



An
Bord
Pleanála

Inspector's Report 300920-18

Development	Changes to the existing shopfront and minor internal alterations to create two new internal consultation rooms.
Location	Patrick Street, Tullamore, County Offaly.
Planning Authority	Offaly County Council.
Planning Authority Reg. Ref.	17/317.
Applicant	Paul Fahey.
Type of Application	Permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellant	Paul Fahey.
Observer(s)	None.
Date of Site Inspection	21 st May 2018.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site is located in Patrick Street in the centre of Tullamore and Patrick Street is one of the streets which forms the retail centre of the town.
- 1.2. The appeal site is a two storied terrace property which is adjoined on either side by three storied terraced buildings. On the appeal site is a pharmacy and retail related uses are on the properties adjoining the site. The front elevation of the property adjoins the inner edge of the public footpath.

2.0 Proposed Development

- 2.1. The proposal as submitted to the planning authority on the 27th of August 2017 was for changes to the existing shopfront and minor internal alterations to create two new internal consultation rooms.
- 2.2. Details submitted with the application include;
 - Drawings indicating the existing and proposed elevational changes to the front elevation which largely relate to an alteration to the windows on the elevation.
 - The provision of two consultation rooms located off the main retail area of the pharmacy.

Further information was submitted on the 14th of December 2017 which alters the original shopfront proposal submitted in a minor manner and outlines greater detail the finishes. The revised proposal also indicates aspects of the existing shopfront which it is proposed to retain. It is also proposed to remove a current recess in the elevation. The proposal is essentially to increase the area of unobstructed glazing by the removal of a number of vertical mullions on the main window.

The submission also includes an appraisal of the existing shopfront which is not the original shopfront but one constructed in 1994 and subsequently altered in 2002. Photographs of the shopfront in the period from 2009 are submitted. Reference is made to other shopfronts in the area.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to refuse planning permission for the development.

One reason for refusal was stated referring to the current proposal as contrary to TTEP 07-03 which refers to the council's policy that any new development within the town centre will be required to respect the heritage and architectural character and in particular should respect the character of the streetscape in terms of design detail. It is considered that the proposal would materially contravene the plan.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning report dated the 12th of October 2017 refers to:

- The provisions of the current Tullamore Town and Environs Development plan and in particular to section 14.2.7 and the requirements in relation to shopfronts. A revised proposal is recommended to meet these provisions.
- Further information is recommended.

A subsequent planning report dated the 16th of January 2018 refers to the further information as submitted. Reference is also made to section 7.4.9 of the current plan. Refusal of permission was recommended.

3.2.2. Other reports.

The environment water services report dated the 4th of September 2017 indicated no objections and recommends conditions.

4.0 Planning History

4.1. P.A Reg. No. PD 3701

Permission granted on the appeal site for alterations to façade including provision of new front door and office and toilet extension subject to 2 conditions.

4.2. P.A Reg. No. PD 2133

Permission granted in August 1988 on the appeal site for a second storey extension to the rear subject to 5 conditions.

4.3. P.A Reg. No. PD 1776

Permission granted in August 1984 on the appeal site for alterations to the shop front subject to 1 condition.

5.0 Policy Context

5.1. Development Plan

5.1.1. The current plan is the Tullamore Town and Environs Development Plan 2010-2016 extended until 2020.

5.1.2. The site is zoned town centre.

5.1.3. Chapter 7 relates to Town Centre, Renewal and Retail. Section 7.4 outlines Town Centre Design Criteria and section 7.4.9 in particular refers to shopfronts where it is indicated;

*“For **Traditional Shop Fronts**, minor alterations and repair of shop fronts listed for protection should be in sympathy with traditional design and characteristics and materials used in the building. The removal of features or alterations to existing shop fronts where they are considered to be of historical, architectural or strong visual interest is not acceptable to the Planning Authority (refer to Chapter 14).*

*For **new shop fronts**, the design of new shopfronts should relate to the architectural characteristics of the building of which the shop front forms part. New shop front design must respect the scale and proportion of the streetscape, by maintaining the existing grain of development along the street and respect the appropriate plot width. Long horizontal facades should be broken by elevational modelling and vertical proportioning. The use of fascia, pilasters and stall risers are a means to achieving this. The use of the public footpath for security stanchions or roller shutter fittings is not acceptable.*

Policies relating to town centre and design include;

TTEP 07-02 *It is the Councils' policy to seek to protect and enhance the character and environment of the traditional Town Centre streetscapes and will encourage the redevelopment of derelict, underutilised sites such as those identified in Map 7.3, within the Town Centre.*

TTEP 07-03 *It is the Councils' Policy that any new developments within the Town Centre will be required to respect the heritage and architectural character and in particular should:*

- *Respect the character of the streetscape in terms of design detail, including proposed materials.*
- *Conform with scale, massing, layout, height and urban grain of the streetscape insofar as possible to ensure continuity of street frontage and definition of public and private space.*
- *Observe historic building lines, avoiding unnecessary setbacks or protrusions.*

Policies specific to signage and shop fronts include;

TTEP 07-19 *It is the Councils' policy to encourage the repairing and retaining of historic shop fronts or historic features in a shop front.*

TTEP 07-20 *It is the Council's policy to encourage externally lit or illuminated signs on shop fronts and to resist internally illuminated or neon type signs*

5.1.4. Chapter 14 refers to Development Standards and section 14.2.7 refers specifically to shopfronts where it is indicated;

“Traditional shop front designs and name plates over shop windows should be preserved. The Councils will generally require that new shop front designs be in keeping with the existing character, especially in the town centre. Large areas of glass shall be subdivided by vertical glazing bars and shop windows shall generally have a minimum stall riser height of 0.7 metres above ground level. The Councils will actively discourage the removal of features, or alterations to existing shop fronts, where they are considered to be of historical or architectural interest.

Traditional shop front designs and nameplates over shop windows should be preserved. Proposals for new shopfronts should complement the building and be in character with the location.

A sympathetic well-designed modern intervention will usually be preferable to an ill-proportioned imitation of a traditional shopfront”.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant c/o Axis Architecture in a submission dated the 12th of February 2018 refers to:

- The appellant refers to the proposed development and that the proposal was necessitated to be consistent with the brand for Haven Pharmacies.
- The proposal is to increase the display area.
- Reference is made to the planning history of the site and in particular the shopfront.
- The current shopfront dates back to 1994 and is a 1994 pastiche traditional shopfront and is not the original shopfront subsequently altered in 2002.
- Aspects of the current shopfront including the pilasters and console brackets and the cornice and fascia will be retained.
- The development is consistent with other shopfronts in the area which have large window shopfronts.
- The vertical element referred to in section 14.2.7 of the plan is retained by the retention of the three existing pilasters.
- The appellant considers the proposal which is a small alteration is more preferable to the 1990s imitation.
- The proposal is consistent with other shopfronts and the rest of the street.
- The proposal removes an unnecessary set back in the street and does not impact on important vistas or views.
- The proposal is consistent with TTEP-7-03 and the planning authority interpretation of TTEP-07-03 is too narrow.

- The guidance on shopfronts refers to new shops and that they should not be an imitation and that a sympathetic modern intervention will usually be preferable to an ill proportioned imitation of a traditional shopfront.
- Upholding the planning authority's decision will set an unfortunate precedent in relation to new shopfronts.

6.2. **Response to the Grounds of appeal**

6.2.1. **Planning Authority Response.**

6.2.2. The planning authority in a response dated the 14th of March 2018 indicate;

- The NPF emphasises the importance of streetscapes.
- Reference is made to the Retail Design Manual 2012 and the importance of promoting high standards of design.
- The Offaly County Council sets out criteria for shopfront design and it is considered that the current proposal is not a sympathetic well designed intervention.
- The proposal does not promote a higher level of design on an important street front.
- A copy of the advice leaflet on shopfronts is included with the response.

7.0 **Assessment**

7.1. Having regard to the submissions received and the documentation submitted the primary issue in relation to this appeal relates to the acceptability of the nature of the development as proposed in particular in the context of development plan policy and guidance.

7.2. The planning authority stated reason for refusal referring to the current proposal as contrary to TTEP 07-03 which refers to the council's policy that any new development within the town centre will be required to respect the heritage and architectural character and in particular should respect the character of the streetscape in terms of design detail. It was considered that the proposal would materially contravene the plan.

Policy TTEP 07-03 indicates that “it is the Councils’ Policy that any new developments within the Town Centre will be required to respect the heritage and architectural character. A number of parameters are outlined which include respecting the character of the streetscape in terms of design detail, including proposed materials; conforming with scale, massing, layout, height and urban grain of the streetscape insofar as possible to ensure continuity of street frontage and definition of public and private space and observing historic building lines, avoiding unnecessary setbacks or protrusions.

7.3. Section 37(2)(b)

7.3.1. Section 37(2)(b) indicates that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that—

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.3.2. In relation to the provisions as stated (i) and (iii) do not apply. Having considered and reviewed (ii) I do not consider the policy TTEP 07-03 in referring respecting the heritage and architectural character and in particular should; respecting the character of the streetscape in terms of design detail, including proposed materials and requiring development to conform with scale, massing, layout, height and urban grain of the streetscape insofar as possible to ensure continuity of street frontage and definition of public and private space although it not necessarily conflicting objectives or objectives that are not clearly stated the policy does provide latitude in

assessment and interpretation of proposals. I am not in a position to comment on (iv) but it is not that there is a wide range of design types and finishes in the town centre area. Based on the above, the Board may consider a grant of permission in this appeal.

- 7.4. The appellant in the grounds of appeal indicates that the proposal was necessitated to be consistent with the brand for Haven Pharmacies and to increase the display area.
 - 7.4.1. Reference is made to the planning history of the site and in particular the shopfront which presently exists as dating to 1994 and that is a 1994 pastiche traditional shopfront and is not the original shopfront and was subsequently altered in 2002.
 - 7.4.2. It is indicated that aspects of the current shopfront including the pilasters and console brackets and the cornice and fascia will be retained and that the development is consistent with other shopfronts in the area which have large window shopfronts.
 - 7.4.3. The appellant also contends that the vertical element referred to in section 14.2.7 of the plan is retained by the retention of the three existing pilasters.
 - 7.4.4. The appellant also considers the proposal which is a small alteration is more preferable to the 1990s imitation; that the proposal is consistent with other shopfronts and the rest of the street and is consistent with TTEP-7-03; the planning authority interpretation of TTEP-07-03 is too narrow and the guidance on shopfronts refers to new shops and that they should not be an imitation and that a sympathetic modern intervention will usually be preferable to an ill proportioned imitation of a traditional shopfront.
- 7.5. The planning authority have referred to the importance of promoting high standards of design; that they have set out criteria for shopfront design and it is considered that the current proposal is not a sympathetic well designed intervention; the proposal does not promote a higher level of design on an important street front and in support of the view a copy of the advice leaflet on shopfronts is included with their response.
- 7.6. The overall approach of the planning authority in relation to the town centre and the importance of requiring a high standard of design is reasonable and the planning authority have been proactive in this regard by outlining standards and guidance in relation to existing and new development.

- 7.7. In considering this proposal, I would accept that the proposed development is not an alteration of an original shopfront but an alteration of a shopfront constructed in recent years and that the replacement shopfront has been altered.
- 7.8. The main alteration relates to the removal of vertical mullions in the glazed area which will increase the area of uninterrupted glazing and the avoidance of this is referred in guidance from the planning authority. The other alteration relates to the entrance. There are no changes proposed in relation to the signage, console brackets, cornice and fascia.
- 7.9. Specifically, in considering the proposal in the context of TTEP-07-03 I do however consider that the proposed development respects the character of the streetscape in terms of design detail and also conforms in relation to scale and the overall streetscape and the urban grain of the streetscape and observes historic building lines, avoiding unnecessary setbacks or protrusions and in the case of the latter addresses a minor setback
- 7.10. The proposal therefore will not, I consider, detract from the overall streetscape which has a wide variety of shopfronts traditional and modern and this also extends to the wider town centre area.

8.0 Recommendation

- 8.1. It is recommended that permission for the development be granted for the following reasons and considerations.

9.0 Reasons and Considerations.

Having regard to the pattern of development in the vicinity and the streetscape, the planning history of the site and the nature and scale of the proposed development, it is considered that the development will not be contrary to the proper planning sustainable development or injurious to the visual amenities of properties 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 as amended by the further plans and particulars submitted on the 29th of August 2017 and the 14th of December 2017, 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 interests of clarity

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

Reason: In the interest of visual amenity

3. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity

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- 4 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Derek Daly
Planning Inspector

30th May 2018