

# SCHEME OF SPECIAL PLANNING CONTROL

DRAFT



## O'CONNELL STREET AND ENVIRONS

2022



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

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## VISION & INTRODUCTION

### i. Vision

***To strengthen O’Connell Street and environs as a place of importance in the social, economic 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 in this area of special significance to the Irish Nation.***

### ii. Introduction and Context

The purpose of the Scheme is to guide investment towards the creation of a busy thriving commercial area in O’Connell Street and environs, while protecting and enhancing architectural, historical, cultural and civic character of this nationally important civic thoroughfare.

On July 9th 2001, Dublin City Council designated O’Connell Street and environs as an Architectural Conservation Area (ACA) 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 ACA 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 later reviewed and updated in 2009 and 2016.

The Covid-19 pandemic has taken its toll on many businesses during the period 2020-2022, and as the City Centre now returns to more normal levels of activity, there is renewed market interest in the O’Connell Street area. There is now also a recognition that regeneration potential can work in tandem with conservation objectives to make the area architecturally, historically, culturally and civically vibrant. The redevelopment/refurbishment of some key sites on O’Connell Street (including the ‘Carlton site’ and the former Clery’s department store building) have the collective potential to create a new vitality by improving the balance of office, residential, and retail uses in the area.

It is therefore timely that a review 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 encourage compatible land uses which will invigorate the area and benefit the entire city for the future.

As part of the preparatory work for this Scheme, a land use survey of the area has been undertaken (February 2022) to assess current land uses and understand changes in the area. The main findings of the survey are as follows-

- A small increase in the number of vacant units was recorded at ground floor level, with a higher proportion located on O’Connell Street Lower. A number of vacant units were formerly occupied by retail, banks and tourist offices in the previous survey; reflecting the wider shift in banking and also the recent impacts of the pandemic.
- Of the ground floor units which were vacant in the last survey and now occupied there were no noticeable trends in regard to the particular uses. They offer a broad range of retail and services.
- Whilst there are some areas where upper floors are fully occupied, many upper floors are clearly underutilised. There remains an opportunity to maximise the use of these upper floors.

- The redevelopment/refurbishment of some key sites on O’Connell Street (including the ‘Carlton’ site and the former Clerys building) have collective potential to create a new vitality through a balance of office, residential and retail uses in the area.

The outcome of the survey has informed the preparation of this Scheme.

**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 at the end of this section.



The scheme is set out in five sections -

- Part 1 – Land Use - Existing and Future Uses
- Part 2 – Maximising the Use of Buildings
- Part 3 – Shopfronts & Advertisement Structures
- Part 4 – The Built Fabric
- Part 5 – The Public Realm.

## PART 1 – LAND USE

### 1.1 Existing and Future Land Uses

**Key Objective: To protect and promote uses that contribute 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 compatibility of each use with the building and adjoining buildings,
- The extent to which each use consolidates or interrupts the active street frontage and discourages the location of higher order retail outlets,
- The presentation of each use to the street including shopfront/premises 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. Business premises such as the former 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 uses and spaces that contribute significantly to the special character of the area.

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. The 2016 City Development Plan Retail Strategy<sup>1</sup> states

‘The policy on maximising the use of buildings shall also apply to applications within the designated areas of the schemes. This policy seeks to attract a strong and complementary mix of uses of the upper floors; more intensive uses on the upper floors and to complement the fine grain of the established streetscape where applicable.’

To comply with the key objective above it is an objective of this Scheme that planning permission will be required for any change to these existing stores and/or uses or the retail format; including subdivision, layout and fit out of these premises. The onus will be placed on the applicant to demonstrate that the proposed development meets/satisfies the following criteria:

- Contributes positively to the retail function and other active uses of the street
- Provides higher order retail use(s) or other high quality complementary non-retail active uses that do not undermine the primary retail streets (See Section 1.2 (7))
- 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

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<sup>1</sup> 2016 City Development Plan, Appendix 3, page 130

## 1.2 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 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. 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 Scheme seeks 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. To achieve this, it is as an objective of this Scheme to require the control of changes within use classes, which are detailed below. Exemptions from seeking planning permission under the Planning and Development Regulations 2001 (as amended) relating to changes of land use will no longer apply within the O'Connell Street Area of Special Planning Control and therefore planning permission will be required for the changes listed below.

**1) Notwithstanding the interpretation of "shop" by Article 5 (1) of the Planning and Development Regulations 2001 (as amended) 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
- Souvenir/gift shop
- Stationary/ Card Shops
- Supermarket
- Tourist information centre/tourist services & sale of tickets

**2) Notwithstanding the interpretation of "shop" by Article 5 (1) of the Planning and Development Regulations 2001 (as amended) 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>

**3) 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 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) to an internet café or phone call centre will require planning permission.

**4) 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) any change of use to use as a shop will now constitute a material change of use and will require planning permission.

**5) 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.

**6) The following uses are not permissible within the entire SSPC**

- Amusement arcade.
- Adult entertainment shop

**7) Specific land use controls for the Scheme area for ground floor uses.**

**Streets:**

For O’Connell Street, Henry Street and North Earl Street-

- I. Higher order retail outlets will be the principal uses sought.
- II. Complementary non-retail uses at ground floor level will be considered on their merits<sup>4</sup>

For all other Streets-

- I. A high quality mix of uses and retail outlets will be sought to achieve activation on the street.

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<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 Schedule 2 (Part 4) of the Planning and Development Regulations 2001-2022.

<sup>4</sup> Further guidance regarding complementary non-retail uses is provided in Section 1.3.

**Uses not permitted within the Scheme at ground floor level:**

Amusement arcade; bookmakers, catalogue shop, collect store, discount shop/supermarket/end of lines/closing down/euro store; estate agent; fast food outlet; launderette/dry cleaners; mobile phone shop and related goods; mortgage store/financial institution; newsagents/convenience store; off-licence/wine shop; outlet selling hot food for consumption off the premises (i.e. take-away); personal care and grooming services; phone call centre/internet café; travel agents/sale of tickets, seasonal shop; adult entertainment shop; supermarket, souvenir/gift shop; tourist information centre/tourist services and sale of tickets.

**Uses open for Consideration within the Scheme for ground floor level:**

Charity Shop; cosmetics/beauty products; hairdresser; pharmacy; ice cream parlour; fast food outlet only where significant internal floor area for sitting/dining must be demonstrated (excluding O'Connell Street, Westmoreland Street, D'Olier Street and Henry Street where fast food outlets in all forms is not permitted).

The following factors will be taken into account in the consideration of all planning applications -

- the number and proximity of similar outlets already operating in the area;
- the physical impact of the proposed use on the internal structure of the building in which it will be located;
- the quality of the frontage design and associated signage.

**1.3 Complementary Non-Retail Uses**

In recognition of the added dynamism and interest that 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 category 1 streets is not undermined. These uses will include cafés, restaurants and bars as appropriate and in line with the land use controls set out above in section 1.2. 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

## **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 intensify land uses.

Many upper floors of buildings are evidently underutilised but have significant potential. 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 and residential uses will be actively encouraged above first floor level. 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.

The use of upper floors for residential uses is supported by the Council. In recognition of the challenges in refurbishing older built fabric for modern living, the City Council supports the Government scheme of tax incentives under the 'Living City Initiative' for refurbishment works to help attract residents to historic parts of the city. Tax relief can be availed of for the refurbishment or conversion of certain pre 1915 buildings where certain conditions are met, and these incentives apply also to commercial works.

In relation to retail requirements, whilst 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 and other complementary uses 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.

## **PART 3 – SHOPFRONTS & ADVERTISEMENT STRUCTURES**

### **3.1 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 shopfronts should provide a contemporary architectural expression 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 require planning permission under the Planning & Development Act 2000 (as amended).

### **3.2 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. At national level, the Retail Design Manual 2012 (Department of Environment, Community and Local Government and Department of Arts, Heritage and the Gaeltacht) is also a key document.

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 / laminate 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 palates 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.

## 3.4 Shopfront Signage

To actively encourage high quality shopfront displays, it is an objective of this Scheme that the following signage restrictions shall apply to all uses:

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 signs 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.

### **3.5 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 and similar, is unacceptable (excluding civic buildings).

### **3.6 Canopies, Flags and Security**

- 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.
- 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.
- 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 a fine density open mesh. The colour of the shutter should match the colour of the shopfront.

### **3.7 Advertisement Structures**

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

#### **Existing Advertisement Structures**

It is an objective of this Scheme to seek the removal of a number of existing advertisement structures (inc. fixtures and lighting) that through 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; but unfortunately some inappropriate structures have not been removed since the 2016 Scheme. Such structures include the large advertising hoarding on the building façade at 34 Bachelor's Walk and also the large letter 'i' sign on the façade of 33 Bachelor's Walk. It is an objective of Dublin City Council to engage with the owners of inappropriate advertising structures in order to remove them 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, 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.

The City Development Plan includes an Outdoor Advertising Strategy. The Strategy seeks to manage outdoor advertising in the city based on a series of geographical zones. The strategy seeks a co-ordinated approach to advertising in the public realm and gives specific guidance on digital signage, illuminated signs, high level corporate branding / signage and advertising on bus/taxi shelters.

Having regard to the specific context of the SSPC area, 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.

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:

### **4.1 Works on Non-Protected Structures**

#### **Exteriors**

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.

#### **Interiors**

- Interior joinery, fittings and decorative plasterwork should be retained or where appropriate, reinstated or restored following consultation with Dublin City Council. The Council will however reserve the right to make exceptions to this, particularly where the Council is satisfied that the overall impact of the development is generally compatible with the main aims of the SSPC and where there is significant public gain.

### **4.2 Works on 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. Opportunities for enhancements to the public realm in the area will arise with proposals to create a new cultural quarter at Parnell Square, to include the re-location of the City Library and incorporating various cultural uses.

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. Trees and planting in the area, working in conjunction with public realm enhancements, can further enhance public realm contributing positively towards sustainable drainage.

### **5.1 Street Furniture**

In regard to the public footpaths, certain forms of street furniture on paths or private landings will not be favourably considered. These 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 contained in the current City Development Plan

### **5.2 Public Art and Murals in the Public Realm**

O'Connell Street has a long history as a location for the installation of art in the public domain. Since the street was laid out in the 1740s various statutes and monuments have been erected along O'Connell Street over the years reflecting the history and development of the city and country both in terms of political and social changes. Dublin City Council has an established programme of works to preserve the existing monuments in the best possible condition and arrest any cause of damage through specialist cleaning and minimal intervention.

The street has also very successfully been used to accommodate temporary installations of public art in recent years, including as part of collaborations with the Hugh Lane Gallery such as the Barry Flanagan Hares and Julie Opie's 'Walking on O'Connell Street'. Temporary art installations with the Scheme will be given positive consideration where such proposals are clearly temporary in nature and have the approval of the City Council Arts Office.

Murals and street art can add visual interest, create unique experiences and make art accessible to the general public in a high profile location. It can also provide an attractive and visually interesting screen where development or other structural works are taking place behind hoardings.

Murals and street art will be considered where they meet the following defined requirements:

1. A letter of consent shall be supplied from the owner of the wall/building/hoarding, as part of the application process.
2. Installation of agreed content shall take place during daylight hours, by a suitable qualified person in compliance with health and safety.
3. The installation shall be temporary with a defined date of removal; and the installation shall be removed by the proposer immediately following that date.
4. The installation shall contain no commercial or branded content.
5. The installation shall have no content which is political, religious, sexist or racist in nature or content which may be considered discriminatory.
6. The dimensions shall not impinge on any other building or structure or on any adjoining walls, including the street furniture and utility boxes.
7. Maintenance of the installation shall be the responsibility of the proposer.

Having regard to the potential negative impacts on public realm within the Scheme, and the visual/architectural sensitivities of this historic area; including the high number of protected structures; all privately proposed murals/mural art will require approval through the planning process by the City Council on a case by case basis.

## **PART 6 IMPLEMENTATION**

### **6.1 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.

A number of uses were considered to have a negative impact on the architectural, historical and civic character of the area, and this information has informed the content of the specific land-use controls contained in this document.

During the lifetime of this Scheme, Dublin City Council will continue to assess and monitor these uses as key developments take place. 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.

### **6.2 Statutory Notices**

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.

## **APPENDIX 1 – DEFINITIONS**

### **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.

### **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 non-durable 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).

**Souvenir/Gift shop**

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

**Stationery / Card shop**

An outlet selling stationery 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, & STRATEGIC FLOOD RISK ASSESSMENT**

### **Appropriate Assessment**

A Screening for Appropriate Assessment (AA) was completed by Dublin City Council (DCC) in respect of the Draft Scheme of Special Planning Control for O'Connell Street 2022 (the Draft SSPC). Having regard to Article 6(3) of the Habitats Directive, the guidance contained in the Department of Housing, Planning, Community and Local Government's *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities* (2010) and based on the objective information provided in the Appropriate Assessment Screening Report for the Draft SSPC, DCC as the Competent Authority determines that the Draft SSPC, individually, and in combination with other plans and projects, does not have the potential to give rise to likely significant effects on the Special Conservation Interests / Qualifying Interests and their respective Conservation Objectives of any Natura 2000 site, and does not require an Appropriate Assessment.

### **Strategic Environmental Assessment**

Having regard to the provisions of Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulation 2004-2011, DCC as the Planning Authority has determined that the implementation of the Draft SSPC is not likely to have significant effects on the environment. DCC has considered that a Strategic Environmental Assessment (SEA) is not required in respect of the Draft Special Scheme of Planning Control (SSPC) for O'Connell Street 2022.

### **Strategic Flood Risk Assessment**

The lands subject to the Draft SSPC are mostly situated within flood zone C. An area of flood zone A defended was subject to a justification test as part of the SFRA of the current Development Plan. The Draft SSPC aligns with the land use zonings and objectives of the current Development Plan and therefore a further justification test is not required. The O'Connell Street SSPC will not generate a new building but may intensify existing uses. It is not considered that the SSPC, in itself constitutes a flood risk.