

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 16/50004

An Bord Pleanála Reference Number: PL05E.247069

APPEAL by Simon Doran of 22 Grianan Park, Burnfoot, County Donegal against the decision made on the 21st day of July, 2016 by Donegal County Council to grant subject to conditions a permission for retention to Mary Tourish care of O'Connor Burke Architecture, 1 College Terrace, Rock Road, Derry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development comprising retention of (i) Peppers Diner, all associated internal alteration/external signage, (ii) existing basement consisting of shop store and ancillary shop accommodation, (iii) additional/extended carparking area to the rear (west) of the site, (iv) existing forecourt and carpark layout, including fuel/general storage structures and enclosures located within the forecourt area and along the northern and western site boundaries and (v) lighting/lampstands and all associated signage at the Grianan Vale Filling Station, Ballyderowen, Burnfoot, in the townland of Ballyderowen, County Donegal.

DECISION

GRANT permission for retention of 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 location of the site within a Tier 4 Settlement as designated within the current Donegal Development Plan, together with the established use on site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the visual amenities of the area or the residential amenities of properties in the vicinity, and would be acceptable in terms of traffic safety and convenience. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed a screening for Appropriate Assessment. In completing this screening the Board had regard to the nature, scale and location of the development, the documentation submitted in support of the planning application and appeal, the screening undertaken by the planning authority and the analysis and conclusions of the Planning Inspector. The Board concurred with the analysis and conclusions of the Planning Inspector and concluded that, by itself and in combination with other plans or projects, the proposed development would not be likely to have significant effects on European sites in view of the sites' conservation objectives including the Lough Swilly Special Area of Conservation (Site Code 002287) and the Lough Swilly Special Protection Area (Site Code 004075).

CONDITIONS

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 2nd day of June 2016 and by the further plans and particulars received by An Bord Pleanála on the 7th day of September 2016, 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. Prior to commencement of development, a new block wall, rendered and capped and not exceeding a height of 1.2 metres, shall be constructed along the entirety of the southern site boundary, as detailed on revised site layout plan received by the planning authority on the 2nd day of June 2016.

Reason: In the interests of visual amenity and traffic safety.

3. The planted buffer zone shown on drawing number: 1519 008, as submitted to An Bord Pleanála on the 7th day of September 2016, shall be carried out prior to commencement of development. The finished level of the buffer shall be no higher than two metres from the top of the adjoining boundary wall. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity and to protect adjoining residential amenities.

4. The basement store shall only be used for storage purposes ancillary to the fuel filling station and diner.

Reason: In the interests of orderly development.

5. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the canopy, on the forecourt building or anywhere within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interests of visual amenity.

6. The road network serving the development, including turning areas, junctions, parking and footpaths shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

7. Water 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.

8. Floodlighting shall be angled and constructed so that no light is emitted above a horizontal plane through the fitting. Positioning and design shall also ensure that no glare or light scatter is caused to users of the public roads and adjacent housing in the vicinity of the development. Prior to commencement of development, the locations and coverage of all proposed floodlighting shall be submitted to the planning authority for written agreement.

Reason: In the interest of public safety and residential amenity.

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

Dated this day of 2016.