



An
Bord
Pleanála

Inspector's Report ABP-309492-21.

Development	Protected Structure: Retention of mounted lettering with illumination above main entrance door, illumination above second floor level and projecting internally illuminated sign.
Location	1-5 Camden Street Upper, 49-51 Camden Street Lower, Dublin 2, Grantham Place, Dublin 8.
Planning Authority	Dublin City Council South.
Planning Authority Reg. Ref.	3801/20.
Applicant(s)	JD Wetherspoons PLC.
Type of Application	Retention.
Planning Authority Decision	Split decision.
Type of Appeal	First-Party
Appellant(s)	JD Wetherspoons PLC.
Observer(s)	TII.
Date of Site Inspection	13/05/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located in the southern area of Dublin City Centre, approximately 500m to the south west of St. Stephen's Green, and to the west side of Camden Street Upper. The site extends from Camden Street Upper to the east to the mews lane of Grantham Place to the west and includes a number of buildings in this area. Part of the building fronts onto the junction of Camden Street Upper and Charlotte Way, which provides direct access to the Iveagh Gardens, the National Concert Hall and Harcourt Street. This area of Dublin City includes a variety of uses including bars, restaurants, residential, tourist accommodation, retail and offices. The area is very accessible in terms of public transport including buses and Luas.
- 1.2. The site has a stated area of 0.256 hectares and the existing buildings on the site have a stated floor area of 6,164m². The existing use on the subject site is a hotel with ancillary bar and restaurant facilities. The previous grant of planning permission at the site included the using and refurbishing of the existing buildings and an extension to the rear onto Grantham Place. The Board will note that the submitted planning application form includes the full details of the previous application at Part 8 and Part 10.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for PROTECTED STRUCTURE: RETENTION: Retention permission on lands at No's 1, 2, 3, 4 and 5 Camden Street Upper and No's 49, 50 and 51 Camden Street Lower and all associated sites to the rear addressing Grantham Place, Dublin 2 (including 12 Grantham Place). No's 1, 2, 3, 4 and 5 Camden Street Upper and No's 50 and 51 Camden Street Lower are Protected Structures. The development to be retained consists of:
 - Addition of "Keavan's Port" in individual fascia mounted lettering with warm white LED halo illumination as the name of the establishment above the main entrance door to the front elevation of 49 Camden Street Lower.
 - Addition of 1 no. amenity board, non-illuminated, to the front elevation of 49 Camden Street Lower, to the right side of the main entrance.

- Addition of 1 no. free standing internally illuminated menu board to the right of the main entrance at 49 Camden Street Lower.
- Addition of 1 no. aluminium wall plaque, non-illuminated, to the left side of main entrance of 49 Camden Street Lower.
- Addition of “Wetherspoon” in individual wall mounted lettering with no illumination above second floor level to the front elevation of 49 Camden Street Lower.
- Addition of “Teach Tabhairne” in sign written lettering directly on to white wash wall with no illumination above first floor level to the front elevation of 49 Camden Street Lower.
- Addition of 1 no. projecting sign, internally illuminated with a warm white LED, to the front elevation of 49 Camden Street Lower immediately above fascia level.
- Addition of “Keavan’s Port Hotel” in individual lettering on fascia panel with warm white LED halo illumination above the hotel entrance door to the front elevation of 5 Camden Street Upper and addition of non-illuminated black sign written text “Wetherspoon Est. 1979” applied to the white render wall to the left of hotel entrance door of 5 Camden Street Upper, and
- All associated glazing, lighting and shopfront treatments including granite entrance, railings and bridge details to entrances at No. 49 Camden Street Lower and 5 Camden Street Upper.

All at 1-5 Camden Street Upper, 49-51 Camden Street Lower, Dublin 2, Grantham Place, Dublin 8

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form.
- Planning Report and rationale behind the subject development
- Specification & Method Statement for Signage to be Affixed.

2.3. The current application has been submitted in order to comply with requirements of Condition 10 of the previous grant of planning permission, which required a prior

consent be granted before the erection of signage which might otherwise constitute exempted development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to issue a split decision granting planning permission for the following elements, subject to 4 conditions:

- Addition of “Keavan’s Port” in individual fascia mounted lettering with warm white LED halo illumination as the name of the establishment above the main entrance door to the front elevation of 49 Camden Street Lower.
- Addition of 1 no. amenity board, non-illuminated, to the front elevation of 49 Camden Street Lower, to the right side of the main entrance.
- Addition of 1 no. aluminium wall plaque, non-illuminated, to the left side of main entrance of 49 Camden Street Lower.
- Addition of “Teach Tabhairne” in sign written lettering directly on to white-wash wall with no illumination above first floor level to the front elevation of 49 Camden Street Lower.
- Addition of “Keavan’s Port Hotel” in individual lettering on fascia panel with warm white LED halo illumination above the hotel entrance door to the front elevation of 5 Camden Street Upper and addition of non-illuminated black sign written text “Wetherspoon Est. 1979” applied to the white render wall to the left of hotel entrance door of 5 Camden Street Upper, and
- All associated glazing, lighting and shopfront treatments including granite entrance, railings and bridge details to entrances at No. 49 Camden Street Lower and 5 Camden Street Upper.

And refusing planning permission for the following elements:

- Addition of “Wetherspoon” in individual wall mounted lettering with no illumination above second floor level to the front elevation of 49 Camden Street Lower.

- Addition of 1 no. free standing internally illuminated menu board to the right of the main entrance at 49 Camden Street Lower.
- Addition of 1 no. projecting sign, internally illuminated with a warm white LED, to the front elevation of 49 Camden Street Lower immediately above fascia level.

for the following stated reason:

No. 49 Camden Street Lower is located within a Conservation Area and the proposed internally illuminated menu board, signage above 2nd floor level and the projecting signage would create visual clutter to the front façade of the building, be injurious to the character and visual amenities of this sensitive 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. The proposed development would also set an undesirable precedent for similar type development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the City Development Plan policies and objectives. The report also includes a section on the requirement for Appropriate Assessment.

The Planning Report notes that the applicant has included a number of proposals for the front of no. 49 Camden Street Lower and considers that the overall volume of signage proposed constitutes visual clutter. The report considers each element of the proposal and concludes that all but the three as detailed in the refusal are acceptable. The planning report concludes that parts of the proposed development are acceptable. The Planning Officer recommends that a split decision should issue in accordance with the details included above in section 3.1 of this report. This Planning Report formed the basis of the Planning Authority's decision to issue a split decision with regard to the proposed development.

3.2.2. Other Technical Reports

Conservation Officer: No review of file.

Drainage Division: No objection subject to compliance with conditions.

3.2.3. Prescribed Bodies

TII: No observations to make. The development falls within an area set out in a Section 49 Levy Scheme for Light Rail. If the application is successful and not exempt, a Section 49 Contribution Scheme levy should be included.

3.2.4. Third Party Submissions

There are no third-party objections/submissions noted on the planning authority file.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: 3351/20: Permission granted by DCC for the retention of modifications to development previously permitted under ABP ref PL29S.247635 (PA ref: 2045/16). Modifications were internal and for landscaping.

ABP ref PL29S.247635 (PA ref: 2045/16): Permission granted by the Board for refurbishment/alterations and change of use of existing buildings on the site and the construction of new buildings to the rear to provide a hotel development, the principle of which has been previously established under ABP ref PL29S.243008 (PA ref: 3316/13). Condition 10 of the Boards decision stated as follows:

10. No signage, advertising structures/advertisements, security shutters, lighting or other projecting elements, including flagpoles, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

ABP ref PL29S.243008 (PA ref: 3316/13): Permission granted for a hotel within 1,2,3, 4 and 5 Camden Street Upper and nos. 50 and 51 Camden Street Lower, and a new build to the rear which includes no. 49 Camden Street Upper.

5.0 Policy and Context

5.1. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

5.1.1. Having regard to the location of the subject site in terms of being located within an ACA, and including a number of protected structures and buildings included in the NIAH, as well as the proximity of 2 identified recorded monuments located on Camden Street Upper and Charlotte Way, the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

5.1.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage. Chapter 3 of the guidelines deal with the development plan: Architectural Conservation Areas while section 3.7 deals with development control in ACAs and sections 3.7.1 – 3.7.5 are considered relevant. In addition, Section 3.9 of the Guidelines relate to Design Briefs for Sites of Sub-Areas and Section 3.10 deals with Criteria for Assessing Proposals within an ACA

5.1.3. Further to the above, Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting

of a Protected Structure or an Architectural Conservation area and the following sections are relevant:

- Section 13.8.1
- Section 13.8.2
- Section 13.8.3

5.2. National Inventory of Architectural Heritage

5.2.1. The National Inventory of Architectural Heritage (NIAH) is a unit within the Department of Environment, Heritage and Local Government engaged in compiling an evaluated record of the architectural heritage of Ireland. Where an NIAH survey of a particular area has been published, relevant planning authorities will be provided with information on structures within the area of that survey. The planning authority can assess the content of, and the evaluations in, an NIAH survey with a view to the inclusion of structures in the RPS according to the criteria outlined in these guidelines.

5.2.2. The subject appeal site includes protected structures and structures listed on the NIAH as follows:

- No. 5 Camden Street Upper, NIAH ref 50110413 – house – Regional Rating.
- No. 4 Camden Street Upper, NIAH ref 50110414 – house – Regional Rating
- No. 3 Camden Street Upper, NIAH ref 50110415 – house – Regional Rating
- No. 2 Camden Street Upper, NIAH ref 50110416 – house – Regional Rating
- No. 1 Camden Street Upper, NIAH ref 50110417 – Camden Hall Hostel (originally house) – Regional Rating
- No. 50 Camden Street Lower, NIAH ref 50110418 – house – Regional Rating
- No. 51 Camden Street Lower, NIAH ref 50110419 – house – Regional Rating.

5.3. Development Plan

5.3.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The subject site is located within an area of the city which

has a Z4: District Centre zoning objective afforded to it and where it is the stated objective 'to provide for and improve mixed-use services facilities'.

5.3.2. The buildings fronting onto Camden Street are protected structures and are included in the NIAH. The buildings are also located within a Conservation Area and is proximate to a Site of Archaeological Interest. The site is also located in proximity to the Strategic Development & Regeneration Area 18: National Concert Hall Quarter, as included in the Plan, Section 15.1.1.21 refers. In this regard, the following policies / sections of the Plan are considered relevant:

- **CHC2:** seeks to ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage. Specific criteria are included regarding works to protected structures to ensure its protection and enhancement.
- **Section 11.1.5.4:** Designated Conservation Areas include extensive groupings of buildings or streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core (in recognition of Dublin's international importance as a Georgian city), the 19th and 20th century city and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas.
- **Policy RD15:** seeks to require high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin City Council will actively promote the principles of good shopfront design as set out in the Dublin City Council's Shopfront Design Guidelines.
- **Section 16.24.2:** Shopfronts. The plan notes that DCC seeks to protect and retain traditional and original shopfronts and to encourage new and contemporary shopfronts that are well designed.

5.4. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA) (Site Code: 000210) and the South Dublin Bay and

River Tolka Estuary SPA (Site Code: 004024) which are located approximately 3.5km to the east of the site.

The Grand Canal pNHA, (Site Code 002104), is located approximately 400m to the south, and the Royal Canal pNHA (Site Code: 002103) is located approximately 2.3km to the north east of the site. The North Dublin Bay pNHA (Site Code: 000206) lies approximately 3.7km to the north east of the site.

5.5. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the following elements of the proposal:

- Addition of “Wetherspoon” in individual wall mounted lettering with no illumination above second floor level to the front elevation of 49 Camden Street Lower.
- Addition of 1 no. free standing internally illuminated menu board to the right of the main entrance at 49 Camden Street Lower.
- Addition of 1 no. projecting sign, internally illuminated with a warm white LED, to the front elevation of 49 Camden Street Lower immediately above fascia level.

6.1.2. The Planning Authority refused the above three elements for the following stated reason:

No. 49 Camden Street Lower is located within a Conservation Area and the proposed internally illuminated menu board, signage above 2nd floor level and

the projecting signage would create visual clutter to the front façade of the building, be injurious to the character and visual amenities of this sensitive 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. The proposed development would also set an undesirable precedent for similar type development and would therefore be contrary to the proper planning and sustainable development of the area.

6.1.3. The grounds of appeal are summarised as follows:

- The proposed development is consisted with appropriate development parameters, accords with all relevant Development Plan and Shopfront Design Guidelines
- With regard to the “Wetherspoon” wall mounted lettering at No. 49 –
 - The lettering is made of stainless steel and have a height of 344mm and a 4082mm length.
 - This is not considered to be excessive, and the lettering is non-illuminated.
 - The lettering is intended to provide a discreet signage addition that identifies the proprietor’ name from a distance.
 - It is not agreed that the lettering will add visual clutter to the front elevation or will have a detrimental visual impact on the conservation area.
 - The lettering is similar in scale and materials to the neighbouring licenced premises.
- With regard to the Menu Board -
 - It is submitted that this is a necessary piece of signage at this location to indicate what is available within the premises.
 - The signage is essential to maximise the benefits of pass by trade at this competitive food and beverage location.
 - The board will be attached to the new pavement area and is at the front of a non-protected structure.
 - It is fully reversible and can be removed to return the building to its original state.

- There is a direct correlation between the amount of advertising signage that can be provided, and the number of customers attracted to a premises.
- The sign is 0.5m x 0.72m in size and has a side profile of 50mm.
- It is requested that the Board weigh the economic requirements of existing businesses with the conservation requirements.
- With regard to the Projecting Sign -
 - It is submitted that the sign is designed as an artistic feature, with high quality materials and design, using a stain glass effect to reference the historical uses at this location.
 - The location of the sign does not obstruct the signage of other users in the locality.
 - When viewed in totality, the proposed signage is extremely modest and needs to be weighed against the economic requirements of existing businesses with the conservation requirements.
 - The projecting sign is considered an integral element and can be retained at its current location.
 - The removal of the projecting sign and the Wetherspoons lettering would leave only one element of the external signage – to the side of No. 5 Camden Street Upper, which references the proprietors' name. This could not be considered acceptable.
 - All proposed signage is considered minimal and appropriate within the context of the conservation area.
- Other Matters -
 - The PAs reason for refusal refers to the City Development plan and the Shopfront Design Guide.
 - It is submitted that the redevelopment of the site will see the preservation and re-use of a number of protected structures and a building of particular heritage merit. The applicant has done their utmost to propose a respectful restoration of these properties in this context.

- Some advertising is considered necessary and the removal of the elements for which retention is sought would reduce the effect of signage to virtually zero.
- It is submitted that the proposal complies with Policy CHC1 and RD7 and Section 11.1.5.6 of the City Development Plan.
- All of the proposed signage is fully reversible.

It is requested that permission be granted for the proposal as presented.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

The TII submitted an observation in relation to the proposal before the Board. The observation restates the submission to the PA during their assessment of the proposed development.

7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual Impacts
3. Other Issues
4. Appropriate Assessment

7.1. Principle of the development

7.1.1. The Board will note the planning history associated with this site. The redevelopment of the buildings is nearing completion and on the date of my site inspection, the area to the front was screened off from public access. I noted that the signage, the subject of this retention application, is in place and I acknowledge the nature of the subject appeal before the Board.

7.1.2. In this regard, I am generally satisfied that it is not necessary to address the elements permitted by the planning authority. I propose therefore, to restrict my assessment to the consideration of the three elements outlined in the appeal and which were refused for the following reason:

No. 49 Camden Street Lower is located within a Conservation Area and the proposed internally illuminated menu board, signage above 2nd floor level and the projecting signage would create visual clutter to the front façade of the building, be injurious to the character and visual amenities of this sensitive 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. The proposed development would also set an undesirable precedent for similar type development and would therefore be contrary to the proper planning and sustainable development of the area.

The Board will note that all three elements refused affect only No. 49 Camden Street Lower, and I note that this building is not identified as a protected structure. In principle, I consider that the proposed development might reasonably be considered as being acceptable subject to consideration of the visual impacts, given the location of the development adjacent to protected structures and within a conservation area.

7.2. Visual Impacts

7.2.1. The Planning Authority has considered that the proposed three advertisements / signs, when considered in the whole with the other permitted signage, would create visual clutter and be injurious to the character and visual amenities of the streetscape.

7.2.2. I refer the Board to Section 16.24.2 of the Development Plan which notes that shopfronts are one of the most important elements in defining the character, quality and image of the street. The plan notes that DCC seeks to protect and retain traditional and original shopfronts and to encourage new and contemporary shopfronts that are well designed. It is further indicated that there should be a regular change and rhythm to shopfronts to create visual interest every 5-8m. In the context of the subject site, I note that the overall development includes a number of properties along Camden Street Upper and Lower. The existing facades of the adjacent properties, primarily protected structures, have retained their original residential look with 'shopfronts' included on buildings to the south of the site. The subject appeal site includes 2 shopfronts, one at the hotel entrance at No. 5 Camden Street Lower and the second at the entrance to the main bar / restaurant associated with the overall development.

7.2.3. In support of the application, the Board will note the photomontage images submitted by the applicant. These images provide detail of the signage proposed. In terms of the:

- Addition of "Wetherspoon" in individual wall mounted lettering with no illumination above second floor level to the front elevation of 49 Camden Street Lower,
- Addition of 1 no. free standing internally illuminated menu board to the right of the main entrance at 49 Camden Street Lower,
- Addition of 1 no. projecting sign, internally illuminated with a warm white LED, to the front elevation of 49 Camden Street Lower immediately above fascia level,

I do not consider that they represent a significant visual dis-amenity in this historic streetscape. I am inclined to agree with the applicant that the overall design, scale and finish of the signage the subject of this retention application, has been discreetly actioned and are not so significant as to be injurious to the character of the streetscape, or impact on the character and setting of the adjacent protected structures. I have no objection to the retention of these elements.

7.3. Other Issues

7.3.1. Development Contribution

The Board will note that the TII have indicated that if the development is not exempt, a condition requiring the payment of a Section 49 levy should be attached to any grant of planning permission. In this regard, I note the planning history of the site. Planning permission was granted for the redevelopment of the site to provide the hotel currently nearing completion under ABP ref PL29S.247635 (PA ref: 2045/16). This permission included condition 17 which required the payment of a Section 48 Development Contribution. Condition 16 of the decision to grant required the submission of a bond, but no condition in relation to a Section 49 development contribution was included.

Given the nominal scale of the current proposal before the Board, together with the fact that the application came about on foot of the requirements of Condition 10 of the above cited Board decision, I would not consider it reasonable to include a condition requiring further development contributions.

7.4. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA) (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located approximately 3.5km to the east of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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

It is considered that the proposed signage will not seriously injure the visual amenities of the area or detract from the character of the streetscape or adjacent protected structures and would, subject to conditions set out below, be in accordance with the proper planning and sustainable development of the area. I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Dublin City Development Plan 2016-2022, and to the nature and scale of the signage as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or detract from the character of the streetscape and adjacent protected structures. 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 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 the 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. All relevant conditions attached to the previous grant of planning permission, ABP ref PL29S.247635 refers, shall be strictly adhered to.

Reason: In the interest of clarity.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, awnings / 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.

A. Considine

Planning Inspector

27/05/2021