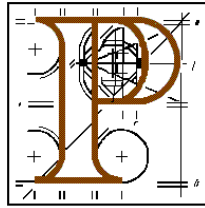


An Bord Pleanála



Inspector's Report

PL 61 245972

DEVELOPMENT: Permission for provision of a Bank ATM Machine and sundries.

LOCATION: No 1 Lower Fairhill Road, Galway city.

PLANNING APPLICATION

Planning Authority: Galway City Council

P. A. Reg. Ref: 15/272

Applicant: Westend Traders

Decision: Refuse Permission

APPEAL

First Party Appellant Westend Traders,

Type of Appeal Appeal against Decision to Refuse Permission.

Observers None.

Inspector: Jane Dennehy.

Date of Inspection: 12th February, 2016.

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site is a corner site at Upper Dominick Street/Lower Fairhill Road in a mixed use area at a junction of five roads close to the Wolfe Tone Bridge over the River Corrib and the centre of the city. It is on the Lower Fairhill Road frontage of a public house, "Monroe's Tavern" where there is a door and an adjoining service entrance.
- 1.2 There is no provision for on street public parking along Lower Fairhill Road. There is a loading bay directly in front of the site location and there are double yellow line markings adjacent to the kerbside edge.

2. PLANNING HISTORY:

- 2.1 **P. A. Reg. Ref. 01/71.** The planning officer refers to a prior grant of permission for an ATM at the site location in his report which was not taken up and which would have expired in 2006. Details are not available.

3.0 DEVELOPMENT PLAN.

- 3.1 The operative development plan is the Galway City Development Plan, 2011-2017 according to which the site location is within an area subject to the zoning objective: *"CC: To provide for city centre activities, and particularly those that preserve the city centre as the dominant commercial area for the City."*

An ATM machine is acceptable in principle within the CC zone.

4. THE PLANNING APPLICATION.

- 4.1 The application lodged with the planning authority indicates proposals for the removal of the door adjacent to the service entrance onto Lower Fairhill Road and for installation of an ATM machine beneath a stainless steel canopy and downlighters.
- 4.2 The Transportation and Planning Report contains a recommendation for refusal of permission because the location would attract unauthorised parking by customers wishing to avail of the ATM facilities. According to the report this would result in interference with the free flow of traffic at the site location and at the junction and would compromise pedestrian and traffic safety.
- 4.3 The planning officer having considered the recommendations of the Transportation and Planning Department recommended a decision to refuse permission.

5. DECISION OF THE PLANNING AUTHORITY.

By order dated, 1st December, 2015, the planning authority decided to refuse for the proposed development on the basis of the reason which is reproduced below:

“The provision of an ATM machine in this location would encourage vehicles to stop to allow passengers/drivers to embark and avail of the proposed ATM development. This would adversely impact on the free flow of traffic at this location and would also impact negatively on the free flow of traffic at the junction of Fairhill Road Lower /Dominick Street Upper & Lower / Raven Terrace. This would be exacerbated by the alterations to the road environment including the adjacent loading bays and raised pedestrian crossing facility and where there is no on street parking facilities provided at this location. The proposed development would result in traffic hazard at this location and would be contrary to the proper planning and sustainable development of the area.”

6. THE APPEAL.

6.1 An appeal was received from Gerard Hanniffy on behalf of the applicant on 5th January, 2016. According to the appeal:

- The applicant is a group of business people based in the area which is also known as “The Bohemian Quarter” and it is a very important part of the city especially for visitors and for the hospitality sector particularly during evenings and night time for business. A list of businesses is provided.
- An ATM facility is a basic and necessary requirement to facilitate businesses and clientele. The nearest alternative facility being located five hundred metres away, in “The Latin Quarter” on the other side of the River Corrib. Contrary to the reason for refusal it is the lack of an ATM facility that contrary to the proper planning and sustainable development of the area and to the business sector and associated clientele in the area. Clientele using the ATM will have already parked in the carparks or will have travelled by taxi to the area at night time when the hospitality sector which is predominant in the area is more attractive to clientele.
- The claim the proposed facility would lead to people ignoring parking laws and traffic hazard due to illegal parking is refuted. The use of the roads in the area and at the site location is for through traffic. Double yellow lines and sign posts prevent on street parking and clamping and fines for unauthorised parking is normal practice. An ATM machine does not entitle people to ignore parking laws. Businesses in the area are not facilitated with on street parking.

- The ATM would only be suitable for pedestrians as the busy nature of traffic at the location at the junction does not allow for illegal or impetuous parking. The planning authority reason for refusal implies that ATM facilities can only be provided in pedestrian only areas.

7. RESPONSE TO THE APPEAL BY THE PLANNING AUTHORITY

7.1 A submission from the planning authority was received on 3rd February, 2016. It is requested that the decision to refuse permission be upheld because:

- The proposed development will encourage casual parking of to facilitate use of the ATM. This would adversely impact on free flow of traffic at the location and at the junction of Fairhill Road Lower Dominick Street Upper and Lower / and Raven Terrace;
- The proposed development would compromise pedestrian safety due to the proximity to the pedestrian crossing facility and negatively impact on improved pedestrian facilities at Fairhill Road Lower and,
- Many restaurants and bars which are mentioned in the appeal offer customers “cash back” facilities.

8. EVALUATION

8.1 The issues considered central to the determination of the decision are that of endangerment of public safety by reason of traffic hazard.

8.2 The case made in the appeal as to justification for the installation of an ATM facility in the Bohemian Quarter / West end of the city is fully accepted in terms of convenience for clientele of their businesses a predominance of which are in the hospitality sector. Traffic volumes would generally be lighter in evening time and night time when the hospitality sector is most busy.

8.3 However, banking clientele who would use ATM facility are not necessarily predominantly clientele of the hospitality sector in the area. They would be made up of a wide range of bank clientele originating from various locations and arriving by car, foot and cycle throughout both daytime and night time hours. In the absence of the availability of on street parking spaces in close proximity to the ATM facility, illegal short term stopping and parking will occur. The absence of on street parking facilities can be explained by the priority given to movement of

through traffic along roads and through the junctions with minimal obstruction.

- 8.4 It is not accepted that enforcement by means of clamping and fines would be fully effective in preventing illegal parking by clientele who wish to use of the ATM facility especially where no legal convenient on street parking facilities in close proximity are available.
- 8.5 While the point made in the submission of the planning authority that many business operators in the area offer a cash back facility, it is not accepted that such facilities are a comparable alternative that can fully compensate for an ATM facility.
- 8.6 The rationale as to the view of the planning authority regarding conflict with the improved pedestrian facilities at Lower Fairhill Road and Raven Terrace is not clearly understood. However illegal stopping movements and parking that contributes directly or indirectly to conflict with pedestrian circulation and safety would be negative in impact and unacceptable.
- 8.7 Finally, the planning officer's reference in his report to a prior grant of permission in 2001 which would have expired in 2006 is noted. He also states in his report that arrangements for road alignment, directions for traffic, loading bays and pedestrian crossings, have been changed including installation of a raised pedestrian crossing linking Raven Terrace and Fairhill Road Lower. Given the now changed context and circumstances for vehicular traffic circulation and parking and pedestrian facilities it is considered reasonable for the prior grant of permission in 2001 should not to be taken into account.
- 8.8 **Appropriate Assessment Screening:** Having regarded to the nature, scale and location of the proposed development it is considered that the proposed development would not be likely to have significant effect, individually or in combination with other plans and projects on European sites.

9. **CONCLUSION AND RECOMMENDATION:**

- 9.1 It can be concluded that while there is a strong case for the provision of an ATM facility in the area for the convenience of businesses, their clientele and the general public, the proposed location is unacceptable for reasons of encouragement of illegal on-street parking resulting in obstruction of the safe and free flow of traffic and endangerment of public safety by reason of traffic hazard. It is recommended that the planning authority decision be upheld and that permission be refused on the basis of the reasons and considerations set out in the draft order overleaf.

DECISION

**Refuse Permission on the Basis of the Reasons and Considerations
Below:**

REASONS AND CONSIDERATIONS

Having regard to the location of the site of the proposed development adjacent to the street frontage where there is a loading bay but no on street public parking facilities in close proximity to a busy junction at Lower Fairhill Road, Dominick Street Upper and Lower and Raven Terrace and to pedestrian crossing facilities it is considered that the proposed development would lead to illegal on street parking that would cause obstruction of the safe and free flow of traffic which would result in endangerment of public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy,
Senior Planning Inspector.
25th February, 2016.**