
Chief Executive's Report on Submissions / Observations received in relation to the Draft Scheme of Special Planning Control (SSPC) for O'Connell Street and Environs 2022

1.0 Introduction

A Draft Scheme of Special Planning Control has been prepared for O'Connell Street and Environs 2022 (the Draft Scheme). The existing Scheme of Special Planning Control for O'Connell Street 2016 has been reviewed and several changes are recommended.

The boundary the Draft Scheme is identical to the O'Connell Street Architectural Conservation Area (ACA). There is no change to the boundary of the SSPC.

It is proposed to amend the existing SSPC to include several text changes, to ensure consistency with the Dublin City Development Plan 2016 - 2022 (the Development Plan) and to consider wider planning policy and economic changes that have occurred since the SSPC was adopted.

The changes proposed include:

- Updates to general land use controls.
- Updates to street-specific land uses in the permitted, open for consideration, and non-permissible categories.
- Text changes, to include updated objectives.

2.0 Policy Context Update

Since the adoption of the SSPC in 2016, the context for the Area of Special Planning Control has changed, including the adoption of the Development Plan, and in particular revised policies relating to conservation, retail, urban design, and the public realm. Broader international and national economic trends relating to retailing will impact the long-term mix and range of land uses anticipated within the O'Connell Street area.

Furthermore, national and regional policy has reinforced the importance of city and town centres in achieving compact growth and facilitating vibrant and sustainable economic development. The National Planning Framework (NPF) (Project Ireland 2040) identifies 10 National Strategic Outcomes (NSOs) for the future growth and sustainable development of Ireland, including Compact Growth. It states that at least 50% of all new homes for Dublin City and suburbs are required to be delivered within and adjoining its existing built-up footprint. To achieve this, the NPF identifies the reusing of large and small 'brownfield' land, infill sites, and underutilised lands at locations well served by existing and planned public transport. The NPF particularly highlights the need to focus on underutilised lands within the canals and the M50 ring.

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region is underpinned by three key principles: healthy placemaking; climate action; and economic opportunity. It seeks the consolidation and re-intensification of infill, brownfield, and underutilised lands within Dublin City and its suburbs. 50% of all new homes within Dublin City and its suburbs are to be located in the existing built-up area. To facilitate this growth the RSES also includes a Metropolitan Area Strategic Plan (MASP) for Dublin. The MASP directs future growth to identified Strategic Development Areas located on existing and planned strategic transport corridors and anticipates future growth will also be accommodated on infill development lands in the city.

The National Transport Authority's Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for developing a sustainable transport network. Key public transportation projects for Dublin City include:

- Luas - expansion of the existing network. Luas Cross City has provided two stops on O'Connell Street by connecting the existing Luas Red and Green Lines. It has made the historic O'Connell St district more accessible to visitors, and the main attractions in the O'Connell Street area (i.e., GPO's Witness History, The Gate Theatre, The Abbey Theatre, and the Dublin City Hugh Lane Gallery).
- Bus Connects – enhancement of Dublin's bus network along with several identified Core Bus Corridors. O'Connell Street will be a focal point for significant interchange on the network.
- Metrolink – proposed rail link from the City Centre to Dublin Airport / Swords. Both the Luas and Bus Connects are being designed to integrate and interchange with Metrolink as part of a wider strategic transport network for Dublin. A Metrolink stop is proposed on O'Connell Street.

The Draft Scheme acknowledges the link between significant State investment in the public transport infrastructure of the area and the anticipated changes to an intensification of land uses that will occur in the area. Significant re-development proposals and opportunities exist on O'Connell Street and its environs.

It is within this context that it is proposed to update the SSPC.

3.0 Procedure Followed

On 30th May 2022, DCC gave notice that it had prepared the Draft Scheme, under Sections 85 and 86 of the Planning and Development Act 2000 (as amended).

A hybrid briefing was arranged for the Elected Members on 27th May 2022 in advance of the commencement of the public consultation period.

The public consultation period took place from 30th May 2022 to 25th July 2022 inclusive (a period of 8 weeks) during which time the Draft Scheme along with screening reports and determinations pertaining to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA), in addition to a Strategic Flood Risk Assessment (SFRA) were disseminated to the public and submissions were invited as follows:

- Notification of the preparation and display of the Draft Scheme, including environmental reports for public consultation, was placed in the Irish Independent on 30th May 2022 with information on the public consultation programme and an invitation for submissions.
- Letters that provided notification of the Draft Scheme consultation programme and an invitation for submissions were distributed to, inter alia, the Minister for Housing, Local Government and Heritage, and relevant prescribed authorities.

- Owners/occupiers of properties located within the area covered by the SSPC were written to, inform them of the Draft Scheme and how it might affect them.
- Copies of the Draft Scheme, together with the respective Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) screening reports and Strategic Flood Risk Assessment (SFRA) were available for inspection at:
 - The Civic Offices of Dublin City Council, ground floor, Block 4, Wood Quay, Dublin 8 during public opening hours, Monday – Friday 9.00 am to 4.30 pm, (excluding Bank Holidays).
 - Central Area Office at 51-53 Sean Mc Dermott Street Lower, Dublin 1 (14.00-17.00) Mon-Thurs and 9.00-15.00 Friday.
 - Central Library, Ilac Centre, Dublin 1, Monday – Thursday 10.00-20.00, Friday 10.00-17.00 and Saturday 10.00-17.00.
- The Draft Scheme along with associated environmental reports was also available on the City Council's website at <https://www.dublincity.ie/residential/planning/archaeology-conservation-heritage/conservation-built-environment/special-planning-control-schemes>
- Written submissions or observations concerning the Draft Scheme were invited to arrive before 4.30 pm on 25th July 2022. Submissions or observations could also be made online at <https://consult.dublincity.ie/>.

4.0 Outcome of the Public Consultation Programme

A total of 15 submissions were received. All submissions were considered and summarised and a recommendation was provided. A list of all the persons/bodies that made submissions within the public consultation period is provided in Table 1 below.

Table 1: List of submissions received

Submission	Author	Type
DCC-C40-SPC-15	Office of the Planning Regulator	Organisation
DCC-C40-SPC-1	Irish Aviation Authority	Organisation
DCC-C40-SPC-2	Transport Infrastructure Ireland	Organisation
DCC-C40-SPC-3	Environmental Protection Agency	Organisation
DCC-C40-SPC-4	Health and Safety Authority	Organisation
DCC-C40-SPC-5	Geological Survey Ireland	Organisation
DCC-C40-SPC-8	Office of Public Works	Organisation
DCC-C40-SPC-11	Fáilte Ireland	Organisation
DCC-C40-SPC-12	DAA	Organisation

DCC-C40-SPC-6	Savills on behalf of Institutional Investment Partners GmbH acting for the accounts of PKD AEW Europafonds regarding 2-4 O'Connell Street Lower	Organisation
DCC-C40-SPC-7	Savills on behalf of AEW Europe City Retail	Organisation
DCC-C40-SPC-9	Sean King	Individual
DCC-C40-SPC-10	Zoe Baker	Individual
DCC-C40-SPC-13	Stephen Little & Associates on behalf of Dublin Central General Partnership Ltd.	Organisation
DCC-C40-SPC-14	Ciarán Cuffe, MEP	MEP

5.0 Summary of submissions, Chief Executive's response, and recommendation

Submission DCC-C40-SPC-15: Office of the Planning Regulator

Summary

The submission from the Office of the Planning Regulator (OPR) clarifies that while there is no statutory requirement for the OPR to assess the Draft Scheme, several high-level observations are provided.

The OPR welcomes the timing of the review having regard to the emerging policy context for the city in the Draft Dublin City Development Plan 2022 – 2028, referencing Objective CCUVO8 to review SSPCs. Reference is made to draft policies that support/promote cafes/restaurants (policy CCUV30), outdoor dining (CCUV32 and CCUV05), night-time economy, click and collect (CCUV11), temporary use of vacant premises (CCUV13), and co-working. The OPR notes that the Draft Scheme does not refer to recent/emerging trends including co-working, 'click and collect' and facilities for outdoor dining, and requests that the revised scheme considers these trends and ensures that the controls included in the SSPC are consistent and complementary to the policies and objectives in the Draft City Development Plan and in particular, Chapter 6 – City Economy and Enterprise and Chapter 7 - The City Centre Urban Villages and Retail.

Chief Executive's Response

The Chief Executive notes the submission from the Office of the Planning Regulator. While the Draft Dublin City Development Plan 2022-2028 is acknowledged, the Draft Scheme must align with the current operational Development Plan under the provisions of Section 84 (3) of the Planning and Development Act 2000 (as amended).

Notwithstanding this, the Draft Scheme positions this review in the context of the Covid-19 pandemic and the city centre recovery, acknowledging how regeneration can work in tandem with conservation objectives to make the area architecturally, historically, and culturally vibrant. Furthermore, the Draft Scheme acknowledges the strategic planning policy changes which have been introduced since the last SSPC was made, including the NPF, the RSES Strategy, including state investment in proposed public transport in the area to include Metrolink and BusConnects which will catalyse the intensification of land uses and foster regeneration within the area. While the issues raised by the OPR are noted, it is inappropriate to align a statutory document to draft policy in advance of the adoption of the next City Development Plan. Notwithstanding this, the principles addressed in the Draft Scheme including the night-time economy and online retailing are considered compatible with the

uses/activities highlighted by the OPR. For this reason, no change is proposed to the Draft Scheme as the current text adequately addresses the matters raised.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-1: Irish Aviation Authority

Summary

A submission was received from the Irish Aviation Authority. No observations were made.

Chief Executive's Response

The Chief Executive notes the submission from the Irish Aviation Authority.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-2: Transport Infrastructure Ireland

Summary

The submission from Transport Infrastructure Ireland (TII) notes that the placement of signage, illumination or other structure along the Luas corridors needs to be considered so that it does not obstruct views for the tram drivers. With specific reference to Part 3 of the Draft Scheme, concerning shopfront design, advertisement structures, and illumination, TII recommends that references to TII's '*Light Rail Environment – Technical Guidelines for Development PE-PDV-00001*' (December 2020) and TII's '*Code of Engineering Practice for works on, near or adjacent the Luas light rail system*' be included.

Chief Executive's Response

The Chief Executive notes the submission from TII. Section 3.4 - Shopfront Signage of the Draft Scheme states that projecting signs shall not generally be permitted within the SSPC. While proposals for signage, illumination or other works would require planning permission and any impact on the safe operation of the Luas would be assessed at this stage, it is accepted that the Draft Scheme should refer to TII's '*Code of engineering practice for works on, near, or adjacent the Luas light rail system*' and '*Light Rail Environment – Technical Guidelines for Development PE-PDV-00001*' (December 2020) concerning shopfront signage and new advertisement structures to avoid adverse impact on Luas operation and safety in the O'Connell Street area.

Chief Executive's Recommendation

The Chief Executive recommends the following changes:

Part 3 – Shopfronts and Advertisement Structures

Section: 3.4 Shopfront Signage

Page: 13

Insert new bullet point

{Signs should not have an adverse impact on Luas operation and safety and shall comply with Transport Infrastructure Ireland's '*Code of engineering practice for works on, near, or adjacent the Luas light rail system*' and '*Light Rail Environment – Technical Guidelines for Development PE-PDV-00001*' (December 2020), or any subsequent updates to or replacements thereof.}

Part 3 – Shopfronts and Advertisement Structures

Section: 3.7 Advertisement Structures

Subsection: New Advertisement Structures

Page: 15

Insert new bullet point

{All proposals for advertisement structures on, near, or adjacent to the Luas shall comply with Transport Infrastructure Ireland's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' and 'Light Rail Environment – Technical Guidelines for Development PE-PDV-00001' (December 2020), or any subsequent updates to or replacements thereof.}

Submission DCC-C40-SPC-3: Environmental Protection Agency

Summary

A submission was received from the Environment Protection Agency (EPA). The EPA notes the determination that SEA is not required for the SSPC. The submission outlines that the guidance document 'SEA of Local Authority Land Use Plans – EPA Recommendations and Resources' should be consulted and considered, which was also attached to the submission. It is also recommended that the Scheme is consistent with the principles of sustainable development and with the NPF and RSES. Furthermore, reference is made to the Environmental Sensitivity Mapping (ESM) WebTool as a resource. It is recommended that if changes are proposed to the Draft Scheme before finalisation, these be screened for SEA and that a screening determination is made available for inspection and a copy of the determination sent to the relevant authorities.

Chief Executive's Response

The Chief Executive notes the submission from the EPA concerning the SEA. DCC consulted with EPA, in addition to other prescribed environmental bodies, concerning SEA, AA, and SFRA before finalising determinations and commencing public consultation. The aforementioned resources were also consulted as part of the screening process. Any changes proposed to the SSPC will be screened for SEA and a final determination issued.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-4: Health and Safety Authority

Summary

A submission was received from the Health and Safety Authority (HSA). No observations were made as it was considered that the Draft Scheme would be outside the scope of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015.

Chief Executive's Response

The Chief Executive notes the submission from the HSA.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-5: Geological Survey of Ireland

Summary

A submission was received from the Geological Survey of Ireland (GSI). No observations were made.

Chief Executive's Response

The Chief Executive notes the submission from the GSI.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-8: Office of Public Works

Summary

A submission was received from the Office of Public Works (OPW) concerning the SFRA that was prepared. The OPW welcomes the recommendations relating to climate change and SuDS.

It is suggested that the SFRA notes that the current Dublin City Development Plan and associated SFRA are soon to be superseded by the 2022-2028 Development Plan and its SFRA.

The OPW state that it is difficult to assess the zonings/sites at risk of flooding or to determine whether the sequential approach has been applied in the Composite Flood Zone Map provided in the absence of the land use zoning map having been overlaid on the flood zone map.

It is stated that the Composite Flood Zone Map shown in the SFRA does not appear to correspond to CFRAM flood extents and the OPW seeks clarity on the datasets used to produce the mapping. It is stated that the OPW CFRAM pdf maps which include defended area mapping do not correspond with the defended areas shown on the map included in the SFRA. The SFRA shows a defended area on Bachelor's Walk and Eden Quay. However, the OPW state that the Eastern CFRAM Study HA09 Hydraulics Report notes that all of the quay walls along the River Liffey through Dublin were deemed to be ineffective defences. The OPW requests that DCC clarify the defended area mapping that is being used in the Composite Flood Zone Map.

The submission notes that there was no discussion on coastal flooding. It notes that the National Coastal Flood Hazard Mapping 2021 can be viewed on floodinfo.ie.

The OPW notes that the Guidelines recommend a precautionary approach to climate change but states that the SSPC does not outline how it has taken a precautionary approach. It states that Planning Authorities can consider climate change impacts in the plan-making Stage, such as by avoiding development in areas potentially prone to flooding in the future, providing space for future flood defences, and setting specific development management objectives. It is also noted that the maps prepared under the CFRAM programme include maps for future scenarios that take account of different degrees of climate impact, and specifically show the coastal flood extents around O'Connell Street and Environs increasing as a result of climate change.

Concerning SuDS, the OPW notes that the Guidelines recommend the SFRA guides the likely applicability of different SuDS techniques for managing surface water run-off at key development sites, and also that the SFRA identifies where the integrated and area-based provision of SuDS and green infrastructure are appropriate to avoid reliance on individual site by site solutions.

The submission references the requirement for Site Specific Flood Risk Assessments for basements and underground structures and emphasises that all flood zones are subject to flood risk assessment of flood hazards from other sources which should address all sources of flooding.

Chief Executive's Response

The Chief Executive notes the submission from the OPW. The current SSPC for O'Connell Street and Environs was made in 2016. Under the provisions of the Planning and Development Act 2000 (as amended), the SSPC is in place for a period of 6 years. The Dublin City Development Plan 2016-2022 is the current development plan in place. As such the Draft Scheme is consistent with the current Development Plan and its associated SFRA.

All mapping, including the Composite Flood Zone Mapping that is included in the SFRA which accompanies the Draft Scheme, is cited to be taken from the SFRA of the Dublin City Development Plan 2016-2022. All policies, objectives, and land use zoning contained in the current Development Plan have been subject to a comprehensive SEA, AA, and SFRA process. Reference is also made to the justification test which was undertaken as part of the current Development Plan. It is not considered reasonable to update the overall Composite Flood Zone Map for the current Development Plan to contain a land use zoning layer, as the land use zonings, policies, and objectives contained in the current Development Plan are not subject to review as part of this process. The purpose of the SFRA which accompanies the Draft Scheme is to ensure consistency with the current Development Plan.

The Composite Flood Zone Map illustrated (figure 8) is cited as an extract from the Composite Flood Zone Map of Dublin City included in Appendix 5, Volume 7 of the Dublin City Development Plan 2016-2022. This map itself is not subject to review under this process. The Draft Scheme does not propose land uses or development that is inconsistent with the current Development Plan in place and the scale and intensity of development anticipated in this city centre location. While the Chief Executive acknowledges that a new Development Plan is forthcoming, informed by associated technical documents to include SFRA which may be informed by updated data sets, it should also be noted that any development proposals will be subject to planning permission and will have to be consistent with the Development Plan in place at the time a decision is due. Development proposals may be subject to site-specific flood risk assessments. The Draft Scheme does not give consent for any project or development.

The SFRA prepared for the current Development Plan addresses coastal flooding. The data contained on floodinfo.ie was consulted as part of the preparation of this SFRA, which contains the CFRAM Coastal Flood Extents map layer. Concerning coastal/tidal flooding, Section 4.5.2 'Fluvial or river flooding' in the SFRA which accompanies this SSPC acknowledges the tidal/coastal flood event of February 2002 which impacted Bachelors Walk. However, in the interest of clarity, a new subsection will be included in Section 4.5 of the SFRA to explicitly reference coastal and tidal flooding.

Climate change has been considered and incorporated into the current Development Plan and its accompanying SFRA. The Chief Executive emphasises that the purpose and scope of the SSPC is to provide specific land use objectives which are overall consistent with the land use zoning of the Development Plan. It is not to consider the merit of individual development proposals or to propose specific flood measures or site-specific solutions. Strategic land use considerations are reserved for the Development Plan process. As noted, the Draft Scheme is consistent with the current Development Plan which was subject to a comprehensive SFRA. It is therefore not proposed to amend the SFRA document.

Concerning SuDS and Site-Specific Flood Risk Assessments, site-specific matters will be assessed at the development management stage in the planning process and must meet the requirements set out by DCC Drainage Planning, Policy & Development Control. Furthermore, DCC has provided further clarity around requirements for the incorporation and design of

SuDS into new development in the 'Sustainable Drainage Design & Evaluation Guide' (2021) and 'Green & Blue Roof Guide' (2021).

Chief Executive's Recommendation

The Chief Executive recommends the following changes to the Strategic Flood Risk Assessment:

Section 4.5 Sources of Flooding

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Insert new sub-section 4.5.3 after sub-section 4.5.2

{4.5.3 Coastal and Tidal Flooding

The area covered by the Draft SSPC was subject to a justification test that was undertaken for this area in the SFRA of the current Development Plan which considered flood risk from the tidally influenced River Liffey.

The CFRAM Coastal Flood Extents on floodinfo.ie are noted.}

Submission DCC-C40-SPC-11: Fáilte Ireland

Summary

A submission was received from Fáilte Ireland which welcomed the opportunity to input into the Draft Scheme. The submission outlines the economic importance of tourism for Dublin and indeed Ireland as a whole and emphasises the importance of high-quality urban design, quality public realm, and multi-functional building uses in attracting and maintaining vibrancy and animation throughout the day and night. In particular, the submissions welcome the key objectives outlined in Part 5 of the Draft Scheme relating to the promotion of high-quality and inclusive design and the provision of high-quality street furniture. The importance of fostering the growth of the night-time economy is also emphasised.

Chief Executive's Response

The Chief Executive welcomes the submission from Fáilte Ireland. The purpose of the Draft Scheme is to guide investment toward the creation of a thriving commercial area while protecting and enhancing the architectural, historical, cultural, and civic character of the area. As such the SSPC addresses land use, shopfronts and advertising structures, the built fabric, and the public realm, setting out a range of objectives. Collectively, these objectives support the tourism sector and support the comments raised by Fáilte Ireland.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-12: DAA

Summary

A submission was received from Dublin Airport Authority (DAA). No observations were made on the Draft Scheme. It is recommended that the Irish Aviation Authority (IAA) be consulted.

Chief Executive's Response

The Chief Executive notes the submission from DAA.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-6: Savills on behalf of Institutional Investment Partners GmbH acting for the accounts of PKD AEW Europafonds regarding 2-4 O'Connell Street Lower

Summary

The submission relates to nos. 2-4 O'Connell Street Lower is currently occupied by Ulster Bank. Three amendments to the scheme are requested.

Request 1:

It is requested that the scheme be amended to align with the Draft Dublin City Development Plan 2022-2028 and the Draft Retail Strategy. The submission suggests a misalignment between the Draft Development Plan and the Draft Scheme, noting that the Draft Development Plan 'downgrades' O'Connell Street from a category 1 to a category 2 shopping street, providing less focus on retail. Reference is made to Section 1.2(7) of the Draft SSPC which seeks higher-order retail outlets for O'Connell Street, Henry Street, and North Earl Street. Reference to draft policy CCUV16 of the Draft Development Plan is also emphasised, where category 2 shopping streets should provide a mix of retail and other complementary uses. The submission suggests that this misalignment will create uncertainty.

Request 2:

The submission requests that normal exempted development provisions as set out in the Planning and Development Regulations 2001 (as amended) apply to Financial Services as they relate to change of use to shop and change of use to professional service. It is suggested that this requirement does not accord with the current economic climate and should be removed as they place increased uncertainty on building occupiers and owners.

Request 3:

The submission suggests that the list of retail operations that require planning permission under the provisions of the Draft Scheme should be reduced, to remove the following: cosmetics/beauty products; hairdressers; health food shops; launderette or dry cleaners; mobile phone shop and related goods; wine shops; personal care and grooming services; pharmacy; supermarket.

Chief Executive's Response

The Chief Executive notes the submission from Savills on behalf of their client.

Request 1:

While the Draft Dublin City Development Plan 2022-2028 is acknowledged, the Draft Scheme must align with the current operational Development Plan under the provisions of Section 84 (3) of the Planning and Development Act 2000 (as amended). Notwithstanding this, it is not considered that there is a misalignment or uncertainty generated as a result of proposed changes to the category 1 and 2 shopping streets and the ground floor land use controls for O'Connell Street, Henry Street, and North Earl Street under 1.2 (7) of the SSPC. The purpose of the SSPC in part to provide specific guidance relating to use classes to ensure that new uses enhance the character and diversity of the area. As such, exemptions from seeking planning permission under the Planning and Development Regulations 2001 (as amended) relating to changes of use no longer apply within the Area of Special Planning Control. While the Draft Scheme does not permit certain uses, it requires that other changes of use will require planning permission. Such proposals would be assessed on their individual merits in terms of their overall contribution to the objectives of the Draft Scheme and the objectives of the Architectural Conservation Area and per the provisions of the Development Plan. However, in the interest of clarity, it is proposed to delete some text in the Draft Scheme.

Request 2:

The Chief Executive notes the request. It is emphasised that as part of the review of the SSPC, existing land uses at the ground floor level were assessed to determine the impact of different land uses on the overall architectural, historical, and civic character of the area. Several principles were considered including compatibility of uses with the existing and adjacent buildings; the extent to which the use contributes to the creation of an active street frontage; and the overall presentation of the use to the street, having regard to shopfront, signage, and advertisements. Having regard to the overall objectives of the SSPC it is not considered appropriate to allow the exempted development provisions, insofar as they relate to financial services, to apply. It is not considered that this places undue certainty or burden on owners/occupiers. Individual proposals would be assessed on their merits and would consider the proposal in the context of the overall area.

Request 3:

The requirement that applicants seek planning permission for certain uses aligns with the overall vision and objectives of the SSPC. Therefore, the purpose of the SSPC is to introduce controls of changes within use classes that may otherwise constitute exempted development. In this way, the Planning Authority can assess individual applications on their merits and ensure that the overall proliferation of any given use is considered as part of a comprehensive planning assessment.

Chief Executive's Recommendation

The Chief Executive recommends the following changes:

Section 1.2 Promotion of an Appropriate Mix and Balance of Uses

Page 6, first paragraph

Amend text as follows:

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.)~~

Submission DCC-C40-SPC-7: Savills on behalf of AEW Europe City Retail

Summary

The submission focuses on nos. 42-43 Henry Street is under management by AEW Europe City Retail and states that the building is currently vacant. Three amendments to the scheme are requested.

Request 1:

It is requested that no. 42-43 Henry Street is removed from the SSPC boundary, stating that the building is situated 100 metres from O'Connell Street and cannot be considered part of its environs from an architectural perspective. It is suggested that the inclusion of only part of Henry Street within the SSPC is a disadvantage to letting this building, due to the removal of certain exemptions and therefore placing the building at a disadvantage when compared to neighbouring buildings. It is also stated that its inclusion in the SSPC has had a negative impact on planned investment in the vacant upper floors.

Request 2:

It is requested that the list of retail operations that require planning permission in the SSPC should be reduced to remove cosmetics/beauty products; hairdressers; health food shops; launderette or dry cleaners; mobile phone shop and related goods; wine shops; personal care and grooming services; pharmacy; supermarket.

Request 3:

It is requested that the SSPC should allow for certain exempted development provisions relating to residential conversions, with the submission emphasising the support given for residential uses on upper floors throughout the Draft SSPC, particularly Part 2 – ‘Maximising the Use of Buildings’. It is requested that the provisions of Article 10(6) (b) be applied to the SSPC to allow for residential conversions on vacant upper floors. The submission notes that Article 10 (6) (d) (x) states that this article shall not however relate to any structure in an Area of Special Planning Control. However, the submission claims that while the SSPC can remove certain exemptions, it should be able to reintroduce exemptions, under Section 87 of the Planning and Development Act 2000 (as amended) which states ‘any development within an area of special planning control shall not be exempted development where it contravenes an approved scheme applying to that area’.

Chief Executive’s Response

The Chief Executive notes the submission from Savills on behalf of their client.

Request 1:

Under Section 84 (1) of the Planning and Development Act 2000 (as amended), a planning authority may prepare an SSPC for all or part of an Architectural Conservation Area, ‘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’. The boundary of O’Connell Street and Environs SSPC is identical to that of the Architectural Conservation Area (ACA), for the reasons set out under Section 84 of the Act. Following the review of the Scheme, it was not considered appropriate to reduce the area covered by the SSPC. Therefore, it is not considered appropriate to change the boundary of the SSPC to remove the aforementioned property.

Request 2:

The requirement that applicants seek planning permission for certain uses aligns with the overall vision and objectives of the SSPC. Therefore, the purpose of the Draft Scheme is to introduce controls of changes within use classes that may otherwise constitute exempted development. In this way, the Planning Authority can assess individual applications on their merits and ensure that the overall proliferation of any given use is considered as part of a comprehensive planning assessment.

Request 3:

The Draft Scheme has been prepared under Sections 84 and 85 of the Act and sets out a range of uses where exemptions shall not apply and where planning permission would be required.

Section 87 (1) of the Planning and Development Act states ‘Notwithstanding section 4 and any regulations made thereunder, any development within an area of special planning control shall not be exempted development where it contravenes an approved scheme applying to that area’ (underlined for emphasis).

Notwithstanding the provisions of Article 10 (6), (b) of the Planning and Development Regulations, the provision of Article (6)(d)(x) states ‘No development shall relate to any structure in any of the following areas’ to include ‘(II) an area of special planning control’. As the provision of Article 10(6) explicitly does not apply to a Scheme of Special Planning Control, the consideration of this exemption cannot be considered under the provision of Section 87 (1) of the Act, irrespective of whether or not the exemption does not contravene an approved scheme applying to that area.

The Draft SSPC supports the consideration of upper floors for residential use. Having regard to the challenges in refurbishing such buildings for residential use that conform with the

principles of sustainable and residential development, in addition to considerations relating to the historic fabric, such proposals would be considered on their individual merits and assessed as part of the development management process.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-9: Sean King

Summary

The submission sets out several suggestions for how O'Connell Street may be re-imaged, including improvements to shopfronts, signage, and street furniture/utilities. Reference is made to street art, noting the 'hare statues', suggesting their reinstatement. Several supporting images are attached, including the 'hare statues', a manhole cover in Japan, an image of Leinster Market, and an illustration of a Victorian newsstand.

It is suggested that Abbey Street could be improved with additional greening. The potential of the laneways around the O'Connell Street area was also noted as potential opportunity for improvement. It is suggested that Leinster Market, which ran from Westmoreland Street to D'Olier Street be reinstated and the lane reimagined as an art and food market.

It is suggested that an independent company be established and tasked with maintaining the public realm.

Increased Garda presence is welcomed, and it is suggested that an outreach programme be established.

Chief Executive's Response

The Chief Executive notes the submission and agrees that small improvements relating to street furniture, shop fronts, signage, and public art can have a positive impact on the overall image of O'Connell Street and its environs. The Draft Scheme encourages high-quality design in terms of signage and shopfronts and sets out several objectives and principles therein.

The Draft Scheme notes that the street has been successfully used to accommodate temporary art installations including collaborations with the Hugh Lane Gallery such as the Barry Flanagan Hares and Julie Opie's 'Walking on O'Connell Street'. Positive consideration for such temporary installations will continue, where it is clear that such proposals are temporary in nature and have the approval of DCC's Arts Office.

While individual suggestions for projects are noted, these are outside the remit of the SSPC. Consideration will be given to all public realm improvements and other projects outside this process that align with Council policy.

DCC is responsible for the maintenance of the public realm within O'Connell Street and Environs SSPC and in all areas in its ownership within its administrative boundary. There is a need from time to time for specialist crafts and treatment in the execution of this work which is carried out by contract. DCC is committed to the continued maintenance of the public realm, and it is not anticipated that this role will be outsourced to an independent management company.

While the matter of policing and other community outreach activities is noted, these are not planning matters and are outside the remit of the SSPC.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-10: Zoe Baker

Summary

The submission references Part 2 – Maximising the Use of Buildings of the Draft SSPC and suggests that the Government's Living City Initiative would need to be extended beyond 2022 to help incentivise renovation and encourage people to live in the city.

Chief Executive's Response

The Chief Executive notes the submission. While DCC supports the Government's scheme of tax incentives under the Living City Initiative, the extension of this or a similar scheme is outside the remit of the SSPC.

Chief Executive's Recommendation

No change is recommended.

Submission DCC-C40-SPC-13: Stephen Little & Associates on behalf of Dublin Central General Partnership Ltd.

Summary

The submission outlines that Dublin Central GP Ltd is a wholly owned subsidiary of Hammerson plc and notes that they control c. 2.2 ha of land located between O'Connell Street Upper and Moore Street with a working project title of 'Dublin Central'.

The submission outlines the rationale for amending the SSPC to include supermarket and food hall up to approx. 1,200 sq. m gross floor area as a permissible use. The submission states that convenience retail is supported in central and accessible locations by the Retail Planning Guidelines and the Dublin City Development Plan. The provisions of the Draft Dublin City Development Plan 2022-2028 are also outlined. It is claimed that the provision of a supermarket/food hall use within the SSPC will provide variety and support to residents, commuters, and workers, while supporting the concept of the 15-minute city, due to the proximity of future and existing public transport connections. It is suggested that as an alternative, supermarket use should be considered at basement level, with an entrance from street level.

The submission outlines the suitability of a supermarket/food hall use on O'Connell Street / Moore Lane, noting the proximity to existing similar outlets and referencing the increasing population. It is suggested that there is not an overprovision of convenience retail. The impact of the proposed use and the signage shopfront considerations are also outlined.

Chief Executive's Response

The Chief Executive notes the submission from Stephen Little & Associates on behalf of their client. Whilst it is agreed that appropriately located and well-designed supermarkets at an appropriate scale can enhance the vibrancy and vitality of the street, experience has shown that ground floor supermarkets generally do not contribute to the character of the SSPC due to their extensive frontage and signage, with poor presentation and maintenance. However, in order to encourage vitality, there is no objection to supermarkets at the basement or upper floors. In addition, it is considered that food halls up to 1,000 sq. m be considered as a use open for consideration, subject to high-quality design, materials, signage, and appropriate illumination, where it can be demonstrated that the use will significantly enhance the vibrancy of the street and contribute positively to the public realm and provisions of the SSPC. For clarity, there is no change proposed for 'newsagent/convenience store' or 'discount shop/supermarket/end of lines/closing down/euro store', which are still uses not permitted within the Scheme at ground floor level.

Chief Executive's Recommendation

The Chief Executive recommends the following changes:

Section 1.2 Promotion of an Appropriate Mix and Balance of Uses Subsection 7)

Page 8

Amend text as follows:

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 ~~{at}~~ ~~{for}~~ ground floor level:

{Food hall (max. 1,000 sq. m);} 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).

{In addition to the objectives and principles set out in Part 2, Part 3, and Part 4 of the SSPC the} ~~{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.

{- the extent to which the proposed use will significantly enhance the vibrancy and vitality of the street and contribute positively to the public realm and provisions of the SSPC.}

Appendix 1 Definitions

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Insert new definition after 'Flagship store':

{Food hall}

An independent retail outlet or part of a department store selling speciality, gourmet and/or artisan food and drink.}

Submission DCC-C40-SPC-14: Ciarán Cuffe, MEP

Summary

A submission was received from Ciarán Cuffe, MEP. It is suggested that no further planning permission be granted for free-standing advertising structures within the Area of Special Planning Control, also noting that the granting of permission for JC Decaux illuminated signage was a regressive step for the street. It is also suggested that the placing of sandwich board advertisements on the public footpath be eliminated.

The submission notes that the area should become a model of access for people with disabilities, with the Local Authority working with all stakeholders to achieve this.

It is suggested that tree planting on the street be reconsidered in the historic context and notes that it may be possible to increase the amount of green infrastructure and make greater provision for porous surfaces to cope with extreme weather events, and to enhance biodiversity.

It is noted that increased pedestrian permeability and connections would be an asset to the area linking to the Parnell Square Cultural Quarter. It is suggested that a greater effort be taken to ensure that empty buildings and sites such as Moore Street are brought back into active use.

The submission notes that greater planning enforcement is required and also suggests that a single individual within DCC be entrusted with the management of the area and the delivery of conservation, planning, and development goals.

Chief Executive's Response

The Chief Executive notes the submission from Ciarán Cuffe, MEP. Section 3.7 of the Draft Scheme addresses advertisement structures. It is a key objective that 'all new advertisement structures erected in the area are well designed. DCC will permit only advertisements which are designed sensitively, and which will enhance the appearance and vitality of the area.' The Development Plan also includes an Outdoor Advertisement Strategy which seeks to manage outdoor advertisement. Any proposals for advertisements will therefore be assessed under the current DCC policy in place. The issue of sandwich board advertisements is noted, and it is agreed that the over-proliferation of such signage in inappropriate locations can have a negative impact on the public realm and also negatively impact mobility for pedestrians and in particular those with mobility impairments or disabilities. Section 5.1 addresses street furniture and notes that A-frames will not be favourably considered on paths or private landholdings in inappropriate locations. It is also noted that all street furniture will require either planning permission or a licence under Section 254 of the Planning and Development Act. It is therefore considered that the current text of the Draft Scheme adequately addresses the matter raised.

The Draft Scheme has been prepared with inclusive and accessible design in mind. Reference is also made to the Dublin City Public Realm Strategy. DCC is committed to improving the public realm for all users.

A key objective of the SSPC is 'to promote high quality and inclusive design to improve the quality of the public realm and open spaces'. As indicated in Part 5 of the Draft SSPC, all proposals to improve the public realm will be directed by the Dublin City Public Realm Strategy. It is also noted in the Draft Scheme that trees and planting can further enhance the public realm and contribute positively to sustainable drainage.

While the issue of enhanced connections to the Parnell Square Cultural Quarter and the redevelopment of vacant sites are noted, these matters are not directly related to the remit of the SSPC.

The Planning and Property Development Department is responsible for the preparation of policy that relates to the planning, sustainable development, and conservation goals for the City, including the O'Connell Street SSPC, which are contained in the City Development Plan, Local Area Plans, and other area-specific plans and strategies. These policy objectives are delivered collaboratively through interdepartmental cooperation, between the Planning Department and other departments, which may also be informed by other policies to include, but are not limited to, the Parks Strategy, the Public Realm Strategy, and the Arts Plan. At project level, many projects are comprised of interdepartmental teams. While it is not the remit

of the SSPC to propose an alternative governance structure for the management of public spaces in Dublin City, consideration for interdepartmental street or area-based teams would have considerable resource implications and would require significant changes to DCC's governance structure.

Chief Executive's Recommendation

No change is recommended.

6.0 Strategic Environmental Assessment (SEA) Screening

Having regard to the provisions of Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulation 2004-2011, SEA screening has been undertaken in respect of the Draft SSPC.

DCC as the Competent 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 and Environs.

The prescribed bodies were notified of the above determination concerning SEA and no objections to the conclusions were received.

The proposed recommendations set out have been screened for SEA and considered in the context of the Dublin City Development Plan 2016-2022. DCC as the Competent Authority has determined that the changes proposed are not likely to have significant effects on the environment and that SEA is not required in respect of the proposed changes.

7.0 Appropriate Assessment (AA) Screening

Dublin City Council has undertaken Screening for Appropriate Assessment (AA) under Habitats Directive 92/43/EEC.

Dublin City Council as the Competent Authority having considered the AA Screening Report prepared by Dublin City Council makes a determination that the Draft O'Connell Street and Environs SSPC 2022 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, either alone, or in combination with other plans or projects and that a Stage II Appropriate Assessment will not be required.

The prescribed bodies were notified of the above determination concerning AA and no objections to the conclusions were received.

The proposed recommendations set out have been screened for AA and considered in the context of the Dublin City Development Plan 2016-2022. DCC as the Competent Authority has determined that the changes proposed do 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, either alone, or in combination with other plans or projects and that a Stage II Appropriate Assessment will not be required.

8.0 Procedure to Date and Next Steps

On **22 August 2022**, the Chief Executive's Report on the public consultation for the Draft Special Scheme of Planning Control for O'Connell Street and Environs was submitted to the Elected Members of DCC for consideration.

On **2nd September 2022**, a briefing for the Elected Members on the Chief Executive's Report on the public consultation for the Draft Special Scheme of Planning Control for O'Connell Street and Environs was held.

Motions on the Chief Executive's Recommendations were requested on or before **9th September 2022**. None were received.

On **3rd October 2022**, the Chief Executive Report will be considered at the City Council Meeting. The Members may by resolution approve the scheme with or without modifications or refuse to so approve.

A copy of the Special Scheme of Planning Control document is included in Appendix 1.

9.0 Recommendation to City Council

Having regard to the submissions received on the Draft Scheme of Special Planning Control (SSPC) for O'Connell Street and Environs and to the Chief Executive's recommendations to the issues raised therein, it is recommended that the City Council approve the scheme by resolution.

Owen P. Keegan
Chief Executive

20th September 2022

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 Strategy¹ 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

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.

¹ 2016 City Development Plan, Appendix 3, page 130

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.²

3) The following changes of use type within the class groups³ 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

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

³ Class groups as defined in Schedule 2 (Part 4) of the Planning and Development Regulations 2001- 2022.

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 merits⁴

For all other Streets-

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

Uses not permitted within the Scheme at ground floor level:

Amusement arcade; bookmakers~~(S)~~~~(L)~~ catalogue shop~~(S)~~~~(L)~~ collect store ~~(S)~~~~(L)~~ 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~~(S)~~~~(L)~~ seasonal shop; adult entertainment shop; supermarket~~(S)~~~~(L)~~ souvenir/gift shop; tourist information centre/tourist services and sale of tickets.

Uses open for consideration within the Scheme ~~{at}~~ ~~(for)~~ ground floor level:

{Food hall (max. 1,000 sq. m);} 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).

{In addition to the objectives and principles set out in Part 2, Part 3, and Part 4 of the SSPC the}~~(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.

⁴ Further guidance regarding complementary non-retail uses is provided in Section 1.3.

{- the extent to which the proposed use will significantly enhance the vibrancy and vitality of the street and contribute positively to the public realm and provisions of the SSPC.}

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 considered 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, considering 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 shopfront 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 /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.

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.
 - {Signs should not have an adverse impact on Luas operation and safety and shall comply with Transport Infrastructure Ireland's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' and 'Light Rail Environment – Technical Guidelines for Development PE-PDV-00001' (December 2020), or any subsequent updates to or replacements thereof.}

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.
- {All proposals for advertisement structures on, near, or adjacent to the Luas shall comply with Transport Infrastructure Ireland's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' and 'Light Rail Environment – Technical Guidelines for Development PE-PDV-00001' (December 2020), or any subsequent updates to or replacements thereof.}

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 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 foods), 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.

{Food hall

An independent retail outlet or part of a department store selling speciality, gourmet and/or artisan food and drink.}

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.

Stationary / 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.