



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/50031

Appeal by Paul and Rosemary Gallagher care of Canavan Associates Limited of 23 Prince's Street, Derry, Northern Ireland against the decision made on the 29th day of March, 2018 by Donegal County Council to grant subject to conditions a permission to Michael Boyle care of Corner Stone Architecture of Ballykilduff, Portnoo, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Demolition of part of the existing bar and store areas to the existing building, (b) construction of a new extension to rear of the existing building consisting of a new bar area, restaurant areas, toilet blocks, kitchen and stores on ground and first floor areas, (c) change of use from existing stores at first floor level to restaurant area, (d) associated signage to the building, (e) construction of new rear entrance foyer, (f) construction of a new side store to the gable end of the existing building, (g) external smoking and bar area and (h) additional car parking area together with all associated site development works.

The Bayview Bar, Main Street, Meenamore, Dungloe, 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 nature, scale and location of the proposed development, the established nature of the existing public house usage on site, the zoning of the site for 'Town Centre' development in the Seven Strategic Towns Local Area Plan 2018-2024, which also recognises the tourism function of Dungloe, and the existing pattern of development in the vicinity, including surrounding uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not lead to a risk of flooding of lands outside the subject site and would be at low risk from flooding, would be acceptable in terms of pedestrian and traffic safety and would be in accordance with the provisions of the Local Area Plan. The proposed development 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, as amended by further information received by the planning authority on the 14th day of March 2018, 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 external bar area shall be omitted, and only the roofed smoking area, as shown on the submitted drawings, shall be provided. The area where the external bar area was proposed shall be kept clear of all development.
 - (b) The proposed “wheel” feature on the rear elevation, and the proposed “cart” feature on the roof of the single storey extension, as indicated on the submitted drawings, shall be omitted.

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 interests of protecting the residential amenities of adjoining property, and of visual amenity.

3. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing;
- (b) All windows and roof lights shall be double-glazed and tightly fitting;
- (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes;
- (d) Audio equipment/speakers shall not be operated from the external smoking area, and no live music shall be played in the smoking area nor in any part of the external or open areas of the overall site.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

4. The external finishes of the proposed extension (including roof tiles) shall be the same as those of the existing building in respect of colour and texture.

Reason: In the interest of visual amenity.

5. (a) Signage shall be limited to individual letters affixed to the rear elevation at ground and first floor levels. Such lettering shall not be internally illuminated, but may be spot lit. No external signage, other than the existing fascia signs, shall be erected on the front elevation of the building, and no signage of any kind shall be erected on the side gables of the existing bar.
- (b) No LED, neon or similar lighting shall be erected on the proposed or existing premises, or within the site. No digital displays or similar illuminated streaming media shall be erected or displayed on the proposed or existing premises, or within the site.
- (c) Details of the individual lettering, as provided for in this condition, including provision to ensure the use of the Irish language in such signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting and enhancing the visual amenities of the area, to comply with the provisions of the Donegal County Development Plan 2018-2024 in relation to the use of the Irish language, and in order to prevent excessive signage.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other advertising shall be erected on any of the buildings or displayed within the curtilage of the site, other than the individual lettering as agreed under condition number 5 of this permission, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to allow the planning authority to assess the impact of any further advertising through the statutory planning process.

7.
 - (a) The hours of operation of the restaurant hereby permitted shall be between 1100 hours and 2300 hours only, Monday to Sunday inclusive.
 - (b) The restaurant shall not be used for the sale of hot food for consumption off the premises (that is, a takeaway use) without a separate grant of planning permission.

Reason: In the interests of residential amenity, and in order to de-limit the extent of the permitted restaurant use, in the interests of pedestrian and traffic safety.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Post construction surface water run-off from hard surfaced/concreted/tarmacadam areas shall be directed to serviced sediment and oil interceptor traps, prior to discharge to the surface water system.

Reason: In the interest of public health, to prevent pollution of the adjoining river, and to ensure a proper standard of development.

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of permission.

Reason: In the interest of visual amenity, and to allow the planning authority to assess any such further development through the statutory planning process.

10. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

12. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers during the course of construction;
 - (e) features to obviate queuing of construction traffic on the adjoining road network;
 - (f) features to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (g) features addressing noise, dust and vibration, and observing/reviewing of such levels;
- (h) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; and
- (i) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter watercourses.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of clarity, public health, safety and protecting the adjoining river from pollution.

13. 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.

Philip Jones

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

Dated this day of 2019.