



Planning and Development Acts 2000 to 2019

Planning Authority: Donegal County Council

Planning Register Reference Number: 19/51572

Appeal by Bernard Grant care of Canavan Associates of 23 Prince's Street, Derry against the decision made on the 5th day of December, 2019 by Donegal County Council to grant subject to conditions a permission to Ballyliffin Lodge and Spa trading as Night Light Accommodations Limited care of Michael Galbraith Associates of Millbrae House, Lower Main Street, Bunrana, County Donegal in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of (a) change of use from a domestic dwelling to civil ceremony building, (b) the erection of a rear single storey extension, (c) removal of original roof and provision of new roof with barges, (d) the demolition of original front elevation and provision of new front elevation, (e) new front porch, (f) shed to the rear of the site and (d) connection to existing services and all associated works at Ballyliffin, 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 existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 and the development shall be retained 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 existing glazed door in the northern side elevation of the rear extension shall be replaced by a solid door, and
 - (b) The window in the northern side elevation of the rear extension shall be removed and infilled with walling.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. The agreed details shall be implemented within one month of the date of agreement.

Reason: In the interest of residential amenity.

3. 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.

4. The civil ceremony building permitted shall be used for the purpose of facilitating civil ceremonies only and shall be restricted to the ceremony only. The building shall not be used for any other use including recreational, social or otherwise. Notwithstanding the provisions of the planning and development regulations, as amended, any other use of the building shall be the subject of a separate grant of planning permission.

Reason: In the interests of orderly development and residential amenity.

5. The civil ceremony building hereby permitted shall only be open for use between the hours of 0930 – 2000 hours Mondays to Sundays inclusive.

Reason: In the interest of residential amenity.

6. No advertisement or advertisement structure shall be erected or displayed on the building (or within the curtilage of the site) 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.

7. External light shall be positioned so as to prevent direct overspill of light into neighbouring properties or the public road. Details for the location and cowling of lights shall be submitted to and agreed in writing with planning authority within one month of the date of this order. The agreed details shall be implemented within one month of the date of agreement.

Reason: In the interest of orderly development and residential amenity.

8. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0930 to 2000 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq,T.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.
- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
 - (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.

(d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

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 within one month 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.

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2020