

**An
Bord
Pleanála**

**Board Order
ABP-311135-21**

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/51063

Appeal by Maginn Residents Association care of Declan Ryan of 7 Maginn Avenue, Bunrana, County Donegal against the decision made on the 22nd day of July, 2022 by Donegal County Council to grant subject to conditions a permission to John Doherty 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: (A) Retention permission for minor preparatory works to party walls at both site side boundaries, and (B) permission to erect a two-storey building to consist of a retail unit on ground floor and office accommodation on first floor including connection to public services and all associated works, all at 1 Maginn Avenue, Ardaravan, Bunrana, 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 Town Centre zoning objective for the site, whereby both retail and office use are permitted in principle and the proposed development will result in the redevelopment of an underutilised vacant site, 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, would not be prejudicial to public health, would not give rise to an excessive demand for parking along Maginn Avenue 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, 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 attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services

Reason: In the interest of orderly development.

3. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of orderly development.

4. Neither the retail unit nor office accommodation shall operate outside the hours of 0800 to 2100 unless authorised by a further grant of planning permission.

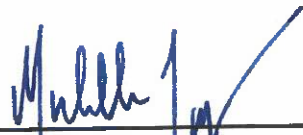
Reason: In the interest of protecting residential amenity.

5. Details of the proposed shop front and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

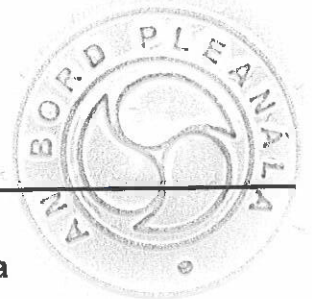
Reason: In the interest of visual amenity.

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 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 21st day of February 2022.