



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/50254

Appeal by John Magee of 1 Glencar Park, Letterkenny, County Donegal against the decision made on the 17th day of July, 2018 by Donegal County Council to grant subject to conditions a permission to Charlie Ascot Limited care of M H Associates of Convent Road, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey building comprising ground floor retail use and first floor office use, (2) relocation of an existing pedestrian crossing on Circular Road to allow for a new right hand turn lane into the site, (3) new car park to serve the development which will include a retaining wall to the north-east corner of the site and (4) ancillary site works in connection with above. All at Circular Road, Letterkenny, County Donegal. Further public notices were received by the planning authority on the 2nd day of July, 2018.

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 “established development” zoning objective and the location of the site within a suburban location, together with the scale, layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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 the further plans and particulars submitted on the 25th day of June, 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. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised plans and particulars illustrating indicative future pedestrian linkages to the south and north-east of the site.

Reason: In the interests of pedestrian safety and permeability.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised plans and particulars illustrating cycle parking relocated in close proximity to the main entrance to the building.

Reason: In the interest of promoting sustainable transport modes.

4. Parking for the development shall be provided in accordance with a final detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory parking layout in the interest of pedestrian and traffic safety and of visual amenity.

5. No amalgamation of office/retail units or subdivision of any unit shall take place without a prior grant of planning permission.

Reason: To control the layout and scale of the development in the interest of protecting the vitality and viability of the town centre.

6. The proposed office units shall be used in accordance with the uses defined under Class 2 and Class 3 of Part 4 of Schedule of 2 of the Planning and Development Regulations, 2001, as amended.

Reason: To allow for orderly development.

7. Prior to the occupation of each retail unit, the proposed tenant/occupier and the precise nature of each retail service, together with individual signage proposals, opening hours and delivery arrangements shall be confirmed to the planning authority in writing. The retail units shall provide for the sale of goods consistent with a local or neighbourhood centre and typically shall comprise of newsagent, small supermarket/general grocery store, sub post office and other small shops of a local nature serving a small, localised catchment population.

Reason: To allow for orderly development.

8. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. Details to be agreed with the planning authority shall include the provision of shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

9. The internal road network serving the proposed development, including turning areas, junctions, parking areas, footpaths, road markings, pedestrian crossing points, signage and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

10. Prior to first commercial operation of the development herein permitted, a Stage 3 Safety Audit shall be undertaken and submitted to the planning authority for written agreement. All findings and recommendations of the Stage 3 Safety Audit shall be implemented in full in accordance with the requirements of, and to the written satisfaction of, the planning authority.

Reason: In the interests of amenity and of traffic and pedestrian safety.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

12. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating,
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, and
- (e) cross sections on an east to west axis showing finished floor levels and boundary treatments with adjoining property to the satisfaction of the planning authority.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

13. Prior to commencement of development, the developer shall submit and obtain the written agreement of the planning authority, to a plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and in particular, recyclable materials, and for the on-going operation of these facilities.

Reason: To provide for the appropriate management of waste, and in particular, recyclable materials, in the interest of protecting the environment.

14. The construction of the development shall be managed in accordance with a Construction 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

15. All service cables associated with the proposed development shall be run underground within the site.

Reason: In the interests of orderly development and the visual amenities of the area.

16. 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.

17. 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 the 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.

Paul Hyde

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

Dated this day of 2019.