



Planning and Development Acts 2000 to 2017

Planning Authority: Donegal County Council

Planning Register Reference Number: 17/51626

APPEAL by Eddie Tobin care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 15th day of December, 2017 by Donegal County Council to grant subject to conditions a permission to J. J. Reid care of Charles Byrne Engineering of Foxhall, Newmills, Letterkenny, County Donegal.

Proposed Development (1) Building. (i) Change of use from garage/showroom to retail shop and café so as to provide extension to existing shop with café. (ii) Replacement of existing asbestos sheeting roof with insulated panel sheeting roof. (iii) Removal of part of first floor reinforced concrete floor slabs and internal renovations to existing shop and proposed extension. (iv) Replacement of part of existing rendered block work external facade with glazed and other panelled façade. (v) Replacement of existing roofed over palisade fenced store on north side of building with concrete block wall store roofed over, and (vi) Addition of glazed porch to south side of building. (2) Forecourt. (i) Move to new location and extend existing canopy. (ii) Move to new location existing four number fuel dispenser pumps/islands and provide one further pump/island with overground LPG tank. (iii) Decommissioning of two number existing underground tanks and replace with three new underground fuel tanks contained within a single reinforced

concrete tank. (iv) Provision of underground pipework and vent pipes associated with the project, and (v) Signage. Alterations to (a) the entrance from and exit to Pearse Road (b) site boundary including wall, landscaping works, car parking and drainage at J. J. Reid Filling Station, Pearse Road, Letterkenny, County Donegal.

Decision

REFUSE permission for the above proposed development in accordance with 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. Having regard to the nature and scale of the proposed development, including the significant intensification of use of the site, the proposed exit arrangements onto a heavily-trafficked route at a pedestrian crossing, cycle path and at a two-lane traffic-light junction, the potential for conflicting movements on site to premises to the rear of the site, to the limited area and restricted access and manoeuvring arrangements, particularly for HGV vehicles and the absence of both a traffic impact assessment and a road safety audit, the Board is not satisfied that the proposed development would not interfere with the safety of traffic travelling along Pearse Road (R250) and, thereby, would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature and extent of the proposed development, which includes the provision of retail development, and having regard to the lack of clarity in submitted documentation, the Board is not satisfied that the retail element of the proposed development would be within the cap, as set out in the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012, of 100 square metres, and it is therefore considered that, in the absence of a retail impact assessment, including a sequential test, it cannot be established that the proposed development would not contravene these Ministerial Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Philip Jones

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

Dated this day of 2018.