

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Donegal County

**Planning Register Reference Number: 16/50281**

An Bord Pleanála Reference Number: PL 05.246590

**APPEAL** by Michael Ronayne of Casablanca, Loughnagin, Ramelton Road, Letterkenny, County Donegal against the decision made on the 21<sup>st</sup> day of April, 2016 by Donegal County Council to grant subject to conditions a permission to George Doherty Construction (IRL) Limited care of MH Associates of Convent Road, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Completion of one number dwelling and construction of three number dwellings (total four number) and all associated site works (previously permitted under planning register reference number 05/40389 and extended under planning register reference number 11/40110, all at site at Droim Ard Avenue, Loughnagin, Letterkenny, County Donegal.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, the existing character and pattern of development in the vicinity of the site, the zoning of the site as 'Established Development' in the Letterkenny and Environs Development Plan 2009-2015 (as varied) and the planning history of the site it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or other amenities of the surrounding area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would be acceptable given its limited scale and in light of the fact that it provides for the completion of a previously permitted residential development utilising an existing vehicular access off the Regional Road R245.

## 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. Permanent visibility splays of 92 metres in each direction shall be provided at the junction of the estate road serving the proposed houses and the Regional Road R245. Revised drawings indicating the provision of these sight lines shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

**Reason:** In the interest of visual amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

7. (a) Open spaces shall be levelled and grassed and shall be planted with semi-mature broadleaved trees that are native to the area within the first planting season following commencement of development in accordance with the lodged plans and particulars. Any tree or shrubs which die within the subsequent three years shall be replaced.
- (b) At least one number semi-mature broadleaved tree shall be provided in the front garden of each house within the first planting season following commencement of development. Any tree which dies within the subsequent three years shall be replaced.
- (c) Rear boundary fences of vertical, close-board construction shall be provided to a minimum height of 1.8 metres.

**Reason:** To preserve the amenities of the area.

8. The dwellings the subject of this permission shall not be used as holiday homes but rather shall be occupied as permanent houses. "Holiday Home" for the purposes of this condition means a secondary place of residence that does not form a principal and main residence, but excludes second homes occupied on an intermittent basis by persons who are returning emigrants. "Permanent House" for the purposes of this condition means the principal and main residence.

**Reason:** In the interests of clarity and orderly development.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

10. The 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 prior to commencement of development 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.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**