

# SCHEME OF SPECIAL PLANNING CONTROL

(INTERIM PUBLICATION)

Adopted 11/01/2016



## O'CONNELL STREET AND ENVIRONS

2016



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

<b>CONTENTS</b>	<b>PAGE</b>
Vision & Introduction	2
Executive Summary	4
Part 1      Land Use	5
Part 2      Maximising the Use of Buildings	10
Part 3      Shopfronts & Advertisement Structures	11
Part 4      The Built Fabric	16
Part 5      The Public Realm	17
Appendix 1    Definitions	18
Appendix 2    Appropriate Assessment & Strategic Environmental Appraisal	20

## VISION & INTRODUCTION

### i. Vision

***To re-establish O'Connell Street and environs as a place of importance in the social and cultural life of citizens and visitors, where buildings and their uses reflect a civic dignity and pride, and property owners and occupiers acknowledge their obligations as stakeholders and workers are assured fair working conditions in this area of special significance to the Irish Nation.***

### ii. Introduction

On July 9th 2001, Dublin City Council designated O'Connell Street and environs as an Architectural Conservation Area in recognition of its major architectural, historical, cultural, artistic and social importance to the city. Dublin City Council subsequently approved a Special Planning Control Scheme for the entire O'Connell Street Architectural Area on June 8th 2003 in order to provide more appropriate guidance on how to achieve a strong and dynamic relationship between the quality of architecture and the uses to which it is put. The 2003 Special Planning Control Scheme was reviewed and updated in September 2009.

As economic conditions in the city now begin to improve it is timely that a review and reconfirmation of the O'Connell Street Area Special Planning Control Scheme takes place. It is essential that Dublin City Council has the right land use policies in place for the future in order to maintain the architectural character of the O'Connell Street area and facilitate compatible land uses which will invigorate the area and benefit the entire city.

### iii. What is a Special Planning Control Scheme?

The designation of O'Connell Street Architectural Conservation Area as an Area of

Special Planning Control allows Dublin City Council to specify development objectives for the preservation or enhancement of the area that would further strengthen its designation as an Architectural Conservation Area.

Section 84 of the Planning & Development Act 2000 (as amended) states:

*"A planning authority may, if it considers that all or part of an architectural conservation area is of special importance to, or as respects, the civic life or the architectural, historical, cultural or social character of a city or town in which it is situated, prepare a scheme setting out development objectives for the preservation and enhancement of that area, or part of that area", including the promotion of an appropriate mix of uses and the remediation of derelict or vacant sites.*

### iv. Duration of the Scheme

The Special Planning Control Scheme shall remain in operation for six years. Dublin City Council will monitor and review the impact of the Scheme over this six year period and may by resolution, amend or revoke the Scheme as necessary. This document should be read in conjunction with the O'Connell Street Architectural Conservation Area Plan, in particular with regard to the general controls over works to the exterior of all buildings, both protected and non-protected.

### v. The Area of Special Planning Control

The extent of the Area of Special Planning Control is identical to that of the O'Connell Street Architectural Conservation Area. The full extent of the area is displayed in illustrative form in the map accompanying this document.

### vi. Special Note:

The Planning Authority may serve a notice on each person who is the owner or occupier of

land of measures required to be undertaken for –

- a) the restoration, demolition, removal, alteration, replacement, maintenance, repair or cleaning of any structure, or
- b) the discontinuance of any use or the continuance of any use subject to conditions.

Under this notice the Planning Authority must state they shall pay expenses that are reasonably incurred by that person in carrying out the steps specified in the notice, other than expenses that relate to unauthorised development carried out not more than 7

years prior to the service of the notice and state that the Planning Authority shall pay compensation to any person who shows that as a result of complying with the notice –

- a) the value of an interest he or she has in the land or part thereof existing at the time of the notice has been reduced, or
- b) he or she, having an interest in the land at that time has suffered damage by being disturbed in his or her enjoyment of the structure or other land, a sum being equal to the amount of such reduction in value or a sum in respect of the damage suffered.



## **EXECUTIVE SUMMARY**

### **Part 1 – Land Use - Existing and Future Uses**

This section highlights the importance of specific existing uses that are key components in the area by reason of their importance in architectural, social, cultural, economic and historic terms. This section also sets out general development management measures to achieve an appropriate mix and balance of uses in the O'Connell Street Special Planning Control area. It addresses planning exemptions relating to changes within the same use classes. Specific land use controls are also set out for a number of key streets to ensure that street specific needs are addressed whilst meeting the overall objectives of the vision for the area of special planning control.

### **Part 2 – Maximising the Use of Buildings**

This section sets out the objectives of the Scheme in relation to the use of upper floors and basements in order provide for intensification of use and to create opportunities for the provision of office, residential, educational and specialist retail uses and complementary services. This section also contains guidelines for new development.

### **Part 3 – Shopfronts & Advertisement Structures**

The Scheme de-exempts all signage and advertisements, both external and internal within the designated O'Connell Street Area Special Planning Control Scheme. This section recognises the Outdoor Advertising Strategy adopted by Dublin City Council in January 2013 and sets out development management measures for shopfront design and signage.

### **Part 4 – The Built Fabric**

This section sets out the objectives of the Scheme to secure the retention of the historic fabric of the area and development management measures for works that would materially affect the character of the structure and area which accords with the O'Connell Street Architectural Conservation Area Plan.

## **Part 5 – The Public Realm**

The key objective is to promote high quality and inclusive design to improve the quality of the public realm and open spaces. This section sets out standards for the development and maintenance of the public realm in the context of the Dublin City Public Realm Strategy and Luas Cross City.

## PART 1 – LAND USE

### Existing and Future Land Uses

**Key Objective: To protect and promote uses that contributes to the special interest or character of specific premises.**

As part of the review of the Special Planning Control Scheme existing land uses at ground floor level in the O'Connell Street area were assessed to determine the impact of the different types of land use on the architectural, historical and civic character of the area. In line with the original scheme the assessment took into account the following factors:

- The compatibility of each use with the building and adjoining buildings,
- The extent to which each use consolidates or interrupts the retail street frontage and discourages the location of higher order retail outlets,
- The presentation of each use to the street including shopfront design, control of advertisement structures and use of promotional material

Based on this assessment certain uses were identified as having a positive impact on the area while others were viewed as detracting from the architectural, historic and civic character of the area.

A number of uses in the O'Connell Street Area of Special Planning Control are identified as having special significance through their long association with the area. Businesses such as Clery's Department Store, The Gresham Hotel and Eason & Son Ltd. have helped shape the social, cultural, economic and architectural character of O'Connell Street and the area over generations. It is an objective of the Scheme of Special Planning Control to protect such uses that contribute significantly to the special character of the area.

Policy FC32 of the Dublin City Development Plan 2011-2017 sets out the City Council's policy to encourage the protection of the existing or last use of premises listed on the Record of Protected Structures where that use is considered to be an intrinsic aspect of the special, social, cultural and / or artistic interest of those premises. Furthermore it is stated that:

*"In considering applications for planning permission in respect of a change of use of any such premises to take into account as material consideration the contribution of the existing or last use of that structure to special, social, cultural and / or artistic interest of those premises and / or whether the new use would be inimical to the special interest identified."*

However, it must be acknowledged that in light of ongoing changes in the retail environment and consumer demands, there may be a call for changes in the retail format and layout of certain important historic stores. In the event of any such proposals being submitted, the primary objective will be to attract uses and formats that will contribute to the development of a strong and competitive retail sector on O'Connell Street and the restoration of the street as the principal civic thoroughfare of the city and a major shopping destination.

To comply with the Scheme, planning permission will be required for any change to these existing stores/ use(s); the retail format including subdivision, and layout and fitout of these premises. The impact of any proposed changes to these stores will be assessed and the onus will be placed on the applicant to demonstrate that the proposed development meets/satisfies the following criteria;

- Contributes positively to the primary retail function of the street
- Provides higher order retail use(s)
- Enhances the special architectural, historical and civic character of the street
- Enhances the special architectural, historical and civic character of the building(s)
- Intensifies the use of upper floors
- Improves the presentation of the shopfront(s) to the street

### Promotion of an appropriate mix and balance of uses

**Key Objective: To promote an appropriate mix and balance of uses in the O'Connell Street Area of Special Planning Control.**

The Dublin City Development Plan 2011-2017 promotes active uses at street level on the principal

shopping streets in the central shopping area having regard to the criteria for Category 1 and Category 2 streets<sup>1</sup>. The majority of the streets within the O'Connell Street Area of Special Planning Control are designated either as Category 1 principal shopping streets or Category 2 shopping streets.

The Retail Core Framework Plan sets out a number of guiding strategies to underpin the strengthening, consolidation and enhancement of the retail core area. This includes a strategy to introduce a greater diversity and mix of uses including evening time activity in the Henry Street Area.

### **Land Use Control – Control of changes within the Use Classes**

It is intended to ensure that any incoming use will enhance the character of the area and allow and encourage a diversity of uses to increase the overall attractiveness of the O'Connell Street area for shopping, leisure and business purposes. Control of changes within use classes will be applied to all proposed uses on two levels:

- General land use control.
- Specific street land use control.

### **General Land Use Control**

The following existing exemptions from seeking planning permission under the Planning and Development Regulations 2001 (as amended) (or any regulations revoking or re-enacting these regulations) relating to changes of land use will no longer apply. In the area covered by the O'Connell Street Area of Special Planning Control planning permission will be required for the following changes;

#### **1) Specific changes from within Class 1 'shop' to other types of 'shop' as defined below:**

- a) The sale of sandwiches or other food, hot or cold beverages, or of wine for consumption off the premises even where such food / beverages is subsidiary.

- b) Changes within other specified class groups.
- c) Changes under Class 14 (a), (b), (c), & (d) *Exempted Development – General* of the Planning and Development Regulations 2001 (as amended) (or any regulations revoking or re-enacting these regulations).
- d) The de-exemption of certain changes of use from café/restaurant use.

#### **2) Notwithstanding the interpretation of "shop" by Article 5 (1) of the Planning and Development Regulations 2001 (as amended) (or any regulations revoking or re-enacting these regulations) the change of use of a shop or part of a shop to a premises trading as any of the following will now constitute a material change of use and will require planning permission:**

- Catalogue shop
- Charity shop
- Collect store
- Cosmetics / beauty products
- Discount supermarket/shop / End of lines / Closing down/ Sales outlets / Euro store
- Hairdressers
- Health food shops
- Launderette or dry cleaners
- Mobile phone shop and related goods
- Newsagents / convenience store
- Off-licences, part off-licences and Wine shops
- Personal care and grooming services
- Pharmacy
- Sale of tickets / travel agents
- Seasonal shop
- Adult Entertainment Shop
- Souvenir/gift shop
- Stationary/ Card Shops
- Supermarket
- Tourist information centre/tourist services & sale of tickets

#### **3) Notwithstanding the interpretation of "shop" by Article 5 (1) of the Planning and Development Regulations 2001 (as amended) (or any regulations revoking or re-enacting these**

<sup>1</sup> See para. 10.5.2 and Fig 18 of the Dublin City Development Plan 2011-2017.



**regulations) the change of use of a shop or part of a shop to a premises trading as the following will now constitute a material change of use and will require planning permission:**

- a) The sale of sandwiches or other food, hot or cold beverages, or of wine for consumption off the premises, where the sale of such food or beverages is subsidiary to the main retail use and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer’s off-licence.<sup>2</sup>

**4) The following changes of use type within the class groups<sup>3</sup> will constitute a change of use and will require planning permission:**

- a) The conversion from financial services to use as professional service (Class 2 b *Exempted Development – Classes of Use* of the Planning and Development Regulations 2001 (as amended) (or any regulations revoking or re-enacting these regulations) or to any other services (including betting office) where the services are provided principally to visiting members of the public (including ATM Lobbies or phone call centres, internet cafes).
- b) The conversion of a shop or restaurant or café or office (office both as Class 2 and 3 *Exempted Development – Classes of Use* of the Planning and Development Regulations 2001 (as amended) (or any regulations revoking or re-enacting these regulations) to an internet café or phone call centre will require planning permission.

**5) The following change of use type down to Class 1 of the *Exempted Development – Classes of Use* will now constitute a material change of use and will require planning permission:**

- a) Notwithstanding Class 14 (a), (b), (c), & (d) *Exempted Development – General* of the Planning and Development Regulations 2001

(as amended) (or any regulations revoking or re-enacting these regulations) any change of use to use as a shop will now constitute a material change of use and will require planning permission.

**6) The following changes of use from café/restaurant use shall require planning permission:**

- a) The conversion of a café/restaurant to use as a fast food outlet.
- b) The conversion of part of a café/restaurant for the purposes of introducing the sale of (hot) food for consumption off the premises.

**Specific Street Land Use Control**

The land use controls at **Table 1** apply at ground floor level to:

- O’Connell Street Upper & Lower
- Henry Street
- North Earl Street
- Abbey Street Middle
- Westmoreland Street
- D’Olier Street

These controls are intended to protect the special character of each street, having regard to their architectural, civic and functional character.

<sup>2</sup> Within the meaning of the Finance (1909- 1910) Act, 1910), 10 Edw. 7 & 1 Geo.5, c.8.

<sup>3</sup> Class groups as defined in Part 4 of the Planning and Development Regulations 2001- 2015.



**Table 1: Street Specific Land Use Control – Ground Floor Level**

Street	Uses open for Consideration	Uses Not Permissible
<p><b>O'Connell Street Upper &amp; Lower</b>  <b>Henry Street</b>  <b>North Earl Street</b>  <b>Abbey Street Middle</b></p> <p>Higher order retail outlets will be the principal uses sought.</p> <p>Complementary non-retail uses at ground floor level will be considered on their merits<sup>4</sup></p>	<p>The following retail uses will be considered on their individual merits:</p> <ul style="list-style-type: none"> <li>• Charity shop</li> <li>• Cosmetics/beauty products</li> <li>• Hairdressers</li> <li>• Pharmacy</li> <li>• Souvenir/Gift Shop</li> </ul> <p>The following factors will be taken into account in the consideration of planning applications:</p> <ul style="list-style-type: none"> <li>• The number and proximity of similar outlets already operating in the area</li> <li>• The scale of the proposed outlet</li> <li>• The physical impact of the proposed use on the internal structure of the building in which it will be located</li> <li>• The quality of the shopfront design and associated signage</li> </ul>	<p>It is policy <b>not</b> to grant planning permission for the following uses, as they would detract from the character of the street:</p> <ul style="list-style-type: none"> <li>• Amusement Arcade</li> <li>• Bookmakers</li> <li>• Catalogue Shop</li> <li>• Collect Store</li> <li>• Discount Shop/Supermarket/End of lines/Closing down/Euro Store</li> <li>• Estate Agent</li> <li>• Fast Food Outlet</li> <li>• Launderette/Dry cleaners</li> <li>• Mobile phone shop &amp; related goods</li> <li>• Mortgage Store/Financial Institution</li> <li>• Newsagents/Convenience store</li> <li>• Off-licence/Wine Shop</li> <li>• Outlet selling hot food for consumption off the premises</li> <li>• Personal Care and Grooming services</li> <li>• Phone Call centre/Internet Café</li> <li>• Travel Agents/Sale of tickets</li> <li>• Seasonal Shop</li> <li>• Adult Entertainment Shop</li> <li>• Supermarket</li> <li>• Tourist information centre/tourist services &amp; sale of tickets</li> </ul>
<p><b>Westmoreland Street</b>  <b>D'Olier Street</b></p> <p>A range of lower order uses dominate Westmoreland Street. Higher order retail outlets will be the principal uses sought along with appropriate high quality complementary non-retail uses.</p> <p><i>Luas Cross City is scheduled to be operational by the end of 2017 which will enhance the public realm and add footfall to Westmoreland Street &amp; D'Olier Street.</i></p> <p><i>Dublin City Council will monitor, assess and review the use mix along the street after the Luas becomes operational during the lifetime of this SPCS.</i></p>	<p>The following retail uses will be considered on their individual merits:</p> <ul style="list-style-type: none"> <li>• Charity shop</li> <li>• Cosmetics/beauty products</li> <li>• Hairdressers</li> <li>• Pharmacy</li> </ul> <p>The following factors will be taken into account in the consideration of planning applications:</p> <ul style="list-style-type: none"> <li>• The number and proximity of similar outlets already operating in the area</li> <li>• The scale of the proposed outlet</li> <li>• The physical impact of the proposed use on the internal structure of the building in which it will be located</li> <li>• The quality of the shopfront design and associated signage</li> </ul>	<p>It is policy <b>not</b> to grant planning permission for the following uses, as they would detract from the character of the street:</p> <ul style="list-style-type: none"> <li>• Amusement Arcade</li> <li>• Bookmakers</li> <li>• Catalogue Shop</li> <li>• Collect Store</li> <li>• Discount Shop/End of lines/Closing down/ Euro Store</li> <li>• Estate Agent</li> <li>• Fast Food Outlet</li> <li>• Launderette/Dry cleaners</li> <li>• Mobile phone shop &amp; related goods</li> <li>• Mortgage Store/Financial Institution</li> <li>• Newsagents/Convenience store</li> <li>• Off-licence/Wine Shop</li> <li>• Outlet selling hot food for consumption off the premises</li> <li>• Personal Care and Grooming services</li> <li>• Phone Call centre/Internet Café</li> <li>• Travel Agents/Sale of tickets</li> <li>• Seasonal Shop</li> <li>• Adult Entertainment Shop</li> <li>• Souvenir/gift shop</li> <li>• Supermarket</li> <li>• Tourist information centre/tourist services &amp; sale of tickets</li> </ul>

<sup>4</sup> Further guidance regarding complementary non-retail uses is provided overleaf.

## Complementary Non-Retail Uses

In recognition of the added dynamism and interest that some non-retail uses can bring to a retail quarter certain complementary uses will be encouraged to locate in the area provided the primary retail function of the street is not undermined. These uses will include cafés, restaurants and bars<sup>5</sup>. Strict controls will be applied when considering proposals for these uses in order to achieve an even spread of such uses and to prevent them from dominating any street frontage.

The following factors will be taken into account in the assessment of development proposals for these uses:

- a) The effect of the introduction or extension of one of these uses on the character of the street frontage and the level of shopping provision, taking into account both the current levels of non-retail use and the current levels of the specified use already established within each individual street block. The Planning Authority will seek to ensure that any proposed development would not result in:
  - An extent of ground floor non-retail frontage which would, in the opinion of the Planning Authority, dominate either the block or the street.
  - The non-retail use being over dominant by virtue of its size, location or relationship to other uses.
- b) The effect of the proposed development on the amenities of the area and whether it would have a positive or negative impact on the Architectural Conservation Area or the protected structure.
- c) The effect of the proposed development on overhead/adjacent residential accommodation, with particular regard to the cumulative level of noise, disturbance and smells caused by the specified uses that would be detrimental to the residential amenity of those properties.
- d) The effect of the proposed use on the interior of the structure, including the potential damage to, or loss of, internal features or fittings which are considered to be worthy of retention.

Land uses that do not satisfy the above factors will not be permitted

## Specific Existing Uses to be Controlled and Monitored

Existing land uses at ground floor level in the O'Connell Street Area were assessed to determine the impact of the different types of land use on the architectural, historical and civic character of the area.

The assessment took into account the extent to which retail frontage is disrupted by (1) non-retail uses and (2) inappropriate uses i.e. lower and middle comparison and convenience uses. A number of uses were considered to have a negative impact on the architectural, historical and civic character of the area.

During the lifetime of this Scheme, Dublin City Council will continue to assess and monitor these uses as key public and private developments come on line. Where such uses continue to operate in a manner and form that detract from the quality and character of the street, the planning authority may seek to enter into negotiations with the relevant owner/occupier.

---

<sup>5</sup> Excluding fast food outlets – see definition.

## PART 2 – MAXIMISING THE USE OF BUILDINGS

**Key Objective: To attract and encourage a strong and complementary mix of uses on the upper floors of all buildings.**

**Key Objective: To seek the more intensive use of the upper floors and basement levels of buildings in the area.**

It is a general objective of this scheme to seek the redevelopment of vacant, underutilised and underperforming sites located in the O'Connell Street Area in order:

- To reinstate the streetscape
- To create opportunities for the provision of a more balanced range of uses
- To provide for the intensification of land use
- To develop a strong land use culture in the Upper O'Connell Street area

Complementary activities such as restaurants, cafes, bars, art galleries, tailors, hairdressers, barbers and beauticians and other specialist services will be encouraged at first floor level. Office uses will be permitted above first floor level and active encouragement will be given to the provision of residential units. The use of first floors predominately for storage or office uses will not be favourably considered in order to maximise the active use of the buildings and create a lively street scene.

While large floorplate retail formats will continue to be important for the viability and vitality of the area it is important that room is found for smaller and more specialist retailers to help give O'Connell Street and the surrounding area more character. It is therefore an objective to seek the more intensive use of the upper floors and basement levels of buildings in the O'Connell Street Area to create opportunities for the provision of a more balanced range of uses and to provide for an intensification of land use.

The regeneration of historic buildings located in the Scheme area is supported under The Living City Initiative. The aim of the Living City initiative is to bring life back into the centre of the Dublin by offering tax

relief for qualifying expenditure incurred on the refurbishment or conversion of certain pre 1915 buildings where conditions are met. Incentives apply to both residential and commercial works. Further detail can be found at [www.dublincity.ie](http://www.dublincity.ie).

## PART 3 – SHOPFRONTS & ADVERTISEMENT STRUCTURES

### Shopfronts

**Key Objective: To redress the decline in quality and presentation of buildings and shopfronts within the O’Connell Street Area Special Planning Control Scheme.**

Shopfronts form an important part of a street’s character, as they constitute a highly visible part of the building at street level. Dublin City Council promotes a dual approach to shopfront design by;

- Protecting traditional and original shopfronts
- Encouraging good contemporary shopfront design

It is policy to encourage the retention and reuse of all good-quality traditional and original shopfronts, whether protected or not. Pastiche design will be actively discouraged. The design approach to a new shopfront should provide a contemporary architectural expression of today within the context of the character and tradition of Dublin City, the character of the individual street and the character of the building itself.

Any alteration or works to shopfronts within the O’Connell Street & Environs ACA, other than routine maintenance works, which comprise the carrying out of works to the exterior of a structure requires planning permission under the Planning & Development Act 2000 (as amended).

### Shopfront Design Principles

Both Dublin City Council’s Shopfront Design Guidelines, prepared specifically for the O’Connell Street Area in May 2003 and Dublin City Council’s Shopfront Design Guide (2001) remain applicable.

The following five design principles should be observed in the design of new shopfronts;

- Shopfront structure and proportion – external and internal

- Materials and colour
- Signage
- Illumination
- Security

### Shopfront Structure – External

The following design principles should be followed in the design of any proposed shopfront and the preparation of a planning application.

- The relationship of the shopfront to the building

A shopfront is an integral part of the building of which it forms part and therefore the shopfront should relate to the architectural character of the upper floors in respect of proportion, scale and alignment.

- The relationship of the shopfront to the adjoining buildings

Buildings and shopfronts relate to adjoining buildings and therefore the starting point for the design of a shopfront must be its architectural context. Shopfronts should respect the scale and proportions of the streetscape and the established pattern of openings.

- The shopfront framework

A strong framework for the shopfront should be provided, including an appropriately scaled and detailed fascia panel, pilasters and a well defined base.

- In all instances clear glazing should be used. No frosted/ tinted / opaque /laminated glass should be used except in exceptional circumstances where the overall design concept would warrant the use of such materials.
- Doors are an integral part of the shopfront and will be required in all instances. Generally automatic doors and folding doors will not be favourably considered.
- The removal of separate access to the upper floors will not be favourably considered.

- Access for people with disabilities, the elderly and the very young, should be incorporated into the design of the shopfront.
- A security hatch or slot of a sufficient scale to accept newspaper deliveries shall be incorporated into the design of all new shopfronts, as appropriate. It shall be located at or immediately above the level of the stall riser and should not interfere with the general proportions and presentation of the front façade of the shopfront.
- No amplified announcements, music or other material shall be played from any premises to advertise goods or services, and no loudspeakers or other amplification apparatus shall be affixed on or about the front of the premises for such a purpose. Any such sounds within the premises shall be controlled so as to be inaudible from adjoining premises or at 2 metres from the frontage.

#### **Shopfront Structure – Internal**

- Shopfront displays (this includes gable elevations and upper floor windows) must be provided as an integral part of the shopfront design and these displays shall be managed and maintained.
- The window display fixtures, fittings and illumination must be of high quality and complement the shopfront.
- Display areas at ground floor level shall be located directly behind the glazed shopfront for its full width excluding doors with a minimum depth of 0.75 metres and used to display merchandise associated with the retail unit.
- The design of the interior of retail units, including layout, furniture, display cabinets, materials and colour, should have regard to the visual impact on the exterior of the shopfront and the requirement to

complement the design of the shopfront and building overhead.

- Back of interior display stands and storage units shall not be positioned up against or close to the window display.

#### **Material and Colour**

- The materials used should be durable and of high quality. In principle, the following materials are acceptable: stone, timber, brick, render, steel, bronze, brass and glass.
- The following materials would generally not be considered acceptable- Materials such as highly polished stone, plastics, acrylic, uPVC, mirrored panels, poor quality flat faced timber panels
- The colours used in the shopfront should be complementary to those of the building and adjoining buildings.
- Garish colours (i.e. those that clash with the colours and tones of the building and adjoining buildings) should be avoided.
- Painting over brickwork or stonework is not acceptable.
- Corporate design packages, including colour and material palettes and signage, will not generally be acceptable unless fully compatible with and complementary to the character of the building and adjoining buildings. The context for the proposal is considered more important than uniformity between branches of one company.

#### **Shopfront Signage**

A high number of uses have an over reliance on poor quality signage and advertising posters to promote merchandise rather than well designed and attractive shop window displays. To actively encourage shopfront display the following signage restrictions shall apply to all uses to ensure the implementation of this policy:

All signage and advertisements (both external and internal) require planning permission within the O'Connell Street Architectural Plan Area, notwithstanding Part 2 Exempted Development – Advertisements {Article 6} of the Planning & Development Regulations 2001 (as amended) or any regulations revoking or re-enacting these regulations

- Signage shall form an integral part of the overall design for the shopfront and shall be restricted to the fascia. In general only the name and street number of the shop should be on the fascia panel.
- The signage relating to any commercial ground floor use shall be contained within the fascia board of the shopfront. The lettering employed shall either be painted on the fascia, or consist of individually mounted solid letters on the fascia board. The size of the lettering used should be in proportion to the depth of the fascia board and in all cases shall not exceed 300mm in height.
- Lettering or logos shall not be affixed directly to the glazing of any shop or business windows, other than etched lettering. All sign displays inside the shop should be kept back a minimum distance of 500mm from the glazing. Lettering or logos shall not obstruct the window display and shall not exceed one quarter of the area of the window through which the advertisements are exhibited.
- Projecting signs shall not generally be permitted to avoid visual clutter in the streetscape. However, positive consideration may be given to the use of a projecting sign if a building is in multiple occupancy and the proposed sign would lead to a significant overall reduction in the number and scale of advertisement structures on, or projecting from the face of the building. In this circumstance the following guidelines must be observed:

- Not more than one projecting sign should be displayed on a building.
- Signs should not be fixed directly to the face of a building but should be fixed by a bracket.
- Projecting sign should be fixed at fascia height adjacent to the access to the upper floors.
- Signs should depict a pictorial feature or symbol illustrating the trade or business being undertaken and should be as transparent as possible.
- Signs should be individually designed to complement the scale, materials and design of the building.
- Signs should not obscure important features of a building or adjacent buildings.

#### **Illumination**

- Illumination of the shopfront should be discreet, by concealed illumination where the fascia details permit or by rear illumination of the individual letters.
- The colouring and intensity of illumination shall be complementary to the overall shopfront design and architectural context.
- Neon illumination around windows is unacceptable.
- Flood lighting or other such inappropriate lighting of shopfronts, canopies, building facades, pavement forecourts, etc is unacceptable (excludes civic buildings).

#### **Canopies**

- Canopies, if considered necessary by reason of key corner sites / landmark buildings and appropriately integrated into the overall shopfront, shall be traditional style, open ended and in a muted tertiary colour. Shop names or advertising on the blind are not permitted.

- Glass canopies may be considered subject to agreement on design and maintenance.

## Flags

- All flags and flagpoles will require planning permission. Flags and flagpoles shall not generally be permitted as a profusion of such items in a confined area can lead to visual clutter in the streetscape.

## Security

- The use of externally fitted roller shutters will not be permitted.
- Roller shutters, when proposed, should be located behind the window display area and comprise of a fine density open mesh shutter. The colour of the shutter should match the colour of the shopfront.

## Advertisement Structures

**Key Objective: The control of advertisement structures and the exhibition of advertisements**

### Existing Advertisement Structures

It is an objective to seek the removal of a number of existing advertisement structures (inc. fixtures and lighting) that though inappropriate design have an adverse impact on the character, quality and presentation of the built fabric of the area.

Existing advertisement structures have been examined with a view to evaluating;

- The extent, to which an advertisement structure obscures, interferes or damages the architectural feature of any structure that contributes to the character of the Architectural Conservation Area.
- The extent to which it interferes with the character of the Architectural Conservation Area by virtue of the prominence or importance of the location at which it is

displayed, for example, important entry points or gateways to the area.

- The relationship of the sign or structures to the uses operating within the building on which the structure is displayed.
- The scale and dimensions, composition, colours, materials and form of sign or structure.

Following a review of the area, it is evident that some progress has been made in relation to the removal of some high profile poor quality advertising structures such as 'Windsor Car Rentals' at Bachelor's Walk and 'Irish Nationwide' at O'Connell Street Lower. Unfortunately some inappropriate structures have not been removed over the period of the 2009 Scheme, such as the Tri-vision advertising hoarding at 34 Bachelor's Walk. New prominent inappropriate advertising structures have also been erected in the area. Examples include 'i' signage at 33 Bachelor's Walk and 'Nokia' signage (formerly Bailey's) at 34 Bachelor's Walk/56 O'Connell Street Lower. It is an objective of Dublin City Council to engage with the owners of advertising structures to remove these and other inappropriate advertising structures in the interests of improving the architectural character of the area, as well as to seek the removal of redundant fixtures and fittings, lighting, flagpoles, hanging baskets and other elements protruding from the elevations of structures.

It is an objective of Dublin City Council to engage with the operator of the Ambassador Theatre in relation to establishing an acceptable protocol for the display of event information relating to the use of the building as an exhibition hall and event centre.

Ongoing enforcement action will be taken in relation to unauthorised inappropriate advertising structures.

### New Advertisement Structures

**Key Objective: It is an objective to ensure that all new advertisement structures erected in the area are well designed. Dublin City Council will permit only advertisements which are designed sensitively and**



**which will enhance the appearance and vitality of the area.**

A new Outdoor Advertising Strategy was adopted by Dublin City Council in January 2013. The Strategy seeks to manage outdoor advertising in the city based on a number of geographical zones. In general, there is a strong presumption against outdoor advertising at the northern and southern ends of the Scheme which are located in Zone 1, whilst outdoor and civic advertisement, may be permitted subject to special development management measures in O'Connell Street which is located in Zone 2. The following development control standards will be applied to advertisement structures:

- All advertisement structures displayed at ground floor level for ground and upper floor uses must relate solely to the authorised uses in the building and be provided as an integral part of the overall design of a shopfront.
- Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to the upper floors, in a form and design which does not detract from, or impinge upon the integrity of the ground floor shopfronts or other original elevational features of the building.
- The colours used on any advertisement structures or signs will be required to respect the prevalence of tertiary colours established by the building materials of the buildings in the area. Substantial areas of bright or garish colours will not be allowed as the background of any sign. More prominent colours may be used on individual lettering.
- The provision of any additional advertisement panels, signage or advertising features at or above ground floor level on the facades or gables of buildings will not be permitted.
- Banner type signs and advertising sheeting covering any façade or part of a façade of a building is not acceptable.
- The provision of temporary advertisement structures on or projecting from any part of the façade or gable of a building or hung between buildings will not be permitted.
- The provision of lettering on upper floor windows for the upper floor uses should not exceed 25% of the glazed area (measured as a rectangle enclosing all letters). The remaining window area shall be clear glazing.
- The obscuring of the main façade windows at any level will not be permitted.
- Internally illuminated signs including box signs, illuminated scrolling signs, digital signs or signs using exposed neon tubing will not generally be permitted either on fascia board, shopfront, the façade (s) of a building or internally behind the glazing or shopfronts. Projected imagery or advertising (internal and external) and the installation of projection film on glazing or facades will generally not be permitted.
- Advertising at, or upon taxi ranks, public or private transport stops, stations or support infrastructure is not permitted.

## PART 4 – THE BUILT FABRIC

### **Key Objective: To secure the retention of the historic fabric of the area**

The historic buildings in the area have been subjected to continual change and evolution over the years. Dublin City Council is committed to promoting the continued beneficial use and maintenance of these buildings in order to prolong their life and ensure their future preservation. The emphasis will be placed on the ongoing care, maintenance and protection of the built fabric, as well as on finding new and compatible new uses where required. This is vital to the health and preservation of older buildings and to the improvement of the appearance of the streetscape.

It is the objective of Dublin City Council to seek to achieve sustainability and energy conservation through the refurbishment and restoration of historic building stock and by securing sustainable uses for this finite resource.

In order to protect the essential character of the built fabric, owners / occupiers of buildings in the area are advised to consult and comply with the O'Connell Street Architectural Conservation Area Plan. The Architectural Conservation Area plan introduces general controls over works to the exterior of non protected buildings. These controls will continue to apply. In addition owners / occupiers are advised to observe the following general guidelines:

#### **Works to the Exteriors of Non-Protected Structures**

Under the O'Connell Street Architectural Conservation Area Plan, planning permission is required for certain types of development previously exempt under the Planning and Development Regulations. In other words, development which would consist of, or comprise the carrying out of works to the exterior of a structure located within the Architectural Conservation Area and that would materially affect the character of the area concerned will no longer be exempted development.

- Original architectural features such as mouldings, cornices and window architraves

should be retained or where appropriate reinstated or restored.

- All brickwork and stonework, pointing and rendering should be regularly maintained.
- Painting brick or stonework is unacceptable.
- Windows, in particular front windows should be retained or where appropriate reinstated or restored. When replacing front windows on non-protected structures, the original timber / metal window design should be copied taking particular care that the detailing of frames and glazing bars match exactly and that the windows are set at the same depth within the window openings as the originals.
- Modern uPVC or aluminium windows will not be acceptable.
- All changes and alterations to architectural features of merit on the main façades of non-protected buildings or structures and identified in the Architectural Conservation Area Plan will require planning permission. These architectural features are listed and described in Appendix 2 of the Architectural Conservation Area Plan.

#### **Works to the Interiors of Non-Protected Structures**

- Interior joinery, fittings and decorative plasterwork should be retained or where appropriate, reinstated or restored following consultation with Dublin City Council.

#### **Protected Structures**

Under the Planning & Development Act 2000 (as amended), planning permission is required for all works that would materially affect the character of a structure that is included on the Record of Protected Structures or any element of the structure that contributes to its special interest. An owner / occupier may request Dublin City Council to issue a declaration indicating what works would or would not materially affect the character of the structure or any element thereof.

## PART 5 – THE PUBLIC REALM

**Key Objective: To promote high quality and inclusive design to improve the quality of the public realm and open spaces.**

**Key Objective: To provide for a high quality range of street furniture that will enhance the public realm.**

A high-quality public realm makes a more attractive place to live, work and visit, and provides for an improved quality of life for all. Such a public realm can have a very positive impact on Dublin's competitiveness with other city regions internationally, both for tourism and for investment.

Opportunities for enhancements to the public realm in the area will arise with the implementation of the Luas Cross City project. Other proposals to create a new cultural quarter at Parnell Square, to include the re-location of the City Library will also benefit the plan area more generally.

Proposals to improve the public realm will be directed by the Dublin City Public Realm Strategy which sets out the key actions and projects to deliver a high-quality public realm in and between key public spaces, both in established and emerging clusters, including the civic spine from Parnell Square to Christchurch, via O'Connell Street, College Green and Dame Street

In this context, certain elements of street furniture on the public footpath or private landings will not be favourably considered. These elements include newspaper stands, A-frames and spinner stands erected by retailers or tables and chairs for cafes, restaurants or bars in inappropriate locations.

Within the plan area the following standards will be applied to proposals for street furniture: -

- All street furniture will require either a licence under Section 254 of the Planning and Development Act 2000 (as amended) or planning permission (including street furniture erected on private landings)

- No merchandising or products shall be displayed on the public footpath or outside premises.
- No amplified announcements, music or other material shall be played from any premises to advertise goods or services, and no loudspeakers or other amplification apparatus shall be affixed on or about the front of the premises for such a purpose. Any such sounds within the premises shall be controlled so as to be inaudible from adjoining premises or at 2 metres from the frontage. These standards accord with the general site development standards as set out in paragraph (17.32) of the Dublin City Development Plan 2011-2017.

## APPENDIX 1 – DEFINITIONS

### **Amusement arcade**

A building or part thereof, used for the playing of gaming machines, video games or other amusement machines. It may also include a bowling alley, quasar complex, pool or snooker hall, or indoor children's play centre.

### **Book stores**

An outlet that primarily sells books as well as related items such as newspapers and maps.

### **Bookmakers / Betting shop**

Premises for the time being registered in the register of bookmaking offices kept by the Revenue Commissioners under the Betting Act, 1931 (No. 27 of 1931)

### **Catalogue shop**

Primary means of displaying goods to customers is via a catalogue. Goods are stored back of shop. Customers can browse through the catalogue, select items to buy, pay for items and then collect the items from a counter in store or request home delivery.

### **Charity shop**

A shop in which a charity sells used goods that are given to it, or in which they sell new goods, in order to generate an income for the work of the charity.

### **Collect store**

A collection facility associated with internet shopping. Collection can require person to person contact, can utilise a self-service locker system, or can utilise both forms of collection.

### **Comparison goods**

Examples of such goods are clothing and footwear, furniture and household equipment (excluding non-durable goods), etc (*refer to DoECLG Retail Guidelines for Planning Authorities 2012*).

### **Convenience goods**

Examples of such goods are food, alcoholic and non-alcoholic beverages, tobacco, and nondurable household goods.

### **Cosmetics / Beauty products**

An outlet that sells skin & hair care products; make up, fragrances and other associated accessories.

### **Discount supermarket/ shop / End of lines / Closing down/ Sales outlets**

An outlet that sells reduced items, discontinued lines for an extended periods beyond and outside the normal sales

period, or a shop that sells goods at less than normal retail prices or a lower cost than other retail stores .

### **Estate agent**

Agency selling and renting property, showcasing property schemes and in some cases (International property agents) providing travel agency services to visit the properties.

### **Euro store**

An outlet selling inexpensive merchandise often with a single price for all items in the shop.

### **Fast food outlet**

An outlet that sells hot and cold food and drinks – packaged and wrapped without waiter service for consumption on the premises.

### **Flagship store**

Larger than life statement about the Retailer Company and brand, size, location and prestige image to influence the consumer.

### **Hairdresser**

A shop where washing, cutting, styling, etc of hair takes place.

### **Health food shop**

An outlet that sells an extensive selection of organic produce, grocery, dairy, and bulk foods and herbs, as well as vitamins, slimming / detox products, sports supplements and homeopathics, cruelty-free body care / hair care, and aromatherapy products.

### **Higher order goods and lower order goods**

Goods are classed on a relative scale from lower order to higher order goods. Lower order goods are those goods, which consumers need frequently and therefore are willing to travel only short distances for them. Higher order goods are needed less frequently so consumers are willing to travel further for them. These longer trips are usually undertaken for not only purchasing purposes but other activities as well. (Brian J.L.Berry 1966)

### **Launderette or dry cleaners**

Self-service laundry or service washes and dry cleaning of clothing.

### **Lifestyle stores**

Specialist mini-department stores selling a coordinated lifestyle e.g. Urban Outfitters

### **Mobile phone shop and related goods**

An outlet that sells mobile phones, mobile phone accessories and related goods.

**Mortgage store / Financial institution**

The provision of financial services where the services are provided principally to visiting members of the public.

**Newsagents / Convenience store**

A retail outlet which sells a range of goods including confectionary, soft drinks, cigarettes, newspapers and magazines, fresh and packaged foods.

**Niche**

An outlet catering for a restricted target market segment as focused retailing with differentiation.

**Off-licence**

A retail outlet or part of a retail outlet that sells intoxicating liquor for consumption off the premises, including wines, spirits and beers.

**Personal care and grooming services**

Notwithstanding hairdresser (above), any other service that involves a person providing a service to another person for the purposes of personal care and/or grooming. Such uses include but are not limited to: beauty treatments and aesthetics (skin and body therapy), electrolysis, massage, piercing, tanning, tattooing / tattoo removal, teeth cleaning & whitening.

**Pharmacy**

A retail outlet that sells prescription and non-prescription drugs as well as a range of healthcare and beauty products.

**Phone call centre / Internet café**

An outlet where the service is principally to visiting members of the public and consists of the provision of access to online computer services including the internet and email, with or without (limited or otherwise) restaurant facilities.

**Restaurant and Café**

A building where the primary function is for the sale of food, meals / refreshments for consumption on the premises.

**Seasonal shop**

A shop that sells seasonal items. This includes but is not limited to: calendar shops and shops that sell seasonal decorations, gifts and costumes (i.e. those associated with Halloween, Christmas, St. Patrick's Day & Easter etc).

**Adult Entertainment Shop**

Definition includes use as sex shop/head shop

- Sex shop

A retail outlet, which inter alia rents or presents for viewing sexually explicit printed material or films including videos, clothing, sex aids and toys.

- Head shop

A retail outlet which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating, or otherwise making accessible or available to the public, goods or services concerned with or for use in connection with the consumption of psychoactive drugs or the use of paraphernalia related to consumption of psychoactive drugs, or both

**Souvenir/Gift shop**

An outlet selling mainly memorabilia, for example shirts, hats, pins, toys and books.

**Stationary / Card shop**

An outlet selling stationary and cards.

**Supermarket**

A retail outlet selling mainly food, but also on occasion's confectionary, soft drinks, cigarettes, newspapers, magazines and alcohol.

**Take-away**

An outlet that sells hot food for consumption off the premises

**Travel agent**

A travel agency is a business that sells travel related products and services to customers on behalf of third party travel suppliers such as airlines, hotels and cruise lines.

**Tourist information centre/tourist services & sale of tickets**

The use of a building to provide visitors with information on the area's attractions and provides other services including luggage storage facilities and booking of tours and sells tickets to visitor attractions.

**Wine shop**

A retail outlet or part of a retail outlet that sells wine.

## **APPENDIX 2 – APPROPRIATE ASSESSMENT & STRATEGIC ENVIRONMENTAL APPRAISAL**

### **Appropriate Assessment Screening**

An Appropriate Assessment Screening was undertaken of the O’Connell Street Area Special Planning Control Scheme 2016, in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC). The proposed variation is not predicted to have a likely impact on the key features or the conservation function of any Natura 2000 sites.

### **Strategic Environmental Appraisal**

The Planning Authority determined, using the screening criteria set out in Schedule 2A Planning and Development Regulations 2001 (as amended), the DoEHLG SEA Guidelines and Annex 2 of Directive 2001/42/EC, that a Strategic Environmental Assessment is not required for the O’Connell Street Area Special Planning Control Scheme 2016.