



Planning and Development Acts 2000 to 2019

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/51502

Appeal by Laura Crawford and others care of Canavan Associates Limited of 23 Prince's Street, Derry/Londonderry, Northern Ireland against the decision made on the 27th day of June, 2019 by Donegal County Council to grant subject to conditions a permission to Denis McGettigan care of Morgan Architects of Unit 2a Riverside Office Park, Neil T Blaney Road, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition and reconfiguration of building elements that previously formed part of the former Milan nightclub area of the hotel, construction of a new four storey side extension providing an additional 35 bedrooms, new fifth floor level over the existing bedroom block to provide an additional 26 bedrooms, new extension at fourth floor level over existing bedroom block to provide a new spa facility. The proposal also includes extending the main lift to fourth floor level to provide direct access from reception area to the spa area at 100 Main Street, Letterkenny, County Donegal, as amended by the further public notice received by the planning authority on the 11th day of June, 2019.

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 zoning objectives for the site, the provisions of the Donegal County Development Plan 2018-2024, to the pattern of development in the area and to the town centre location of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development at this location, would be acceptable in terms of scale, form, height and design, would not adversely impact on the character or setting of the town centre, including the hotel on site and properties along Speer's Lane included within the National Inventory of Architectural Heritage, would be acceptable in terms of visual amenity, would not seriously injure the amenities of the area or 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 to the planning authority on the 7th day of May, 2019 and the further plans and particulars submitted to An Bord Pleanála on the 9th day of August 2019, 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. Details of the materials, colours and textures of all the external finishes to the proposed development 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. Public lighting shall be provided in accordance with a scheme, which shall include lighting along Speer's Lane, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the commercial occupation of the proposed extensions to the hotel.

Reason: In the interests of amenity and public safety.

4. Prior to the commercial occupation of the proposed extensions to the hotel, a Parking and Service Management Plan shall be prepared for the hotel facility and shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide for details of the designated off-site parking spaces to serve hotel guests and staff and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park and servicing for the hotel shall be continually managed.

Reason: To ensure that adequate parking and servicing facilities are permanently available to serve the proposed development.

5. 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 amenities of property in the vicinity and the visual amenities of the area.

6. 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 noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and local amenities.

7. 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 amenities of property in the vicinity.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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 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.

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

Dated this day of 2019.