



An
Bord
Pleanála

Inspector's Report

ABP-307255-20

Development	Installation of an ATM machine to the existing shop front to the North elevation of 4 Bridge Street.
Location	4 Bridge Street, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	20/13
Applicant(s)	Euronet 360 Finance Ltd.
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party V. Refusal
Appellant(s)	Euronet 360 Finance Ltd.
Observer(s)	None
Date of Site Inspection	28 th of August 2020.
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The site is located on Bridge Street in Galway City Centre approximately 60m east of the River Corrib. The stated site area is 0.01 ha.
- 1.2. The building is a mid terrace, three storey and three bay building facing North and directly bounding the public path. There are two doors at ground floor, the most western of which appears to provide access to the upper floors of the structure. The second door is located centrally on the building and provides access to the site itself. There is a large window opening to the east side of the structure in which it is proposed to place the ATM.
- 1.3. The building does not appear to be in an active use and instead appears to operate as storage ancillary to the adjoining licenced premises to the west known as 'Seven'. There is signage at fascia level to this effect.
- 1.4. The site is a designated Protected Structure, Ref No. 1404 and is located within the City Core Architectural Conservation Area as set out in the Galway City Development Plan 2017-23. Structures 1, 2 and 3 to the east of the application site are also protected structures- 1401, 1402 and 1403.

2.0 Proposed Development

2.1.1. The proposed development comprises-

- Installation of an ATM in the window of the front elevation of the building facing onto the public path
- The ATM will be set 0.677m up from the footpath. It will be 1.1m high and 0.548m wide.
- The ATM is to be located centrally in the main window opening 0.42m from each window frame edge. The remainder of the glazing appears to be replaced with a panel. Further detail on the panel does not appear to have been submitted.
- A small amount of advertising in the forms of colours and lettering is provided at the top of the ATM
- Access to the rear of the ATM is from within the building.

- No other alterations are proposed to the main external fabric of the building.

3.0 Planning Authority Decision

On the 19th of March 2020 Galway City Council refused this application for two reasons.

The first reason detailed that the proposed development would detract from the special character of the protected structure and the appearance of the building in the ACA. The development contravenes Policies 8.2 and 8.3 and would '*materially contravene*' the provisions of the Development Plan.

The second reason states that adequate information in relation to the impact of the development on the special character of the protected structure had not been submitted. It also details that the Protected Structure status of the site has not been included in the description of the development. The development is therefore premature and inadequate and contrary to the Development Plan.

4.0 Planning Authority Reports

4.1. Planning Reports

The recommendation to refuse permission in the Planner's Report reflects the decision of the Planning Authority. The main points are outlined as follows:

- The site is a protected structure Ref 1404 with site features listed as "Reused Medieval fragment". The site is also located within the 'City Core' ACA
- The city core is the most important area of built heritage in Galway
- The proposed ATM within a ground floor window on the front of a protected structure would adversely affect the special character and appearance of the protected structure and the ACA and should be refused
- The development description does not state the proposal is to a protected structure

4.2. Other Technical Reports

- Heritage Officer- proposal would be detrimental to the façade of this building which has a traditional aspect to it. It would detract from the appearance of the building, remove historic fabric and would not be in line with GCC Shop front guidelines.

4.3. Prescribed Bodies

Development Applications Unit-	no report received
Heritage Council-	no report received
Failte Ireland-	no report received
An Taisce-	no report received
An Chomhairle Ealaion	no report received

4.4. Third Party Observations

None

5.0 Planning History

- 02/863 Grant Permission 08/01/2004 for fenestration changes to front and rear of protected structure
- 01/150 Grant Permission 05/07/2001 to retain signage and continued use for hackney hire at a listed building and protected structure
- 96/41- Grant Permission 25/04/1996 change of use and conversion of existing cafe to public waiting room and office

6.0 Policy Context

6.1. National Guidance

6.1.1. Architectural Heritage Protection – Guidelines for Planning Authorities 2011

Chapter 7 deals with Conservation Principles. Section 7.3 deals with Keeping a Building in Use and section 7.3.1 states-

“It is generally recognised that the best method of conserving a historic building is to keep it in active use.”

Chapter 8 deals with Walls and Other Structural Elements-

New items fixed to the exterior of the building (Page 134)

- Section 8.5.9 *‘Automatic teller machines, where their installation is permitted, should be accommodated within existing openings wherever possible. Proposals to create new openings for such machines should be discouraged. Those which cut through important architectural features or disturb elevational symmetry, should be refused permission. The use by major retailers or commercial organisations of corporate colours and lettering on the walls of a protected structure is not appropriate in most instances and should be discouraged.’*

6.2. Galway City Development Plan 2017-2023

6.2.1. Zoning- The subject site is zoned CC with an objective *“To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city.”* Section 11.2.7 details-

“Uses which are compatible with and contribute to the zoning objective, for example:

- *Retail*
- *Residential*
- *Offices, banks and professional services*
- *Tourist related uses*
- *Cultural and community uses*
- *Buildings for education*
- *Recreation*
- *Childcare facilities*

- *Places of worship”*

6.2.2. Chapter 8- Built Heritage and Urban Design

Section 8.2 Built Heritage

No 4 Bridge Street the subject application site has been designated a Protected Structure Ref No. 1404. Policy 8.2 Built Heritage - Record of Protected Structures refers and states-

Encourage the protection and enhancement of structures listed in the Record of Protected Structures.

Ensure new development enhances the character or setting of a protected structure.....

Section 8.3– Architectural Conservation Areas

The site is located within City Core Architectural Conservation Area as set out in the Development Plan. Policy 8.3 Built Heritage – Architectural Conservation Area (ACA) refers and states-

.....Ensure that developments within Architectural Conservation Areas enhance the character and special interest of the Architectural Conservation Areas.

The City Centre ACA is described as follows on page 118 of the Development Plan-

The medieval core of Galway is a mix of streetscape and buildings of many periods. The layout and the scale of some of the streets reflect the medieval street pattern. The City Core is the most important area of built heritage in Galway. Its designation is beneficial in ensuring the area’s character is enhanced and protected.

Policy 8.7 Urban Design

Improve qualitative design standards through the application of design guidelines and standards of the Development Plan, in particular the Galway Shop Front and Signage Design Guidelines (2012) and Design Guidelines: Canopies (2011).

Section 11 sets out Development Standards

11.5 deals with Shop Fronts and states-

- *Original traditional shop fronts and pub fronts shall be retained or restored.*
- *.....*
- *Particular consideration will be given to the protection and enhancement of the character of shop fronts in ACAs.*
- *Shop fronts should have regard to any proposed or adopted standards and guidelines for shop front design as adopted by the Council.*

6.3. **The Galway Shop Front and Signage Design Guidelines (2012)**

Page 8- *Shop front design should consider these guiding principles (inter alia)-*

SIMPLICITY - avoid complexity and over-elaboration

– less is often more and clutter only gets in the way

VISIBILITY - avoid cluttering a shop front with overcrowded

merchandise, services and signage that detract from the

merchandise

6.4. **Natural Heritage Designations**

The site is located c. 60 m east of the Lough Corrib SAC (000297).

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of this first party appeal can be summarised as follows:

- The proposed installation would make no impact on the existing shop front as it is to be installed in the glazing only with no impact to window frame or wall and without removing historic fabric.
- Amendments to the application are proposed by removing the requirement to install additional panel
- Revised Drawing are submitted within the appeal document
- Branding/colour scheme will be altered
- the proposed design with alterations will improve the attractiveness of the area and will attract investment and new uses.
- The appeal refers to the planner's report and a number of sections of the Development Plan and the Shop Front Guidelines
- In terms of the first refusal reason the applicants contend the proposal requires the existing glazed panel to be cut to install the ATM with a colour scheme to match the existing property. There will be no other impact on the existing shop façade.
- To further protect the special character and appearance of the building, it is now proposed to eliminate the need for coated metal panel bordering the ATM frames. A willingness to alter the branding /colour scheme to best suit the environment is also indicated.
- All changes will be reversible by exchanging the glass pane within the window frame without damaging the structure.
- The applicant highlights a large LCD screen currently installed behind the window.
- A Conservation Impact Statement has also been submitted with the appeal and justifies the development by detailing the development would cause minimal interruption externally to the fabric of the building. It also

details that a minimal intervention approach will ensure the remaining features of interest are retained

- Tourism contributes to the local economy and applicant feels there is a demonstratable need for an ATM service within the area
- No submissions or observations were received from local retailers or the public in opposition to the proposal. The proposal would be welcomed.
- The appeal sets out the background to Euronet

7.2. **Planning Authority Response**

- None

7.3. **Observations**

- None

8.0 **Assessment**

8.1. Main Issues

Having examined the application and appeal details and all other documentation on file, inspected the site and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Zoning
- Built Heritage
- Validity of the Application
- Demonstratable Need
- Appropriate Assessment

8.2. Zoning

- 8.2.1. The appeal site lies on land zoned City Centre with an objective *“To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city.”*
- 8.2.2. The principle of an ATM in/on lands zoned City Centre is considered consistent and compatible with the zoning objective for this area and the uses as detailed in section 11.2.7 of the Development Plan.

8.3. Built Heritage

- 8.3.1. The proposed development is located within the main window opening at ground floor of the front elevation of a Protected Structure that is also located within the Galway City Core Architectural Conservation Area.
- 8.3.2. The applicant has proposed revisions to the development through the appeal including the removal of the coated metal panel surrounding the ATM which filled the window opening (See drawing 2 in the appeal document). Drawings 3 and 4 of the appeal document shows the ATM now surrounded by glazing. The applicants contend that these works would be reversible by simply exchanging the glass pane within the window frame, without damaging the existing structure.
- 8.3.3. Although not currently in an active use the ground floor of this structure historically would have provided a retail use or service. In this regard the window would have served as significant feature for the display of goods and services from the building.
- 8.3.4. Section 11.5 of the development plan states that *‘original traditional shop fronts and pub fronts shall be retained or restored.’* The proposed works would significantly change the traditional shop front at this location.
- 8.3.5. Notwithstanding the revised proposals, the ATM would be located centrally in the window. In this regard Galway City’s shopfront guidelines refer to principles for shop front design including ‘Simplicity’ and ‘Visibility’ whereby cluttering of the window would detract from the main use. It is clear the proposed ATM would clutter the window display area and would not encourage the uptake of the unit for appropriate City Centre uses.
- 8.3.6. Having regard to the above it is considered that the proposed development would significantly and adversely alter an original shopfront of a Protected Structure

contrary to section 11.5 of the Development Plan and the guiding principles for good design as set out in the Shop Front and Signage Design Guidelines (2012). The development would also be detrimental to bringing the original use of the ground floor back into an active use as per section 7.3 of the Architectural Heritage Protection – Guidelines for Planning Authorities. Finally, it is considered that the proposed development would be visually incongruous to the appearance of the Protected Structure and the cluttering of the window opening would detract from the character and setting of the Protected Structure and the character and special interest of the Architectural Conservation Areas contrary to policies 8.2 and 8.3 of the Development Plan. The proposed development should therefore be refused.

8.4. Validity of the Application

- 8.4.1. The Planning Authority's second refusal reason refers to the fact the Protected Structure status of the building has not been included in the Development Description. It also states that adequate information relating to the impact of the development on the character of the protected structure has not been submitted. However, the application was deemed valid.
- 8.4.2. The applicants have submitted a Conservation Impact Statement in Appendix 2 of the appeal while addressing the second refusal reason. This statement details that the proposal would cause minimal interruption externally to the fabric of the building and a minimal intervention approach to ensure the remaining features of interest are retained.
- 8.4.3. I have reviewed the development description, the site notice and the newspaper notice submitted with the application and can confirm that the status of the Protected Structure has not been detailed in the public notices. The Board is advised that this is contrary to Article 18 (1) (d) (iii) (Notice in Newspaper), Article 19 (1) (a) (Site Notice) and Article 26 (3) (a & b) (Procedure on receipt of planning application) of the Planning and Development Regulations 2001 (as amended).

8.5. Demonstrable Need.

- 8.5.1. The applicant makes a case for the installation of the ATM at this location based on tourism in Galway City. They argue the proposal would be beneficial to Galway as a centre of economic, social and cultural activity benefitting residents and tourists.
- 8.5.2. At the time of the site inspection it was noted that there are two Bank of Ireland external ATM facilities available to patrons on a 24/7 basis c.90 metres east of the site on Mainguard St and as such I am not satisfied there is a demonstrable need for the development at this location.

8.6. Appropriate Assessment

Having regard to the nature and scale of the proposed development within an urban 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 a European site

9.0 **Recommendation**

- 9.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

10.0 **Reasons and Considerations**

1. Having regard to the character and setting of the Protected Structure Ref No. 1404 located within the City Core Architectural Conservation Area it is considered that the proposed development would be visually incongruous to and would adversely alter the original shopfront of the Protected Structure. It would also create visual cluttering of the window opening which would detract from the character, setting and special interest of the Protected Structure and the Architectural Conservation Area. As such it would be contrary to policies 8.2, 8.3 and section 11.5 of the Development Plan and the guiding principles for good design as set out in the Shop Front and Signage Design Guidelines (2012). Furthermore, the proposed development would be detrimental to

bringing the original use of the ground floor back into an active use by way of dominating the window display area and as such is contrary to section 7.3 of the Architectural Heritage Protection – Guidelines for Planning Authorities 2011. The proposed development would therefore be contrary to the proper planning and development of the area.

Adrian Ormsby

07th of September 2020