



An
Bord
Pleanála

Inspector's Report

ABP-306897-20

Development	Increase in size and configuration of fire detection panel and installation of internal illumination along fascia and soffit return panels of shopfront.
Location	Numbers 111 and 112, Saint Patricks Street, Cork City.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38982
Applicant(s)	JD Sports Fashion PLC
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v. Condition
Appellant(s)	JD Sports Fashion PLC
Observer(s)	None
Date of Site Inspection	12 th June 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

1.1. The appeal site is located at numbers 111 and 112 Saint Patricks Street, within the retail core area in the centre of Cork City and comprises the ground floor area of a four-storey building within the Savoy Centre on the western side of Patrick Street. There are several other commercial premises located north and south of the appeal site along Patrick Street. The Easons book shop and stationary store is located immediately north of the appeal site and the commercial unit to the south is currently under renovation, with hoarding erected along its street frontage.

2.0 Proposed Development

2.1. It is proposed to increase the size and configuration of a fire panel which is located on the rear of an internal pole and internal illumination inside the front glazing along the fascia and soffit return panels of the shopfront.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted subject to five conditions. The following is the relevant condition to this appeal:

Condition Number 3: The proposed internal yellow mesh fascia and soffit return panels shall not be internally illuminated.

Reason: In the interest of visual amenity.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The Area Planner recommended that planning permission be granted subject to conditions.

Other Technical Reports

- Road Design (Planning): No objection, subject to condition

3.3. Prescribed Bodies

- No comments received.

4.0 Planning History

Subject Site:

Planning Authority reference number TP19/38450. In 2019 planning permission was granted for new signage (including a projecting sign), the removal and replacement of part of the existing shop frontage cladding with new natural stone cladding, the installation of internally illuminated fascia panels, the installation of 2000mm by 2000mm suspended double sided light box behind the shop front window, the installation of security tagging posts, and all other associated shop front development works including glazing. The works are confined to the ground floor of numbers 111 and 112 St Patricks Street.

Condition number three of this permission stated that the proposed yellow mesh fascia and soffit return panels shall not be internally illuminated. Reason: In the interest of visual amenity.

Planning Authority reference number TP18/38168. In 2018 planning permission was granted for the amalgamation of two retail units, the relocation of café unit; new shopfront onto Drawbridge Street; Change of use of first floor retail to storage and ancillary office; Removal of upper floor access from St Patricks Street to upper floors of numbers 111 and 112 St Patricks Street.

Planning Authority reference number TP16/37037. In 2016 planning permission was granted for changes to external shop front at ground and first floor levels and to provide a new shop front: internal alterations to existing retail shops at ground floor level for both retail units: ground and upper floor alterations at numbers 111 and 112 St Patricks Street.

Planning Authority reference number (R421/16). In 2016, a section 5 referral was received where the following questions were asked: 'whether the proposed amalgamation of the existing retail premises A and existing retail premises B which

incorporate a pure retail use is or is not exempted development. Whether internal works to the structure A and B which would include associated works comprising removal of staircase and insertion of new staircase, internal shop layout reconfiguration and works to regularise and comply with building and fire regulations is development or is not development and is or is not exempted development at numbers 111 and 112 St Patricks Street'. A decision issued that in both instances, that the works constituted 'development' that was not 'exempted development.

Adjoining Sites:

Planning Authority reference number 19/38460, An Bord Pleanála reference number 305755-19. In 2019, this first party appeal sought the removal of condition number three. The development pertained to (1) the development of new signage (including a projecting sign), (2) the removal and replacement of part of part of the existing shop frontage cladding with natural stone cladding, (3) the installation of internally illuminated fascia panels, (4) the installation of a 2000mm by 2000mm suspended double sided light box behind the shop front window (5) the installation of security tagging posts (6) all other associated shop front development works including glazing. at number 110 St Patricks Street, Cork. The Board removed condition number three which restricted the use of a unit for use as a pilot store and stated that the unit should not operate as a trading mobile phone shop without the benefit of a further planning application permitting such a use.

5.0 Policy Context

5.1. Cork City Development Plan, 2015-2021

5.1.1. Zoning

The Cork City Development Plan 2015 – 2021 is the statutory Development Plan for the city of Cork.

The subject site is zoned ZO 1 City Centre Retail Area (CCRA) where it is the stated objective 'to provide for the protection, upgrading and expansion of retailing, in

particular higher order comparison retailing, as well as a range of other supporting uses in the City Centre retail area.'

In terms of Architectural Heritage, Number 111 St Patricks Street and the Savoy Centre are both listed within the National Inventory of Architectural Heritage (reference numbers 20512851 and 20512849) as being of regional interest.

Objective 9.28 of the Plan is that "The City Council as planning authority aims to protect structures of built heritage interest.

Chapter 16, Part F deals with Shop Fronts and Commercial Facades.

Chapter 16, Part H, deals with the issue of advertising signs. Section 16.119 specifically addresses fascia signage and illuminative and projecting signs where it states: As a general principle fascia signs and projecting signs should be simple in design, not excessive in illumination nor size. The following basic guidelines will be applied in assessing planning applications:

- The City Council will aim to reduce visual clutter and control the number of signs and advertising that are displayed,
- Plastic derived fascia's with product advertising will not be permitted,
- Projecting signs should be of 2.4 metre clearance above street level,
- Internally illuminated fascia's will not be permitted,
- Internally illuminated signs shall be restricted,
- The design of illuminated signage should be sympathetic to the building on which it is to be displayed,
- An over-riding principle is the avoidance of visual clutter and an improvement on the quality of the commercial character of the city.

5.2. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal against the Planning Authority's condition number three, only, was received from the applicant. The issues raised therein are summarised below:

- Internal illumination inside the shopfront windows is a particular feature that forms part of JD Sports corporate branding and has been installed in a number of JD Sports stores around Ireland, including within an Architectural Conservation Area on Grafton Street, Dublin and within their Mary Street store, Dublin, the upper floors of which are a Protected Structure.
- Section 16/119 of the Development Plan states that internally illuminated fascia panels are not permissible. The appellants submit that internally illuminated return panels may not be covered by this objective and would not be materially inconsistent with this provision of the Development Plan nor would it adversely effect local visual amenities.
- The proposed internal illumination panel has been reduced in width from 1345mm as submitted under planning reference number 19/38450 to 795mm within the current proposals. The visual impact of the proposal will therefore be reduced.
- Other shops in Cork City centre incorporate internal illumination and/or illuminated signage within their shop fronts
- High Street retailers are under increasing pressure from online retailers and the appellants believe it is critical that the proposed internal illumination be installed as part of the shopfront design.
- In the event that the Board is not minded to omit the condition, they urge the Board to consider amending the condition that the internal illumination be permitted for a temporary period and for its subsequent removal unless a new permission is granted for same.

6.2. Planning Authority Response

- 6.2.1. No comments in relation to the appeal were received from the Planning Authority.

7.0 Assessment

- 7.1. This is a first-party appeal only against condition number three attached to the Planning Authority's decision to grant planning permission. This condition requires that the proposed internal yellow mesh fascia and soffit return panels shall not be illuminated
- 7.2. Having regard to the nature and scale of the proposed development and the nature of condition number three, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.3. Section 16.119 of the Development Plan specifically sets out that internally illuminated fascia's will not be permitted and internally illuminated signs shall be restricted. It is considered, that notwithstanding the reduction in the depth of the proposed illuminated return panels from those submitted under planning reference number TP19/38450, which were not deemed acceptable by the Planning Authority, the overall effect would be similar. It is considered that the illuminated return panels would be contrary to the provisions of the Development Plan and would establish an undesirable precedent for such development within a building of architectural merit and within this prime retail area.
- 7.4. The Planning Authority's reason for attaching condition number three to their notification of decision to grant permission is stated as being 'in the interests of visual amenity'. It is considered that having regard to the parameters set out within Section 16.119 of the Development Plan, which preclude the erection of internally illuminated fascia/signage, in addition to the number of existing external and internal advertising signage features within the shopfront, that the omission of the internal illuminated return panels would reduce the visual clutter within this particular unit, fronting onto a prominent streetscape
- 7.5. It is also noted that part of the appeal site (namely number 111 Patrick Street) is included within the National Inventory of Architectural Heritage. Section 5.28 of the Plan states: City Council as Planning Authority aims to protect structures of built heritage interest. Therefore, reducing the amount of signage and visual clutter would

form an integral part of protecting the built heritage of Patrick Street. It is considered that the omission of the internally illuminated return panels, would represent an important measure in terms of respecting the character and integrity of the architectural heritage associated with Number 111, Saint Patricks Street.

7.6. In conclusion, I am satisfied that condition Number three, requiring that the internal yellow mesh fascia and soffit return panels not be internally illuminated, be attached, and that permission is not granted for the internal illumination of the fascia and soffit return panels.

8.0 Recommendation

8.1. I recommend that the Board consider the appeal in the context of section 139 of the Planning & Development Act 2000 (as amended). It is recommended that condition number three as set down by the Planning Authority, be attached, for the reasons and considerations hereunder.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the area and the provisions of the Cork City Development Plan 2015, it is considered that the modification to the proposed development, as required by the planning authority in its imposition of condition number three, was warranted, and that the proposed development, without the inclusion of condition number three, would detract from the architectural and visual amenities of the area, would detract from the streetscape and would, therefore, not be in accordance with the proper planning and sustainable development of the area.

Fergal Ó Bric
Planning Inspectorate

19th June 2020