

An  
Bord  
Pleanála

Board Order  
ABP-312677-22

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 21/52246**

**Appeal** by Joseph John Gallagher of Ballina, Falcarragh, County Donegal against the decision made on the 13<sup>th</sup> day of January, 2022 by Donegal County Council to grant subject to a condition a permission to Boyce Brothers Limited care of Carr Architects of Unit 1, Northern Point Business Park, Ballybofey, County Donegal in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of flat roof over an existing yard at ground floor level to provide a store for the shop and permission for construction of an extension above the store to be retained (referred to above) which will enclose a platform lift rising to first floor level, all at Boyce's Centra Convenience Store, Station Road, Falcarragh, 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.**

## **Reasons and Considerations**

Having regard to the town centre location of the site and the pattern and character of development in the area, to the design and scale of the proposed development, and to the provisions of the County Donegal Development Plan 2018-2024, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would comply with the provisions of the Development Plan for town centres, would not seriously injure the visual amenities of the area or depreciate the value of surrounding properties, and would be acceptable in terms of traffic safety and convenience. The proposed development and 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 carried out, completed and retained 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. The remains of the previously installed lift enclosure above the ground floor store shall be removed within three months of the date of this order.

**Reason:** In the interest of orderly development.

3. Drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. 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.

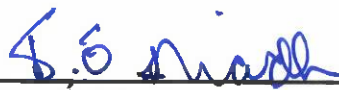
**Reason:** In the interest of visual amenity.

5. 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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 the An Bord Pleanála to determine the proper application of the terms of the Scheme.

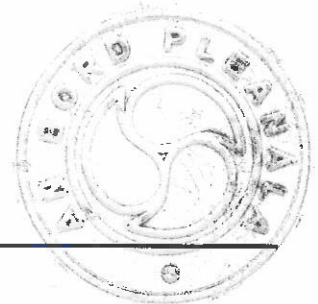
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission



Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.



Dated this 13<sup>th</sup> day of June, 2022.