An Bord Pleanála**

2.2.1. The Applicant has submitted an alternative proposal for the Board's consideration on appeal. The alternative proposal includes:

- Revised materiality across all signage proposed.
- Reduction in the size of the Stephen Street Lower street level signage.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. Dublin City Council granted permission for the proposed development subject to 7 no. Conditions. Noted Condition includes:

Condition No. 2 (a) The signage at ground floor level on Stephen Street Lower shall be reduced in height to 40cm.

b) The high-level sign on the South Great Georges Street elevation shall be omitted.

Reason: To comply with the Shopfront Design Guidelines and the South City Retail Quarter Architectural Conservation Area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

3.2.2. Basis for the Planning Authority's decision. Includes:

- Planning permission was granted under P.A. Ref. 2546/18 for a 100-bedroom hotel with 1 no. restaurant and 3 no. retail units. The proposal is for 3 no. illuminated signs for the hotel use which occupies the basement and upper floors.
- Having regard to Development Plan policy regarding advertising / signage in the South City Retail Quarter Architectural Area and the requirements of the Shopfront Design Guide 2001, it is recommended that the high level sign on the South Great

Georges Street elevation be omitted and the signage at ground floor level on Stephen Street Lower be reduced in height to 40cm, by way of Condition.

3.3. Other Technical Reports

Drainage Division: No objection subject to Conditions.

3.4. Prescribed Bodies

Transport Infrastructure Ireland:

- The proposed development falls within an area set out in a Section 49 Supplementary Development Contribution Levy scheme for Light Rail. In the event of a grant of permission a Condition should be imposed requiring a Section 49 Contribution Scheme Levy.

4.0 Planning History

4.1.1. Relevant Applications on Subject Site:

4.1.2. **P.A. Ref. 4387/18** Permission GRANTED in February 2019 for modifications to the roof design of the development as permitted under P.A. Ref. 2546/18 including associated alterations to the design of the permitted windows on the fourth Floor. The remainder of the development to be carried out in accordance with the development permitted under P.A. Ref. 2546/18.

4.1.3. **P.A. Ref. 2546/18** Permission GRANTED in September 2018 for the following;

- Retention of the brick facade to South Great George's Street and part of the Lower Stephen Street facade and demolition of the existing 3-4 storey over basement structure (c.3,716 sq.m)
- Construction of a 5-storey over single basement structure to include retained facade. The building will comprise a 100 no. bedroom hotel, 1 no. restaurant and 3 no. retail units;

- Provision of a hotel restaurant, kitchen, ancillary hotel areas/offices, associated staff areas, changing/ shower rooms, toilets, stores, bin and bicycle stores and cold water storage at basement level;
- Provision of 3 no. ground floor level retail units (totalling c.576 sq.m) with basement storage serving 2 of the retail units, 1 no. ground floor level restaurant unit with basement kitchen/ stores (totalling c.332 sq.m), hotel lobby, bin stores, ESB substation (c.35 sq.m);
- Hotel bedrooms and stores from 1st to 4th floor levels.
- Provision of stair/ lift cores and circulation areas throughout, courtyard at 1st floor level and plant at roof level;
- New elevation to a portion of Lower Stephen Street. New shopfronts at ground floor level to South Great George's Street and Lower Stephen Street including new 1st floor level window to South Great George's Street;
- Proposed pedestrian accesses to hotel, retail/ restaurant units and services via Lower Stephen Street and South Great George's Street;
- The total gross floor space of the building is c.5,232 sq.m;
- All associated site development works, services provision, landscaping and boundary treatments works.

4.1.4. **P.A. Ref. 2452/13** Permission GRANTED in September 2013 for the upgrade and extension of the existing retail shop building over three floors above basement level. The works will comprise the upgrade of the existing fabric to include;

- The demolition and removal of 600msq of existing retail shop area comprising;
 - The flat roof extension to rear of first floor terrace building including existing lift enclosure.
 - A section of the 3rd floor structure.
 - 2 no. existing brick chimneys to the main roof to Georges Street.
- The demolition, replacement and upgrade of existing structure comprising;
 - Existing Ground floor, First floor and Second floor structures.

- Existing Roof structures. Existing roof profile to be reinstated reusing existing slates.
- The provision of 550msq of new retail shop area comprising new 2 storey above ground floor extension to rear of existing brick terrace (overall height 13.00metres to parapet, 17.83metres to lantern)
- The provision of new stone and glass shop fronts to Stephens Street and South Great Georges Street,
- The subdivision of the overall Retail Premises of 3250msq (2250msq existing and 550msq new) to provide 3 no. Retail Units;
- All associated site works,

4.1.5. **P.A. Ref. 5827/05** Permission GRANTED in July 2006 for demolition of existing structure with the exception of the brick façade on South Great Georges Street, and part of Stephen Street Lower, Construction of a six-storey building comprising four storeys plus 2 penthouse levels over double basement. The development would incorporate the existing brick façade at South Great George’s Street and part of Stephen Street Lower on 1st, 2nd and 3rd floor levels, with new shopfront at ground floor level. The development would provide a total floor space of 5,942 sq.m. of gross floor area – this would consist of the following: 2,864 sq.m. retail floor space at lower basement, upper basement, ground and first floor levels: 3,078 sq.m. of office floor space comprising of 1,782sq.m. at ground, first, 2nd and 3rd floor level and 1,296sq.m. new office floorspace at 4th and 5th floor penthouse levels.

Extension of duration of this permission was granted until 15th July 2016.

5.0 Policy and Context

5.1. Development Plan

Dublin City Council Development Plan 2016-2022 is the statutory plan for the area.

Zoning: The site is located in an area zoned objective 'Z5 ' which seeks 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.'

Architectural Conservation Area: The western section of the site is located within the South City Retail Quarter Architectural Conservation Area (ACA).

Zone of Archaeological Interest: The site is located within a Zone of Archaeological Interest.

Recorded Monument: The site is located is within the zone of archaeological potential for the Recorded Monument and Place (RMP) DU018-020 (Central Dublin) which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994.

Category 2 Street: The site is located on a designated Category 2 Street in the Central Shopping Area of Dublin City Centre (Fig.8 and Appendix 3).

5.1.1. The following provisions relating to Conservation Areas are noted:

Section 11.1.5.6 Conservation Area – Policy Application

Policy 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...

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting...

4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area

Development will not:

1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area

2. Involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shopfronts, doors, windows and other decorative detail
3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors
4. Harm the setting of a Conservation Area
5. Constitute a visually obtrusive or dominant form.

5.1.2. The following development standards relating to Advertisements and Signage are noted:

Section 16.24.3 Signs of Shopfronts and Other Business Premises –

- The signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront. The lettering employed should be either on the fascia, or consist of individually mounted solid letters mounted on the fascia. The size of the lettering used should be in proportion to the depth of the fascia board.
- Corporate signs will only be permitted where they are compatible with the character of the building, its materials and colour scheme and those of adjoining buildings.
- Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to the upper floors, in a form and design which does not detract from or impinge upon the integrity of the ground floor shopfronts, or other elevational features of the building.
- Proposals for shopfront signage shall have regard to the contents of the Retail Design Manual, 2012, Dublin City Council's Shopfront Design Guide, 2001 and the O'Connell Street Area Shopfront Design Guidelines, 2003, where appropriate. www.dublincity.ie
- All proposals for shopfronts shall have regard to the guidelines for illuminated signs as set out in the Appendices in this plan.

Appendix 19: Outdoor Advertising Strategy

Section 19.3 Illuminated Signs

- 5.1.3. **South City Retail Quarter Architectural Conservation Plan** – relevant provisions include:

Section 4: Shop Front Design and Advertisement Structures

Section 4.2(b) Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to the upper floors, in a form and design which does not detract from or impinge upon the integrity of the ground floor shop fronts, or other original elevational features of the building. The provision of lettering on upper floor windows for the upper floor uses should not exceed 25 % of the glazed area (measured as a rectangle enclosing all letters), and shall not, in any event, predominate over the appearance of the aperture as a window when viewed from the street. No other advertising signs or structures will be permitted above ground floor level in the Architectural Conservation Area.

- 5.1.4. The following relevant provisions relating to **Tourism** are noted:

Policy CEE12 (ii): To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors.

Policy CEE13 (iii): To promote and support the development of additional tourism accommodation at appropriate locations throughout the city.

- 5.1.5. **Shopfront Design Guide 2001** - sets out design considerations in relation to the development of shopfronts and signage.

5.2. **Natural Heritage Designations:**

None

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from Tom Phillips & Associates Town Planning Consultants representing the Applicant, against Condition No. 2 of Dublin City Council's Notification of Decision to grant planning permission in respect of development permitted under P.A. Ref. 2546/18 and amendments permitted under P.A. Ref. 4387/18. The following is a summary of the grounds of appeal.

6.1.2. Response to Planning Authority's Condition No. 2

- The proposed development relates to the hotel element of the development permitted under P.A. Ref. 2546/18 (amended by Reg. Ref. 4387/18).
- The proposed development consists of signage associated with the hotel use only and seeks to identify the presence of the hotel at the basement and upper floors of this building.
- The access point for the hotel is at street level on Stephen Street Lower. There is a services access to the hotel on South Great George's Street in the northwest corner of the site.
- The Applicant considers that the Condition No. 2(a) is not necessary to comply with the requirements of the Dublin City Council Shopfront Design Guide 2001.
- The Applicant does not accept that Condition No. 2(b) is substantiated in terms of Development Plan policy when the Plan is considered as a whole and in the context of wider strategic objectives for Dublin.
- The Applicant contends that the planning application should be granted permission without Condition No. 2.

6.1.3. **Re. Condition No. 2(a) - Signage along Stephen Street Lower**

- Regarding the proposed street level signage and its dimensions referred to by the Planning Authority, the letters themselves fall within the Shopfront Design Guide 2001, with a maximum height of just 284mm. It is just the roundel that exceeds the recommended height.
- Despite the roundel exceeding the recommended height, the proposed street level signage is modest in scale and proportionately appropriate when considered in the context of the fascia to which it is attached.
- The permitted development includes 'signage zones' at ground floor level that are associated with the other approved uses at the site (the approved 3 No. retail units and 1 No. restaurant). This minimises the opportunities available to the hotel operator to provide signage at ground floor level.
- The hotel itself has limited presence at street level. The role of this sign is particularly important in identifying the entry point for visitors. Clear and legible signage is imperative from a wayfinding perspective.
- Despite the roundel exceeding 40cm in height, the Applicant contends that the signage relates sensitively to the host building, resulting in an acceptable relationship.
- The Applicant points out that this part of the building frontage sits outside of the South City Retail Quarter Architectural Conservation Area.
- The Applicant contends that Condition 2(a) is not necessary to ensure an appropriate relationship with the host building and surrounding context.

6.1.4. **Re. Condition No. 2(b) – Signage along South Great Georges Street**

- By nature of the permitted hotel use, the hotel operator (Premier Inn) requires a level of tenant signage in order to provide a form of identification to assist visitors in locating the building.
- The omission of the upper level signage on South Great Georges Street, as required by Condition No. 2(b), and the resultant entire absence of visual presence on South Great Georges Street, is a serious issue for the hotel operator from a commercial perspective.

- Signage on South Great Georges Street will act as a vitally important wayfinding tool for tourists who are staying at the hotel who are likely unfamiliar with the City and their surrounds.
- The easy identification of visitor accommodation is a key component of promoting Dublin as a 'world class tourist destination' in line with Development Plan Policy CEE12. The omission of this signage would be contrary to this policy.
- The arrangement of the permitted mixed-use development means that the South Great Georges Street elevation offers little opportunity for hotel signage at street level. Signage at the upper level therefore presents the only real option for hotel signage on the South Great Georges Street elevation.
- The proposed development has been designed to balance these requirements with the requirement to protect and enhance the special architectural characteristics of the Architectural Conservation Area (ACA).
- By virtue of the upper level signage, the Applicant acknowledges that the signs would be of greater visual prominence, in longer views, than a ground floor level sign. Nevertheless, the design of the proposed signage will mitigate any potential impact associated with signage at the upper level.
- The Applicant contends that the sympathetic scale and design of the proposed signage ensures a compatible and acceptable relationship with the host building and surrounding context.
- The Local Authority did not explicitly conclude that the appearance of the proposed signage would materially harm the character and appearance of the surrounding Architectural Conservation Area. Rather, the condition was imposed on the basis that the proposed upper level signage was non-compliant with guidance for development in the ACA.
- The Applicant maintains that despite the upper level siting of the signage on the South Great Georges Street elevation, the careful siting, modest scale and simple colouring of the proposed signs ensures that the building maintains a positive relationship with the surrounding Architectural Conservation Area and nearby Protected Structures.

- The Applicant maintains that due to the design of the upper level proposed signage, it would not detract from or impinge upon the integrity of the ground floor shop fronts, or any other original elevational features of the building.

6.1.5. **Alternative Proposal Presented for the Board's Consideration**

- Although fully in favour of the original proposed design submitted, the Applicant has submitted an alternative scheme for the Board's consideration in order to address the issues highlighted by Condition No. 2.
- The Applicant has amended the full suite of signage for completeness and enhanced appearance.
- The Applicant invites the Board to exercise its power under Section 137 of the Planning and Development Acts, 2000 (as amended), to request further information in relation to this alternative scheme if it is deemed necessary.
- In summary, the alternative proposal includes:
 - Revised materiality across all signage proposed;
 - Reduces the size of the Stephen Street Lower street level signage.
- The Applicant states that the proposal has been altered to reduce the overall visibility of the proposed signage within the surrounding sensitive context.
- The Applicant puts forward that by altering the proposed materials and colouring of all signage and the sizing of the street level signage, the development would be in closer adherence to the relevant Guidance pertaining to signage and the ACA.
- The alternative design comprises individually pin mounted lettering and roundel constructed from stainless steel. The roundel would be black in colour. As per the original proposal, the signage would comprise halo illumination via white LEDs - illustrated on Drawings submitted.
- The alternative scheme reduces the size of the Stephen Street Lower street level signage (Sign 02) in response to the concerns raised by the Council surrounding its overall height.

- The Applicant maintains that while the original scheme is compatible with the character and appearance of the host building and surrounding area and recommendations of the Shopfront Design Guidance, the Applicant has reduced the overall height of this sign so that the roundel does not exceed 40cm in accordance with the detailed requirements of Condition No. 2(a).
- Should the Board share similar concerns to the Planning Authority regarding the size and siting of the particular signs referred to in Condition No. 2, it is the Applicant's opinion that these would be addressed through the proposed alternative scheme.
- Drawings submitted detailing the above.

6.2. Planning Authority Response

6.2.1. The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

None received

7.0 Assessment

7.1.1. This is a first party appeal against Condition No. 2 of Dublin City Council's notification of decision to grant planning permission for the proposed development, in respect of development permitted under P.A. Ref. 2546/18 and amendments permitted under P.A. Ref. 4387/18. Having reviewed the proposal, I am satisfied that the appeal can be considered under the provisions of Section 139 of the Planning and Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of Condition Number 2 of the Planning Authority's decision. I consider, therefore, that the main issues for consideration in this appeal relate to the following;

- Appropriateness of Condition No. 2(a)
- Appropriateness of Condition No. 2(b)

7.1.2.

These are addressed below.

7.2. Appropriateness of Condition No. 2(a)

- 7.2.1. Condition No. 2(a) relates to the proposed fascia sign to the ground floor elevation of the building along Stephen Street Lower. As detailed in Section 3.1 above, Condition No. 2(a) requires that this sign be reduced in height to 40cm. The Planning Authority report details that this reduction in height is required in order for the sign to comply with the requirements of the Dublin City Council Shopfront Design Guide 2001. The Applicant contests this Condition requirement, as set out in Section 6.1.3 above.
- 7.2.2. This proposed sign is horizontal in orientation and is located over the entrance to the hotel. The design details / dimensions of the proposed sign are as follows;
- The sign consists of two components, a roundel and lettering which would be pin mounted to the elevation.
 - The maximum height of the sign is 600mm. This relates to the roundel.
 - The maximum height of the lettering is 284mm.
 - Total length of the sign: 2.61m.
 - Maximum Depth: 135mm
 - The sign will be illuminated via LEDs and constructed from powder coated aluminium.
 - The roundel will be powder coated purple with halo illuminated moon (with digitally printed face) and stars.
 - The lettering will be powder coated white with halo illumination.
- 7.2.3. The Dublin City Council Shopfront Design Guide 2001 provides guidance regarding fascia signs and recommends that letters of more than 40cm in height will not normally be accepted. The maximum height of the lettering of the proposed sign at 284mm complies with this requirement. The roundel provides the logo for the Premier Inn international chain of hotels. While the height of the proposed roundel at 600mm exceeds the maximum lettering height requirement of the Shopfront Design Guide, it is my view that its infringement is minimal and does not warrant a reduction in height

to 400cm for lettering, as recommended by the Shopfront Design Guide 2001 and required under Condition No. 2(a) of the grant of permission by the Planning Authority. I consider that the lettering of the proposed sign is simple in design and the roundel showing the Premier Inn logo would assist visitors in identifying the hotel premises. Such development would be consistent with Policy CEE13(iii) of the Development Plan which seeks to promote and support the development of additional tourism accommodation at appropriate locations throughout the city. The proposed illumination is discrete by way of halo (rear) illumination of the letters and roundel. Given that the sign is not located within the South City Retail Quarter Architectural Conservation Area, it is my view that the scale and design of the proposed sign on the ground floor elevation along Stephen Street Lower, as originally submitted to the Planning Authority, is visually acceptable and would not detract from the character of the surrounding streetscape. I acknowledge the alternative proposal submitted on appeal to the Board but do not consider its reduction in size and changes in materiality (as detailed in Section 6.1.5 above) are warranted. On this basis, I recommend that the planning application should be granted without Condition No.2(a).

7.3. Appropriateness of Condition No. 2(b)

- 7.3.1. Condition No. 2(b) relates to the proposed sign attached to the western elevation of the building at second floor level, along South Great Georges Street. Condition No. 2(b) requires that this sign be omitted. The Planning Authority report details that the omission of this sign is required in order to comply with the Section 4(ii)(b) of the South City Retail Quarter Architectural Conservation Area Plan which refers to Advertisement Structures and requires that 'no other advertising signs or structures will be permitted above ground floor level in the Architectural Conservation Area'. On this basis the Planning Authority conditioned that the proposed sign on the South Great Georges Street elevation be omitted. The Applicant contests this, as set out in Section 6.1.4 above
- 7.3.2. This proposed sign is vertical in orientation and is located at the southern end of the façade along South Great Georges Street. The design details / dimensions of the proposed sign are as follows;

- The sign consists of two components, a roundel and lettering which would be pin mounted to the elevation.
- The total height of the sign is 2610mm. This includes the roundel.
- The roundel has both a width and height of 600mm
- The maximum width of the lettering is 284mm
- Maximum Depth: 135mm
- The sign will be illuminated via LEDs and constructed from powder coated aluminium.
- The roundel will be powder coated purple with halo illuminated moon (with digitally printed face) and stars.
- The lettering will be powder coated white with halo illumination.

7.3.3. This façade to which the proposed sign would be attached is located within the South City Retail Quarter Architectural Conservation Area. Having regard to the pattern of development in the surrounding area, I note that there are number of hotel premises in the vicinity which have vertically orientated signs projecting or attached to their facades at upper floor levels, notably the Grafton Hotel and Drury Hotel on Stephen Street Lower, Brooks Hotel on Drury Street and the Central Hotel on South Great Georges Street. These establish precedent for signage associated with hotel accommodation at upper floor levels of buildings. I acknowledge, however, that the signage on the Grafton Hotel and Drury Hotel facades are not located within an Architectural Conservation Area. I note that the adjacent northern elevation of No. 82 Aungier Street facing Stephen Street Upper, which is highly visible on approach from South Great Georges Street, is characterised with a very large 3 storey high vertical sign advertising “747.ie”. Furthermore, Kelly’s Hotel at No. 36 South Great Georges Street has a projecting flag sign at first floor level. I consider reasonable the Applicant’s point that the permitted South Great Georges Street elevation offers little opportunity for hotel signage at street level and that the absence of signage for the hotel on South Great Georges Street would affect wayfinding for customers / tourists visiting the hotel and would be a serious commercial issue for the hotel operator. It is my view that the provision of a sign on this elevation would be consistent with Policy CEE13(iii) of the

Dublin City Development Plan which seeks to promote and support the development of additional tourism accommodation at appropriate locations throughout the city.

- 7.3.4. Having reviewed the drawing submitted, it is my view that the proposed signage is simple in design and the lettering height accords with the requirements of the Dublin City Council Shopfront Design Guide 2001. Having regard to the scale, design and location of this proposed sign, it is my view that it would not detract from or impinge upon the integrity of the elevational features of the building, would not be dominant or visually obtrusive in the streetscape and would not detract from the character of the surrounding Architectural Conservation Area. I acknowledge the alternative proposal submitted on appeal to the Board (as detailed in Section 6.1.5 above) but do not consider its changes in materiality are warranted. On this basis, I recommend that the planning application should be granted without Condition No.2(b).

7.4. Screening for Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway 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. I recommend that the Board consider the appeal in the context of Section 139 of the Planning & Development Act 2000 (as amended). Arising from my assessment of the appeal case, I recommend that the Planning Authority be directed to remove condition number 2 from its decision to grant permission for application reference number 4534/19 and to re-number the other Conditions accordingly, for the Reasons and Considerations set out below.

9.0 Reasons and Considerations

Having regard to the site's "Z5" zoning objective, the planning history of the site, the nature and scale of the proposed development and the pattern of development in the area, it is considered that the removal of condition number 2 would be in accordance with the relevant provisions of the Dublin City Development Plan 2016-2022, would not seriously injure the amenities of the area or of property in the vicinity and would not have an adverse effect on the character and setting of the South City Retail Quarter Architectural Conservation Area. The removal of condition number 2 would, therefore, be in accordance with the proper planning and sustainable development of the area.

Brendan Coyne
Planning Inspector

22nd July 2020