



An
Bord
Pleanála

Inspector's Report PL05E.246891

Development	Change of use of retail unit from opticians (granted under Reg. Ref. 15/51229) to proposed use as a chemist at Pound Street, Stranorlar, Lifford P.O., Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	16/50610
Applicant(s)	Martin and Teresa Maguire
Type of Application	Permission
Planning Authority Decision	Grant
Appellant(s)	John and Audrey Foy
Observer(s)	None
Date of Site Inspection	15th September 2016
Inspector	Lorraine Dockery

1.0 **Site Location and Description**

- 1.1. The subject site, which has a stated area of 0.28 hectares, is located on the northern side of Pound Street, Stranorlar, Co. Donegal at the junction with the access road into the existing health centre. The structure, the subject of this appeal is not yet constructed. It has a stated floor area 124 square metres.

2.0 **Proposed Development**

- 2.1. The proposed development comprises the change of use of from that permitted under Reg. Ref 15/51229 from approved retail unit/opticians to proposed use as chemist shop.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission GRANTED subject to 8 no. conditions

3.2. **Planning Authority Reports**

The report of the area planner reflects the decision of the planning authority

3.3. **Other Technical Reports**

Road Design Office: Refers to previous local area plan for area; issues raised in relation to relocation of entrance to carpark; parking demand; existing parking problems on Pound Street and mitigation measures; issue of deliveries; storm water proposals; street lighting and encroachment of retail unit over footpath at first floor level.

TII: The Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

HSE: No comment as proposal is to connect to existing public sewer

Loughs Agency: No objection

4.0 **Planning History**

4.1. 15/51229

Permission GRANTED for construction of extension to eastern side of existing supermarket to provide an independent retail unit for use as an opticians (Class 8-health/medical use)

5.0 **Development Plan**

5.1. The Donegal County Development Plan 2012-2018 is the operative County Development Plan for the area.

Ballybofey/Stranorlar is designated as a Tier 2 town within the operative County Development Plan

The subject site is located within an area zoned for Town Centre uses

Section 10.3 Parking

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- Concerns regarding legal title
- Standard of drawings
- Lack of car parking calculation and concerns regarding access to car park
- Concerns regarding foul and storm drainage

- Concerns regarding economic sustainability and need for additional pharmacy in the town- impacts on viability/sustainability of the town

6.2. **Planning Authority Response**

No further comment

6.3. **Other Party Responses**

A response was received on behalf of the applicants which may be summarised as follows:

- Sought change of use of existing permitted unit based on local need
- Adjoining property to the east of the Stranorlar Medical centre which is the local medical centre for Ballybofey, Stranorlar and the Finn Valley- ideally located so people can walk to proposed pharmacy from this centre
- Ample accessible car parking facilities with safe vehicle manoeuvres and deliveries to rear
- Hospital, outpatient department, private professional facilities and special needs facility all located nearby
- Considers that additional pharmacy would have a positive impact on viability of town

6.4. **Observations**

6.5. None

7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Principle of proposed development
- Impacts on amenity
- Appropriate Assessment

7.2 **PRINCIPLE OF PROPOSED DEVELOPMENT AND NEED FOR PROPOSED DEVELOPMENT**

7.2.1 The subject site is located within a town centre location and this is reflected within its zoning objective, as contained within the operative County Development Plan. The change of use of a previously permitted unit from opticians to use as a pharmacy is considered acceptable in principle. I note the issues raised by the third parties in relation to the need for the subject pharmacy. I note that there is an existing pharmacy attached to the existing supermarket. However, I also note the location of the subject site relative to the primary care centre located to the east of the site. I also note the role of the town as a healthcare service provider both to the town itself and wider hinterland, as outlined in the first party response to the appeal.

7.3 **IMPACTS ON VIABILITY AND VITALITY OF TOWN CENTRE**

7.3.1 I note the issues raised in the appeal submission. I note the issues raised in relation to impacts on economic sustainability. With regards the issue of potential impacts on existing businesses, I refer to Section 2.5.3 of the Guidelines for Planning Authorities Retail Planning (DoECLG, 2012) which advises that planning authorities and An Bord Pleanála should assess the likelihood of any adverse impact on the vitality and viability of the city or town centre as a whole, and not on existing traders. This current proposal is a change of use of a previously permitted unit within the town centre, of stated floor area 124 square metres. The floor area is not being increased

from that previously permitted. There are no elevational changes and the only alterations proposed relate to the internal fit-out. I consider that the proposal, if permitted would not detract from the viability or vitality of the town centre. I also consider that the submission of a Retail Strategy was not necessary in this instance, considering the nature and scale of the development proposed.

7.3.2 I consider that the drawings submitted were adequate to enable me undertake a comprehensive assessment of the proposed development.

7.3.3 I note the issues raised in the appeal submission in relation to drainage issues. Again, this is a change of use application with no increase in floor area over and above that previously permitted. The site is located within the town centre with connections proposed to the public system. I have no information before me to believe that the proposed development, if permitted would be prejudicial to public health.

7.3.4 Issues raised in relation to car parking and traffic management are noted. Contrary to the assertion contained within the appeal, it is noted that the carpark entrance is shown on the Proposed Site Layout Plan. It is my opinion that adequate parking is available on site to cater for the development proposed. This is a small-scale development and it is anticipated that there would be complementary uses between the proposed unit, the attached supermarket and the health centre across the road. The issue of parking and access was dealt with by condition under the parent permission, Reg. Ref. 15/51229. This is considered acceptable.

7.3.5 Issues raised in relation to legal title are a legal matter, outside the remit of this planning appeal.

7.3.6 Having regard to all of the above, the proposal is considered acceptable and consistent with the proper planning and sustainable development of the area.

7.4 APPROPRIATE ASSESSMENT

7.4.1 The subject site is located in an established town centre location and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the reasons set out below.

9.0 Reasons

Having regard to the provisions of the provisions of the Donegal County Development Plan 2012-2018 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the amenities of the area, would not be prejudicial to public health and would not lead to the creation of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 disposal of surface water, 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.

3. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

REASON: In the interest of the amenities of the area/visual amenity.

4. Parking and access arrangements shall comply with the requirements of the planning authority, prior to the commencement of any works on site

REASON: IN the interests of traffic safety

5. Details [including samples] of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

REASON: In the interest of the visual amenities of the area.

6. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

REASON: In the interest of visual amenity.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

REASON: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

8. A plan containing details for the management of waste within the development, including the provision of facilities for its storage, separation and collection 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, in the interest of protecting the environment.

Lorraine Dockery
Planning Inspector

19th September 2016