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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

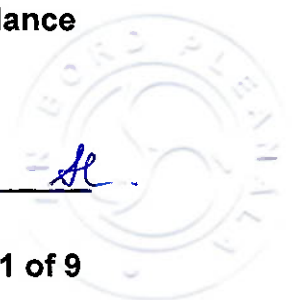
**Planning Register Reference Number: 22/50513**

**Appeal** by Michele Brannigan of Bridge Street, Ramelton, County Donegal against the decision made on the 30<sup>th</sup> day of November, 2022 by Donegal County Council to grant subject to conditions a permission to Nicholas O'Hanlon Limited care of Trevor Robb of Killyclugg, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of an existing commercial building and the erection of a building to include on the ground floor two number commercial units, two number apartments on the first floor and two number apartments on second floor and one number apartment on the third floor (five apartments in total) with connection to the public sewer and all other associated site development works, all at Shore Road, Ramelton, 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 the site's location within an urban area, to the policies and objectives of the Donegal County Development Plan 2018-24, particularly in relation to the renewal and regeneration of Strategic Towns including Ramelton, to national and regional policy objectives which support the redevelopment of brownfield/infill sites, the 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 be acceptable, would not seriously injure the residential or visual amenities of the area and would not adversely impact on the character and setting of the designated heritage town of Ramelton. 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, as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of September, 2022 and the 3<sup>rd</sup> day of November 2022, 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. Prior to the commencement of development, the developer shall submit revised plans providing for the following revisions to the proposed development for the written agreement of the planning authority:
- (a) provision of internal minimum floor areas and storage areas in accordance with the standards set out within the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023),
  - (b) omission of the proposed office use at first floor level and its replacement with the provision of two number apartments at first floor level in accordance with the layout and use provided at second floor level, and
  - (c) provision of a public footpath along the frontage of the site to Shore Road

**Reason:** In the interests of residential and visual amenity.

3. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development and options for the proposed mural along the western elevation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual amenity and streetscape.

4. Prior to the commencement of development, the developer shall submit the following details for written agreement of the planning authority:
- (a) hours of opening of the ground floor restaurant,
  - (b) details of the location of all extractor points and equipment, and

- (c) satisfactory measures to control odour and noise emissions from the proposed ground floor restaurant use.

During the hours of operation, noise levels as measured at the site boundary shall not exceed 5db above the ambient.

**Reason:** In the interest of public health and to protect the residential amenities of the area.

- 5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

6. A dedicated cycle storage facility for residents of the apartments shall be provided within the building at ground floor level. This facility shall be located adjoining but separate to the bin store with an independent access door from the western building elevation to the side passageway. Storage for a minimum of 10 cycles (two per apartment) shall be provided with individual/secure facilities for each apartment. A revised ground floor plan, western elevation and other appropriate details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of sustainable transport and the amenities of the development.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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



8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless agreed in writing with the planning authority.  
**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.
9. Prior to the commencement of development, details of signage for the development shall be submitted for the written agreement of the planning authority. No additional signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.  
**Reason:** In order to protect the visual amenities of the area.
10. Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.  
**Reason:** In the interest of public health.
11. The applicant shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.  
**Reason:** In the interest of public health.



12. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

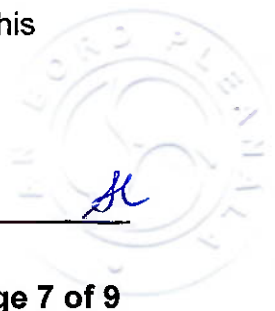
**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan and noise management measures.

**Reason:** In the interests of public safety and residential amenity.

14. The development shall be maintained by a legally constituted management company. Details of the legally constituted management company contract, and drawings/particulars describing the parts of the development for which the legally constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. The management scheme shall include provision for adequate measures for the future maintenance of communal areas and facilities.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.



15. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 amenities of property in the vicinity.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of embankment reinstatement and landscaping, roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion, and maintenance until taken in charge, of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development, and its maintenance until taken in charge by the local authority.



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



Dated this 8 day of February 2024.