



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 1851804

Appeal by Gerard Convie care of Planning Services of Unit F, 15 Lower Main Street, Letterkenny, County Donegal against the decision made on the 25th day of January, 2019 by Donegal County Council to grant subject to conditions a permission to Michael Boyle of Portbay Taverns care of Brannigan Associates of The Gate House, Station Road, Glenties, County Donegal in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of (A) construction of a stairwell enclosure to the rear of the premises on 1st floor and internal alterations to accommodate the staircase in the existing building linking the basement , lower ground floor, ground floor and first floor, (b) an extension to the first floor bar area by 33 square metres to the rear of the premises, (c) erection of a steel frame structure on the 1st floor enclosing the smoking area to support existing metal cladding to the side and rear elevations, (d) alterations to elevational treatments which provide a white painted, rough rendered finish, (e) alterations to the shopfront to the front and side elevations, (f) the adding of a "McCafferty's " mural and six false window features to the side elevation

and (g) change of use of part of the lower ground floor from a kitchen to a lounge bar; all at McCafferty's Bar, 44 - 46 Lower Main Street, Letterkenny, 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 condition(s) 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 County Donegal Development Plan 2018-2024 and to the nature, scale and design of the development for which retention is sought, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity or impact negatively on the existing streetscape. 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 retained, 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 within three months of the date of this order 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:
The rough rendered façade treatment to the west/front and north/side elevation shall be removed and replaced with a smooth render finish within six months of the date of this order.

Reason: In the interest of visual amenity.

3. The shopfront shall be in accordance with the following requirements:-
 - (a) all external lights shall be adequately hooded and aligned to as to prevent direct spillage of light onto the public road,

- (b) no L.E.D., neon or similar lights shall be erected on the subject premises, structure or site,
- (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission, and
- (d) 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. No other advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be erected or displayed on the building in such a manner as to be visible from outside the building unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

- 5. Water supply and drainage arrangements, including the disposal and attenuation 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. 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 three months of 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.

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

Dated this day of 2019.