



An  
Bord  
Pleanála

## Inspector's Report ABP 308384-20.

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<b>Development</b>	Installation of an ATM machine in the existing shopfront.
<b>Location</b>	63 Dame Street, Dublin 2.
<b>Planning Authority</b>	Dublin City Council
<b>P. A. Reg. Ref.</b>	WEB1463/20
<b>Applicant(s)</b>	Euronet 360 Finance Ltd.
<b>Type of Application</b>	Permission.
<b>Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party X Refusal
<b>Appellant</b>	Euronet 360 Finance Ltd.
<b>Date of Site Inspection</b>	8 <sup>th</sup> January, 2020.
<b>Inspector</b>	Jane Dennehy

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## 1.0 Site Location and Description

- 1.1. The application site is that of No 63 Dame Street on the north side of Dame Street midway between the junctions with Sycamore Street and Eustace Street. It has a glazed shopfront with an entrance for a restaurant and, to the side there is a separate entrance for the upper floors. The ground floor is subdivided into two units (Nos 63 and 63A) with the application site unit at No 63 being in use as a restaurant.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for reconfiguration of the shopfront so that the entrance is centrally located on the frontage with single full length glazed shopfront windows to either side. An ATM installation 1000 mm x 548 mm is shown in the shopfront between the entrance to the restaurant and the entrance to the upper floors. The proposed ATM installation extends circa into the shopfront floor necessitating removal of seating.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 11<sup>th</sup> September, 2020, the planning authority decided to refuse permission based on the following reason:

*“The development proposed would represent a substandard design in combination with the current shopfront, would appear visually incongruous and would therefore have a detrimental impact on the historic streetscape within a Conservation Area. As such it would be contrary to Section 16.31 and Policies CHC1 and CHC4 of the Dublin City Development Plan, 2016-2022, would create an unwanted precedent for similar development and. would not be in accordance with the proper planning and development of the area.”*

### 3.2. **Planning Authority Report**

- 3.2.1. The planning officer in his report states that there is no justification or need for the ATM in the shopfront as there are several ATM facilities in the locality which is a Conservation Area and, that the proposed development would have a detrimental impact on the streetscape which is contrary to the policies within the CPD.
- 3.2.2. There is no objection from the Drainage Division

### 3.3. **Prescribed Bodies**

- 3.3.1. Transportation Infrastructure Ireland indicates in its submission dated 11<sup>th</sup> August, 2020, a recommendation for inclusion of a Section 49 Supplementary Development Contribution condition if permission is granted unless the proposed development is exempt from the scheme.

## 4.0 **Planning History**

- 4.1.1. There is no record of planning history for the application site

## 5.0 **Policy Context**

### 5.1. **Development Plan**

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which comes within an area subject to the zoning objective: Z5: *to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*
- 5.1.2. Policy CHC4 provides for protection of the special interest and character of Dublin's Conservation Areas. Guidance is set out in section 11.1.5.4 according to which there is a request that development contribute positively to the character and distinctiveness of the conservation area and that development should take opportunities to protect and enhance the special appearance of the area and its setting in so far as is possible.

- 5.1.3. Policy CHC1 provides for preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscape and the sustainable development of the city.
- 5.1.4. Policies for shopfront design are set out in section 16.24.2
- 5.1.5. In section 16.31 policies and standards for ATM installations are set out which provide for protection of the buildings and shopfronts especially at protected structures or within Conservation Areas or Architectural Conservation Areas. ATM installations within retail stores is encouraged for reasons of public safety.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. An appeal was received from KRA Associates on behalf of the applicant on 8<sup>th</sup> October, 2020 the contents of which include several extracts from the CDP, photographs and a description of Euronet, as a provider of an ATM network on a 24/7 basis with a focus on tourist destination where there are high traffic pedestrian zones and facilities. throughout Europe on behalf of banks and other financial institutions on behalf of banks.
- 6.1.2. In the appeal an alternative option is proposed in which branding is omitted is also included for consideration as a means of addressing the planning authority's concerns. (This proposal is illustrated on Figure 3 Page 6 of the appeal.) The appeal grounds are outlined below.
- The claim that the proposed installation is incongruous and substandard resulting detrimental impact on a Conservation Area's streetscape is refuted because the proposed installation involves minimal intervention. Only minor modifications are required for the shopfront which has already been significantly altered. Also, the proposed installation can be reversed. The proposal and associated alterations improve the facade in removing a bulky column and enhancing the fenestration and is sympathetic to the surroundings. Some images (Google) of the streetscape and premises for 2009, 2011 and 2014 are included in the submission. The original

proposal for the installation can also be modified as shown in the alternative option illustrated in the appeal which excludes branding originally included.

- There is a demonstrable need for the proposed installation which would primarily be used in the evening time in that the other ATM facilities in the area are within shops and only accessible during business hours. Dame Street is a hub for nightlife and the large number of bars restaurants and retail and convenience stores in the area would benefit from the availability of the ATM. The site is adjacent to and not within the Conservation area and the planning officer was incorrect in stating that the location is within a conservation area.

## **6.2. Planning Authority Response**

- 6.2.1. There is no submission from the planning authority.

## **7.0 Assessment**

- 7.1.1. The issues central to the determination of decision and considered below are that of impact on the historic streetscape within the Conservation Area and demonstrable need and, in addition, pedestrian movement and circulation, environmental impact Assessment Screening and Appropriate Assessment Screening.

### **7.2. Impact on the historic streetscape and the Conservation Area.**

- 7.2.1. The application site is at a high -profile location on the northern side of Dame Street at a historic building which although altered at ground floor level is of architectural interest and contributes positively to the streetscape at the upper levels of the façade. The proposed reconfiguration of the shopfront and entrance shown in the application is considered acceptable. The shopfront is modest size and as such the proposed installation takes up a significant proportion of the glazing. However, the concerns raised in the report of the planning officer can be significantly ameliorated in the proposals shown in the alternative option, in the appeal (Drawing 3 page 6) whereby the installation is reduced in size with branding omitted. It is considered that this proposal for the installation, subject to use of a mute colour scheme with a

matt finish would not significantly alter the visual impact of the existing shopfront on the historic streetscape.

- 7.2.2. The issue as to whether the site location is within or adjacent to the designated Conservation Area, is relatively immaterial in that the issue for consideration is as to whether its special interest and character are adversely affected by the proposed development. In this instance, while the proposal is not considered an enhancement it is relatively neutral in impact on the visual amenities and character of the streetscape and the conservation area.

### 7.3. **Demonstrable Need.**

- 7.3.1. The applicant makes a case for the installation of the facility at a location on the street frontage which would be fully accessible on a 24 /7 basis, given the location as hub for nightlife, restaurants, bars, entertainment, convenience retailing and is a primary tourism area. However, the case as to demonstrable need on these grounds is not fully persuasive. The nearest similar ATM facility accessible on the street frontage available to patrons on a 24/7 basis is at the eastern end of Dame Street and South Georges Street. as mentioned in the documentation available in connection with the application and there are ATM facilities within convenience stores. The closest convenience store with an ATM facility is the Centra Store at No 56 Dame Street.
- 7.3.2. Convenience stores operate late into the evenings and at weekends during daytime business hours so there generally would be a range of available opportunities at these times for members to the public in the area in evenings to obtain cash via an ATM facility. However, it is acknowledged that street frontage ATM installations tend to be more convenient for users and there are no significant planning concerns about the proposal subject to the modifications shown in the alternative option within the appeal, (Drawing 3, Page 6.)

### 7.3.3. **Pedestrian Movement and Circulation**

7.3.4. Although not an issue raised at application stage, potential for obstruction of pedestrian movement and circulation may be a concern should queues take place at street frontage ATMS. While there may be a high level of pedestrian traffic at the site location it is not considered that any significant problems would arise as to potential for to serious hazard or concerns as to risk to public safety in this regard.

### 7.4. **Environmental Impact Assessment Screening.**

Having regard to the minor nature of the proposed development and its location in a serviced location in the city centre, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### 7.5. **Appropriate Assessment.**

Having regard to the minor scale and nature of the proposed development and to the serviced central city location, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site

## 8.0 **Recommendation**

8.1.1. Given the foregoing, is considered that the proposed installation, as modified in the alternative option shown in the appeal would not give rise to negative impact on the visual amenities of the building and shopfront and to the streetscape within the conservation area and it is recommended that permission be granted.

## 9.0 **Reasons and Considerations**

Having regard to the site location within glazed shopfront window, to scale, design, and finishes for the proposed ATM installation, and the location within a central city area subject to the zoning objective : Z5: *‘ to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect is*



*civic design character and dignity*' according to the Dublin City Development Plan, 2016- 2022, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the visual amenities and historic character of the streetscape and Conservation Area and would 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, as amended by the further plans and particulars lodged with An Bord Pleanala on 8<sup>th</sup> October, 2020 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. No branding shall be displayed on the proposed installation or in the shopfront. Prior to the commencement of the development the applicant shall submit and agree with the planning authority revised plan and elevation drawings at a scale of 1:50 showing the entire ATM installation in shopfront glazing in a mute colour such as light grey with a matt finish surrounded by glazing.

**Reason:** In the interest of the protection of the visual amenities and character of the historic streetscape.

**Jane Dennehy**

Senior Planning Inspector

9<sup>th</sup> January, 2021.