



An
Bord
Pleanála

Inspector's Report

ABP-311135-21

Development	Works to party walls and permission for erection of a two-storey building
Location	1 Maginn Avenue, Ardaravan, Buncrana, Co Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2151063
Applicant(s)	John Doherty.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Maginn Residential Association.
Observer(s)	None.
Date of Site Inspection	7 th October 2021.
Inspector	Paul Caprani

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
5.3. EIA Screening	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	6
6.3. Planning Authority Response	6
6.4. Observations	7
6.5. Further Responses.....	Error! Bookmark not defined.
7.0 Assessment.....	7
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	11
10.0 Conditions	11

1.0 Site Location and Description

- 1.1. No. 1 Maginn Avenue is located near the junction of Maginn Avenue and Lower Main Street Buncrana in North Donegal. Mc Maginn Avenue runs eastward from the Main Street Linking up with Ardarvan Road and Hillhead Road further east. The Avenue accommodates a long terrace of late 19th Century two-storey dwellings along its southern side. The northern side of the Avenue opposite the site is currently undergoing large scale redevelopment at the time of site inspection. The Street accommodates one-lane of westbound only traffic. Designated pay and display parking is accommodated on the southern side of the Avenue, directly on front of the terraced dwellings.
- 1.2. No 1 Maginn Ave is currently a vacant site with wooden hoarding placed to the front of the site at ground floor level. It has a width of approximately 5 metres and a depth of 14 meters. The area of the site is 73 sq.m. It is bounded on either side by the rear of a restaurant unit facing onto to Main Street to the west and a two-storey terraced dwelling. It backs onto a small laneway which runs to the rear of the terraced houses.

2.0 Proposed Development

- 2.1. Planning permission is sought to construct a two-storey building on the subject site to accommodate a retail unit at ground floor level (43.3 sq.m) and an office unit overhead (36 sq.m). The building is to rise to a ridge height of 7.9 sq.m. A small storage yard area is proposed to the rear. Two separate small office units are proposed at first floor level. Details of the external finishes are not indicated on the drawings submitted.

3.0 Planning Authority Decision

3.1. Decision

Donegal Co. Council issued notification to grant planning permission subject to 6 conditions.

3.2. Planning Authority Reports

3.2.1. Technical Reports

A report from the Chief Fire Officer states that there is an inadequate means of escape from the 1st Floor.

A report from the Building Control Authority states that a number of conditions be attached in the case that planning permission is granted.

The planners report notes that planning permission was granted for an almost identical development on the subject site. With regard to the concerns of the Fire Officer the report states that this matter can be dealt with by way of a separate application for a Fire Safety Certificate. It is considered that the proposed development would not generate significant parking requirements (2 spaces), it is noted that there was previously a dwelling on site which would have an allocation of 2 spaces. The additional parking requirements is considered to be neutral. It is stated that no Appropriate Assessment arises.

3.3. Prescribed Bodies

No submission received.

3.4. Third Party Observations

A letter of objection was submitted from the current appellants to the Planning Authority the contents of which has been read and noted.

4.0 Planning History

No appeal files are attached. The planners report in section 7.0 notes the planning history associated with the site. Under 11/90025 permission was granted for permission and retention of permission for the development of (a) Retention of permission of the partial demolition of a two-storey terrace dwelling and (b) permission to complete the demolition of structure and (c) Permission to erect a replacement two storey building with a retail unit at ground floor level and offices accommodation at first floor level including connection to public services.

5.0 Policy Context

5.1. Development Plan

The subject site is located in an area designated as town centre in the Buncrana Local Area Plan. It seeks to reserve lands for a mix of commercial, retail, office cultural, leisure / entertainment, residential and other uses appropriate to the town centre as the primary retail location thereby enhancing vitality and viability. Policies in relation to Buncrana are set out in Part C of the Plan. Policy BC-R-O-2 seek to promote retailing as part of the town's tourism economy.

5.2. Natural Heritage Designations

The site is not located within or contiguous to a Natura 2000 site. The nearest Natura 2000 site is the Lough Swilly SAC to the west. At its closest point it is located point is c700m to the west of the site.

5.3. EIA Screening

Having regard to the nature of the development comprising of a small infill commercial development in an urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

The decision was the subject of a third-party appeal by the Maginn Residents Association. The issues raised in the appeal are outlined below:

- The proposal will exacerbate parking concerns for residents of the road.
- There are vacant residential units in the vicinity with two to five minutes walk from this location.

- Government policy seeks to encourage people to live in rural towns.
- Parking is only permitted one side of the street. Recently loading and unloading parking was provided at on-street parking area on the northern side of the street to the side of a pub directly opposite the site. When deliveries and on-street parking occurs at the top of the street near the junction of Main Street, there will be insufficient spaces to permit cars to pass.
- The parking provision proposed for the medical centre, which is under construction directly opposite the site, is insufficient to cater for demand and this will exacerbate parking problems in the area and on the street in particular.
- The two office units and retail unit will also accentuate demand for parking in the area.
- Parking on the lane to the rear of the property will not sufficiently address the problem due to access problems and narrowness.
- The appellants were successful in persuading the Planning Authority to refuse planning permission for a change of use of one of the units opposite the site from medical to retail use on the basis of lack of parking and road safety.
- The site notice was placed deliberately higher on the hoarding of the site so as to be illegible.
- Permission on the subject site should be restricted to a family home only.

6.2. Applicant Response

- It appears that the applicant has not submitted a response to the grounds of appeal.

6.3. Planning Authority Response

- It appears that the planning authority has not submitted a response to the grounds of appeal

6.4. Observations

- No observations are contained on file.

7.0 Assessment

7.1. I have read the entire contents of the file, visited the subject site and surroundings and have had particular regard to the issues raised in the grounds of appeal. I consider the critical issues in determining the current application and appeal are as follows:

- Principle of Development
- Traffic and Parking Issues
- Site Notice.

Each of these issues will be assessed below.

Principle of Development

The site is currently undeveloped and vacant. It appears that previously the site accommodated a building. The absence of a building on the site creates a gap within the existing terrace. Being surrounded by wooden hoarding, the site also presents a blank frontage onto the streetscape. The development of the subject site would therefore represent a significant planning gain in terms of improving the visual amenity of the area.

The design of the new build is in my view very appropriate as it reflects the existing height, plot width and fenestration arrangements of the existing buildings along the southern side of Maginn Avenue. The proposal therefore will significantly enhance the visual amenities of the streetscape.

The proposed uses proposed for the building are fully in accordance with the Town Centre land use objectives as set out in the Buncrana Local Area Plan. Both retail use and office are land uses that are encouraged under the town centre land use zoning objectives. The principle of redeveloping the site to accommodate the land uses proposed is therefore acceptable in principle in my opinion.

Traffic and Parking Issues

The main issues raised in the grounds of appeal relate to traffic and parking. The appeal suggests that the proposed development will exacerbate the parking demand along the street, and in conjunction with the perceived parking shortfall associated with the medical centre currently being developed opposite the site, the proposal will give rise to a proliferation of parking along the Avenue which will not allow residents to use the on street parking to the front of their dwellings. Concerns are also expressed that the loading bay opposite the site to serve the public house will block traffic at this busy junction. The appeal also suggests that the laneway to the rear of the site is, due to its narrowness, unsuitable to accommodate either parking or deliveries. It is therefore suggested that it would be more beneficial in terms of parking demand and traffic congestion, that the site be developed for residential use. Each of these issues are dealt with in turn below.

With regard to the issues of parking demand along the street, I would refer the Board to the photographs taken during my site inspection. The photos were taken at lunchtime on a mid-week day. They clearly indicate that during business hours, when demand for car parking to avail of commercial activity in the town centre could be expected to be at its highest, there is ample car parking space available along the street. Only one car was parked in the vicinity of the site and there was sufficient space to accommodate an additional 4 to 5 cars on that section of the Avenue. Parking demand associated with the dwellings along the street is expected to be highest outside business hours. It would appear therefore that the parking demand for business related activity along the Avenue may not be as great as that suggested in the grounds of appeal.

Furthermore, it is considered that the parking demand associated with the proposed development will be quite modest. This view is predicated on the basis that the floor area of the building is modest. The net retail sales area of the ground floor is estimated to be less than 20 sqm while two singular office units and a small reception area is to be located at first floor level. The size and small scale nature of the activities is not likely to give rise to any significant trip generation and consequential parking demand. Furthermore the subject site is very central. It is considered that many patrons can arrive by foot or can avail of public-on street and off-street parking in the wider vicinity in carrying out multiple visits to shops / services

in the town centre. It is by no means inevitable that any proposed use within the building will give rise to excessive car parking demand within the immediate vicinity.

Finally the Board will note that if the proposed building were to accommodate a residential unit, which is a preferred options as espoused in the grounds of appeal, this in itself would be likely to give rise to additional parking demands outside the house.

On the basis of the above arguments therefore, I do not consider that the proposal would give rise to an excessive or unacceptable level of car parking demand along Maginn Avenue. Any increase in car parking demand along the street must be balanced against the planning gain to be derived from redevelopment a vacant and derelict site which is currently an eyesore along the terrace.

With regard to the loading arrangements for the public house directly opposite the site, I note that there is no designated loading bay on the northern side of the carriageway opposite the site. Double yellow lines have partially been removed and may facilitate some unloading to the side of the public house. However the on-street road parking/ loading arrangements along the entire north side of the Avenue and somewhat in a state of flux at present with the construction of the large scale medical centre opposite the site. It is likely that parking and loading arrangements may be subject to alterations when the medical centre becomes operational. Finally, I would request the Board to note that a 'no parking box' is situated near the junction with Main Street and this should ensure that the carriageway does not become block when loading/unloading takes place at the public house premises.

With regard to parking on the laneway to the rear of the premises, the gate providing access to this laneway was locked at the time of my site inspection. Having regard to the nature of the activities proposed ie office development and small scale retail, it is not envisaged that large scale deliveries will take place at the premises. The access gate has sufficient dimensions to accommodate smaller vehicles including small vans for the purposes of delivering. Alternatively, deliveries could take place along the designated parking area along Maginn Avenue. I do not consider it appropriate to refuse planning permission on the basis that there is inadequate delivery arrangements to serve the premises in question.

Location of Site Notice

The grounds of appeal suggest that the public site notice is deliberately located at a position high above the footpath in order to alert members of the public as to the nature of the development being proposed. Donegal Co Council validated the application and in doing so, this implies that the Council was satisfied with the location of the site notice and that it readily informed the public as to the nature and extent of the development. Having inspected the site and the notice in-situ, I would agree that the site notice was visible and legible from the adjoining public footpath. The photo attached to this report attests to this. It is more likely that the notice was placed above eye level so as to ensure it was not removed or defaced during the public notice period.

8.0 Appropriate Assessment

As already stated above, the site is not located within or contiguous to a Natura 2000 site. The nearest Natura 2000 site is the Lough Swilly SAC to the west. At its closest point it is located point is c700m to the west of the site.

Having regard to the nature and scale of the proposed development and nature of the receiving environment – an urban area which avails of public utilities and infrastructure, together with the 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.

9.0 Recommendation

- 9.1. Arising from my assessment above, I would recommend that the Board uphold the decision of Donegal Co Council to grant planning permission for the proposed development. Based on the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to the Town Centre zoning objective relating to the site whereby both retail and office use are permitted in principle and the proposed will result in the redevelopment of an underutilised vacant site, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health, will not give rise to an excessive demand for parking along Maginn Avenue and would otherwise be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 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. Surface water and drainage arrangements including the attenuation surface water shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

3. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.”

Reason In the interest of orderly development.

4. Neither the retail unit nor office accommodation will operate outside the hours of 8 am to 9 pm.

Reason: In the interest of protecting residential amenity.

5. Details of the proposed shop front and associated signage shall be agreed in writing with the planning authority prior to the commencement of the development.

Reason: In the interest of visual amenity.

6. The developer shall pay to the planning authority a financial contribution of €352 (three hundred and fifty two euro) 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. The application of any indexation required by this condition 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.

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.

Paul Caprani
Senior Planning Inspector

January 4th 2022