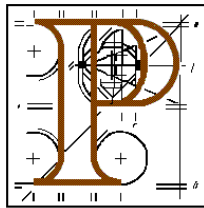


# An Bord Pleanála



## Inspector's Report

**PL05E. 246425**

**DEVELOPMENT:** Revised parking layout for authorised office development

**ADDRESS:** IDA Business Park, Lisnennan, Letterkenny, Co. Donegal

### PLANNING APPLICATION

**Planning Authority:** Donegal County Council

**Planning Authority Reg. No.:** 16/50117

**Applicant:** ExtraSpace Solutions Ltd.

**Application Type:** Permission

**Planning Authority Decision:** Grant permission subject to conditions

### APPEAL

**Appellant(s):** Jim Harley

**Type of Appeal:** 3<sup>rd</sup> party vs. grant

**Observers:** None

**DATE OF SITE INSPECTION:** 13<sup>th</sup> July 2016

**INSPECTOR:** Stephen J. O'Sullivan

## **1.0 INTRODUCTION**

- 1.1 This report deals with a third party appeal against a decision of Donegal County Council to allow 24 car parking spaces in an authorised office development that would not be permitted under the existing permission.

## **2.0 HISTORY**

- 2.1 PL05E. 245158, Reg. Ref. 15/50425 - The board granted permission on 19<sup>th</sup> November 2015 for an office development in four new buildings on a greenfield site within the Letterkenny Business and Technology Park. Condition no. 2(c) of the permission required the number of car parking spaces to be reduced to 774 from the 1,011 proposed, none of which was to be located to the south of the authorised buildings.

## **3.0 SITE**

- 3.1 The site lies c2.3km north of the town centre of Letterkenny. Its stated area is 0.434ha. It is a part of the site of an office development that is under construction. It is to the south and in front of the location of the authorised buildings. The development is part of a wider office park, access to which is via a looped road that has two junctions on the N56 National Secondary Road where an 80kph speed limit applies. The site and the surrounding landscape slope down generally from north to south.

## **4.0 PROPOSAL**

- 4.1 It is proposed to provide 24 car parking spaces in front of the authorised building, including 18 disabled spaces as well as 6 visitor spaces on a set-down loop. The drawings submitted by the applicant did not show the proposed development in the context of the entire authorised development or the entire area under the control of the applicant. It may be noted that the applicant is the agent for the landowner, rather than the landowner itself.

## **5.0 POLICY**

- 5.1 The Letterkenny and Environs Development Plan 2009-2015 remains in force. The site is zoned for "General Employment". The parking standards are that each 90m<sup>2</sup> of office shall have 3 spaces if within the speed limit zone, or 6 if outside.

## **6.0 DECISION**

6.1 The planning authority decided to grant permission subject to 5 conditions, none of which substantially altered the proposed development.

## **7.0 REPORTS TO THE PLANNING AUTHORITY**

7.1 Submissions – The appellant submitted that conditions no. 2 of the board's decision on PL05E. 245158 should be respected.

7.2 Roads Engineer – Conditions are recited.

7.3 Planner's report – The planning history of the site is cited. The board's decision omitted the proposed 150 spaces from the front of the building. The proposed development would introduce 24 spaces there, whose visual impact would be minimal. A condition could be imposed to ensure that the total number of spaces did not exceed the limit of 774 imposed by the board. Part M of the Building Regulations recommends that disabled spaces are located close to the main entrances to the buildings, as is the case in this proposal. A grant of permission was recommended with conditions including one limiting the total number of parking spaces to 774. A handwritten note appended to the report stated that this issue was not relevant and that the condition should be omitted.

## **8.0 GROUNDS OF APPEAL**

8.1 The grounds of appeal can be summarised as follows-

- The board's decision on PL05E. 245158 limited the total number of car parking for the overall development to 774 with none in front the office buildings in the interests of sustainable transport and visual amenity. The proposed development departs from this requirement. If the board was minded to grant some car parking to the front of the building, then it could have done so in the previous decision.
- The drawings submitted with the application are not clear as to whether the proposed spaces are in addition to those granted under PL05E. 245158 or in place of some of them. The covering letter and partial site layout submitted with the application are inconsistent in this regard. It is remarkable that the council planner's attempt to bring clarity to the matter was overruled by the planning manager on the unsound conclusion that the current proposal was an incidental amendment, not contrary to the thrust of ABP's decision. If the proposed development was merely an

incidental amendment, then the need for a planning application was questionable.

- Both entrances to the overall development from the N56 are within the 80kph speed limit zone and it is mandatory to apply the Guidelines for Planning Authorities on Spatial Planning and the National Roads. The board's decision on PL05E. 245158 was not made with proper cognisance of these circumstances.

## **9.0 RESPONSES**

9.1 The planning authority's response refers to its planner's report on the application.

9.2 The applicant's response can be summarised as follows-

- The office development authorised under PL05E. 245158 will provide a new office campus for Pramerica Systems Ireland. The current proposal is to relocate 18 disabled spaces to the front of the buildings and in addition provide 6 drop off spaces for visitors or staff using taxis. The topography of the site does not allow the easy location of the disabled car parking spaces to the rear of the building because the car park there is 4m higher than the ground floor level of the building. The reduced level of car parking at the front of the building would not have same visual impact as the 153 originally proposed there. A permeable finish to the parking area is proposed to protect watercourses.
- If this application is successful the disabled parking to the rear of the building will be rearranged and agreed with the planning authority under the conditions of the parent permission PL05E. 245158. The application makes no reference to disabled parking behind the buildings as this would only be relevant if the application is granted. "The 6no spaces that appear to be causing (the appellant) some confusion were simply a relocation of a reduced number of the 12 no parking spaces included in the original parking layout located adjacent to the disabled parking at the front of the building". The planning approval issued for these parking spaced did effectively increase the number of spaces by 24, or 3% of the overall allocation. On a site of "15 acres" a further 24 spaces would have a negligible impact on the overall development and does not raise traffic management issues.

- The appellant's motivations are questioned and the board is requested to consider dismissing the appeal under section 138(i)(a)(ii) of the planning act.

The applicant's submission was circulated for comment.

9.3 The planning authority's response agrees with the applicant's statement that the proposed development would have a negligible visual impact and that it would assist both visitor and disabled motorists to access the buildings.

9.4 The appellant's response can be summarised as follows-

- Ramps and signage could be used to provide disabled car parking behind the buildings in accordance with Part M of the building regulations. The board should insist on the implementation of its original decision regarding the location and number of car parking spaces.
- The applicant's submission does not clarify the confusion about the nature and extent of the proposal. If the board grants permission than a condition restricting the total number of car parking spaces to 774 should be imposed.
- Traffic management and safety issues were fundamental issues in this case.

## **10.0 ASSESSMENT**

10.1 The board decided to grant permission, subject to conditions, for an office development at this location under PL05E. 245158 Reg. Ref. 15/50405. That permission remains valid and capable of implementation regardless of the decision on the current application. The merits of the previous decision are not relevant to this appeal. So the arguments by the appellant that seek to raise fundamental traffic management and safety issues concerning the authorised office development, or the implementation of *the Guidelines for Planning Authorities on Spatial Planning and National Roads* in relation to the nearby N56 in the previous decision, are not pertinent to the present case. Nevertheless the appeal does raise other relevant planning issues and it is recommended that the appeal be considered by the board rather than dismissed.

10.2 The arguments submitted by the applicant regarding the desirability of having disabled parking spaces and a small amount of visitor parking near the main entrance to the office development are reasonable. The parking arrangement proposed in this application would not seriously detract from the standard of urban design achieved by the layout required by condition no. 2 of the board's decision on the previous case, given the limited number of spaces that are proposed in front of the office buildings. Nor would it be likely to undermine the protection of watercourses. While the gradients at the back of the authorised office buildings would not preclude the provision of disabled parking spaces there, it is likely that the proposed spaces in front of the buildings would better help mitigate difficulties that might be faced by those with impaired mobility in accessing employment in the authorised scheme.

10.3 However the appellant is correct that the application is unclear as to whether the spaces proposed in this application would breach the limit of 774 set by the board in its previous decision. No arguments have been put forward that would justify revisiting the board's prior determination in this regard. However the matter can be properly addressed by a condition restating the over limit of 774 parking spaces. It is noted that such a condition was recommended by the council's planner in this case, but another official did not concur as "this proposal is an incidental amendment which is not contrary to the thrust of ABP decision". I am unsure as to what constitutes a "thrust" of a decision by the board. However providing more than 774 car parking spaces would certainly be contrary to the actual terms of the board's decision.

10.4 I note that the planning authority's decision included conditions that referred to landscaping, bollards, lighting and surface treatments. While these requirements may be reasonable in themselves, it would be preferable on grounds of traffic safety and urban design if such specifications were consistent across the overall development, rather than being separately controlled for the part of the car park to which this application refers. Conditions on any permission granted in this case should therefore refer to those set out in the previous permission.

## **11.0 RECOMMENDATION**

11.1 I recommend that permission be granted subject to the conditions set out below.

## REASONS AND CONSIDERATIONS

Having regard to the limited amount of parking proposed and its designation for use by persons with impaired mobility and visitors to the office development authorised under PL05E. 245158 Reg. Ref. 15/50405, it is considered that the proposed development would be acceptable in terms of traffic safety and would maintain an acceptable standard of urban design and the protection of watercourses. Therefore, subject to compliance with the conditions set out below, it would be in keeping 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.

Apart from the amendments described on the plans and particulars submitted with this application and the consequent amendments required under condition no. 2 below, the terms and conditions of the permission granted under PL05E. 245158 Reg. Ref. 15/50405 shall be complied with in full. In particular the appropriate period for the carrying out of development under this permission shall expire on 3<sup>rd</sup> December 2020.

**Reason:** In the interests of clarity and to ensure consistency in the planning conditions governing the development of the site.

2. The number of car parking spaces provided to serve the office development authorised under PL05E. 245158 Reg. Ref. 15/50405, including those authorised under this permission, shall not exceed 774. Prior to carrying out any development on foot of this permission, a revised layout for the overall development with no more than 774 parking spaces shall be agreed in writing with the planning authority, as shall details as to how the use of the parking spaces authorised under this permission shall be restricted to visitors and those with impaired mobility, as appropriate.

**Reason:** To restrict the total number of car parking spaces to that specified by condition no. 2 of the permission issued under PL05E. 245158 Reg. Ref. 15/50405 in the interests of sustainable transport, visual amenity and the protection of watercourses.

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Stephen J. O'Sullivan  
20<sup>th</sup> July 2016