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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 19/51690.**

**Appeal** by Conor Carey care of Harley Newman of Bohullion, Burt, County Donegal against the decision made on the 19<sup>th</sup> day of December, 2019 by Donegal County Council to refuse a permission to the said Conor Carey for the proposed development.

**Proposed Development:** Change of use of existing ground floor office (195.2 square metres) to an amusement arcade along with external fascia signage. 31-33 Lower Main Street, Letterkenny, 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 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 proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not impede the development of a high quality vibrant town centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be developed 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 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. 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

3. Prior to the commencement of development, details of the colour, design and location of all signage proposed shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of visual amenity and orderly development.

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

- (b) no L.E.D., neon or similar lights shall be erected on the 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 premises, structure or site.

**Reason:** In the interest of visual amenity.

- 5. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) 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.

- 6. The sound levels from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

**Reason:** In the interest of the amenities of the area.

- 7. The amusement arcade building hereby permitted shall only be open for use between the hours of 0930 to 2300 Sunday to Thursday and 0930 to 1230 hours Friday and Saturday.

**Reason:** In the interest of residential amenity.

8. 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.

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

**Dated this            day of            2020.**