



An
Bord
Pleanála

Inspector's Report

ABP-308848-20

Development	Installation of an ATM machine to the existing shop front to the East elevation.
Location	27, Liffey Street Lower, Dublin 1, D01 FK58
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1645/20
Applicant(s)	Euronet 360 Finance
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v. refusal
Appellant	Euronet 360 Finance Ltd.
Observer	None
Date of Site Inspection	10 th March 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 80.3sq.m and is located approximately 10m north of the junction of Strand Street Great and Liffey Street Lower within Dublin city centre. The River Liffey and the Ha'penny Bridge are located approximately 80m south of the site.
- 1.2. The subject site is the second premises within a terrace of buildings facing onto Liffey Street Lower. The existing property is two storey gable fronted commercial building with a fast-food restaurant at the ground floor level. The shopfront of the premises contains two large glazed window panels and a central entrance door. Existing signage is in place and a protecting sign on the shopfronts northern end, with additional window advertisement visible through the front windows.
- 1.3. The surrounding street is predominantly commercial in character with a diversity of land uses including retail, commercial and pubs, with residential use (apartments) noted on the upper floors of the properties to the north along Liffey Street Lower.

2.0 Proposed Development

- 2.1. Permission is sought for the installation of an ATM machine to the existing shop front, with details as follows:
 - It is proposed to create an opening in the southern most glazed window section of the shop front to allow access to the ATM from street level. No alterations are proposed to the main window frame or any other element of the shop front.
 - The glazing for the panel to the left of the entrance door (southern side) is to be removed and replaced with a new glazed window with the proposed ATM installation inset 0.81m above footpath level. The machine will measure 1.7m in height by 1.03m in length by 0.5m in width, when measured internally.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 10th November 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, add to visual clutter, and would therefore have a detrimental impact on the streetscape. As such, the proposed development would be contrary to Section 16.31 and Policies RD15 of the Dublin City Development Plan 2016-2022 and would not be in accordance with the proper planning and development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- ATMs are permissible under the current Z5 zoning.
- The area planner notes the planning history on site which included DCC Ref. 3175/16 which included condition no.3 which required the removal of the projecting sign on the shop front.
- The area planner also noted that the submitted drawings did not include for the existing internal advertising light boxes directly behind the windows or other advertising window graphics. He also notes that these advertisement structures do not appear to have the benefit of planning permission or comply with condition no.3 of P.A. ref. 3175/16.
- The area planner notes that while on its own the ATM may be visually acceptable given the proliferation of existing signage/advertising on this shopfront, the insertion of an ATM will add to the visual clutter of the shopfront and would be contrary to Section 16.31 of the City Development Plan and that

the development would have detrimental impact on the character, appearance and quality of the streetscape.

3.2.2. Other Technical Reports

- Drainage Division DCC report dated 15th October 2020: no objection subject to conditions.

3.3. Prescribed Bodies

- Transportation Infrastructure Ireland (TII) in a submission dated 20th October 2020 indicates 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.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

On site:

- ABP Ref. 247192 (P.A. Ref: 3175/16) 2017 – Permission granted on 19th October 2017 for change of use of the existing hairdresser unit to restaurant use including new signage and all associated site works.

Condition no.2 restricted the use of the premises as a seated restaurant only and to for the sale of hot food for consumption off the premises.

Condition no.3 required the removal of the proposed projecting lighting and restricted the installation of any further signage, including projecting signage without a proper grant of permission.

- DCC Ref. 0221/19 – Section 5 Exemption – determined exempted development for use of powder coated fascia board, upon which individual aluminium lettering are affixed. The submitted details also illustrated the

removal of an existing projecting sign and show the omission of an existing light box.

Nearby sites:

- DCC Ref. 4058/17 – Permission granted to Euronet 360 Finance Ltd. on 25th January 2018 for the installation of an ATM machine to the existing shop front to the east elevation at no. 30/31 Liffey Street.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan 2016-2022 refers.

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

5.1.2. **Policy RD13** - To affirm and maintain the status of the city centre retail core as the premier shopping area in 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).

5.1.3. **Policy RD15** - To require a high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin City Council will actively promote the principles of good shopfront design as set out in Dublin City Council’s Shopfront Design Guidelines. (www.dublincity.ie) (see also 16.24.2)

5.1.4. **Policy CEE12 and Policy CEE13** seek to promote and facilitate tourism as one of the key economic pillars of the city’s economy.

5.1.5. Section 16.31 Automatic Teller Machines

The provision of automatic teller machines (ATMs) will be regulated, having regard to the following:

- *The protection of the character of the building or shopfront in which the ATM is installed, in particular where the building is a protected structure or in a Conservation Area or Architectural Conservation Area (ACA)*

- *The minimisation of disturbance to adjoining premises through queuing*
- *In general, no more than one ATM should be placed in a shopfront so as to avoid the creation of a dead frontage*
- *The control of the amount of litter generated by these machines; paper receipts will not be acceptable on principal shopping streets, at protected structures, and in Conservation Areas*
- *The need for signs or logos to be discreetly incorporated into the overall design*
- *The avoidance of a traffic hazard*
- *The design and location must be such that they are accessible to all, having regard to the universal design guidelines as set out by the Centre for Excellence in Universal Design (CEUD) in their publication ‘Building for Everyone: A Universal Design Approach, Facilities in Buildings, Publication No 6’. www.universaldesign.ie (CEUD was established by the National Disability Authority under the Disability Act 2005).*

Dublin City Council will encourage the provision of ATMs in retail stores in the interests of public safety and protecting building character.

5.1.6. **Section 16.24.2 Shopfronts** – this section sets out a number of criteria to be met for new shopfronts or alterations to existing shopfronts.

5.1.7. **Shopfront Design Guidelines 2001**

5.2. **Natural Heritage Designations**

5.2.1. None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- The proposed installation would have no impact on the existing shopfront. The existing shopfront is not original to the structure and is of a modern design and the ATM is to be installed within the glazing and will not impact on the window frame or any other element of the shop front.
- The existing level of advertising and visual clutter to the front elevation is much less extensive and is generally neater than that presented in the photo taken by the area planner.
- ATMs fall under public service installations and are listed as a permissible use within Zone Z5.
- The installation of the ATM would conform with Policies CEE12 & CEE13 of the Dublin City Development Plan 2016-2022 by providing a service for the benefit of the population and visitors.
- The provision of an ATM will help maintain the status of the city centre retail core.
- In response to the requirements listed under Section 16.31 the applicant states that:
 - the subject site is not a protected structure or within an ACA.
 - The ATM will not cause any disturbance to adjoining premises through queuing.
 - No other ATMS are fitted to the shopfront of the property.
 - The ATM will not generate paper receipts.
 - The only signs/logos will be incorporated into the front face of the ATM machine itself.
 - The ATM will not cause a traffic hazard.
 - The proposed ATM is in line with the universal design guidelines listed under this section.
- The previous permission granted for an ATM installation at no.30/31 Liffey Street Lower has not been installed. The applicant states that both windows of no.30/31 in the case of this former application were heavily

cluttered at the time. The applicant states that DCC's current decision to refuse permission is contrary to the decision previously made for an identical installation to a premises located within 20m of the current site and on the same street.

- Given its city centre location there is a demonstrable need for the proposed ATM at this location, with the nearest ATM over 100m away.

6.2. Planning Authority Response

- None received.

6.3. Observations

- None received.

7.0 Assessment

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

- Impact on Streetscape and Visual Clutter
- Demonstratable Need for an ATM
- Accessibility and Impact on Footpath
- Other Matters
- Appropriate Assessment

7.2. Impact on Streetscape and Visual Clutter

7.2.1. The Board will note that the sole reason for refusal relates to the visual clutter that the proposed ATM will have on the streetscape. The area planner stresses that while the ATM may be acceptable on its own, that due to the proliferation of existing signage/advertising on this shopfront, the insertion of an ATM would only add to the visual clutter of the shopfront and would be contrary to Section 16.31 and Policy RD15 of the Dublin City Development Plan 2016-2022.

7.2.2. The applicant argues that the existing level of advertising and visual clutter to the front elevation is much less extensive and is generally neater than that presented in the photo taken by the area planner. The applicant has submitted a photo of the shopfront demonstrating same (page 5 of appeal submission). However, on site visit I noted that the volume of advertisements in the shopfront had yet again increased to the level previously observed by the area planner. While I acknowledge this level of visual clutter is not appropriate, I also note that the majority of advertisements visible on site visit were in poster format and therefore could be removed if required. The internal advertising light boxes which were present in the shop front window do not appear to have the benefit of planning permission or fall within the exempted development defined under P.A. Ref. 0221/19. In addition, the current application has included no reference to same on the submitted floor plans (DRW. No. 1499.102.04). The matter of enforcement however falls under the jurisdiction of the planning authority and therefore these issues which were identified in the area planner's report should be addressed via that mechanism.

7.2.3. The existing shop front is comprised of a modern construction and is not original to the building, with the proposed ATM to be installed within the window glazing to the left of the entrance door. No impacts on the existing window frame or any other elements or visual features of the shopfront are proposed. The subject site is not a protected structure or located within an Architectural Conservation Area. While I note that a protected structure is located to the site's east on the opposite side of the street at no.9 Liffey Street Lower, I would not consider the proposed development will have any impact on this structure. In summary, I consider the interventions proposed to the shopfront acceptable and in compliance with Section 16.31 of the development plan, the design and proportions of the ATM proposed are considered acceptable and it is therefore considered that the proposed development would not be contrary to Policy RD15 or the related Section 16.24.2.

7.3. **Demonstratable Need for an ATM**

7.3.1. The applicant makes a reasonable 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, for tourism and within close walking distance to a prime shopping area (Mary Street/Henry Street). The nearest similar ATM facility is circa

100 metres from the site location. Therefore, I am satisfied that the need for this facility has been justified.

- 7.3.2. While I note the previous grant of permission for an ATM at no.30/31 Liffey Street (P.A. Ref. 4058/17) which is located approximately 20m to the south of the current site, I note that this application was made by the same applicant and that they state in the current appeal that same ATM machine was never installed. Although no justification has been presented as to why this machine was not installed, I would consider the commercial viability of two ATMs within 20m of each other unfeasible and therefore I do not have concerns in relation to the development of this earlier permission.

7.4. Accessibility and impact on footpath

- 7.4.1. Queues for use of the ATM would be likely to form along the footpath to the front of the building line of the premises. The footpath width at this location is circa. 2m which would adequately allow for both queuing and pedestrian movement along the footpath in both directions. While I note that a road sign located to the south of the site, on the footpath to the front of the adjacent premises, I do not envisage that this in combination with the queuing would cause any obstruction of pedestrian movement. In addition, I note the applicant states that the proposed ATM installation will not generate paper receipts, therefore no littering issues will arise as a result of the development.

7.5. Other Matters

7.5.1. Development Contribution

The subject development is not liable to pay development contribution.

7.6. Appropriate Assessment

- 7.6.1. 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.

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

- 9.1. Having regard to the proposed positioning of the ATM within an existing glazed panel of the shopfront and the scale and design of the ATM installation proposed, and the location within a central city area subject to the Dublin City Development Plan 2016-2022 zoning objective Z5, it is considered that subject to the conditions set out below, the proposed development would not appear visually incongruous or have a detrimental impact on the streetscape and 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 ATM hereby approved shall not issue receipts.

Reason: To control the amount of litter generated by the ATM.

Máire Daly
Planning Inspector

06th April 2021