

The Secretary,
 An Bord Pleanála,
 64 Marlborough Street,
 Dublin 1

AN BORD PLEANÁLA
 LDG- 027119-20
 ABP- _____
24 JUN 2020 JH
 Fee: € 220 Type: CHD
 Time: 15:05 By: hand

Date: 24th June 2020
 JSA Ref. 20021

Dear Sir/Madam,

RE: REFERRAL OF DECLARATION UNDER SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS TO WHETHER THE REPLACEMENT OF NON-ORIGINAL EXISTING SIGNAGE (AT NOS. 72 & 73 DAME STREET AS WELL AS THE FAÇADE AT CRAMPTON COURT), IS OR IS NOT DEVELOPMENT AND / OR IS OR IS NOT EXEMPTED DEVELOPMENT

Dublin City Council Reg. Ref. 0083/20

1.0 INTRODUCTION

- 1.1 On behalf of the applicant, Olympia Productions Unlimited, (73, Dame Street, Dublin 2), we hereby submit to An Bord Pleanála a referral of a Section 5 Declaration made by Dublin City Council on 12th June 2020. We enclose the statutory referral fee of €220.
- 1.2 A copy of the Dublin City Council Section 5 Declaration of 12th June 2020 and accompanying planners report is attached at **Appendix 1**. A copy of the application of 20th February 2020 (and the Further Information response) for the Section 5 Declaration is attached at **Appendix 2**.
- 1.3 This referral seeks a determination from An Bord Pleanála as to whether:
"the replacement of non-original existing signage (at nos. 72 & 73 Dame Street as well as the façade at Crampton Court), is exempt development."
- 1.4 It is respectfully submitted that the Section 5 Declaration request is being made out of an abundance of caution, insofar as it is respectfully submitted that the proposals are exempt development, having regard to their nature and extent and that the proposal relates to the replacement of existing established (non-original) signage, within the same form and extent in a 'like for like' format. In terms of appearance the proposals relate to a change in the colour of the background from bright red to a more understated black along with a minor change in lettering and can in no way be

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPi

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Senior Associate Directors: Stephanie Byrne BA MRUP MIPi Blaine Cregan B Eng BSc MSc

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John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.
 Registered in Ireland No. 396306. Registered Office: 39, Fitzwilliam Place, Dublin 2. VAT No. IE 6416306U

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London

Manchester

Leeds

considered to materially affect the character of the structure or be inconsistent with the established character of the street.

1.5 The key points of this referral are as follows:

- It is respectfully submitted that Articles 6 and 9 do not relate to and do not affect the exempted development provisions provided at Section 4 (1)(h) and Section 57(1) of the Planning and Development Act 2000, as amended under which this declaration is sought.
- It is considered that the replacement of 'like for like' signage would not materially affect any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.
- The proposal to renew and improve the signage does not materially affect the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.
- We would highlight that as a long-established entertainment venue c. 140 years in various forms, that the signage to promote the venue has undergone a number of iterations and predates the planning legislation in 1964.

1.6 Having regard to the above, and notwithstanding the Declaration issued by Dublin City Council, it is respectfully requested that An Bord Pleanála issue a Declaration to the effect that the replacement of non-original existing signage (at nos. 72 & 73 Dame Street as well as the façade at Crampton Court), is exempt development for the following reasons as detailed further in this referral.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The subject site is located at the Olympia Theatre (no. 72 Dame Street), a protected structure and the adjoining no. 73 Dame Street, Dublin 2.

Figure 2.1 Site Location



Source: Google Maps

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ILLUSTRATED BY Associates FROM _____

LDG- _____

ABP- _____

General Background to Olympia Theatre

- 2.2 The Olympia began as Dan Lowrey's Star of Erin Music Hall, which had a separate license to a theatre. It opened 22/12/1879. The main entrance was originally off Crampton Court where the Star of Erin was built behind the Dame street fronting house. JJ O'Callaghan was the architect (ecclesiastical architect) of Star of Erin 1879. The site was previously occupied by a bakehouse and businesses such as a gunmakers, jewellers, booksellers, watchmakers, shoemakers, engravers, and a tavern.
- 2.3 Re-modelling and alterations were made in 1897 with a new elaborate entrance from Dame Street by architect Richard Henry Brunton (Scottish Engineer). In 1889 its name changed again to Dan Lowrey's Palace of Varieties. Fabrication of the canopy was carried out by Saracen Ironworks Glasgow (Note: refer to the 19th century cast ironwork in the balconettes of no 74 Dame street) 1917 saw more refurbishments and the entrance moved to Dame Street with a new canopy and name change to Empire Palace of Varieties and then Empire Palace Theatre. In 1923, the name changed to The Olympia.
- 2.4 In the early 1970's the Olympia closed for a number of years following a roof collapse. The theatre was re-opened on 14th March 1977.
- 2.5 Between 2015/2016 period, the Olympia underwent refurbishment.

3.0 RECENT PLANNING HISTORY

- 3.1 A review of the Dublin City Council online planning search revealed the following permissions on site. The proposed site has been subject to both planning permissions and exemptions of development in recent years.
- 3.2 Relevant planning history is noted as follows:

Reg. Ref.: 0083/20 Application for Exemption Certificate Replacement of non-original existing signage

- 3.3 This application for an exemption of development for the replacement of non-original signage is ongoing. The submission was lodged on the 10th of March 2020. On the 15th of May 2020 further information regarding this was lodged, following a request from Dublin City Council.
- 3.4 This signage is the 3 wall mounted signs in question in this application for permission.

Reg. Ref.: 0358/15 removal of the existing render to east elevation (Sycamore Street)

- 3.5 On the 25th of November 2015, Dublin City Council refused an exemption certificate for the removal of the existing render and its replacement with repointed brickwork.

Reg. Ref.: 0226/11 Exemption Certificate Restoration of roof over the Olympia stage

- 3.6 On the 24th of February 2012, Dublin City Council granted an exemption certificate at The Olympia Theatre, 72, Dame Street, Dublin 2 for works comprising:

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"the restoration of the slate roof over the Olympia stage including repairs to the roof lantern and strengthening at the bearing ends of the queen post trusses which are at risk due to water ingress and wet rot."

4.0 REQUEST FOR A SECTION 5 DECLARATION

4.1 This Section 5 application seeks a Declaration on the following:

"the replacement of non-original existing signage (at nos. 72 & 73 Dame Street as well as the façade at Crampton Court), for 18 months is exempt development."

5.0 DUBLIN CITY COUNCIL'S SECTION 5 DECLARATION

5.1 We attach copies of the Dublin City Council Planner's Report on the Section 5 application the subject of this referral and also the Council's Declaration at Appendix 1. Both set out the Council's approach to assessing the current proposal. Key elements of both are summarised below.

The Planner's Report

5.2 We agree with the assessment of the Planners report (see Appendix 1) attached to the current section 5 (0083/20), which states:

*"the provision of new signage to the shopfront, side elevations of the canopy and to the entrance to the theatre is **considered a like-for-like replacement of the existing signage. These are therefore deemed exempted development.**"* (JSA emphasis added).

5.3 The Planner's Report (10th June), Planning Assessment, outlines that: *"The Planning Authority is of the opinion like-for-like replacement of the present signage to the sides of the canopy to no. 72 Dame Street and to the shopfront at no. 73 Dame Street as outlined in the application would be considered exempted development under Section 4(1)(h) and Section 57(1) of the Act. However, Article 9 (1) of the Planning and Development Regulations states that:*

'Development to which article 6 relates shall not be exempted development for the purposes of the Act –(a) If the carrying out of such development would-(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.'

5.4 The report thereafter sets out the Planner's understanding that the works are development and would be considered to be exempt development under Section 4(1)(h) and Section 57 of the Act. However, it is respectfully submitted that the Planner's report incorrectly applies article 9 of the Planning and Development Regulations to the proposed replacement signage.

5.5 While Article 9 (1)(viii) of the Planning and Development Regulations does place a restriction on exemptions under Article 6 (as set out in class specified in of column 1 of Part 1 of Schedule 2) of the Planning and Development Regulations 2001 (as amended), it is important to note that this provision does not apply to the proposal to replace the existing signage under Section 4(1)(h) of the Act.

5.6 For the purpose of clarity, it is noted that Articles 6 and 9 do not relate to and do not affect the exempted development provisions provided at Section 4 (1)(h) and Section 57(1) of the Planning and Development Act 2000, as amended under which this declaration is sought.

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- 5.7 We would highlight that the Planner's report does not address in any meaningful manner the Further Information submission made by John Spain Associates. Furthermore, it is unclear how the signage on Crampton Court façade could materially affect the appearance of the protected structure.
- 5.8 It is considered that the proposal to renew and improve the signage does not materially affect the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.
- 5.9 Furthermore, it is considered that the replacement of 'like for like' signage would not materially affect any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.
- 5.10 The Act is designed to allow for renewal repair of existing structures so as to ensure that the planning system is not overrun, particularly where the proposals (in the case of the Olympia) are modest and minor in nature.
- 5.11 While the Planner's report does query the 'provenance' of a planning application, it is respectfully submitted that this is not pertinent to the Section 5 assessment for the reasons outlined above.
- 5.12 As highlighted previously, the applicant is to invest substantially in the renovation of the Olympia Theatre and the signage is part of the overall strategy of providing an additional and sustainable income stream, which will benefit the wider protected structure and its renovations.

The Council's Declaration

- 5.13 The (split) Declaration of Dublin City Council of 16th June 2016 states that:

"The proposed replacement of the present signage to the sides of the canopy to no. 72 Dame Street and to the shopfront at no. 73 Dame Street (only) for 18 months would comprise development which would come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 (as amended) and would not materially affect the character of the Protected Structure and therefore would NOT require planning permission when carried out in accordance with the Guidelines for Planning Authorities on Architectural Heritage Protection (2011) and in line with best conservation practice.

and to refuse exemption for:

The replacement of the two wall-mounted signs to the Dame Street elevation and the wall-mounted sign on the Crampton Court elevation would not be considered exempted development as the existing signs have been determined unauthorised development and therefore works to alter these cannot be considered exempted development.

The proposed replacement of wall mounted signage on the Protected Structure, comprising 2 no. signs to nos. 72 and 73 Dame Street and the facade at Crampton Court for 18 months (or for any other period) would comprise development which would not come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 (as amended) as the proposed development would materially affect the character of the Protected Structure and therefore would require planning permission. Note: The three wall mounted signs of the Protected Structure

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24 JUN 2020

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referred to in B above are considered by the Planning Authority to comprise development (individually and collectively) that is not exempted development, by virtue of their individual and collective material impact on the architectural character of the protected structure, and for which no grant of planning permission exists nor has been proven or provided by the applicant or agent upon request."

Response to Dublin City Council's Planner's Report and Declaration

- 5.14 It is respectfully submitted that there are a number of issues with both the Planner's Report and the Council's final declaration, which should be clarified in the context of this Section 5 referral. We discuss each of these issues below.
- 5.15 We would highlight that as a long-established entertainment venue c. 140 years in various forms, that the signage to promote the venue has undergone a number of iterations and predates the planning legislation in 1964.
- 5.16 We would note that the Planning Act defines "*unauthorised structure*" means a structure other than— (a) a structure which was in existence on 1 October 1964," (JSA emphasis added).
- 5.17 The extract below shows some of the iterations of signage on the façade over an extended timeframe. Even if the signage in place is not pre 1964, it has been in place for c. 16 years in its current form and location.
- 5.18 The link shows the current signage and also previous iterations from the 1960's. In other words, there has been signage of various types over time on the façade, commensurate with the function of the Theatre and has undergone change over an extended period, prior to the 1964 Planning Act, in some form or other.
- 5.19 It is considered that the change in colour and the addition of a logo would not materially affect the character of the protected structure (with the signage within the same footprint as existing). As detailed above there has been signage in place on the façade in some form or other for an extended period and that the renewal of signage occurs across the city on an ongoing basis including on protected structures.
- 5.20 It is considered that the replacement signage mirrors the character of the existing signage for the Olympia Theatre and does not impact in a material way on the character of the structure or of the neighbouring structures.
- 5.21 It is respectfully submitted that the Council has mistakenly applied Articles 6 and 9 of the Regulations do not relate to and do not affect the exempted development provisions provided at Section 4 (1)(h) and Section 57(1) of the Planning and Development Act 2000, as amended under which this declaration is sought.
- 5.22 The Council is relying on linking Articles 6 and 9 of the Regulations which relate to development of a class specified in column 1 of Part 1 of Schedule 2 to Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), under which this declaration relates. While Article 9 sets out restrictions on exemptions under a number of criteria, including development which "*(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*" it is respectfully submitted that Article 9 (i)(viii) does not apply in this instance.

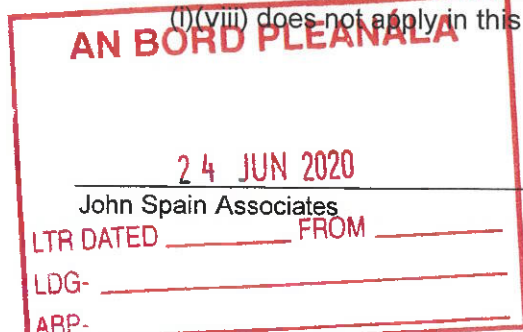


Figure 2 Façade of Olympia Theatre over time¹



- 5.23 It is respectfully submitted that the split decision by the Council is incongruous and inconsistent, particularly where the Crampton Court signage is not visible externally from Dame Street or the protected structures.
- 6.1 We refer the Board to the Conservation note from Mr. Brendan Mc Evoy, Master of Urban and Building Conservation and RIAI Architect Accredited in Conservation Grade 2, submitted with the Declaration (appendix 3) which states:

"In our opinion, if these new graphic elements are fixed reusing the existing signage fixings, and do not require any new fixings into the building fabric, there should be no impact on architectural heritage."

¹ <https://www.olympia.ie/venue-info/about-the-theatre/>

6.2 It is respectfully submitted that the replacement signage, is exempted development pursuant to Section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000, as amended, as the proposed works would not affect the external appearance of the structure, so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

6.0 SUMMARY AND CONCLUSIONS

6.1 This referral is made on behalf of our client, Olympia Productions Unlimited, following a Declaration by Dublin City Council on an application submitted under Section 5 of the Planning and Development, 2000, as amended in respect of whether the replacement of non-original existing signage (at nos. 72 & 73 Dame Street as well as the façade at Crampton Court), is exempt development. Dublin City Council issued a split Declaration confirming exempt development status for the signage to the sides of the canopy and shopfront of no. 73 Dame Street and refusing exemption to the 2 no. wall mounted signs onto Dame Street and Crampton Court elevations. .

6.2 Having regard to the above, An Bord Pleanála is respectfully invited to determine that the replacement of non-original existing signage (at nos. 72 & 73 Dame Street as well as the façade at Crampton Court), is exempt development.

Yours faithfully,



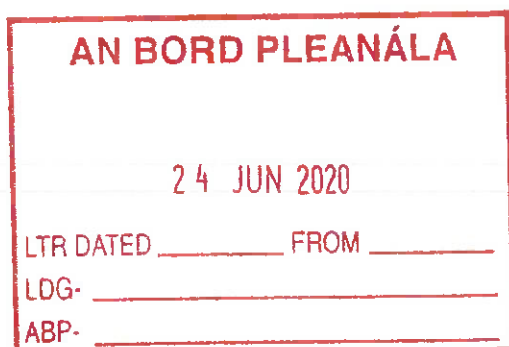
John Spain Associates

Enclosures:

Appendix 1: Copy of the Dublin City Council Section 5 Declaration of 16th June 2020 and accompanying planners reports.

Appendix 2: Copy of the Section 5 Declaration application and Further Information Response by Applicant.

Appendix 3: Conservation Note from Mr. Brendan Mc Evoy.



**APPENDIX 1 - COPY OF THE DUBLIN CITY COUNCIL SECTION 5 DECLARATION
AND ACCOMPANYING PLANNERS REPORT**

AN BORD PLEANÁLA

24 JUN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

Planning Registry & Decisions, Planning Department
Civic Offices, Wood Quay, Dublin 8

Clárlann / Cinntí Pleanála
An Roinn Pleanála agus Forbartha, Clárlann / Cinntí
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
T: (01) 672 2149 / F: (01) 670 7861

Date 16-Jun-2020

Rory Kunz,
John Spain Associates
39, Fitzwilliam Place
Dublin 2

Application No.	0083/20
Registration Date	22-May-2020
Decision Date	12-Jun-2020
Decision Order No	P3232
Location	72, 73 Dame Street, and the facade at Crampton Court, Dublin 2
Proposal	EXPP: PROTECTED STRUCTURE: Whether the replacement of non-original existing signage (at nos. 72 & 73 Dame Street and the facade at Crampton Court), for 18 months is or is not exempt development.
Applicant	Olympia Productions Unlimited

Dear Sir/Madam

With reference to the above proposal submitted by you, you are hereby notified that the Planning Authority in pursuance of the powers conferred on it by the Planning & Development Acts 2000 (as amended) has decided to **GRANT EXEMPTION** for:

The replacement of the present signage to the sides of the canopy to no. 72 Dame Street and to the shopfront at no. 73 Dame Street (only) for 18 months

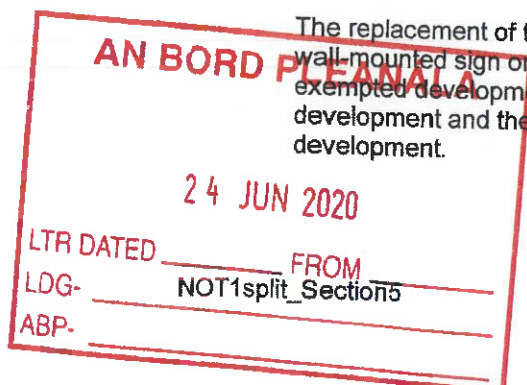
subject to the conditions specified in Schedule 1,

SCHEDULE 1 CONDITIONS AND REASONS

The proposed replacement of the present signage to the sides of the canopy to no. 72 Dame Street and to the shopfront at no. 73 Dame Street (only) for 18 months would comprise development which would come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 (as amended) and would not materially affect the character of the Protected Structure and therefore would NOT require planning permission when carried out in accordance with the Guidelines for Planning Authorities on Architectural Heritage Protection (2011) and in line with best conservation practice.

and to **REFUSE EXEMPTION** for:

The replacement of the two wall-mounted signs to the Dame Street elevation and the wall-mounted sign on the Crampton Court elevation would not be considered exempted development as the existing signs have been determined unauthorised development and therefore works to alter these cannot be considered exempted development.



Ceannofig, Oifigí na Cathrach, An Ché Adhmaid, Bhaile Átha Cliath 8, Éire
Head Office, Civic Offices, Wood Quay, Dublin 8, Ireland

T. 01 222 2222 W. www.dublincity.ie



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

Planning Registry & Decisions, Planning Department
Civic Offices, Wood Quay, Dublin 8

Clárann / Cinní Pleanála
An Roinn Pleanála agus Forbartha, Clárann / Cinní
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T: (01) 672 2149 / F: (01) 670 7861

Date 16-Jun-2020

for the reasons set out in Schedule 2

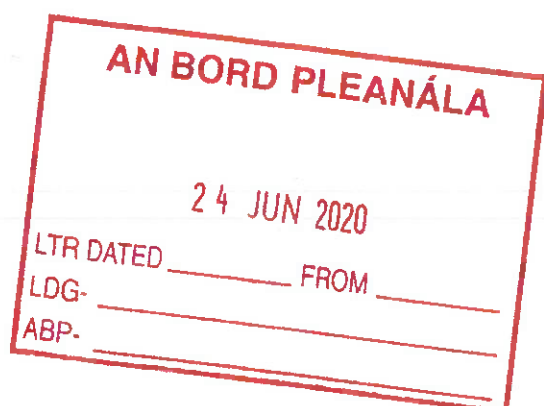
SCHEDULE 2 REASONS

The proposed replacement of wall mounted signage on the Protected Structure, comprising 2 no. signs to nos. 72 and 73 Dame Street and the façade at Crompton Court for 18 months (or for any other period) would comprise development which would not come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 (as amended) as the proposed development would materially affect the character of the Protected Structure and therefore would require planning permission:

Note: The three wall mounted signs of the Protected Structure referred to in B above are considered by the Planning Authority to comprise development (individually and collectively) that is not exempted development, by virtue of their individual and collective material impact on the architectural character of the protected structure, and for which no grant of planning permission exists nor has been proven no provided by the applicant or agent upon request

Signed on behalf of Dublin City Council


for Assistant Chief Executive



NOT1split_Section5

Ceannoifig, Oifigí na Cathrach, An Ché Adhmaid, Bhaile Átha Cliath 8, Éire
Head Office, Civic Offices, Wood Quay, Dublin 8, Ireland

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An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T. (01) 222 2288

E.: planning@dublincity.ie

11-Mar-2020

Rory Kunz,
John Spain Associates
39, Fitzwilliam Place
Dublin 2

Application Number	0083/20
Registration Date	20-Feb-2020
Decision Date	10-Mar-2020
Decision Order No.	P2710
Location	72, 73 Dame Street, and the facade at Crampton Court, Dublin 2
Proposal	EXPP: PROTECTED STRUCTURE: Whether the replacement of non-original existing signage (at nos. 72 & 73 Dame Street and the facade at Crampton Court), for 18 months is or is not exempt development.
Applicant	Olympia Productions Unlimited

- If you have any queries regarding this Request, please contact the number shown above

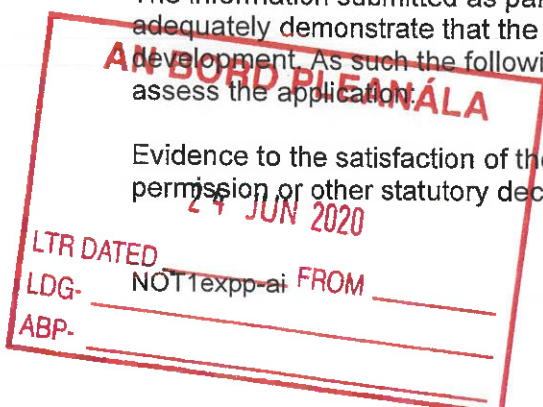
Please note that the effective lodgement date of your application will be the date on which this notice has been complied with.

Dear Sir/Madam,

With reference to the above application, I am directed by the Assistant Chief Executive to formally request that you submit the following ADDITIONAL INFORMATION in accordance with Section 5 of the Planning and Development Act 2000 (as amended).

The information submitted as part of the current Section 5 application does not adequately demonstrate that the proposed work would be considered exempted development. As such the following further information is required in order to fully assess the application.

Evidence to the satisfaction of the planning authority, either in the form of a planning permission or other statutory declaration, which demonstrates that the wall-mounted



DUBLIN CITY COUNCIL

Planning Department, Conservation Section

Tel. 01 2223926. Fax. 01 2222830

EXPP: 0083/20**APPLICANT:** Olympia Productions Unlimited**AGENT:** Rory Kunz, John Spain & Associates, 39 Fitzwilliam Place, Dublin 2**ADDRESS:** 72, 73 Dame Street & the façade at Crampton Court, Dublin 2**PROPOSED DEVELOPMENT:** Whether the replacement of non-original existing signage (at Nos. 72 & 73 Dame Street and the facade at Crampton Court), for 18 months is or is not exempt development.**STATUTORY PROTECTION:**

No.72 Dame Street, Dublin 2 is on the current Record of Protected Structures (Dublin City Development Plan 2016-2022). The reference number is 2127 and the description reads 'Olympia Theatre'.

DATE OF REPORT: 06/03/2020**PLANNING HISTORY**

Ref No.	Description	Decision
0834/98	Temporary retention for a period of five years of existing vertical display sign on the front facade of the Olympia Theatre (a listed building).	REFUSE PERMISSION 28-May-1998
2525/99	To take down the existing foyer box, office structure and realign the existing foyer doors to improve audience safety. The Olympia is a listed building and contains listed interiors.	REFUSE PERMISSION 01-Oct-1999
3564/00	The renovations and restoration of existing circle bar, located on the 2nd floor of the Olympia Theatre (a listed building)	GRANT PERMISSION 13-Dec-2000
2117/00	Proposed alterations and extension to the Olympia Theatre, 72 Dame Street, Dublin 2, a List 2 building incorporating enlargement of stalls area, new circle fire escape stairs, plant rooms over 3 levels, new toilets and stores at basement level.	REFUSE PERMISSION 13-Feb-2001
4736/03	We Olympia Productions Ltd. intend to apply to Dublin City Council for Planning Permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: Restoration of cast iron canopy and glazing to Dame Street Elevation. Increase to footpath of 1 metre at Dame Street entrance. Alteration of signage to Dame Street elevation. Painting to Dame Street Elevation. Restoration of sash windows to Dame Street Elevation. Alterations to central ticket office in entrance lobby. Enlargement of Stalls area. Removal of wcs to the rear of stalls. Alterations to Sheridan's Bar and Maureen's Bar. New Fire exit from Maureen's Bar to Sycamore Street. Demolition of single storey structure at Crampton Court. Erection of	GRANT PERMISSION 18-Nov-2003

AN BORD PLEANALA

24 JUN 2020

LTR DATED

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ABP-

FROM

REPI letter

	four storey structure at Crampton Court to include wc areas and storage. Alterations to Dressing Rooms & wcs at First Floor Level. General refurbishments internally. This application involves works to a Protected Structure.	
5880/03	We Olympia Productions Ltd intend to apply to Dublin City Council for planning permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: installation of new barrier to front of stage area. Alterations to front of stage area. Removal of wall to rear of stalls. Alterations to Stalls area. This application involves work to a Protected Structure.	GRANT PERMISSION 10-Feb-2004
5662/05	We Olympia Productions Ltd. intend to apply to Dublin City Council for planning permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: The addition of a new fire exit and corridor from Sheridan's Bar & associated works.	GRANT PERMISSION 05-May-2006
0226/11	The works comprise the restoration of the slate roof over the Olympia stage including repairs to the roof lantern and strengthening at the bearing ends of the queen post trusses which are at risk due to water ingress and wet rot.	Grant Exemption Certificate 24-Feb-2012
0358/15	PROTECTED STRUCTURE: It is proposed to remove the existing render to east elevation (Sycamore Street) as it has become unsafe and some portions have fallen to the street. It is then proposed to assess the brickwork beneath to see if it can be sealed and pointed. The exposed and repointed brickwork will then form the finish facade to the portion of the elevation which is at present rendered. If the brickwork is unsuitable as a finish it will be rendered back to its existing finish.	Refuse Exemption Certificate 23-Nov-2015

PLANNING ENFORCEMENT HISTORY

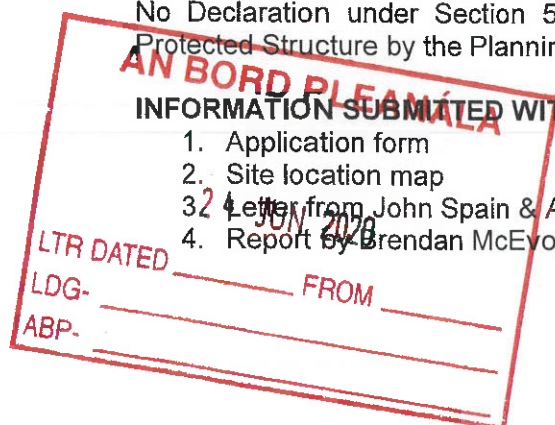
Ref. No.	Opened	Reason	Closed	Reason
E0738/97	03-Jul-1997	Large scale Perspex sign gr. fl. canopy – covers 2 flrs.	17-Dec-1998	Use ceased
E0972/04	18-Nov-2004	The cast-iron canopy and glazing fronting Dame St have been destroyed	06-Dec-2007	Closed – Reg unauthorised development
E0629/15	18-Aug-2015	Two storage containers placed on vacant site	04-Jan-2016	Structures Removed/reinstated
E0190/17	03-Mar-2017	Unauthorised development works – removal of stained glass counter	24-May 2017	Complies with permission

SECTION 57 DECLARATION

No Declaration under Section 57 of the Act has been requested or issued for the Protected Structure by the Planning Authority.

INFORMATION SUBMITTED WITH THE APPLICATION

1. Application form
2. Site location map
3. Letter from John Spain & Associates
4. Report by Brendan McEvoy, conservation architect



5. Drawings
6. Letter of support/consent from owner of No.73 Dame Street

REPORT/ASSESSMENT

The Olympia Theatre comprises a site accessed through No.72 Dame Street, which expands out within the plots to the rears of Nos 71 and 73 and has elevations along Crampton Court to the west and Sycamore Street to the east. The ticket office is located to the ground floor of No.73 Dame Street.

It is proposed to replace the non-original signage to the Dame Street and Crampton Court elevations of the Olympia Theatre within its existing footprint. The signage in question comprises two wall-mounted signs to the upper floors of Nos.72 and 73 Dame Street, with a further wall-mounted sign to the Crampton Court elevation. It is also proposed to replace the signage to the sides of the canopy to No.72 and to the shopfront at No.73. The replacement of the signage is for an 18-month duration as an interim solution in advance of a future planning application.

Section 16.24.3 of the Dublin City Development Plan 2016-2022 states that '*...corporate signs will only be permitted where they are compatible with the character of the building, its materials and those of the adjoining buildings*'. The proposed new signage to the building includes the '3' logo, as the new sponsor of the Olympia Theatre. Notwithstanding the use of a corporate logo, and taking into account the temporary nature of the signage while a longterm solution is developed, the provision of new signage to the shopfront, side elevations of the canopy and to the entrance to the theatre is considered a like-for-like replacement of the existing signage. These are therefore deemed exempted development.

The wall-mounted signs are fixed top and bottom to the masonry walls with simple horizontal brackets. The sign to the Crampton Court elevation is face-fixed with the fixings concealed behind the signboard. The report accompanying the Section 5 application states that no new fixings are required for the signage to both the Dame Street and Crampton Court elevations.

The provenance of the wall-mounted signs is unknown. A planning application in 2003 (Ref 4736/03) does not indicate the presence of the signage on the accompanying drawings and no reference to them is made within the application. However, an image showing the reinstatement of the canopy in 2007 following its destruction in 2004 does show the signs on the building. A search of planning applications for the site did not yield any evidence of permission being granted for the signs. The planning granted in 2003 required the omission of new signage at eaves level to the Dame Street elevation, which was to replace existing signage '*In order to safeguard the architectural integrity of the protected structure and specifically listed elements within the building and in the interests of visual amenity in a Conservation Area*'.

In the absence of any proof of permission for the wall-mounted signage, the planning authority cannot determine if their replacement would be considered exempted development. Therefore, the applicant is requested to submit evidence to the satisfaction of the planning authority, either in the form of a planning permission or other statutory declaration, which demonstrates that the wall-mounted signage is permitted.

RECOMMENDATION

The information submitted as part of the current Section 5 application does not adequately demonstrate that the proposed work would be considered exempted development. As such the following further information is required in order to fully assess the application:

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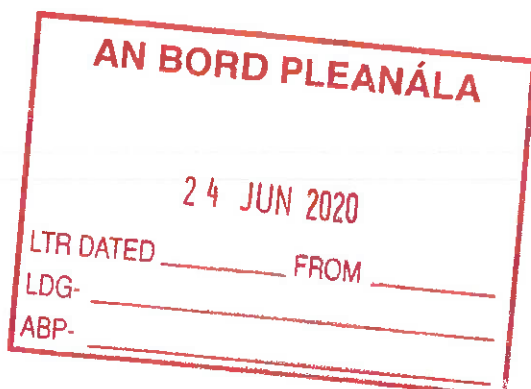
- Evidence to the satisfaction of the planning authority, either in the form of a planning permission or other statutory declaration, which demonstrates that the wall-mounted signage to the Dame Street and Crampton Court elevations is permitted.
- The applicant is advised to contact the Mary-Liz McCarthy in the Conservation Section to clarify any queries in advance of submitting the requested additional information - maryliz.mccarthy@dublincity.ie or 01 222 6234.

Mary-Liz McCarthy
Assistant Architectural Conservation Officer

Date

Brianán Nolan
Senior Executive Planner

Date



An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T. (01) 222 2288

E.: planning@dublincity.ie

11-Mar-2020

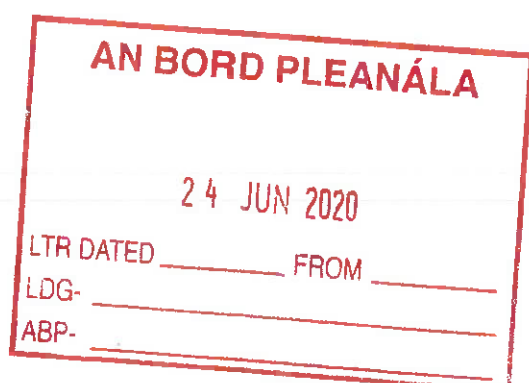
signage to the Dame Street and Crampton Court elevations is permitted.

The applicant is advised to contact the Mary-Liz McCarthy in the Conservation Section to clarify any queries in advance of submitting the requested additional information - maryliz.mccarthy@dublincity.ie or 01 222 6234.

Please note that the effective lodgement date of your application will be the date on which this notice has been complied with.

Signed on behalf of the Dublin City Council _____

for Assistant Chief Executive



NOT1exp-ai

DUBLIN CITY COUNCIL**Planning Department**, Conservation Section

Tel. 01 2223926. Fax. 01 2222830

EXPP: 0083/20 – Additional Information**APPLICANT:** Olympia Productions Unlimited**AGENT:** Rory Kunz, John Spain & Associates, 39 Fitzwilliam Place, Dublin 2**ADDRESS:** 72, 73 Dame Street & the façade at Crampton Court, Dublin 2**PROPOSED DEVELOPMENT:** Whether the replacement of non-original existing signage (at Nos. 72 & 73 Dame Street and the facade at Crampton Court), for 18 months is or is not exempt development.**STATUTORY PROTECTION:**

No.72 Dame Street, Dublin 2 is on the current Record of Protected Structures (Dublin City Development Plan 2016-2022). The reference number is 2127 and the description reads 'Olympia Theatre'.

DATE OF REPORT: 06/03/2020**DATE OF RECEIPT OF ADDITIONAL INFORMATION:** 22/05/2020**DATE OF ADDITIONAL INFORMATION REPORT:** 10/06/2020**PLANNING HISTORY**

Ref No.	Description	Decision
0834/98	Temporary retention for a period of five years of existing vertical display sign on the front facade of the Olympia Theatre (a listed building).	REFUSE PERMISSION 28-May-1998
2525/99	To take down the existing foyer box, office structure and realign the existing foyer doors to improve audience safety. The Olympia is a listed building and contains listed interiors.	REFUSE PERMISSION 01-Oct-1999
3564/00	The renovations and restoration of existing circle bar, located on the 2nd floor of the Olympia Theatre (a listed building)	GRANT PERMISSION 13-Dec-2000
2117/00	Proposed alterations and extension to the Olympia Theatre, 72 Dame Street, Dublin 2, a List 2 building incorporating enlargement of stalls area, new circle fire escape stairs, plant rooms over 3 levels, new toilets and stores at basement level.	REFUSE PERMISSION 13-Feb-2001
4736/03	We Olympia Productions Ltd. intend to apply to Dublin City Council for Planning Permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: Restoration of cast iron canopy and glazing to Dame Street Elevation. Increase to footpath of 1 metre at Dame Street entrance. Alteration of signage to Dame Street elevation. Painting to Dame Street Elevation. Restoration of sash windows to	GRANT PERMISSION 18-Nov-2003

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ESP1 letter

	Dame Street Elevation. Alterations to central ticket office in entrance lobby. Enlargement of Stalls area. Removal of wcs to the rear of stalls. Alterations to Sheridan's Bar and Maureen's Bar. New Fire exit from Maureen's Bar to Sycamore Street. Demolition of single storey structure at Crampton Court. Erection of four storey structure at Crampton Court to include wc areas and storage. Alterations to Dressing Rooms & wcs at First Floor Level. General refurbishments internally. This application involves works to a Protected Structure.	
5880/03	We Olympia Productions Ltd intend to apply to Dublin City Council for planning permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: installation of new barrier to front of stage area. Alterations to front of stage area. Removal of wall to rear of stalls. Alterations to Stalls area. This application involves work to a Protected Structure.	GRANT PERMISSION 10-Feb-2004
5662/05	We Olympia Productions Ltd. intend to apply to Dublin City Council for planning permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: The addition of a new fire exit and corridor from Sheridan's Bar & associated works.	GRANT PERMISSION 05-May-2006
0226/11	The works comprise the restoration of the slate roof over the Olympia stage including repairs to the roof lantern and strengthening at the bearing ends of the queen post trusses which are at risk due to water ingress and wet rot.	Grant Exemption Certificate 24-Feb-2012
0358/15	PROTECTED STRUCTURE: It is proposed to remove the existing render to east elevation (Sycamore Street) as it has become unsafe and some portions have fallen to the street. It is then proposed to assess the brickwork beneath to see if it can be sealed and pointed. The exposed and repointed brickwork will then form the finish facade to the portion of the elevation which is at present rendered. If the brickwork is unsuitable as a finish it will be rendered back to its existing finish.	Refuse Exemption Certificate 23-Nov-2015

PLANNING ENFORCEMENT HISTORY

Ref. No.	Opened	Reason	Closed	Reason
E0738/97	03-Jul-1997	Large scale Perspex sign gr. fl. canopy – covers 2 flrs.	17-Dec-1998	Use ceased
E0972/04	18-Nov-2004	The cast-iron canopy and glazing fronting Dame St have been destroyed	06-Dec-2007	Closed – Reg unauthorised development
E0629/15	18-Aug-2015	Two storage containers placed on vacant site	04-Jan-2016	Structures Removed/reinstated
E0190/17	08-Mar-2017	Unauthorised development	24-May 2017	Complies with

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works – removal of stained
glass counter

permission

SECTION 57 DECLARATION

No Declaration under Section 57 of the Act has been requested or issued for the Protected Structure by the Planning Authority.

INFORMATION SUBMITTED WITH THE APPLICATION

1. Application form
2. Site location map
3. Letter from John Spain & Associates
4. Report by Brendan McEvoy, conservation architect
5. Drawings
6. Letter of support/consent from owner of No.73 Dame Street

Additional Information Submission:

Response letter

REPORT/ASSESSMENT

The Olympia Theatre comprises a site accessed through No.72 Dame Street, which expands out within the plots to the rears of Nos 71 and 73 and has elevations along Crampton Court to the west and Sycamore Street to the east. The ticket office is located to the ground floor of No.73 Dame Street.

It is proposed to replace the non-original signage to the Dame Street and Crampton Court elevations of the Olympia Theatre within its existing footprint. The signage in question comprises the following:

1. Two wall-mounted signs to the upper floors of Nos.72 and 73 Dame Street
2. A wall-mounted sign to the Crampton Court elevation.
3. The signage to the sides of the canopy to No.72 and to the shopfront at No.73.

The replacement of the signage is for an 18-month duration as an interim solution in advance of a future planning application.

Section 16.24.3 of the Dublin City Development Plan 2016-2022 states that '*...corporate signs will only be permitted where they are compatible with the character of the building, its materials and those of the adjoining buildings*'. The proposed new signage to the building includes the '3' logo, as the new sponsor of the Olympia Theatre. Notwithstanding the use of a corporate logo, and taking into account the temporary nature of the signage while a long term solution is developed, the provision of new signage to the shopfront, side elevations of the canopy and to the entrance to the theatre is considered a like-for-like replacement of the existing signage (no. 3 above). These are therefore deemed exempted development.

The provenance of the 3 no. wall-mounted signs is unknown i.e. the 2 no. signs to the upper floors of Nos. 72 and 73 Dame Street and 1 no. sign to the Crampton Court elevation is unknown. The applicant was requested to submit evidence to the satisfaction of the planning authority, either in the form of a planning permission or other statutory declaration, demonstrating that the wall-mounted signage had been permitted under a previous planning application.

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In response, the applicants make reference to the mention of signage in Planning Reg. Ref. 4736/03 and concludes that the proposals which '*...have been in place since that time were deemed to be appropriate...*' particularly in light of the closure of the enforcement file on the glass canopy. Images submitted show the signage on an image

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dated 2004.

In the opinion of the applicant's agents, John Spain & Associates, the status of the current signage is not relevant to the assessment and that the long-established entertainment venue has undergone a number of changes regarding signage over its 140 year history and that this particular signage has been in place for c.16 years. The report states that, in their opinion, Articles 6 and 9 (specifically 9 (1)(viii) of the Planning and Development Regulations do not relate to and do not affect the exempted development provisions provided at Section 4 (1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended), under which the declaration is sought.

In considering the information submitted as part of the additional information request it is noted that the applicant has not provided any evidence that the wall mounted signage has planning permission. These three signs are considered by the Planning Authority to comprise development, by virtue of their individual and collective material impact on the architectural character to the protected structure, and for which no grant of planning permission exists nor has been proven nor provided by the applicant and agent upon request.

The Planning Authority is of the opinion like-for-like replacement of the present signage to the sides of the canopy to no. 72 Dame Street and to the shopfront at no. 73 Dame Street as outlined in the application would be considered exempted development under Section 4(1)(h) and Section 57(1) of the Act. However, Article 9 (1) of the Planning and Development Regulations states that:

'Development to which article 6 relates shall not be exempted development for the purposes of the Act –

(a) *If the carrying out of such development would-
(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use'*

As the two wall mounted signs on the front (Dame Street) elevation and the wall mounted sign on the Crampton Court elevation, of the Protected Structure are considered (individually and collectively) by the Planning Authority to be development that is not exempted development and since none of the said signs have the benefit of a grant of planning permission, the proposed alterations to same are not exempted development in the opinion of the Planning Authority. The length of time that they have been in position on the structure does not regularise their planning status.

Conclusion

The proposed replacement of present signage to sides of the canopy to No. 72 Dame Street and to the shopfront at no. 73 Dame Street for 18 months is considered exempted development. However, the replacement of the two wall-mounted signs to the Dame Street elevation and the wall-mounted sign on the Crampton Court elevation would not be considered exempted development as the existing signs have been determined unauthorised development and therefore works to alter these cannot be considered exempted development.

RECOMMENDATION

A. It is considered that the proposed replacement of the present signage to the sides of the canopy to no. 72 Dame Street and to the shopfront at no. 73 Dame Street (only) for 18 months would comprise development which would come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 (as amended) and would not materially affect the character of the Protected Structure and therefore **would NOT require planning permission** when carried out in accordance with the Guidelines for Planning Authorities on Architectural Heritage Protection (2011) and in line with best conservation practice.

B. It is considered that the proposed replacement of wall mounted signage on the Protected Structure, comprising 2 no. signs to nos. 72 and 73 Dame Street and the façade at Crampton Court for 18 months (or for any other period) would comprise

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development which would not come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000 (as amended) as the proposed development would materially affect the character of the Protected Structure and therefore **would require planning permission**:

Note: The three wall mounted signs of the Protected Structure referred to in B above are considered by the Planning Authority to comprise development (individually and collectively) that is not exempted development, by virtue of their individual and collective material impact on the architectural character of the protected structure, and for which no grant of planning permission exists nor has been proven nor provided by the applicant or agent upon request.

Mary-Liz McCarthy

Mary-Liz McCarthy

Assistant Architectural Conservation Officer

10/06/2020

Date

I have read the Declaration on the above property, which is included in Dublin City Council's Record of Protected Structures. I recommend that the Declaration under Section 5 of the Planning and Development Act, 2000 be issued to the applicant in terms set out attached.

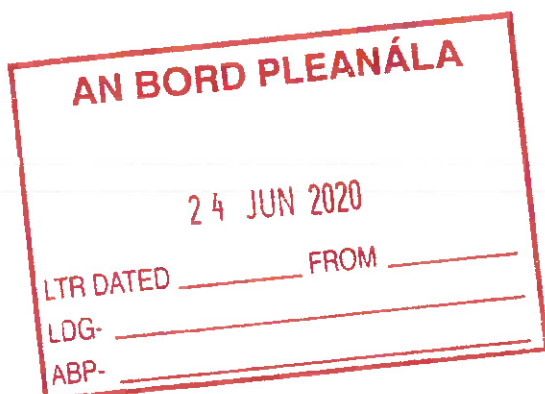
Brianán Nolan

Brianán Nolan

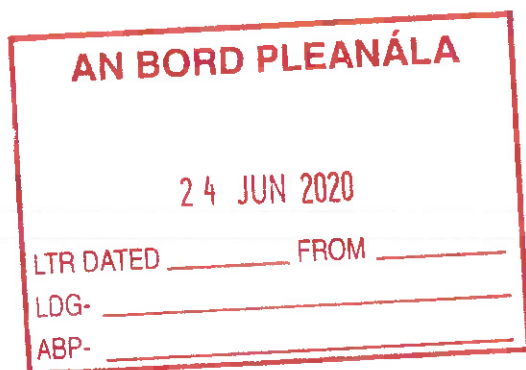
Senior Executive Planner

12/06/20

Date



**APPENDIX 2 - COPY OF THE SECTION 5 DECLARATION APPLICATION AND
FURTHER INFORMATION RESPONSE**



Dublin City Council,
Planning Department,
Civic Offices,
Wood Quay,
Dublin 8

Date: 20th February 2020

Dear Sir/ Madam,

RE: REQUEST FOR SECTION 5 DECLARATION IN RELATION TO REPLACEMENT OF NON-ORIGINAL EXISTING SIGNAGE AT NOS. 72, 73 DAME STREET, AND CRAMPTON COURT, DUBLIN 2.

1.0 INTRODUCTION

- 1.1 On behalf of the applicant, Olympia Productions Unlimited, (73, Dame Street, Dublin 2) we hereby apply for a Section 5 Declaration in respect to the above referenced development at the Olympia Theatre (no. 72 Dame Street, a protected structure), and adjoining site at no. 73 Dame Street Dublin 2, including the Crampton Court façade.
- 1.2 We request the Planning Authority to issue a Section 5 Declaration in relation to whether the replacement of non-original existing signage (at nos. 72 & 73 Dame Street and the façade at Crampton Court), for 18 months is or is not exempt development.
- 1.3 The proposals will act as an appropriate interim solution for the signage for the Olympia, within the existing footprint of (non-original) signage, in advance of a future integrated planning application for the overall signage.
- 1.4 The 18 months is to provide sufficient time to allow for the permanent proposals to be progressed through design (and to allow for potential appeals).
- 1.5 The applicant is to invest substantially in the renovation of the Olympia Theatre and the signage is part of the overall strategy of providing an additional and sustainable income stream, which will benefit the wider protected structure and its renovations.

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPI

Executive Directors: Paul Turley BA MRUP Dip Environmental & Planning Law MIPI Rory Kunz BA (MOD) MS&ERM MAT&CP Dip EIA Mgmt MIPI

Stephen Blair BA (Mod) MRUP MIPI MCTH Mary Mac Mahon MSc TCP Pg Dip MSP Pg Dip Env Eng Dip Env Plg Law Dip Mgmt Dip EIA & SEA B Soc Sc MIPI

Senior Associate Directors: Stephanie Byrne BA MRUP MIPI Blaine Cregan B Eng BSc MSc

Associate Directors: Luke Wymer BA MRUP Dip Planning & Environmental Law Dip PM MIPI Meadhbh Nolan BA MRUP MRTPI

John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.
Registered in Ireland No. 396306. Registered Office: 39, Fitzwilliam Place, Dublin 2. VAT No. IE 6416306U

Associate Offices: _____ London _____

Manchester

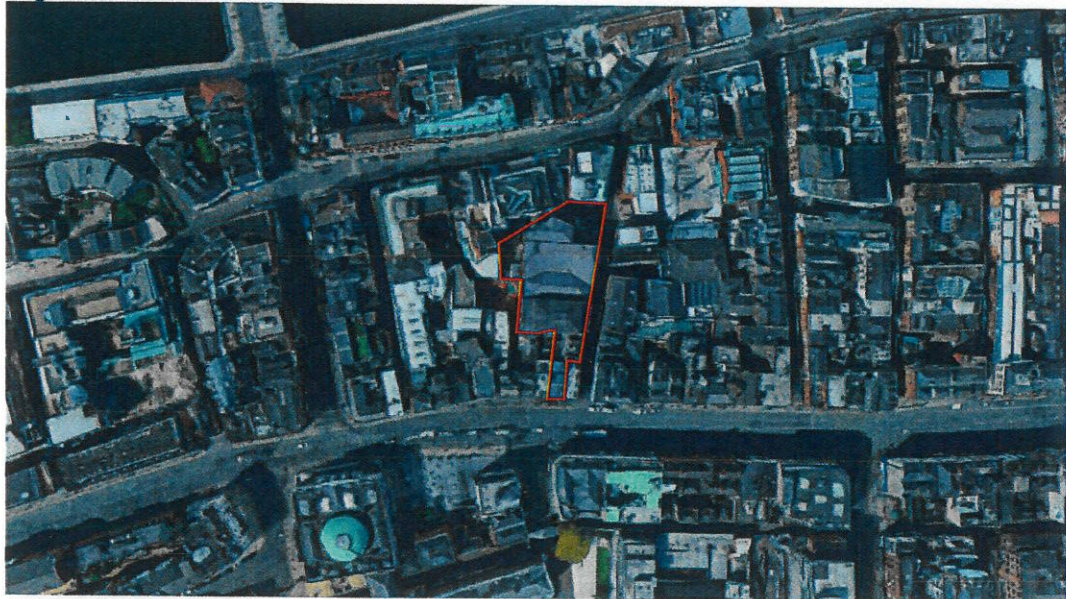
Leeds

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- 1.6 In order to assist with the assessment of this application for a Section 5 Declaration, we set out a detailed justification below supporting the case that the replacement signage is not development and does not require planning permission.
- 1.7 This Section 5 Declaration is being made out of an abundance of caution, insofar as it is respectfully submitted that the proposals are exempt development, having regard to their nature and extent and that the proposal relates to the removal of existing established (non-original) signage.
- 2.0 SITE LOCATION AND DESCRIPTION**
- 2.1 The lands are located at the Olympia Theatre (no. 72 Dame Street), a protected structure) and the adjoining no. 73 Dame Street, Dublin 2.

Figure 1 Site Location



Source: Google Maps

General Background to Olympia Theatre

- 2.2 The Olympia began as Dan Lowrey's Star of Erin Music Hall, which had a separate license to a theatre. It opened 22/12/1879. The main entrance was originally off Crampton Court where the Star of Erin was built behind the Dame street fronting house. JJ O'Callaghan was the architect (ecclesiastical architect) of Star of Erin 1879. The site was previously occupied by a bakehouse and businesses such as a gunmakers, jewellers, booksellers, watchmakers, shoemakers, engravers, and a tavern.
- 2.3 Re-modelling and alterations were made in 1897 with a new elaborate entrance from Dame Street by architect Richard Henry Brunton (Scottish Engineer). In 1889 its name changed again to Dan Lowrey's Palace of Varieties. Fabrication of the canopy was carried out by Saracen Ironworks Glasgow (Note: refer to the 19th century cast ironwork in the balconettes of no 74 Dame street) 1917 saw more refurbishments and the entrance moved to Dame Street with a new canopy and name change to Empire Palace of Varieties and then Empire Palace Theatre. In 1923, the name changed to The Olympia.

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John Spain Associates

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Planning & Development Consultants

2.4 In the early 1970's the Olympia closed for a number of years following a roof collapse. The theatre was re-opened on 14th March 1977.

2.5 Between 2015/2016 period, the Olympia underwent refurbishment.

3.0 PLANNING HISTORY

0226/11 Exemption Certificate Restoration of roof over the Olympia stage

3.1 On the 24th of February 2012, Dublin City Council granted an exemption certificate at The Olympia Theatre, 72, Dame Street, Dublin 2 for works comprising:

"the restoration of the slate roof over the Olympia stage including repairs to the roof lantern and strengthening at the bearing ends of the queen post trusses which are at risk due to water ingress and wet rot."

0358/15 removal of the existing render to east elevation (Sycamore Street)

3.2 On the 25th of November 2015, Dublin City Council refused an exemption certificate for the removal of the existing render and its replacement with repointed brickwork.

4.0 RELEVANT PLANNING LEGISLATION

4.1 The legislative provisions as set out below relating to exempted development are considered to be of relevance to this application for a Section 5 Declaration.

4.2 'Development' is defined at Section 3 of the Planning and Development Act 2000, as amended, as follows:

"the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land".

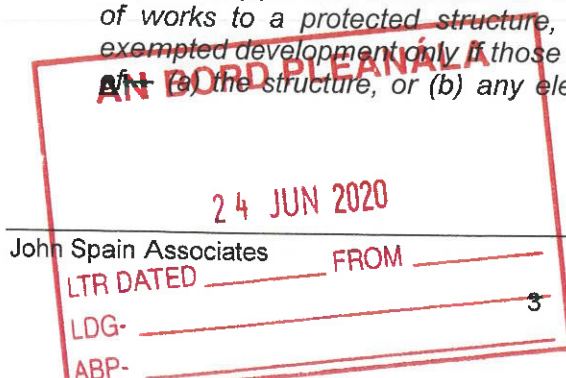
4.3 'Works' is defined as follows at Section 2 of the Planning and Development Act 2000, as amended:

"works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure".

4.4 Section 4(1)(h) of the Planning and Development Act 2000, as amended, reads as follows:

"Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with character of the structure or of neighbouring structures".

4.5 Section 57(1) of the Act states that "Notwithstanding section 4(1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of the structure, or (b) any element of the structure which contributes to its



special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

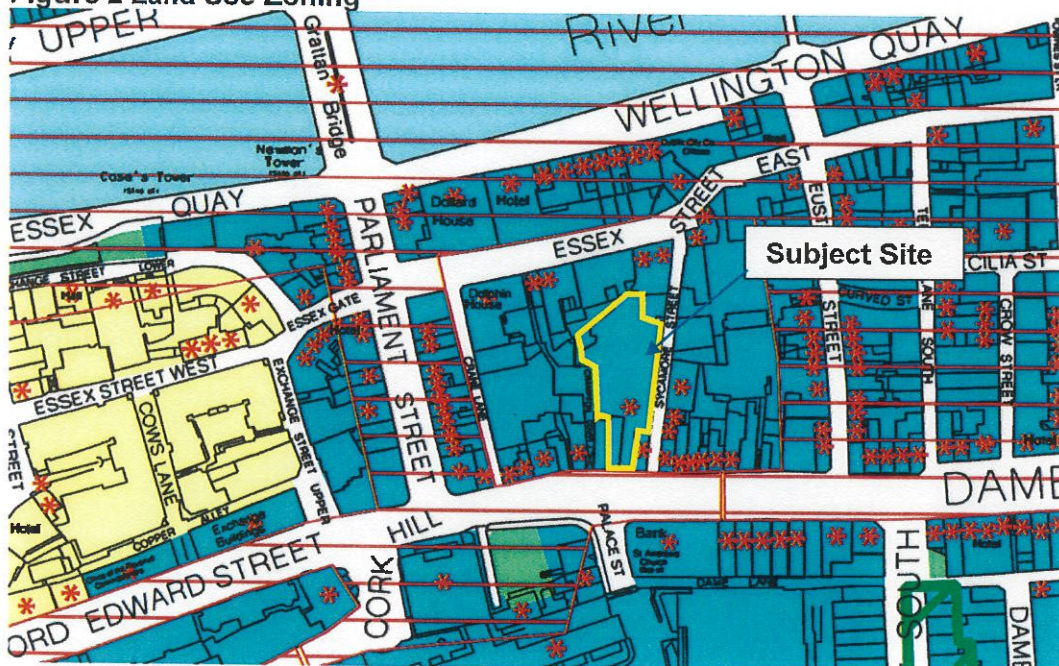
5.0 DUBLIN CITY DEVELOPMENT PLAN 2016 – 2022

5.1 Planning policies and objectives for Dublin City are currently set out within the Dublin City Development Plan 2016 – 2022. The proposed development is discussed in the context of relevant policies and objectives below.

Land Use Zoning

5.2 The subject site is zoned as 'Z5 – City Centre' in the Dublin City Development Plan with an objective "to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity." The site is identified below:

Figure 2 Land Use Zoning



Source: Map E – Dublin City Development Plan 2016-2022

5.3 The Development Plan states that "the primary purpose of this use zone (Z5) is to sustain life within the centre of the city through intensive mixed-use development"

5.4 The Plan goes on to states that "the strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night".

Protected Structure

5.5 While no. 72 Dame Street (Olympia Theatre) is a protected structure, it is noted. No. 73 Dame Street, is not indicated as a protected structure in the Record of Protected Structures or on Map 5 of the Dublin City Development Plan.

5.6 It is noted the subject lands are not located within an Area of Special Planning Control. They are not located within an Architectural Conservation Area (but located within wider Conservation area).

5.7 The following policy is noted:

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John Spain Associates FROM _____

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RD15: To require a 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 Dublin City Council's Shopfront Design Guidelines.

- 5.8 It is considered the proposed replacement signage is in compliance with Policy RD15, in that the proposals represent a high quality of design and finish for the Olympia Theatre.

Dublin City Council Shopfront Design Guidelines

- 5.9 While the proposals do not relate to a shopfront in the complete sense, it is considered the Dublin City Council Shop Front Design Guidelines provides some general guidance on the broad approach.
- 5.10 The Design Guidelines seek to encourage '*Contemporary Designs*' which are less ornate than their traditional counterparts. The proposed replacement signage is considered consistent with the Guidelines in this respect and will renew the signage, within the existing dimensions/size.
- 5.11 The Guidelines outline that a "*Shopfront is not an independent entity and is an integral part of the building to which it relates.*" The proposed replacement signage considers the overall building through the use of complementary materials, and a consistent, sequenced design approach throughout the proposal.
- 5.12 In accordance with the Guidelines the replacement design respects the scale and proportions of the streetscape by maintaining the existing grain and proportions of development along Dame Street and the Crampton Court façade.

6.0 ASSESSMENT OF PROPOSAL

The Proposed Works

Dame Street

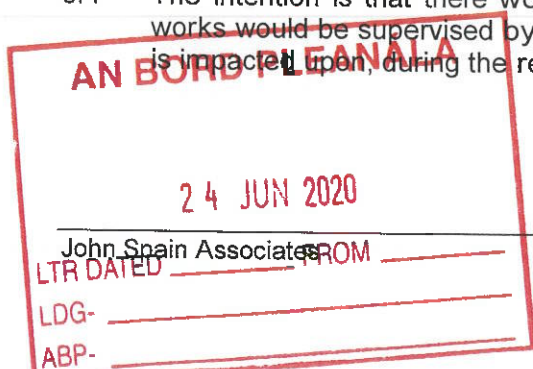
- 6.1 The existing signage onto Dame Street is a modern insertion, with 2 no. wall mounted signs onto the upper floors of no. 72 and 73 Dame street. These are fixed top and bottom with horizontal supports fixed into the masonry walls.

Crampton Court

- 6.2 The existing signage onto Crampton Court is a wall mounted sign, face-fixed to the masonry wall, the fixings concealed by the signboard.
- 6.3 The proposal is to replace the graphic signage element of these signs with new signage.

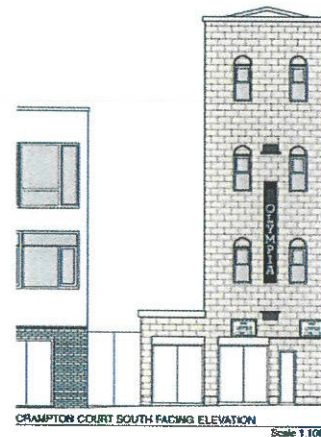
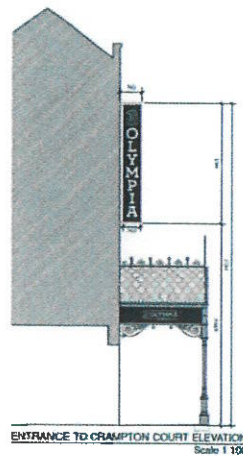
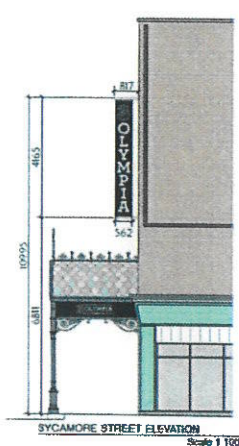
Method Statement

- 6.4 The intention is that there would be no historic fabric affected or impacted. The works would be supervised by a Conservation Architect to ensure no historic fabric is impacted upon, during the replacement of the signage.



John Spain Associates

Planning & Development Consultants



- 6.5 It is considered that the replacement signage mirrors the character of the existing signage for the Olympia Theatre and does not impact in a material way on the character of the structure or of the neighbouring structures.
- 6.6 The understated palette of colours, lettering and logos, is considered appropriate and will act as an appropriate interim solution to the marketing of the Olympia, in advance of a future integrated planning application.
- 6.7 The appearance of neighbouring structures is not impacted as they remain retail in nature with their own shopfronts and signage
- 6.8 We refer the Planning Authority to the enclosed Conservation note from Mr. Brendan Mc Evoy, Master of Urban and Building Conservation and RIAI Architect Accredited in Conservation Grade 2 which states:

"In our opinion, if these new graphic elements are fixed reusing the existing signage fixings, and do not require any new fixings into the building fabric, there should be no impact on architectural heritage."

- 6.9 It is respectfully submitted that the replacement signage, is exempted development pursuant to Section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000, as amended, as the proposed works would not affect the external appearance of the structure, so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

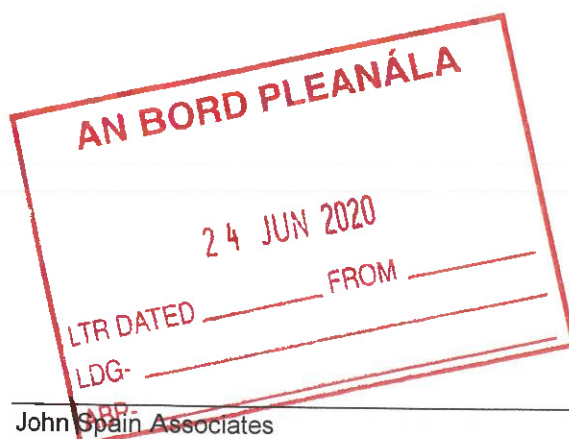
7.0 CONCLUSION

- 7.1 In assessing this Section 5 application we request the Planning Authority to consider whether the replacement of non-original existing signage (at nos. 72, 73 Dame Street and the façade at Crampton Court, is or is not development as defined by Section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended).
- 7.2 The following documentation (2 no. copies) is submitted with this Section 5 application:
- Section 5 Application Form;
 - 2 no. Drawings prepared by Broadstone Architects;
 - Report from Mr. Brendan Mc Evoy, Master of Urban and Building Conservation and RIAI Architect Accredited in Conservation Grade 2, of EMD Architects;
 - Letter of support/consent from owner of No. 73 Dame Street;
- 3.1 We would be grateful if Dublin City Council could issue a declaration under Section 5 of the Planning and Development Act 2000, as amended, to the effect that the:
- "the replacement of non-original existing signage (at nos. 72 & 73 Dame Street as well as the façade at Crampton Court), for 18 months is exempt development."*
- 3.2 Please do not hesitate to contact us should you require any clarification of the documentation enclosed.

Yours faithfully,



John Spain Associates



Dublin City Council,
Planning Department,
Civic Offices,
Wood Quay,
Dublin 8

20th May 2020

Dear Sir/ Madam,

RE: FURTHER INFORMATION RESPONSE IN RELATION TO A REQUEST FOR SECTION 5 DECLARATION IN RELATION TO REPLACEMENT OF NON-ORIGINAL EXISTING SIGNAGE AT NOS. 72, 73 DAME STREET, AND CRAMPTON COURT, DUBLIN 2.

Further Information Response 0083/20

1.0 INTRODUCTION

- 1.1 On behalf of the applicant, Olympia Productions Unlimited, (73, Dame Street, Dublin 2) we hereby submit this further information in respect of a Section 5 Declaration in relation to the above referenced site at the Olympia Theatre (no. 72 Dame Street, a protected structure), and adjoining site at no. 73 Dame Street Dublin 2, including the Crampton Court façade.
- 1.2 This further information is submitted in response to the letter dated the 10th of March 2020 under Reference no. 0083/20.
- 1.3 We note that the Further Information requested evidence to the satisfaction to the Planning Authority that the wall-mounted elevations to the Dame Street and Crampton Court elevations is permitted.
- 1.4 The Section 5 Declaration request is being made out of an abundance of caution, insofar as it is respectfully submitted that the proposals are exempt development, having regard to their nature and extent and that the proposal relates to the replacement of existing established (non-original) signage, within the same form and extent in a 'like for like' format. In terms of appearance the proposals relate to a change in the colour of the background from bright red to a more understated black along with a minor change in lettering and can in no way be considered to materially affect the character of the structure or be inconsistent with the established character of the street.

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14 JUN 2020

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPI
Executive Directors: Paul Turley BA MRUP Dip Environmental & Planning Law MIPi Rory Kunz BA (MOD) MSc ERM MAT&CP Dip ELA Mgmt MIPi
Stephen Blair BA (MOD) MRUP MIPi MRTPI Mary Mac Mahon MSc TCP Pg Dip MSP Pg Dip Env Eng Dip Env Plg Law Dip Mgmt Dip EIA & SEA B Soc Sc MIPi
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Associate Offices: London Manchester Leeds

2.0 RESPONSE TO FURTHER INFORMATION REQUEST

- 2.1 As noted above the Planning Authority is seeking clarification on the current planning status of the signage on the façades and welcome and agree with the assessment of the Planners report (see Appendix 1) attached to the current section 5 (0083/20), which states:

"the provision of new signage to the shopfront, side elevations of the canopy and to the entrance to the theatre is considered a like-for-like replacement of the existing signage. These are therefore deemed exempted development." (JSA emphasis added).

- 2.2 We would note that under Planning Reg. Ref. 4736/03, a final grant of planning permission was issued on the 7th of January 2004 for development comprising:

"We Olympia Productions Ltd. intend to apply to Dublin City Council for Planning Permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: Restoration of cast iron canopy and glazing to Dame Street Elevation. Increase to footpath of 1 metre at Dame Street entrance. Alteration of signage to Dame Street elevation. Painting to Dame Street Elevation. Restoration of sash windows to Dame Street Elevation. Alterations to central ticket office in entrance lobby. Enlargement of Stalls area. Removal of wcs to the rear of stalls. Alterations to Sheridan's Bar and Maureen's Bar. New Fire exit from Maureen's Bar to Sycamore Street. Demolition of single storey structure at Crampton Court. Erection of four storey structure at Crampton Court to include wc areas and storage. Alterations to Dressing Rooms & wcs at First Floor Level. General refurbishments internally. This application involves works to a Protected Structure." (emphasis added).

- 2.3 While condition no. 3 amended some elements of the proposal, and condition no. 3(iii) omitted the signage below eaves level *"the hand painted sign at this level may be retained, the colour and style of which shall be agreed with the planning authority"*.
- 2.4 While the full detail of the proposal is not available online, it is reasonable to assume that the proposals which have been in place since that planning time were deemed to be appropriate, particularly as an enforcement file relating to the glass canopy open at that time was closed.
- 2.5 In any case, that the status of the current signage is not relevant to the assessment. We would highlight that as a long-established entertainment venue c. 140 years in various forms, that the signage to promote the venue has undergone a number of iterations and predates the planning legislation in 1964.
- 2.6 We would note that the Planning Act defines "unauthorised structure" means a structure other than— (a) a structure which was in existence on 1 October 1964," (JSA emphasis added).
- 2.7 The extract below shows some of the iterations of signage on the façade over an extended timeframe. Even if the signage in place is not pre 1964, it has been in place for c. 16 years in its current form and location.

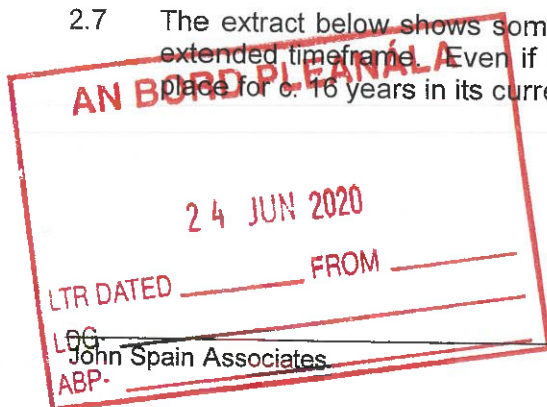


Figure 1 Façade of Olympia Theatre over time¹



2.8 While Article 9 (1)(viii) of the Planning and Development Regulations does place a restriction on exemptions under Article 6 (as set out in class specified in of column 1 of Part 1 of Schedule 2) of the Planning and Development Regulations 2001 (as amended), it is important to note that this provision does not apply to the proposal to replace the existing signage.

2.9 For the purpose of clarity, it is noted that Articles 6 and 9 do not relate to and do not affect the exempted development provisions provided at Section 4 (1)(h) and Section 57(1) of the Planning and Development Act 2000, as amended under which this declaration is sought.

2.10 The link shows (extracts above) the current signage and also previous iterations from the 1960's. In other words, there has been signage of various types over time on

¹ <https://www.olympia.ie/venue-info/about-the-theatre/>

the façade, commensurate with the function of the Theatre and has undergone change over an extended period, prior to the 1964 Planning Act, in some form or other.

- 2.11 It is considered that the proposal to renew and improve the signage does not materially affect the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.
- 2.12 Furthermore, it is considered that the replacement of 'like for like' signage would not materially affect any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.
- 2.13 It is considered that the change in colour and the addition of a logo would not materially affect the character of the protected structure (with the signage within the same footprint as existing). As detailed above there has been signage in place on the façade in some form or other for an extended period and that the renewal of signage occurs across the city on an ongoing basis including on protected structures.
- 2.14 The Act is designed to allow for renewal repair of existing structures so as to ensure that the system is not overrun, particularly where the proposals (in the case of the Olympia) are modest and minor in nature.
- 2.15 While the Planner's report does query the 'provenance' of a planning application, it is respectfully submitted that this is not pertinent to the Section 5 assessment for the reasons outlined above.
- 2.16 As highlighted previously, the applicant is to invest substantially in the renovation of the Olympia Theatre and the signage is part of the overall strategy of providing an additional and sustainable income stream, which will benefit the wider protected structure and its renovations.
- 2.17 It is considered that the replacement signage mirrors the character of the existing signage for the Olympia Theatre and does not impact in a material way on the character of the structure or of the neighbouring structures.
- 2.18 The understated palette of colours, lettering and logos, is considered appropriate and will act as an appropriate interim solution to the marketing of the Olympia, in advance of a future integrated planning application.
- 2.19 It is respectfully submitted that the replacement signage, is exempted development pursuant to Section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000, as amended, as the proposed works would not affect the external appearance of the structure, so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.



3.0 CONCLUSION

- 3.1 In assessing this Section 5 application we request the Planning Authority to consider whether the replacement of non-original existing signage (at nos. 72, 73 Dame Street and the façade at Crampton Court, is or is not development as defined by Section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended).
- 3.2 We would be grateful if Dublin City Council could issue a declaration under Section 5 of the Planning and Development Act 2000, as amended, to the effect that the:

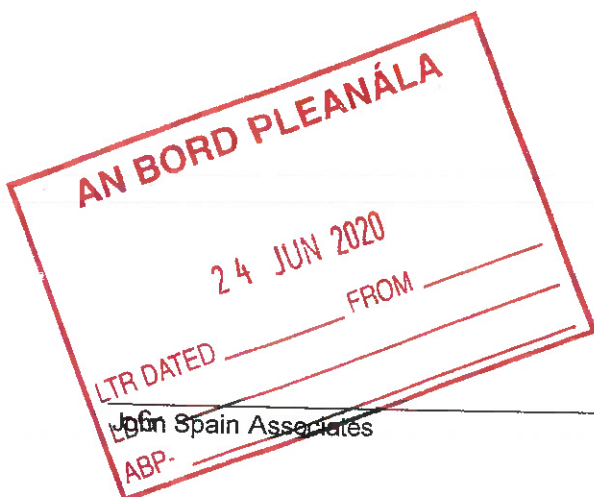
"the replacement of non-original existing signage (at nos. 72 & 73 Dame Street as well as the façade at Crampton Court), for 18 months is exempt development."

- 3.3 Please do not hesitate to contact us should you require any clarification of the documentation enclosed.

Yours faithfully,



John Spain Associates



Appendix 1 Planner's Report 0083/20.



DUBLIN CITY COUNCIL**Planning Department**, Conservation Section

Tel. 01 2223926. Fax. 01 2222830

EXPP: 0083/20**APPLICANT:** Olympia Productions Unlimited**AGENT:** Rory Kunz, John Spain & Associates, 39 Fitzwilliam Place, Dublin 2**ADDRESS:** 72, 73 Dame Street & the façade at Crampton Court, Dublin 2**PROPOSED DEVELOPMENT:** Whether the replacement of non-original existing signage (at Nos. 72 & 73 Dame Street and the facade at Crampton Court), for 18 months is or is not exempt development.**STATUTORY PROTECTION:**

No.72 Dame Street, Dublin 2 is on the current Record of Protected Structures (Dublin City Development Plan 2016-2022). The reference number is 2127 and the description reads 'Olympia Theatre'.

DATE OF REPORT: 06/03/2020**PLANNING HISTORY**

Ref No.	Description	Decision
0834/98	Temporary retention for a period of five years of existing vertical display sign on the front facade of the Olympia Theatre (a listed building).	REFUSE PERMISSION 28-May-1998
2525/99	To take down the existing foyer box, office structure and realign the existing foyer doors to improve audience safety. The Olympia is a listed building and contains listed interiors.	REFUSE PERMISSION 01-Oct-1999
3564/00	The renovations and restoration of existing circle bar, located on the 2nd floor of the Olympia Theatre (a listed building)	GRANT PERMISSION 13-Dec-2000
2117/00	Proposed alterations and extension to the Olympia Theatre, 72 Dame Street, Dublin 2, a List 2 building incorporating enlargement of stalls area, new circle fire escape stairs, plant rooms over 3 levels, new toilets and stores at basement level.	REFUSE PERMISSION 13-Feb-2001
4736/03	We Olympia Productions Ltd. intend to apply to Dublin City Council for Planning Permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: Restoration of cast iron canopy and glazing to Dame Street Elevation. Increase to footpath of 1 metre at Dame Street entrance. Alteration of signage to Dame Street elevation. Painting to Dame Street Elevation. Restoration of sash windows to Dame Street Elevation. Alterations to central ticket office in entrance lobby. Enlargement of Stalls area. Removal of wcs to the rear of stalls. Alterations to Sheridan's Bar and Maureen's Bar. New Fire exit from Maureen's Bar to Sycamore Street. Demolition of single storey structure at Crampton Court. Erection of	GRANT PERMISSION 18-Nov-2003

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DG- LABP.

	four storey structure at Crampton Court to include wc areas and storage. Alterations to Dressing Rooms & wcs at First Floor Level. General refurbishments internally. This application involves works to a Protected Structure.	
5880/03	We Olympia Productions Ltd intend to apply to Dublin City Council for planning permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: installation of new barrier to front of stage area. Alterations to front of stage area. Removal of wall to rear of stalls. Alterations to Stalls area. This application involves work to a Protected Structure.	GRANT PERMISSION 10-Feb-2004
5662/05	We Olympia Productions Ltd. intend to apply to Dublin City Council for planning permission (10 year permission is sought) at The Olympia Theatre, 72 Dame Street, Dublin 2. The development will consist of the following: The addition of a new fire exit and corridor from Sheridan's Bar & associated works.	GRANT PERMISSION 05-May-2006
0226/11	The works comprise the restoration of the slate roof over the Olympia stage including repairs to the roof lantern and strengthening at the bearing ends of the queen post trusses which are at risk due to water ingress and wet rot.	Grant Exemption Certificate 24-Feb-2012
0358/15	PROTECTED STRUCTURE: It is proposed to remove the existing render to east elevation (Sycamore Street) as it has become unsafe and some portions have fallen to the street. It is then proposed to assess the brickwork beneath to see if it can be sealed and pointed. The exposed and repointed brickwork will then form the finish facade to the portion of the elevation which is at present rendered. If the brickwork is unsuitable as a finish it will be rendered back to its existing finish.	Refuse Exemption Certificate 23-Nov-2015

PLANNING ENFORCEMENT HISTORY

Ref. No.	Opened	Reason	Closed	Reason
E0738/97	03-Jul-1997	Large scale Perspex sign gr. fl. canopy – covers 2 flrs.	17-Dec-1998	Use ceased
E0972/04	18-Nov-2004	The cast-iron canopy and glazing fronting Dame St have been destroyed	06-Dec-2007	Closed – Reg unauthorised development
E0629/15	18-Aug-2015	Two storage containers placed on vacant site	04-Jan-2016	Structures Removed/reinstated
E0190/17	03-Mar-2017	Unauthorised development works – removal of stained glass counter	24-May 2017	Complies with permission

SECTION 57 DECLARATION

No Declaration under Section 57 of the Act has been requested or issued for the Protected Structure by the Planning Authority.

INFORMATION SUBMITTED WITH THE APPLICATION

1. Application form
2. Site location map
3. Letter from John Spain & Associates
4. Report by Brendan McEvoy, conservation architect

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24 JUN 2020	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

5. Drawings
6. Letter of support/consent from owner of No.73 Dame Street

REPORT/ASSESSMENT

The Olympia Theatre comprises a site accessed through No.72 Dame Street, which expands out within the plots to the rears of Nos 71 and 73 and has elevations along Crampton Court to the west and Sycamore Street to the east. The ticket office is located to the ground floor of No.73 Dame Street.

It is proposed to replace the non-original signage to the Dame Street and Crampton Court elevations of the Olympia Theatre within its existing footprint. The signage in question comprises two wall-mounted signs to the upper floors of Nos.72 and 73 Dame Street, with a further wall-mounted sign to the Crampton Court elevation. It is also proposed to replace the signage to the sides of the canopy to No.72 and to the shopfront at No.73. The replacement of the signage is for an 18-month duration as an interim solution in advance of a future planning application.

Section 16.24.3 of the Dublin City Development Plan 2016-2022 states that '*...corporate signs will only be permitted where they are compatible with the character of the building, its materials and those of the adjoining buildings*'. The proposed new signage to the building includes the '3' logo, as the new sponsor of the Olympia Theatre. Notwithstanding the use of a corporate logo, and taking into account the temporary nature of the signage while a longterm solution is developed, the provision of new signage to the shopfront, side elevations of the canopy and to the entrance to the theatre is considered a like-for-like replacement of the existing signage. These are therefore deemed exempted development.

The wall-mounted signs are fixed top and bottom to the masonry walls with simple horizontal brackets. The sign to the Crampton Court elevation is face-fixed with the fixings concealed behind the signboard. The report accompanying the Section 5 application states that no new fixings are required for the signage to both the Dame Street and Crampton Court elevations.

The provenance of the wall-mounted signs is unknown. A planning application in 2003 (Ref 4736/03) does not indicate the presence of the signage on the accompanying drawings and no reference to them is made within the application. However, an image showing the reinstatement of the canopy in 2007 following its destruction in 2004 does show the signs on the building. A search of planning applications for the site did not yield any evidence of permission being granted for the signs. The planning granted in 2003 required the omission of new signage at eaves level to the Dame Street elevation, which was to replace existing signage '*In order to safeguard the architectural integrity of the protected structure and specifically listed elements within the building and in the interests of visual amenity in a Conservation Area*'.

In the absence of any proof of permission for the wall-mounted signage, the planning authority cannot determine if their replacement would be considered exempted development. Therefore, the applicant is requested to submit evidence to the satisfaction of the planning authority, either in the form of a planning permission or other statutory declaration, which demonstrates that the wall-mounted signage is permitted.

RECOMMENDATION

The information submitted as part of the current Section 5 application does not adequately demonstrate that the proposed work would be considered exempted development. As such the following further information is required in order to fully assess the application:

AN BORD PLEANALA

24 JUN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

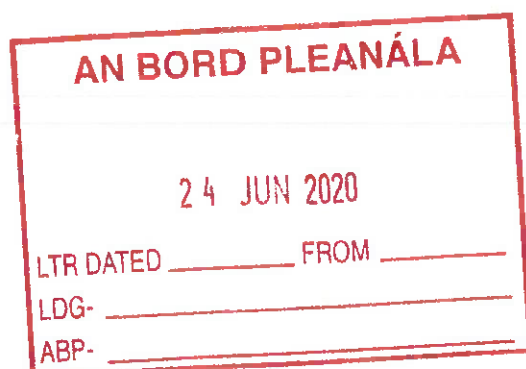
- Evidence to the satisfaction of the planning authority, either in the form of a planning permission or other statutory declaration, which demonstrates that the wall-mounted signage to the Dame Street and Crampton Court elevations is permitted.
- The applicant is advised to contact the Mary-Liz McCarthy in the Conservation Section to clarify any queries in advance of submitting the requested additional information - maryliz.mccarthy@dublincity.ie or 01 222 6234.

Mary-Liz McCarthy
Assistant Architectural Conservation Officer

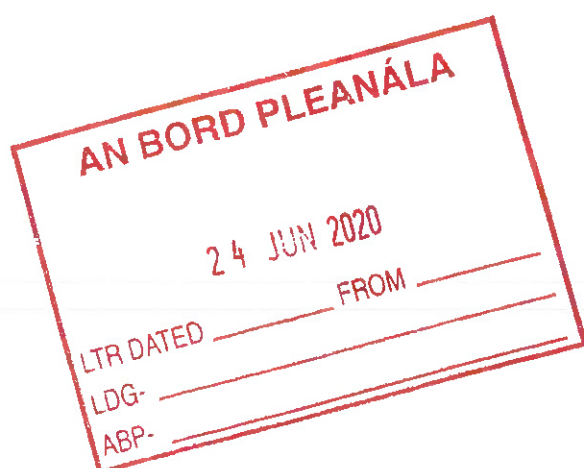
Date

Brianán Nolan
Senior Executive Planner

Date



APPENDIX 3 - CONSERVATION NOTE FROM MR. BRENDAN MC EVOY



EMD Architects

107 Ludford Road, Ballinteer, Dublin 16, Ireland

T +353 1 298 7948 F + 353 1 296 0811 W www.emdarchitects.com

Architectural Heritage Assessment Report;

Signage to facades of Olympia Theatre, 72 Dame Street, Dublin 2.

Date; 12th February, 2020.

1.1 Proposal;

The proposal seeks to replace the existing signage on the Dame Street façade and Crampton Court façade of the Olympia Theatre, for which the building owners are seeking to undertake this development as an exempted development under Section 5 of the Planning & Development Act.

This Report has been prepared by Mr. Brendan Mc Evoy, Master of Urban and Building Conservation and RIAI Architect Accredited in Conservation Grade 2, of EMD Architects, 107 Ludford Road, Ballinteer, Dublin 16.

1.2 Statutory protection;

Dublin City Council Development Plan 2016-2022 lists the building in the Record of Protected Structures as ref. no. 2127, recorded as 'Olympia theatre'.

2.0 Assessment;

The existing signage onto Dame Street is a modern insertion, with 2no. wall mounted signs onto the upper floors of no. 72 and 73 Dame street. These are fixed top and bottom with horizontal supports fixed into the masonry walls.

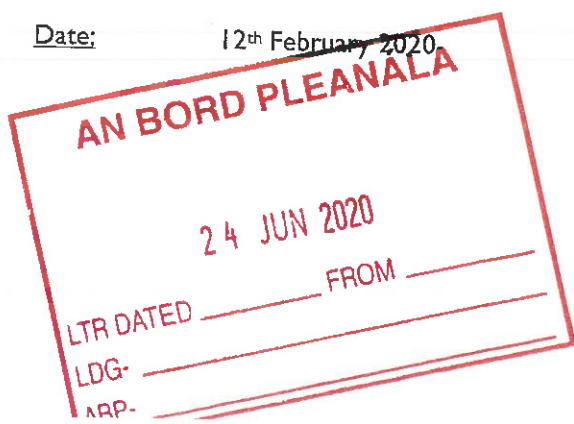
The existing signage onto Crampton Court is a wall mounted sign, face-fixed to the masonry wall, the fixings concealed by the signboard.

The proposal is to replace the graphic signage element of these signs with new signage.

In our opinion, if these new graphic elements are fixed reusing the existing signage fixings, and do not require any new fixings into the building fabric, there should be no impact on architectural heritage.

Prepared by: Brendan Mc Evoy, MRIAI, MUBC.

Date: 12th February 2020.





Left; Crampton Court existing signage between first and second floor windows on left. Centre; No. 72 and 73 Dame St with existing signage between second and third floor windows. Right; Detail of existing signage onto Dame Street.

Prepared by; Brendan Mc Evoy, MRIA, MUBC.

Date; 12th February 2020



