

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Donegal County

Planning Register Reference Number: 16/51041

An Bord Pleanála Reference Number: PL 05E.247263

APPEAL by Thomas and Veronica McWhinnie care of P.A. Dorrian and Company of 2 Port Road, Letterkenny, County Donegal against the decision made on the 1st day of September, 2016 by Donegal County Council to grant subject to conditions a permission to Charles Vial (Fish Merchants Limited) care of AI Architects of Office 8b, The Courtyard, Lower Main Street, Letterkenny, County Donegal.

PROPOSED DEVELOPMENT: (a) Removal of existing loading ramp way, roof and sidewall forming covered loading bay, first floor access stairs and decking and boundary walls, (b) construction of a single storey extension to the eastern side of the existing factory with a loading bay, extended raised external loading area with a new loading ramp way serving both the existing and proposed building and a ESB sub-station. All linked to the existing building via a new central stairway serving the first floor of the existing building. Pedestrian access to the rear of the building, (c) new escape stairway from the first floor of the existing building, (d) conversion of existing offices located on the first floor of the existing factory building into a laboratory with separate office, (e) new access/circulation stairs and railings adjacent to the existing loading bay, (f) removal of existing factory wastewater treatment and storage tanks and installation of a new DAF (Dissolved Air Floatation) tank to treat the factory waste with a storage tank to store the liquid waste prior to removal off-site, (g) new sign to the road facing elevation of the existing building, (h) refurbishment and extension of existing dwelling located at the front of the site (roadside) and conversion to an office including an extension to the rear of the existing building, raising the existing ridge line, associated building signage and reconnection to existing foul and storm sewers, (i) all associated works and site works including connection to existing storm sewer and additional parking; all located at existing premises at Main

Street, Dunkineely/Ballymagowan, County Donegal in the townlands of Dunkineely and Ballymagowan.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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

1. It is a policy of the planning authority, as set out under Policy ED-P-16 in the County Donegal Development Plan 2012-2018, as varied, that any proposal for economic development use, in addition to other policy provisions of the Development Plan, will be required to meet (inter alia) the following criteria:
 - (a) be compatible with surrounding land uses existing or approved,
 - (b) not harm the amenities of nearby residents,
 - (c) not create a noise nuisance, and
 - (d) be capable of dealing satisfactorily with any emissions.

The site is located in an area of residential/town centre uses where the proposal to extend and intensify the existing non-conforming use on the site would result in a significant enlargement of an industrial development. Having regard to its scale and proximity to dwellings and other town centre uses, the nature of the industrial activities carried out on site and in particular the odour nuisance generated; and the proximity of HGV turning areas to third party properties, it is considered that the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity by reason of noise, odour and as a result of traffic movements associated with the development. Accordingly the proposed development would not be compatible with surrounding land uses and would contravene Policy ED-P-16 as set out in the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would facilitate intensification of the existing use which already generates significant volumes of traffic, including heavy goods vehicles and lorries, at a town centre site to which only restricted access is available, such that traffic entering and leaving the site causes congestion on the public road, the N56, and conflicts with other road users, including pedestrians using the public footpath. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.

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

Dated this day of 2017.