

An
Bord
Pleanála

Board Order
ABP-315123-22

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 22/50377

Appeal by Phelim McGill care of RW Nowlan and Associates of 37 Lower Baggot Street, Dublin against the decision made on the 20th day of October, 2022 by Donegal County Council to refuse permission for the proposed development.

Proposed Development: Erection of five glamping pods, service building, car parking area, signage with connection to all existing site services, including public sewer mains and water connection and all associated site development works, all at Carrick Upper (Cottages), Carrick, 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.

Reasons and Considerations

Having regard to:

- (a) Objectives TV-O-1 to TV-O-4 in relation to renewal and regeneration and Objectives TOU-O-1 and TOU-O-5 in relation to tourism set out in the Donegal County Development Plan 2018-24,
- (b) the location of the application site in the village of Carrick proximate to local services and facilities,
- (c) the modest scale of the development proposed, and
- (d) the pattern of existing residential dwellings and business premises accessing onto the public road in the vicinity,

it is considered that, subject to compliance with conditions set out below, the proposed development would not materially contravene the development plan, would not seriously injure the rural character of the area or the residential amenities of property in the vicinity or constitute a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the recommendation of the Inspector to refuse permission, the Board noted the commentary of the Inspector that the planning authority accepted that the development generally complies with policies TOU-P-17 and TOU-P-20 of the Donegal County Development Plan 2018-24, with the exception of pedestrian facilities. In this regard the Board noted the totality of the relevant provisions under those policies and determined that the proposed development would be generally consistent with

these provisions when taken as a composite policy context and would not materially contravene the policies. Specifically, by reference to the issue of safe walking distance from the development to local services and facilities, the Board noted; the close proximity of the subject site to the centre of the village with all its associated services; the specific facts of the local road layout at this central location within the village settlement, and where the alignment of the local road, the presence of tight urban buildings with frontage onto the road, the presence of broken yellow lines at this short stretch of road between the site and the village core denoting hard shoulders which are confined normally only for pedestrians and cyclists, and the fact of the tight junction to the north, all would serve to slow vehicular traffic and to provide an identifiable presence of markings which would facilitate adequate walking and cycling access to the village centre along this short stretch of local road which currently serves houses and businesses.

Furthermore, the Board noted that the proposed development provides for safe, capable access, egress and parking of vehicles within the subject site itself and that the proposed development, which is modest in scale, would perform in a manner consistent with numerous other existing developments, residential or commercial, along this local road. Overall therefore, it was determined that the proposed development would be consistent overall with the relevant provisions of policies TOU-P-17 and TOU-P-20 of the development plan and would not materially contravene those policies, as the development can be deemed to be within safe walking distance of local services and facilities, and would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The five glamping pods shall be available for short term tourism letting only of maximum duration four weeks and shall not be used for permanent residential accommodation.

Reason: In the interest of orderly development.

3. Prior to commencement of development, satisfactory access and boundary treatment details from the site to Teelin Road shall be agreed in writing with the planning authority. The glamping pods shall not be occupied until the agreed works are completed in full.

Reason: In the interest of traffic safety.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. In this regard, surface water from the site shall not be permitted to drain onto the adjoining public road.

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

5. Prior to commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Uisce Eireann as appropriate.

Reason: In the interest of public health

6. Prior to commencement of development details of public lighting for the development shall be submitted to, and agreed in writing with, the planning authority. Such lighting shall be provided prior to the occupation/operation of the development.

Reason: In the interests of public safety and amenity, to prevent light pollution.

7. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground.

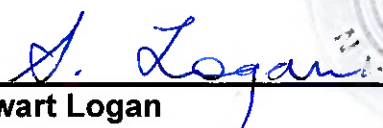
Reason: In the interests of visual and residential amenity.


8. Site development and building works shall be carried out only between the hours of 0700 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 residential amenities of property in the vicinity

9. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

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.


Stewart Logan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 15 day of November 2023.