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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 17/51690**

**Appeal** by Simon Atkin of 26 Hazelwood Drive, Lifford, County Donegal against the decision made on the 21<sup>st</sup> day of December, 2017 by Donegal County Council to grant subject to conditions a permission to Loucon Limited care of Harley Planning Consultants Limited of 1 Melmount Park, Strabane, County Tyrone, Northern Ireland in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development consisting of (1) (i) the creation of a new vehicular exit to serve the existing service station and (ii) a screen wall and enhanced buffer treatment along the south-eastern site boundary, (2) retention of the service station layout incorporating (i) an extended paved area, (ii) four additional pump islands, (iii) amended car parking and internal traffic lanes, (iv) car washing facility and equipment store, (v) a storage shed, (vi) under-ground rain water harvesting tank, (vii) canopy and shop position, (viii) two steel mesh containers and a single plastic container, (ix) a filling station sign and a (x) kiosk serving the forecourt at Lifford Common, Lifford, 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 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 and convenience, 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 current Donegal County Development Plan. 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

1. The development shall be carried out, completed and retained 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. The 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 showing compliance with this requirement 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.

3. Prior 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, and

- (b) completion of 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.

4. The 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.

5. The car wash shall only be used between 0800 hours and 2000 hours on Mondays to Fridays inclusive (excluding public holidays), between 0800 to 1800 hours on Saturdays and only between the 1300 hours and 1800 hours on Sundays and public holidays.

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

6. 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.

7. Notwithstanding 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.

8. Site 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.

9. 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 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.

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**Paul Hyde**

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

**Dated this            day of            2018.**