



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/50051

Appeal by Tom McGuinness care of RW Nowlan and Associates of Number 37 Lower Baggot Street, Dublin against the decision made on the 15th day of March, 2018 by Donegal County Council to grant subject to conditions a permission to Ladbrokes Ireland Limited care of O'Connor Burke Architecture Limited of 1 College Terrace, Rock Road, Derry, Northern Ireland in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from part vacant public house and lounge area to a licensed betting office (to be relocated subject to planning conditions from existing Ladbrokes licensed betting office premises located at Main Street, Ballybofey), to include for all associated internal alterations, elevational alterations, new shop front, advertising to both Donegal Street and Donegal Road elevations, to include for new satellite dish mounted at high level to the rear (south-east) and make connection to all public services, all at Junction 15 Bar and Lounge, Donegal Road and Donegal Street, Ballybofey 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 provisions of the Donegal County Development Plan 2018-2024, the town centre zoning objective and the existing pattern of development in the area including the mix of uses prevalent on the main street, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not adversely impact on the retail vitality of the town and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. The proposed development shall be amended as follows:
 - (a) The shopfront design onto Donegal Road/Main Street shall be revised to comprise either the repair of the existing traditional wooden frame shopfront or its replacement with a traditional shopfront reflecting the design of the existing shopfront in terms of scale, proportion, fenestration, fascia treatment, materials, and finishes and shall incorporate the key elements of fascia board, pilasters, stallriser and plinth.
 - (b) Signage on the shopfront on the Donegal Road elevation shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering.
 - (c) The side elevation onto the laneway shall be modified to incorporate a traditional shopfront frame or, alternatively, signage shall be limited to the area above the proposed door

and shall comprise discrete hand-painted or individually mounted lettering directly positioned onto the plaster façade.

- (d) Shopfront signage shall be either Irish Language only or bilingual in nature with Irish first and more prominent than the other languages used.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 3. The shopfront, as specified in condition number 2 of this permission, shall be in accordance with the following requirements: -
 - (a) Lighting, where required, shall be by means of concealed neon tubing or by rear illumination.
 - (b) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
 - (c) External roller shutters shall not be erected and any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.
 - (d) No adhesive material shall be affixed to the windows or the shopfront.
 - (e) No digital displays or similar illuminated streaming media shall be erected or displayed on the subject premises, structure or site.

Reason: In the interest of visual amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements, other than those agreed under condition number 2 of this permission, shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area and to allow the planning authority to assess the impact of any further advertising through the statutory planning process.

5. 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.

6. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 and 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.

7. 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.

Terry Ó Niadh

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

Dated this day of 2018.