



An
Bord
Pleanála

Inspector's Report PL29S.247724.

| | |
|-------------------------------------|--|
| Development | Internal alterations and change of use from financial services to retail unit. |
| Location | 70 Grafton Street/ 1-2 Harry Street, D2. |
| Planning Authority | Dublin City Council. |
| Planning Authority Reg. Ref. | 3845/16. |
| Applicant(s) | RGRE Grafton Ltd. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant. |
| Type of Appeal | Third Party |
| Appellant(s) | Permanent TSB PLC. |
| Observer(s) | None. |
| Date of Site Inspection | 09 th of March 2017. |
| Inspector | Karen Hamilton. |

1.0 Site Location and Description

1.1. The subject site is located on the corner of Grafton Street and Harry Street in Dublin City Centre, D2. The site comprises of an existing 5- storey over basement red brick building which is occupied by Permanent TSB at ground floor level with office use over. Access into the site is off both Grafton Street and Harry Street. The site is located within an Architectural Conservation Area and the Scheme of Special Planning Control for Grafton Street and Environs (2013).

2.0 Proposed Development

2.1. The proposed development may be summarised as follows:

- Internal alterations to ground floor and basement;
- Change of use from financial services (Class 2 (a)) and ancillary office space to a retail unit (280m²);
- Omission of a mezzanine floor (67m²);
- Minor external elevational amendments.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission, conditions of note include:

- C 2: All new signage will be subject to a separate planning permission.
- C 5: A window display shall be retained at all times and glazing shall be kept free from stickers, posters and advertising.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and makes reference to the following;

- The Z5 zoning on the site and Policy RD13 both encourage the provision of retail use,
- Key Objective (2) of the ACA and Special Planning Control Scheme (SPCS) for Grafton Street and Environs is to promote high order goods.

3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

One third party submission received and the issues raised have been summarised in the grounds of appeal.

4.0 **Planning History**

PL29S.246667 (2200/16)

Permission granted for change of use of the existing ground floor lobby, second, third and fourth floors of the existing building from office to guesthouse.

PL29S.231341 (3869/08)

Permission granted for a change of use from financial institution to retail and conditions included related to a restriction on the type of retail product allowed in the unit, signage on the façade, restriction on noise, advertising and shutter boxes.

5.0 **Policy Context**

5.1. **Guidelines for Planning Authorities- Retail Planning- DECLG,2012**

- Chapter 5- Retail and Design Quality

5.2. **Dublin City Development Plan 2016-2022**

The site is zoned as Z5 “City Centre” where it is an objective *“To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”*

- **RD1:** To have regard to the *“Retail Strategy for the Greater Dublin Area 2008-2016”* and the *“Guidelines for Planning Authorities- Retail Planning-DECLG,2012”* when assessing retail-related planning applications.
- **RD 13:** To affirm and maintain the status of the city centre retail core as the premier shopping area of the State, affording a variety of shopping, cultural and leisure attractions and having regard to relevant objectives set out in the Retail Core Framework Plan (2007).
- **Fig 7:** Grafton Street is a Category 1 shopping street.

Shopfront

- Policy RD15: To require a high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin will actively promote the principles of good shopfront design as set out in the Dublin City Council’s Shopfront Design Guidelines.

Dublin City Council’s Shopfront Design Guidelines.

- Fascia signage: Only the name and street number of the shop should be on the fascia panel. Box signs are unacceptable and individually mounted letters are appropriate and should not be greater than 40cm. Illumination shall be discreet.
- Security Shutters: Roller shutters shall be located behind the window display.

CHC08: *“To prepare schemes for Areas of Special Planning Control, where deemed desirable and appropriate, having regard to statutory need of the city.”*

Scheme of Special Planning Control for Grafton St and Environs (2013)

- The requirement for high order shopping proposals with restrictions on exemptions in the Planning Regulations for certain uses.
- Key Objective 2: To achieve an appropriate mix and balance of uses in Grafton Street by controlling new uses and promoting higher order comparison retail outlets, to provide for a high quality shopping area.

- Part 1: Land use.
- Part 3: Shopfronts.

5.3. The site is located within an Architectural Conservation Area (ACA) therefore the following policies apply:

- **Policy CHC4 &CHC5:** Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been submitted by the occupants of the current financial facility and the issues raised may be summarised as follows:

- The current occupier is a long established user of the premises and to remove the retail banking at this site would reduce the diversity of uses along Grafton Street and reduce customer choice.
- The removal of an additional bank in Grafton street would create a monopoly for the other two current facilities.
- The drawings submitted are inadequate.

6.2. Applicant Response

An agent on behalf of the application has responded to the grounds of appeal, which may be summarised as follows:

- The proposed development is the same as a previous grant of permission PL 29S.231341, only it has since expired. The appellant is the same and the issues raised are similar.
- The proposed retail use reflects the principal land use for Grafton Street as the premier retail street on the south side as stated in the Scheme of Special Planning Control.

- The policy for Grafton Street is not to grant for financial institutions or uses which would detract from the character.
- The planning authority validated the plans submitted, therefore they are classified as an acceptable standard.

6.3. **Planning Authority Response**

No further comment and the planners report adequately deals with the proposal.

6.4. **Observations**

None submitted.

7.0 **Assessment**

7.1. The main issues raised in the grounds of appeal may be summarised as follows:

- Principle of development
- Visual Amenity and Built Heritage
- Other matters
- Appropriate Assessment

Principle of development

7.2. The proposed development is for change of use from financial institution to retail within a site zoned Z5 for city centre use, where it is an objective to create a vibrant mix of uses, policies supporting the zoning encourage the provision of retail use at ground floor level. The grounds of appeal argue the proposed development will reduce the product offer along Grafton Street by reducing the number of financial institutions.

7.3. Policy RD13 of the plan seeks to implement the objectives of the Retail Core Framework Plan where it is an objective to increase the amount of retail floor space in the area, promote higher order comparison retailing and promote active uses at street levels on the principle shopping streets. In addition, the site is included within an area identified for the Scheme of Special Planning Control for Grafton St and

Environs (2013) which provides guidance to control new uses and promote high order comparison retail outlets. These high order retail goods are defined as goods which are needed less frequently therefore requiring the customer to travel and undertake other activities as well. Section 1.1.7 of this scheme “Land use control- Control of changes within the Land classes”, provides a list of retail use which have been de exempt and constitute a material change of use to a normal shop therefore requiring a separate planning permission. I note the local authority did not include a condition relating to the retail product although in this context, I consider it reasonable to include a condition to control the retail product on offer on the site.

- 7.4. Based on the polices of the development plan and the guidance in the special planning control scheme I consider the change of use from financial institution to retail is acceptable. Therefore, subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Visual Amenity and Built Heritage.

- 7.5. The subject site is a 5 storey over basement commercial Victorian red brick building located on the corner of Grafton Street and Harry Street. The building is located within an Architectural Conservation Area (ACA), and there are several Protected Structures in the vicinity. I have assessed the impact of the proposed development on the surrounding environment, as per below.
- 7.6. Shopfront: The proposed development includes minor elevational changes to the façade facing onto both Grafton Street and Harry Street. Proposed changes along the Grafton Street elevation include the removal of the existing fascia panel for the signage and replacement with a double height glazing panel. The proposed changes along Harry Street include the replacement of the five window panels with a large plain of glass. Section 3.3.6 of the Scheme of Special Planning Control for Grafton St and Environs and Policy RD15 of the development plan include guidance for the design of shopfronts and emphasis is placed on the relationship of the shopfront to the remaining building and the adjoining properties. The ground floor of this building is contemporary in design whilst the upper four floors are red brick Victorian, I consider the relationship is acceptable. I note the shopfront on the adjoining properties to the south have double height window panelling with the fascia signage in the same position.

Guidance provided within the special planning scheme and development plan require active shopfronts to be retained and restrictions on the inclusion of security shutters. I consider this guidance reasonable to promote the vitality of Grafton Street. This can be included as a condition. Therefore, based on the proposed design and the design and scale of the adjoining shopfronts, I consider the proposed external changes are acceptable.

- 7.7. **Signage:** Chapter 5 of the Retail Guidelines require the design of the new shopfronts to contribute to the public realm and respect the character of the surrounding area. In addition, guidance in the Dublin City Council's Shopfront Design Guidelines require individual letters and does not accept box signs and security shutters on the outside. No signage details have submitted. I consider it reasonable to require a condition for the submission of a separate planning application and compliance with these shopfront guidelines.
- 7.8. **Internal Layout:** The internal alterations include the removal of a mezzanine floor and removal of internal partition walls on the ground and basement level. The building is not a protected structure and I have no objection to the proposed changes.

Appropriate Assessment.

- 7.9. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective, the nature and scale of the proposed development, the current use on the site and the policies of the current Dublin City Development Plan it is considered that subject to compliance with the

conditions below, the proposed development would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The retail premises shall be used as a high order retail outlet as defined by the “*Scheme of Special Planning Control for Grafton Street and Environs 2013*” and for no other purposes within Part 2, or Schedule 2, Part 4 of the Planning and Development Regulations 2001, without prior grant of planning permission.

Reason: To ensure a high order retail use along Grafton Street and environs and in the interest of proper planning and sustainable development of the area.

3. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission. Proposals shall comply with the Dublin City Council’s Shopfront Design Guidelines and an active window display shall be maintained at all times.

Reason: To protect the visual amenities of the area.

- 4 Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 5 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

Karen Hamilton
Planning Inspector

20th of March 2017