



An
Bord
Pleanála

Inspector's Report ABP-303760-19

Development	Change of use of part of the lower ground floor from a kitchen to a lounge bar.
Location	McCafferty's bar , 44 - 46 Lower Main Street, Letterkenny, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	1851804
Applicant(s)	Portbay Taverns
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Gerard Convie
Observer(s)	None
Date of Site Inspection	8 th May 2019
Inspector	Una O'Neill

Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development.....	4
3.0 Planning Authority Decision	4
3.1. Decision.....	4
3.2. Planning Authority Reports.....	5
3.3. Prescribed Bodies.....	5
3.4. Third Party Observations.....	5
4.0 Planning History.....	5
5.0 Policy and Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations.....	9
5.3. EIA Screening	9
6.0 The Appeal.....	10
6.1. Grounds of Appeal.....	10
6.2. Applicant Response	10
6.3. Planning Authority Response	11
6.4. Observations	11
6.5. Further Responses	11
7.0 Assessment.....	12
7.1. Introduction.....	12
7.2. Shopfront Design and Visual Impact	12
7.3. Appropriate Assessment.....	13
8.0 Recommendation.....	14
9.0 Reasons and Considerations	14

10.0 Conditions 14

1.0 Site Location and Description

- 1.1. The subject site is located on the eastern site of Lower Main Street in Letterkenny town centre, Co. Donegal.
- 1.2. The site, which has a stated area of 0.033ha, comprises a three storey public house, with a significant rear ground difference resulting in a four storey building from the rear. The lands to the rear of the site comprise two apartment buildings.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a stairwell enclosure to the rear at first floor level and internal alterations to accommodate new stairwell from basement to the first floor level.
 - Extension of first floor bar area by 33 sqm to the rear.
 - Metal cladding to side and rear and erection of a steel frame structure on the first floor enclosing the smoking areas and support existing metal cladding.
 - Alterations to elevation treatment to provide a white painted, rough rendered finish.
 - Alterations to shopfront and side elevations.
 - 'McCafferty's' mural and six false windows on side elevation.
 - Change of use of part of lower ground from a kitchen to a lounge bar, c. 107 sqm.

3.0 Planning Authority Decision

3.1. Decision

Retention permission GRANTED, subject to 8 conditions, including the following:

C3: No signs, symbols or other means of advertising

C4: External lights to be hooded; no LED, neon or similar lights; no digital displays or similar illuminated streaming media.

C5: Signage shall be in the Irish Language first.

C8: Development Contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Fire Service Section: Applicant to ensure development is in accordance with recently approved fire safety certificate.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One observation received, the basis of which is set out within the grounds of appeal hereunder.

4.0 Planning History

08/80039 (July 2008) – Retention permission GRANTED for rooftop veranda to rear.

07/80174 – Permission GRANTED for external rooftop veranda and access staircase at second floor level; erection of external staircase; change of use from office to toilets; minor elevation alteration to rear of first floor level (permission expired on 20.07.13).

5.0 Policy and Context

5.1. Development Plan

County Donegal Development Plan 2018-2024

Part A & B, Strategic Plan, Policies and Objectives

- Letterkenny: Top layer of the settlement structure.
- **CS-P-1:** It is the policy of the Council that proposals for development in Letterkenny shall be considered in the light of all relevant material planning considerations, relevant policies of the County Development Plan including Part C, Chapter 12, 'Objectives and Policies of Letterkenny' and other regional and national guidance/policy, relevant environmental designations and particularly Map 12.1B (Land Use Zoning) and Map 12.1A (Urban Design Framework).

Part C: Objectives and Policies of the Towns

- **Chapter 12: Letterkenny**
- **Town Centre Zoning Objective:** To sustain and strengthen the core of Letterkenny as a centre of commercial, retail, cultural and community life.
- **LK-TC-O-3:** Creation of an attractive retail environment in terms of overall design and the quality of the public realm.
- **LK-TC-P-3:** Mixed Use Development Policy in the area identified as the Traditional Town Centre New Developments, the redevelopment or the change of use of existing buildings or parts of same, in the traditional town centre shall demonstrate that the proposed usage shall not detract from the objective of creating a vibrant and mixed use town centre. In addition such uses shall be reflective of the development's/building's location within the town centre. Larger scale developments shall provide for a range of unit sizes capable of accommodating a diversity of types of retail, service and residential accommodation. This policy shall not apply to the development of buildings for a cultural, community or educational use.
- **LK-TC-P-5: Design Criteria in the Town Centre**

Development proposals in the town centre shall only be permitted where they:

- Provide for distinctive buildings of high architectural quality, which contribute to a distinct sense of place and a quality public realm.
- Adhere to the building lines set out in the Map 12.1A: 'Urban Design Framework,' that accompanies this part of the Plan, or where same is not identified adhere to the established building line.
- Provide for a fine grain of development in terms of overall scale, fenestration size/proportions, signage, and detailing.
- Promote visual interest through modulation and detailing of architectural elements (e.g. variation in building elevations, variations in roof form, cornices, windows, eaves, frontages and entrances and minor variations in setback).
- Provides for a minimum 3-storey development along the Pearse Road and 2 Storeys elsewhere in the town centre.
- Avoids the use of industrial type cladding.
- Avoids the use of cladding or glazing of extensive areas of the proposed development.

- **LK-TC-P-6: Town Centre Streetscape**

It is the policy of the Council to protect and enhance the quality of the 'Town Centre Streetscape' as identified on Map 12.1A: 'Urban Design Framework' that accompanies this part of the Plan...The promotion of design quality is seen as an essential part of Development Management. The Council therefore intends to place an increased emphasis on urban design and the need for vision and ideas for the 'town centre streetscape', seeking to ensure that new development respects the street and site and fits with its surroundings.

- **LK-TC-P-7: Shop fronts along the 'Town Centre Streetscape'**

It is the policy of the Council to:

- (a) Ensure the retention of traditional street-fronts as appropriate.
- (b) Only approve alterations to existing traditional shop fronts if the proposal is an improvement on what exists. Particular care will be taken over proposals for the installation of blinds, canopies, security grilles and shutters to avoid harm to the

visual amenity of the shopping streets, if acceptable in principle they must be designed as an integral part of the shop front design.

(c) Avoid pastiche shop fronts and facades.

(d) Encourage contemporary design resolution where appropriate avoiding cautious pastiche, considering security lighting and shutters, additional security measures as necessary, signage and advertisements.

Shop fronts form the core of the Main Street providing for a vibrant and active shopping experience. Care is to be taken in the specification detailing of shop fronts, whereby high quality design will tend to promote the town as a retail centre of excellence.

- **LK-TC-P-8: Traditional Town Centre**

It is the policy of the Council to reinforce the traditional town centre as the heart of the town, to increase its vibrancy and improve its environment (Map 12.2: 'Town Centre Strategy' contained in this part of the Plan, refers).

- **LK-TC-P-9: High Quality Sustainable Vibrant Town Environment**

It is the policy of the Council to ensure the traditional town centre streetscape of Letterkenny is preserved and enhanced to create a high quality sustainable vibrant town environment.

- **LK-TC-P-10: Promotion of Attractive Town Centre**

It is the policy of the Council to promote an attractive town centre atmosphere which would encourage additional trade and business to the traditional town centre encouraging increased footfall along the historic streetscape of the town.

- **LK-TC-P-11: Improvement Programme**

It is the policy of the Council to initiate a programme encouraging ongoing improvement in street fronts in order to attract more quality businesses to Main Street.

- **LK-TC-P-12: Management of 'Town Centre Streetscapes'**

The Council will manage the 'Town Centre Streetscape' (Map 12.1A: 'Urban Design Framework' that accompanies this part of the Plan, refers) as follows:

(a) All refurbishment restoration and development proposals within the 'Town Centre Streetscape' will respect the character of existing buildings, important views and spaces and historic settlement pattern in terms of scale, height, density, grouping, design and materials along the designated 'Town Centre Streetscape' and always of the highest design quality.

(b) Existing buildings adding to the character of the town centre streetscape should not be damaged or demolished. There is a presumption in favour of the retention of buildings that are of traditional form and are of cultural or heritage value.

(c) The Council will promote the sensitive re-use of existing buildings and encourage quality repair and maintenance carried out with appropriate materials and to a high standard of workmanship.

(d) The Council will seek to retain all original features which are important to the character of the buildings along the Town Centre Streetscape such as entrances, chimney stacks, doors, windows and materials.

(e) The Council will ensure that all development within the designated town centre streetscape should reflect and interpret the specific character of the streets, responding to and reinforcing the townscape, landscape, scale, materials and topography, and always of the highest quality regardless of the conceptual approach adopted.

(f) The Council will reinforce the value and importance of the green spaces in the town and the natural topography of the area in relation to the protection, enhancement and promotion of the 'Town Centre Streetscape.'

(g) All planning applications must be accompanied by a design statement clearly outlining the concept and design approach chosen in relation to the development of buildings and/or sites along the designated spine.

5.2. Natural Heritage Designations

The subject site is not located within or adjacent to a European site.

5.3. EIA Screening

The proposed development is not of a class for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Gerard Convie of Planning Services. The grounds of appeal is summarised as follows:

- The proposal is contrary to policies TC2, TC3 and TC5 of the County Donegal Development Plan 2018-2024.
- The proposal is not reflective of high quality architecture.
- The unauthorised signage, faux windows on the gable wall, dormer windows and faux 'random rubble' on the external wall finish are not in keeping with Main Street, Letterkenny.
- Industrial type cladding on the rear is not in keeping.
- The proposal is contrary to policies TC7, TC8, and TC13 of the County Development Plan 2018-2024.
- The proposal is contrary to technical policies of the development plan, specifically S4 numbers 5-9. The policy is that one third of a site must be kept free from development.
- The proposal is contrary to the policies of the development plan in respect of design and quality required for the Main Street.

6.2. Applicant Response

The applicant has responded to the grounds of appeal as follows:

- It is requested that the appeal be dismissed as it is frivolous and without substance. The grounds of appeal are based on the alleged non-conformity with policies of the redundant Letterkenny and Environs Development Plan 2005-2015, therefore the grounds are irrelevant.
- The building itself is not unauthorised, although there are elements within the building that have been altered and are subject to this application for retention.

- The policy of the previous plan referring to one third of a site being kept free from development does not exist in the current development plan.
- The footprint of the building is not changing with this application. The additional and amended floor areas are all within the existing building. The changes do not have the material impact suggested by the appellant.
- Amendments to the building would not in any way negatively affect the vitality of the Main Street.
- Design is a subjective matter and the appellant's comments represent one such opinion.
- The response of the planning authority to the appeal are considered fair and balanced.

6.3. **Planning Authority Response**

The planning authority has responded to the grounds of appeal as follows:

- The proposed development is in keeping with the overall 'town centre' land use zoning objective 'to sustain and strengthen the core of Letterkenny as a centre of commercial, retail, cultural and community life' and complies with the relevant town centre policies, ie LK-TC-P1-3, 5-10, 12 and 15 which cumulatively seek to ensure that all developments comply with the Town Centre strategy/Urban Design Framework, provide a diversity of use, meet the prescribed design criteria/urban design framework Map 12.1A, protect and enhance the town centre streetscape, provide traditional town centre streetscape/shop fronts, promote a high quality, vibrant and attractive town centre, ensure the appropriate design management of the town centre streetscape and promote active frontages'.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 Assessment

7.1. Introduction

- 7.1.1. The appeal site is located within the town centre zoning objective. The use of the building as a public house is acceptable within this zone.
- 7.1.2. The first party contends that the appeal should be dismissed as the third party repeatedly references the policies of the now defunct Letterkenny and Environs Development Plan 2005-2015 and the grounds of appeal is therefore considered irrelevant, frivolous, confusing and without substance.
- 7.1.3. While the third party has erred in his reference to an old development plan for Letterkenny, I consider the substantive planning content of the submission is relevant and I have examined the planning issues raised hereunder.
- 7.1.4. I consider the primary issue for assessment relates to the design and visual impact of the proposed retention application.

7.2. Shopfront Design and Visual Impact

- 7.2.1. The third party contends the proposal is not reflective of high quality architecture and impacts negatively on the design and quality of Main Street. In particular reference is made to unauthorised signage, faux windows on the gable wall, dormer windows and faux 'random rubble' on the external wall finish and the industrial type cladding on the rear elevation.
- 7.2.2. The applicant states the building itself is not unauthorised and is of the view that the amendments made do not increase the footprint of the existing building and would in no way affect the vitality of the main street, with the design issues raised being matters which are subjective.
- 7.2.3. The site is within the traditional commercial core of the town. The development plan contains a number of policies in relation to the streetscape and the importance of maintaining the character and vibrancy of the main street through design and the public realm.
- 7.2.4. The existing shopfront while modern in age is of a traditional wooden design, comprising a fascia board with painted lettering, pilasters, stallriser and plinth. The

side elevation to the vacant site and laneway with window frames and continuation of the frame of the shopfront presents a visually acceptable elevation to this laneway and overall does not detract from the ability to develop the adjoining site. In my opinion the shopfront alterations are in keeping with traditional shopfronts in Letterkenny and the alterations are overall acceptable. With regard to the mural, this is additional signage for the pub, which in my view is excessive and should be removed by condition, should the Board be minded to grant permission.

7.2.5. With regard to finishes, I consider the rough rendered finish is not in keeping with the streetscape in this urban area. The Board may consider it appropriate to attach a condition requiring an amendment to the existing finish and replacement with a smooth render, which in my view is more in keeping with the character of the area.

7.2.6. The enclosed external stairwell is rendered to the side and rear, with the adjoining boundary to the outdoor smoking/bar area comprising a grey metal sheet cladding. The rear metal sheet cladding is not visible from the main street and in my view does not detract significantly from the amenity of residents in the block to the rear.

7.2.7. I note the height of the new stairwell at roof level, increased bar area and adjoining cladding appears higher (c. 2.5-2.7m) than the previously permitted canopies and close-board timber fence (c. 1.5m). While the outlook for the residents to the rear is impacted upon by this increased height, I note the existing elevation of the building is at the upper height of the dormer windows to the rear and the increased height will protect to a greater extent the amenities of existing residents from the noise of the permitted outdoor roof terrace of this pub, while reducing the permitted outdoor roof terrace area. I consider the retention of the stairwell, the metal sheet cladding and associated steel structure within the roof terrace areas to be acceptable. I consider the expansion of the enclosed bar area at this level to be acceptable, as are the internal modifications for the stairwell and lower ground floor use from kitchen to lounge bar.

7.3. Appropriate Assessment

7.3.1. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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. It is recommended that retention permission is granted, subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the County Donegal Development Plan 2019-2024 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 not seriously injure the amenities of the area or of property in the vicinity or impact negatively on the existing streetscape. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none">• The rough rendered façade treatment to the west/front and northern/side elevation shall be removed and replaced with a smooth render finish.• The mural on the northern elevation shall be removed.

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of the visual amenity of the area.</p>
3.	<p>The shopfront shall be in accordance with the following requirements:-</p> <p>(a) All external lights shall be adequately hooded and aligned to as to prevent direct spillage of light onto the public road.</p> <p>(b) No L.E.D., neon or similar lights shall be erected on the subject premises, structure or site.</p> <p>(c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.</p> <p>(d) No digital displays or similar illuminated streaming media shall be erected or displayed on the subject premises, structure or site.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>No other advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be erected or displayed on the building in such a manner as to be visible from outside the building unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>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</p>

<p>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.</p> <p>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.</p>

Una O'Neill
Senior Planning Inspector

20th May 2019