



An  
Bord  
Pleanála

## Inspector's Report 306811-20

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<b>Development</b>	Internal illumination of 3 signs on 2 entrance canopies on Excise Walk & internal illumination of 1 sign above hotel entrance on North Wall Quay
<b>Location</b>	The Spencer Hotel, North Wall Quay, IFSC, Dublin 1
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4620/19
<b>Applicant(s)</b>	Spencer Leisure Investments Limited
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse Retention Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Spencer Leisure Investments Limited
<b>Observer(s)</b>	(1) Clarion Quay Management Company CLG; (2) Carmel O'Sullivan
<b>Date of Site Inspection</b>	25 <sup>th</sup> May 2020
<b>Inspector</b>	Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.1735 m<sup>2</sup> and is located at The Spencer Hotel, North Wall Quay, IFSC, Dublin 1. The hotel is a 7-storey over basement property which occupies a prominent location within the north Docklands, fronting onto North Wall Quay and the River Liffey to the south.
- 1.2. The site is bounded by Excise Walk to the west, a pedestrianised street which extends northwards from North Wall Quay towards Mayor Square and the Luas Red Line. A mixed-use block is located opposite the site at Excise Walk, which has commercial uses at the ground floor level and apartments above (Clarion Quay apartments). The site is bounded by an adjoining office block to the east, an internal service road to the rear and the National College of Ireland beyond to the north.
- 1.3. The hotel has 1 no. existing signage board with individually mounted lettering at fascia level over the hotel entrance at North Wall Quay, with further individually mounted lettering on the recessed ground floor façade. Further individually mounted letter signage is located on the North Wall Quay façade at fourth floor level.
- 1.4. The hotel has 3 no. projecting canopy structures and 2 no. retractable canopies at fascia level of the Excise Walk façade. Individually mounted letter signage extends around 2 of the 3 projecting canopy structures. A further 2 no. projecting signs are located on the Excise Walk façade at the junction with the internal service road which extends to the rear of the hotel.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the retention of the internal illumination of 3 no. signs on two entrance canopies along Excise Walk and the internal illumination of 1 no. sign above the main entrance on North Wall Quay.
- 2.2. Each of the signs has white acrylic individually laser cut letters mounted on a pressed metal panel. Sign no. 1 is located over the hotel entrance fronting onto the quayside, while sign nos. 2 and 3 are located on canopy structures on the side elevation of the hotel fronting onto Excise Walk. Lettering is provided on each of the 3 sides of the canopy structures.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Retention Permission issued on 6<sup>th</sup> February 2020 for 1 no. reason. Dublin City Council considered that the illumination of the signage, by reason of its design, extent of illumination and location, would be injurious to the character and visual amenities of the streetscape and would be contrary to the implementation of good shopfront design as provided for within the Shopfront Design Guide 2001 and the Dublin City Development Plan 2016-2022.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- 3.2.2. In assessing the proposal, Dublin City Council's Planning Officer noted that planning permission had previously been refused for illuminated signage on neighbouring properties due to potential impacts on a sensitive conservation area and residential area.
- 3.2.3. The Planning Officer considered that the sign on the front façade of the building would not complement or harmonise with the architectural character of the subject site or the conservation area and would be visually obtrusive in the streetscape. Serious concerns also arose in relation to the visual impact of the signs on the side elevation of the building.
- 3.2.4. In considering the impact of the development on the residential amenity of the neighbouring properties, the Planning Officer noted that there is a significant level of ambient light in the area, including from the existing hotel.

#### 3.2.5. Other Technical Reports

- 3.2.6. **Engineering Department Drainage Division:** No objection subject to conditions.

### 3.3. Prescribed Bodies

- 3.4. **Transport Infrastructure Ireland:** Recommends that a S.49 levy for light rail be attached in the event planning permission is granted and the development is not exempt.

- 3.5. **Irish Water:** None received.
- 3.6. **National Transport Authority:** None received.
- 3.7. **Third Party Observations**
- 3.7.1. Two third party observations were made on the application from: (1) Clarion Quay Management Company CLG, Clarion Quay, North Wall, Dublin 1; and, (2) Carmel O'Sullivan, Apartment 7, Block 1, Clarion Quay, North Wall, Dublin 1.
- 3.7.2. The issues which were raised can be summarised as follows: (1) planning permission has previously been refused for illuminated signage on the subject site and neighbouring sites on the basis of visual amenity impacts; (2) the DDDA shopfront and signage guidelines do not allow for any illumination adjacent to residential developments; (3) the development would be contrary to policy CHC4 of the development plan to protect the special interest of Dublin's conservation areas and would detract from the character of the area; (4) the applicant's assertion that the signage has been illuminated for the last 5 years is incorrect; (5) there is no other lighting on Excise Walk and the tone of the street is significantly altered by the illuminated lighting, with a negative impact on the quality of life of the occupants of the Clarion Quay apartments; (6) planning permission should be refused on the basis of past failures to comply; and, (7) light pollution.

#### 4.0 **Planning History**

- 4.1. **Planning Authority Reg. Ref. 2084/19; ABP Ref. 304190-19:** Planning permission refused on 4<sup>th</sup> July 2019 for narrow beam downlights (4 no.) at ground floor level on the south elevation; narrow beam up-lights (6 no.) located above the ground floor level on the south elevation; linear narrow beam lighting at ground floor on the south elevation; LED neon flex lighting at 1<sup>st</sup> – 5<sup>th</sup> floor levels on the south elevation and west elevation.
- 4.2. Planning permission was refused for 1 no. reason on the basis that the development would be contrary to policy CHC4 of the development plan, which aims to maintain the special character and interest of Dublin's conservation areas.

- 4.3. **Planning Authority Reg. Ref. 0486/18:** Section 5 exemption certificate refused on 13<sup>th</sup> December 2018 for a lighting scheme along the southern and western elevations of the building.
- 4.4. **Planning Authority Reg. Ref. 4073/17; ABP Ref. 300638-18:** Retention permission refused on 15<sup>th</sup> May 2018 for an existing hotel sign on the southern elevation of the existing hotel.
- 4.5. Planning permission was refused for 1 no. reason on the basis that the retained sign would conflict with development plan policies in relation to advertising signage and would seriously injure the visual amenities of the area.
- 4.6. **Planning Authority Reg. Ref. 3710/17; ABP Ref. 300171-17:** Planning permission granted on 17<sup>th</sup> May 2018 for the demolition of existing ground floor meeting rooms and the provision of an additional c. 942 m<sup>2</sup> at ground to 7<sup>th</sup> floors to provide a new conference/meeting room area and an additional 40 hotel bedrooms, with an east facing terrace to serve one of the hotel rooms at the 7<sup>th</sup> floor.
- 4.7. **Planning Authority Reg. Ref. WEB1031/14; ABP Ref. PL29N.243371:** Planning permission refused on 5<sup>th</sup> September 2014 for 2 no. internally illuminated signs.
- 4.8. Planning permission was refused for 1 no. reason on the basis that the proposed development would conflict with development plan policies in relation to advertising signage and would detract from the visual quality, character and conservation status of the quays.
- 4.9. **Planning Authority Reg. Ref. DD685:** Section 25 certificate granted on 28<sup>th</sup> January 2015 for an internally illuminated external sign.
- 4.10. **Enforcement History**
- 4.11. **E0993/19:** Unauthorised illumination of existing signage.

## 5.0 Policy and Context

### 5.1. Dublin City Development Plan 2016-2022

### 5.2. Land Use Zoning

5.3. The site is subject to land use zoning “Z5” (City Centre) which has the objective “to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”.

5.4. “Advertisement and advertising structures” are open for consideration on Z5 zoned lands.

### 5.5. Conservation

5.6. The southern and central portions of the application site form part of a designated Conservation Area which relates to the River Liffey and north and south quays.

5.7. **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.

### 5.8. Light Pollution

5.9. **Policy SI26:** To ensure that the design of external lighting proposals minimises light spillage or pollution in the surrounding environment and has due regard to the residential amenity of the surrounding area.

### 5.10. Signs of Shopfronts and Other Business Premises

5.11. Section 16.24.3 of the development plan relates to signs of shopfronts and other business premises. 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.

5.12. Further guidance in relation to illuminated signs is contained in Appendix 19 of the plan (outdoor advertising strategy). The type of illuminated signs, internally or externally illuminated, individual letters, and neon tubes should be determined by consideration of the design of the building and its location, as well as the potential for low-energy options. The design of an illuminated sign should be sympathetic to the

building on which it is to be displayed and should not obscure architectural features. The daytime appearance when unlit and the number of such signs in the vicinity will be considered when assessing proposals.

### **5.13. Natural Heritage Designations**

5.13.1. None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A first party appeal has been lodged by McGill Planning on behalf of the applicant, the grounds of which can be summarised as follows:

- The simplicity of the illuminated signage, in terms of materials and font style, complements the architectural language of the existing building and character of the area and is in keeping with buildings in the area, which have a similar style of lighting;
- The internal illumination of the signage will not alter the architectural character of the building. During daylight hours, the buildings will remain unchanged, while at night, the illumination will assist in directing patrons to the hotel health centre and cocktail bar;
- As hotels are both day and night-time uses, it is essential that these entrances are lit for the legibility of the public and hotel patrons;
- Dublin City Council's Planning Officer assessed the application largely in terms of an overall signage application, rather than the retention of the internal illumination as proposed;
- The Planning Officer's assessment is unreasonable and stems from an overtly conservative interpretation of the character and setting of the building and Conservation Area. There are no Protected Structures adjoining the site and it is not an Architectural Conservation Area to be preserved in situ;
- This is a modern building, within the wider context of modern buildings. There is a precedent for a variety of buildings along the quays, all of which have

varying levels of lighting schemes and which create a legible public realm which encourages people to walk along the quays at night;

- The site is located in an area with a significant amount of lighting and it is inaccurate that the current proposal will have a negative impact on the residential amenity of neighbouring properties;
- The development accords with policy CHC4 of the development plan, as it is in keeping with the lighting on neighbouring properties and will not have a detrimental impact on the area;
- The development accords with policy SI26 of the development plan as it minimises light pollution and spillage in the surrounding environment;
- The proposal complies with the purpose of the Z5 land use zoning objective, as it will sustain life within the centre and offers vitality during the day and night in an area that is predominantly occupied by daytime office uses;
- The proposal complies with the guidance for illumination of shopfronts as set out in Dublin City Council's Shopfront Design Guide and sections 16.24.2 and 16.24.3 of the development plan in relation to signage on shopfronts and other business premises;
- A number of precedents exist for lighting along the quayside and within the same Conservation Area, including on civic, commercial, public and residential buildings and on public infrastructure and attractions. The refusal reason did not give due consideration to the surrounding environment.

6.1.2. The appeal includes photographs of buildings with illuminated signage elsewhere within the Docklands and the administrative area of Dublin City Council.

## 6.2. Planning Authority Response

6.2.1. None received.



### 6.3. Observations

- 6.3.1. Two observations have been received from: (1) Clarion Quay Management Company CLG and (2) Carmel O'Sullivan. No new issues have been raised (see section 3.7.2 of this report).

## 7.0 Assessment

- 7.1. I am satisfied that the main issues for consideration in this case include:

- Visual Impact of the Retained Development
- Impact on Residential Amenity
- Planning History on the Subject Site
- Appropriate Assessment

- 7.2. Each of these issues is addressed in turn below.

### 7.3. Visual Impact of the Retained Development

- 7.3.1. In refusing retention permission for the development, Dublin City Council considered that the illumination of the existing signage, by reason of its design, extent and location, would be injurious to the character and visual amenities of the streetscape. The applicant's agent submits that the existing signs have planning permission and that Dublin City Council's Planning Officer has assessed the application as an overall signage application, rather than the retention of the internal illumination as proposed.
- 7.3.2. In considering the foregoing, I note that it is proposed to retain the illumination to sign no. 1 which is located above the main hotel entrance on North Wall Quay. The existing lettering comprises white acrylic individually laser cut letters which collectively extend to 4.478 m in length, with a height of 0.609 m. It is also proposed to retain the illumination to sign nos. 2 and 3 which are located on the side elevation of the hotel fronting onto Excise Walk. These signs also include white acrylic individually laser cut lettering of various sizes, located on each side of 2 no. projecting canopies above the entrances to the hotel cocktail bar and health club.
- 7.3.3. The subject development is governed by the policies and development standards of the Dublin City Development Plan 2016-2022. Appendix 19 of the plan states that the design of an illuminated sign should be sympathetic to the building on which it is

to be displayed and should not obscure architectural features. The daytime appearance when unlit and the number of such signs in the vicinity will also be considered when assessing proposals.

- 7.3.4. In my opinion, the illumination of the 3 no. existing signs would be acceptable at this location. While I acknowledge that the signage is located within a conservation area, I consider that its illumination is reasonably sympathetic to the design of this modern building. I further consider that the retained illumination would be acceptable having regard to the scale of the existing lettering and its location at the ground floor fascia level. In this context, I do not consider that the illuminated signage would be unduly visually obtrusive as illustrated by the night-time images which are included in the applicant's appeal submission. The applicant's agent submits that the hotel has a requirement for animation during the evening and at night-time to reflect the services which are offered therein. In my opinion, this is a reasonable requirement for a commercial property within the city centre.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. The third-party observers have raised concerns regarding the impact of the illuminated signage on the residential amenity of neighbouring properties, including the Clarion Quay apartment scheme on the western side of Excise Walk. While the observers submit that the DDDA shopfront and signage guidelines do not allow for any illumination adjacent to residential developments, I note that the development is governed by the policies and development standards of the Dublin City Development Plan 2016-2022.
- 7.4.2. In my opinion, no substantive evidence has been provided to support the claims that the illumination would have a negative impact on the residential amenity of neighbouring properties. The illumination to the front of the building facing North Wall Quay will not be readily visible from the Clarion Quay scheme. I also note that a minimum separation distance of 19m arises to the illuminated signage at Excise Walk. Thus, having regard to the scale of the retained illumination, its location at the ground floor fascia level, and the separation distances which arise to neighbouring residential properties, I consider that no undue negative impact will arise to the residential amenity of the Clarion Quay scheme, or any other neighbouring residential development at this location.

## 7.5. Planning History on the Subject Site

- 7.5.1. Planning permission has been refused on three previous occasions for illuminated signage on the subject site. Under planning authority reg. ref. WEB1031/14; ABP ref. PL29N.243371, permission was sought for 2 no. internally illuminated signs, comprising a projecting metal panel sign of 9.7 m x 1.2 m fixed to the North Wall Quay façade and a sign of 10.5 m x 1 m located at the penthouse level of the same façade. An Bord Pleanála refused planning permission on the basis that the proposed signs would conflict with development plan policies in relation to advertising signage and would seriously injure the visual amenities of the area.
- 7.5.2. Retention planning permission was subsequently sought for an internally illuminated hotel sign at the fourth-floor level of the building's southern elevation (planning authority reg. ref. 4073/17; ABP ref. 300638-18 refers). The Board refused permission on the basis that the retained sign would conflict with development plan policies in relation to advertising signage and would seriously injure the visual amenities of the area.
- 7.5.3. Most recently, planning permission was sought for interchangeable colour lighting to the North Wall Quay and Excise Walk elevations of the hotel building (planning authority reg. ref. 2084/19; ABP ref. 304190-19 refers). An Bord Pleanála refused permission for this application on the basis that the proposed lighting would be contrary to policy CHC4 of the development plan, which aims to maintain the special character and interest of Dublin's conservation areas.
- 7.5.4. In considering the planning history on the subject site as set out above, I note that the signage which was proposed under each of these applications was significantly larger in scale and extent than the current proposal. In addition, the current application relates to the illumination of existing signage, and as such, I consider that the context of this development is different to these earlier applications.
- 7.5.5. While the applicant's agent and the observers have identified precedents for and against illuminated signage elsewhere in the Docklands and city centre areas, I note that each application is assessed on its own merits. As previously identified, I consider that the retained illumination of the existing signage would be acceptable and would have no significant negative visual impact on the conservation area or any significant negative impact on the residential amenity of neighbouring properties. As

such, I consider that the retained development would be in accordance with the proper planning and sustainable development of the area.

## 7.6. Appropriate Assessment

- 7.6.1. Given the nature and scale of the development and the site's location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

- 8.1. I recommend that retention planning permission be granted in this instance.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the Z5 (City Centre) land use zoning objective which applies to the subject site, and the nature and scale of the retained illumination, it is considered that, subject to compliance with the conditions set out below, the retained development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The retained 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.  <b>Reason:</b> 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

	<p>the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the visual amenities of the area.</p>
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Louise Treacy  
Planning Inspector

27<sup>th</sup> July 2020