



An
Bord
Pleanála

Board Direction
BD-001343-18
ABP-300729-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/10/2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the location, the nature, layout and scale of the development and the existing pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would be acceptable in terms of traffic safety, would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Donegal County Development Plan 2012-2018. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1The development shall be retained, 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.

2The development shall be amended as follows:

- (a) The car wash area and associated structures shall be relocated away from the residential properties on the southeast boundary to a location towards the rear of the site.

Revised drawings shall be submitted to, and agreed in writing with, the Planning Authority within two months from the date of this order.

Reason: To protect the residential amenities of neighbouring properties.

3Prior to the use of the new vehicular exit, the developer shall undertake the following:

- a) A sound-absorptive acoustic fence shall be installed along the southeast side boundary with the detached house;
- b) Complete all road markings and signage within the site to the satisfaction of the Planning Authority.

Reason: In the interest of traffic safety, residential amenity and to ensure a satisfactory standard of development.

4The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest residential property between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.

Reason: To protect the residential amenities of property in the vicinity of the site.

5The car wash shall only be used between 08:00 hours and 20:00 hours on Mondays to Fridays inclusive (excluding public holidays), between 08:00 to 18:00 hours on Saturdays and only between the 13:00 hours and 18:00 hours on Sundays and public holidays.

Reason: In the interest of residential amenity

6Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

8Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9The 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 within two months from the date of this order 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.

Board Member

Date: 12/10/2018

Paul Hyde