



An  
Bord  
Pleanála

## Inspector's Report 304561-19.

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<b>Development</b>	Temporary use as a car rental premises, erection of office unit, fascia signage, car wash bay.
<b>Location</b>	Pearse Road, Letterkenny, County Donegal.
<b>Planning Authority</b>	Donegal County Council.
<b>Planning Authority Reg. Ref.</b>	19/50366
<b>Applicant</b>	Enterprise Rent a Car Ireland Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Enterprise Rent a Car Ireland Limited.
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> August 2019.
<b>Inspector</b>	Mairead Kenny.

## 1.0 Site Location and Description

- 1.1. The site comprises a small plot of land located in a town centre location in Letterkenny. It is adjacent Glenealy House, a two storey restaurant and guest accommodation building, which was closed at the time of inspection. There is a gated access through the site of the subject development into the rear of that restaurant premises. At the south of the site on the same side of the road are retail warehouses uses. At the opposite side of the road is a recently constructed four storey development of shops with residential use overhead.
- 1.2. The site itself is of stated area of 0.099 hectares. The front of the site is marked by a low wall and railing and nearby is the office building. The rear of the site is marked out in car parking spaces. A roofed bay for car wash / servicing is in situ at the rear.
- 1.3. Photographs of the site and surrounding area which were taken by me at the time of inspection are attached.

## 2.0 Proposed Development

Permission is sought for a temporary use of lands as a commercial car rental premises including an office unit comprising manager's office, canteen, waiting area and WC. Also permission is sought for fascia signage and a wash bay area.

The stated area of the office is 50.83 m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for three reasons summarised below:

- Contrary to policies including LK-TC-P-19 – the subject development is an activity which the town centre strategy recommends should be located outside the town centre area. The character of the development including setbacks/relationships with Pearse Road will militate against the strategies and recommended actions including a minimum of three storey development at this location.

- Policy LK – TC – P – 2 and the urban design framework for the town centre would be materially contravened by the proposed development, which constitutes a substandard form and type of development inappropriately located within a town centre environment, which fails to adhere to and directly conflicts with the urban design framework for the town centre and would set an undesirable precedent.
- Policy WES-P-1 refers to the requirement to have regard to the quality and quantity of water resources and states that the development will only be permitted where it can be demonstrated that there will be no direct or indirect damaging effect on water resources – in the absence of detailed proposals for collection, treatment and disposal of car wash effluent the authority is not satisfied that the car wash facility in particular would not give rise to risk of water pollution. To permit the development would materially contravene policy WES P – 1.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

#### 3.2.2. The main points of this report include:

- The extensive planning history of the site is outlined – it includes a number of applications for car wash and similar businesses including applications for a building for valeting services all of which were refused or were invalid.
- A temporary permission was granted for use of the site as a commercial car rental premises (date of expiry 22<sup>nd</sup> of May 2019) – a note on file indicates that the applicant was made aware that they were to seek out a new premises within the 24 month period and thereafter the permission would seek to have effect.
- The development plan context includes preparation of the draft local area plan for Letterkenny which has commenced with target publication in 2019.
- The Letterkenny town centre strategy set out in part C of the County development refers.

- This is the 3<sup>th</sup> application at the subject site in recent years, all of which have attempted in various formats to develop a low density, low order uses which have been consistently refused on the basis of being contrary to the achievement of the town centre strategy, being inappropriately located in a town centre environment, conflicting with the Urban Design Framework for the town centre, creation of undesirable precedent which would prejudice the creation of a consolidated, vibrant and attractive town centre and traffic/pedestrian safety concerns.
- The siting and design are considered not to be acceptable at this location.
- There are no concerns in relation to public health and appropriate assessment is not relevant.
- Permission should be refused.

### 3.2.3. Other Technical Reports

**Road Design Engineer** – no comment.

**Executive Engineer (Roads)** - This indicates no objection subject to prohibition of advertising sandwich boards and public footpath and no parking of vehicles along the public road. Standard conditions are required.

**Fire service section.** - No objection subject to obtaining fire safety cert and availability of adequate water supply.

**Building Control Authority** - no objection subject to complying with regulations, submission of commencement notices and possible requirement for disability access certificate and fire certificate.

### 3.3. Prescribed Bodies / Third Party Observations

None.

## 4.0 Planning History

- 4.1.1. The extensive planning history relating to this site is described in full in the planner's reports and there are a number of history documents on file. In the summary below I have omitted any invalid or withdrawn applications.

- 4.1.2. The most recent relevant planning history case is planning reg. ref. 17/50215. Permission was granted for a development which was similar to the current proposal. The permission was limited to a 24 month period, which expired in May 2019.
- 4.1.3. Under planning reg. ref. 14/80027 permission was refused for construction of a building for valeting of vehicles and associated car wash and for retention of other development.
- 4.1.4. Under planning reg. ref. 12/80093 permission was refused for construction of a building for valeting of vehicles and associated car wash and for retention of other development.
- 4.1.5. Under planning reg. ref. 10/80097 permission was refused for retention of a temporary car wash and valeting business.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The Letterkenny and Environs Development Plan 2009-2015 is in effect pending the adoption of a new plan which is in preparation. The information on the Council's website is that a draft plan was to be published in September 2019 for further consultation. Policy TC5 of the Letterkenny and Environs Development Plan 2009-2015 relates to high architectural quality.
- 5.1.2. The County Development Plan 2018 – 2024 in Appendix C sets out objectives for towns including Letterkenny. The site is within the town centre of Letterkenny, the objective of the town centre zoning being 'to sustain and strengthen the core of Letterkenny as a centre of commercial, retail, cultural and community life.'  
Development trends and issues including at and near Pearse Road are described in section 12.2 and the Town Centre Strategy in section 12.3, which emphasises increased densities and use of the Urban Design Framework which is on map 12.1A and which promotes a strong urban structure and good streetscape.  
Policy LK-TC-P-1 relates to compliance in terms of uses with the objectives of the Town Centre Strategy. The strategy contains measures to ensure a higher quality public realm and to permit buildings only of the highest design and finish.

LK-TC-P-2 requires that development proposals in the town centre adhere to the urban design framework including in relation to the provision of active street frontages.

The urban design framework requirement for Pearse Road is three storey development at minimum.

## **5.2. Natural Heritage Designations**

None in the immediate vicinity.

## **5.3. Environmental Impact Assessment - Preliminary Examination**

- 5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The existing business has benefited the local community with tourist trade to the town and employment in the office. The locations close to all amenities including the bus station. The long term plan to secure a more favourable architectural design for the office building. The car wash facility has not affected mainstream demand in the present operation for two years and a further temporary permission would consider in more detail anticipated demand for clean and safe water and the company would work to meet all necessary requirements and needs to ensure no risk of water pollution. Alternative sites have been investigated but the present location is ideal.

A separate letter attached outlines the reasons by continued operation of the site would be of benefit to the local community, to and local businesses and creating a connected town. The business provides a solution to people who may take public transport to the town and hire a car for their onward journey. In the UK one of our

offerings is a car club and this is also available in Letterkenny and reduces the number of cars on the road but only works when we are in the town centre. As we are located at Donegal airport and Letterkenny and this encourages use of the airport and encourages people to remain in the town or use it as their base for travel. We are of benefit to start-up businesses in addition.

## 6.2. **Planning Authority Response**

The planning authority wishes to rely on the executive planners report in response to the first party appeal.

## 6.3. **Observations**

None.

## 7.0 **Assessment**

- 7.1.1. I consider that the primary issue of concern in this appeal relates to the suitability of this use and the form in which it is presented in this town centre location.
- 7.2. I note that the general site context includes the main shopping centre in the town, which is to the north of the roundabout near the site. On lands between the subject site and the shopping centre, the Board under ABP - 03476-19 recently refused permission for a drive through restaurant for reasons related to design and in particular to contravention of Policy TC5 of the Letterkenny and Environs Development Plan 2009-2015. It was noted in the Board's Direction that the proposed development was not considered to be acceptable in terms of design and siting and that the Board was not satisfied that it would make a positive contribution to the area. Much of the detailed reasons for refusal presented by the planning authority also relate to the town centre uses and the strategy including in terms of urban design issues and town centre vitality.
- 7.3. I consider that the reasoning, which was presented in the Board's recent decision at a nearby site is of relevance to this case and applies to the current site. In my opinion the development in itself is contrary to the town centre strategy and specific provisions thereof including Policy TC5 of the Letterkenny plan and the policies cited

in the decision of the planning authority, which are from the current county development plan.

- 7.4. The design of the development is such that it does not contribute to the streetscape and fails to provide a proper frontage onto Pearse Road. It presents as a gap in the streetscape in a location which is designated for three-storey buildings and where the development plan objectives emphasise streetscape and appropriate urban design.
- 7.5. I also consider that the development due to its layout and relationship with the property to the north would impede the operation of that premises and detract from its viability. The application proposals include parking of cars across the entrance gate to the service / parking area of the adjacent premises. In the event of a grant of permission these could be omitted. However, it would not be feasible to operate the service / parking area of Glenealy House due to conflicts with the car rental use.
- 7.6. In relation to the short-term nature of the permission sought, I consider that this is not a material factor, which should overly influence the Board's decision. It is relevant to note the extensive planning history. For a period of almost ten years now there has been a pattern of applications for similar uses, initially car valeting uses and now more recently for car hire. The applicant has had the benefit of a short-term use as a car hire premises for over two years and was advised by the planning authority of its limited duration.
- 7.6.1. Included in the applicant's submissions are letters from an estate agents which testify to failure to identify alternative sites. It is also stated that this is the only car hire company operating in the town and that it provides services to both tourist and local markets. An increase of nearly 20% in rentals is recorded and some increase in demand would be anticipated in the next 24 months as people look for flexible mobility solutions due to the cost of running their own car.
- 7.6.2. I accept that the car hire customer is changing and that the model of operation is adjusting. However, in my opinion the applicant's response to the company's commercial needs are failing to evolve in line with the prevailing planning requirements, which are valid in this town centre location. The nature of the proposal and its design as well as the selected site are all fundamentally unacceptable and contrary to the development plan. In view of the Development Management



Guidelines stance on temporary permissions and the planning history related to this site I consider that a refusal of permission is appropriate.

- 7.7. In the event of a refusal of permission I would consider it more appropriate to reference the County Development Plan policies over the Letterkenny Plan policies as they are more recently adopted and equally relevant.
- 7.8. In relation to the final recommended reason for refusal which relates to risk of water pollution related to the car wash facility, I consider that this could be resolved by conditions. I do not consider that it is a substantive matter warranting a reason for refusal.

## 8.0 Recommendation

- 8.1. I recommend that the decision of the planning authority to refuse permission be upheld for the reasons and considerations below.

## 9.0 Reasons and Considerations

The site is located on lands which are zoned 'Town Centre' under the County Development Plan 2018-2024, the objective of which is to strengthen the core of Letterkenny as a centre of commercial, retail, cultural and community life and in relation to which objective there is a requirement to comply with the Town Centre Strategy which promotes intensification of uses, quality architectural design and enhancement of streetscape and with the Urban Design Framework. It is considered that the nature of the proposed development would significantly detract from and hinder the achievement of a consolidated, vibrant and attractive town centre including by reason of the specific use proposed, the poor layout and design and the relationship of the site with the access to the rear of the premises to the north. The proposed development would constitute a substandard development in this town centre location and would be contrary to the provisions of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Mairead Kenny  
Senior Planning Inspector

29<sup>th</sup> October 2019