



An
Bord
Pleanála

Inspector's Report ABP-315477-23

Development	Demolition of commercial building and erection of a building to include 2 commercial units and 5 apartments.
Location	Shore Road, Ramelton, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2250513
Applicant(s)	Nicholas O' Hanlon Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Michele Brannigan.
Observer(s)	N/A.
Date of Site Inspection	11 th of October 2023.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.043 ha and is located at Shore Road, Ramelton, Co. Donegal. The site is currently occupied by a single storey stone building which fronts Shore Road. The existing building has no roof and includes a façade and stone wall boundaries to the east and west. An existing gated entrance and laneway forms the western site boundary. The site is currently occupied by a coffee kiosk with outdoor and indoor tables provided. A large retaining wall forms the southern site boundary.
- 1.2. Existing development within the vicinity of the site includes a 4-storey apartment development to the east and a single storey garage unit to the west. The site overlooks Lough Swilly to the north at the opposite side of Shore Road.
- 1.3. Ramelton is designated as a Heritage Town and the appeal site is located within Architectural Conservation Area for Ramelton as defined within the Drat Donegal Development Plan 2024-2030. There are a number of Protected Structures and buildings listed within the NIAH within the vicinity of the site.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises of the demolition of existing commercial building on site and construction of a building to include 2 no. commercial units on the ground floor, 2 no. apartments on the first floor, 2 no. apartments on the second floor and 1 no. apartment on the third floor. The development comprises connection to the public sewer and all site development works.
- 2.2. Donegal County Council's request for further information raised concern in relation to the design of the development as originally proposed, the proposed height, stone cladding to ground floor, building signage and proliferation of dormers. Revisions to the scheme were submitted in response to Donegal County Council's request for further information in order to address these concerns.
- 2.3. The revised drawings submitted in response to DCC's request for further information provide the following breakdown of uses within the development:

- Proposed restaurant at ground floor level – pizza/coffee deck 160 sq.m., gfa 196 sq.m.
- 2 no. office units at first floor level – 86.5 sq.m. each – gfa 205sq.m.
- 2 no. 2 bed apartments at second floor level – 86.5sq.m. each – gfa 205 sq.m.
- 1 no. 3 bed apartment at third floor level – 156 sq.m., gfa 188 sq.m.

2.3.1. As detailed above, the development as originally proposed included the provision of 5 no. apartment units within the development. Amendments to the proposed use of the first floor were proposed by the applicant within the FI response. The applicant proposed office floorspace in lieu of the previously proposed apartment units at first floor level. I refer to the requirements of Condition no. 3 of the planning authority's decision which relates to omission of office floorspace at first floor level and provision of 2 no. apartments units in its place. I consider the requirements of this condition to be acceptable.

2.4. For the purposes of clarity, I have assessed the proposal for ground floor commercial use and 5 no. apartments in accordance with the Planning Authority's decision.

2.5. Table 1 below includes a summary of the key site statistics.

Table 1: Initial Proposal, Key Figures	
Site Area	0.043ha
Building to be demolished	250 sq.m.
Gross Floor Area	794 sq.m.
Height	16.425m
Residential Units	5 apartment units 4 no. apartments at first and second floor – 2 bed 4 person apartments – Floor Area 86.5 sq.m. 3 rd floor apartment – 3 bed – 156 sq.m
Commercial Floorspace	160 sq.m. net, gross 196 sq.m.
Car Parking	None

3.0 Planning Authority Decision

3.1. Decision

Donegal County Council issued a notification of decision to grant permission for the development. The Planning Authority's decision was subject to 15 no. conditions.

The following conditions are of note:

Condition no. 3:

- (a) Office accommodation at first floor to be removed
- (b) First floor accommodation shall comprise a floor plan and use that proposed at second floor (2 no. apartments)
- (c) Prior to the commencement of development revised plans drawn to a scale of not less than 1:100 shall be submitted to the Planning Authority for written agreement in accordance with Condition 3 (a) and 3(b). The development shall thereafter proceed in strict conformity with the agreed plans.

Reason: To define the terms of the permission, protect the amenities of the area and ensure orderly development.

Condition no. 4:

- (a) Prior to commencement of development 3 no. proposals, including computer generated images, for west facing elevation and proposed mural shall be submitted to the Planning Authority for written agreement of image. Image shall be monochrome (black) or grayscale only.
- (b) Prior to first use of building herein permitted, the mural shall be completed in full.

Reason: To protect the amenities of the area and ensure orderly development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report (13/05/2022)

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised:

- Ramelton is an important Heritage Town with 30 structures identified in the Record of Protected Structures and 42 structures identified within the NIAH. The existing structure on site is not identified as a Protected Structure and is not identified on the NIAH.
- The report provides a response to the points raised within the 3rd party submission on the application. In terms of the reference within the objection to non-compliance with the objectives of the Ramelton Action Plan, it is stated that this is a non-statutory document which outlines broad objectives.
- The principle of the redevelopment of a town centre site to provide appropriate town centre uses is considered acceptable.
- While the existing building may have some historical merit, it is considered that a replacement building will support more compact growth.
- The applicant should address compliance with Part V in light of changing legislation.
- The proposed replacement building seeks to address the height difference between the newbuild to the east and the low rise/derelict site to the west where a historical permission was granted under PA Ref: 08/50366. The planner's report outlines that the height of the building should be increased to match that of the building to the east to negate against the proliferation of dormers on the front elevation of the building.
- The planner's report assesses the proposed apartment units against the Sustainable Urban Housing – Design Standards for New Apartments, Guidelines for Planning Authorities.
- The planner's report raises concern in relation to the proposed stone cladding at ground floor level, building signage and proliferation of dormers. The report recommends the submission of a revised design via a request for further information.

- The non provision of car parking to serve the development is acceptable by the Planning Authority. The planner's report refers to the provision of on street parking within the immediate vicinity.
- In terms of residential amenity, the planner's report notes that the building has no windows on the west facing gable. The rear facing upper floors face onto undeveloped lands and the fenestration reflects that of the permitted building to the east.
- The rear facing windows do not overlook third party properties.
- The development will not result in loss of daylight to any residential properties given its location to the north of same.
- It is considered that no significant and unacceptable impacts on residential amenities of third-party residential properties will result.
- No details of the eastern elevation of the building are provided and these should be requested as further information.
- The planner's report refers to the proximity of the site to the Lough Swilly SAC and Lough Swilly SPA. On the basis of the AA report it is not considered that the development will have a significant effect on Natura 2000 sites.
- The report recommends a request for further information in respect of the following:
 - Item 1: Revised Drawings illustrating the increase in height of the building to match the existing building to the east, details of the eastern elevation, omission of stone cladding at ground floor level and omission of signage on the building.
 - Item 2: Documentary evidence detailing compliance with Part V.

Planner's Report (19/10/2022)

The planner's report prepared in respect of the applicant's FI recommends clarification of Further information in respect of Part V compliance.

The planner's report provides a summary of the drawings submitted in response to the FI request. No concerns are raised in relation to the applicant's response to Item 1 of the FI request.

The planner's notes the applicant's proposal to provide office floorspace at first floor level in lieu of the initially proposed 2 no. residential apartments at this location. The planner's report outlines that this would result in a materially different development than that initially applied for and cannot be accommodated.

The development proposed is over the threshold for Part V and clarification of further information is recommended on this basis.

Planner's Report (30/11/2022)

The planner's report dated (30/11/2022) recommends a grant of permission subject to conditions.

- The report refers to the Part V exemption certification submitted by the applicant in response to the planning authority's request for clarification of further information.
- The planner's report outlines that the exemption certification refers to 3 no. apartments and office space at first floor. It is stated that the provision of office floorspace at first floor level cannot be granted in the context of the development applied for as it was not detailed within the public notices.
- The planner's report refers to the site area which is less than the 0.1ha threshold and on basis outlines that the development of 5 apartments is exempt from compliance with Part V.
- The report recommends a grant of permission in accordance with the following reasons and considerations:

"Having regard to the location of the subject site, within the settlement framework of Layer 2B town of Ramelton, outside of and removed from any sensitive designations, to the nature and scale of the development and the policies of the current development plan, 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, would not be prejudicial to public health and would not endanger public safety by reason of a traffic

hazard. Accordingly, it is considered that the proposed development, would therefore be in accordance with the proper planning and sustainable development of the area”.

3.2.2. Other Technical Reports

Building Control – Donegal County Council

- No objection subject to condition.

AA Screening Report (13/05/2022)

The Planning Authority’s Screening Determination concludes that:

“The Planning Authority has determined that an appropriate assessment of the proposed development is not required as it can be excluded on the basis of objective scientific information that the proposed development individually or in combination with other plans/ projects will have a significant effect on a European Site – Lough Swilly SAC and Lough Swilly SPA”.

3.3. Prescribed Bodies

Department of Housing Local Government and Heritage (26/04/2022)

- The submission refers to the location of the site within the zone of archaeological potential for the historic town of Rathmelton. The submission recommends the preparation of an Archaeological Assessment for the area. A condition to this effect is recommended in the instance of a grant of permission.

3.4. Third Party Observations

One third party observation was submitted in respect of the application. The following points are raised:

- The observation raises concern in respect of the demolition of an existing historic building within Ramelton.
- The proposed building is not attractive or in keeping with the character of development in the area.

- The number of apartments is excessive for the space.
- Quality of Apartments: The apartments have limited storage and outdoor space.
- Lack of parking within a congested area.
- The apartments will impact on the residential amenity of existing properties at Bridge Street as a result of loss of privacy. The bedrooms overlook existing houses on Bridge Street.
- The observation raises concern in relation to the height of the structure which is higher than established in the area.
- The observation outlines that the elevation with the neighbouring garage is incorrect and misleading. This building is single storey not a 3 storey building.
- The development is contrary to the objectives of the Ramelton Action Plan which promotes the maintenance and regeneration of existing buildings.

4.0 Planning History

The following planning history relates to the appeal site and general area.

Appeal Site

- PA Ref: 21/50826 – application lodged in May 2021 for demolition of commercial building and construction of the 3 storey building to include commercial unit with storage and parking at ground floor and 3 no apartments at first and second floor. The application was withdrawn in June 2021.

Adjoining Site to West

- PA Ref: 08/50366: Permission granted in July 2009 for demolition of commercial building and construction of a 3 storey building to include commercial development at ground floor and 2 no. 2 bed apartments at first and second floor.
- PA Ref: 14/50523: PA Ref: 08/50366 extended to July 2019.

Shore Road to the north of the site

- ABP310900-21 permission was granted to Irish Water in April 2022 for the construction of sewerage infrastructure including the construction of a wastewater treatment plant to serve the settlements of Ramelton, Milford and Rathmullen in County Donegal.

5.0 Policy Context

5.1. Development Plan

Donegal County Development Plan 2018-2024

- 5.1.1. Chapter 2A of the Donegal County Development Plan 2018-2024 contains the Core Strategy and Table 2A.3 'Settlement Structure' identifies Ramelton as a Layer 2B settlement, 'Strategic Towns'. Table 3.2 of the Development Plan outlines sets out the "Reasons for Identification of Strategic Towns Performing a Special Economic Function. Ramelton is described within Table 3.2 as a heritage town with significant built heritage resources.
- 5.1.2. The following policies and objectives are of relevance:
 - Objective TV-O-1: To support initiatives for renewal and regeneration of County Donegal's towns and villages with a particular focus on 'Strategic Towns' identified as Layer 2 in the settlement structure.
 - Policy TV-P-1: It is the policy of the Council to encourage proposals aimed at harnessing particular 'Special Economic Functions' of the County's 'Strategic Towns' subject to other policies of this Plan including Part C and subject to the proper planning and sustainable development of the area.
 - Policy TV-P-2: It is the policy of the Council to encourage proposals for small scale residential development, including social housing schemes in towns and villages that will contribute to revitalisation and renewal subject to other policies of this Plan including Part C and subject to the proper planning and sustainable development of the area.

Chapter 6: Housing

- 5.1.3. Strategic Towns identified as Layer 2B, due their 'Special Economic Function' as well as rural towns within Layer 3 will also provide opportunities for urban housing of

a suitable scale having regard to the Core Strategy, the capacity of available water services and the scale and character of the town.

- 5.1.4. Section 6.2.1 of the Development Plan outlines that Plan recognises the need for innovative and robust approaches to achieve renewal and regeneration and therefore there are no prescribed zonings for the purposes of residential development across Layer 2B or in the rural towns identified within layer 3. In lieu, settlement envelopes for the towns are contained within Part C of this Plan to delineate the extent of the 'urban' area.
- 5.1.5. Part C of the development plan contains interactive mapping in relation to the layer 2B settlements and the subject site is identified as falling within the settlement boundary of Ramelton and located to the north of the identified town centre.
- 5.1.6. The following objectives are of relevance:
- UB-O-9: To encourage regeneration and renewal of town centres through reuse of vacant and derelict properties for the purposes of providing new residential development.
 - UB-P-4: It is a policy of the Council to consider urban housing of 2 or more units on lands located within settlement envelopes of towns identified as Layer 2B and rural towns contained within Layer 3, having regard to the compliance of the proposal with the Core Strategy and having regard to other policies of the County Development Plan including Part C and in the context of the proper planning and sustainable development of the area.

Chapter 7 – The Natural and Built Heritage

- 5.1.7. Section 7.2 of the Development Plan relates to Built Heritage. The aim of this section of the plan is *“To preserve, protect and enhance the built heritage of the County”*. The Plan refers to the designation of 5 no. heritage towns within the County, including Ramelton, and outlines that *“Heritage Towns’ continue to have an evolving and important role in the economic development of the County and as such have been identified within the Core Strategy as having a special economic and tourism function. Future development in these towns should be informed by their built heritage to protect their unique historic character”*.
- 5.1.8. Relevant policies include the following:

- BH-P-3: It is a policy of the Council to ensure retention of vernacular and/or historic structures (and parts of structures) not included on the Record of Protected Structures , including their functional and decorative details, that are sensitive to traditional construction methods and materials and do not have a detrimental impact on the character or appearance of a structure and are in accordance with current conservation guidelines and best practice save to the extent necessary to allow for the provision of the TEN-T Priority Route Improvement Project, Donegal.
- BH-P-4: It is a policy of the Council to ensure the repair, reuse and appropriate refurbishment of vernacular and/or historic buildings not included on the Record of Protected Structures which make a positive contribution to the built heritage of the area including those as referred to on the National Inventory of Architectural Heritage save to the extent necessary to allow for the provision of the TEN-T Priority Route Improvement Project, Donegal.
- Policy BH-P-8: It is a policy of the Council to facilitate appropriate and high quality design solutions including considerations of scale, proportion, detailing and material specification for development proposals affecting vernacular and/or historic buildings in both urban and rural settings.
- BH-P-14: It is a policy of the Council to continue to protect the built heritage fabric of the County by identifying appropriate Architectural Conservation Area designations.
- Policy BH-P-15: It is a policy of the Council to preserve, protect and enhance the special built character and functions of the 'Heritage Towns' of Ardara, Ballyshannon, Moville, Ramelton and Raphoe.
- BH-P-16: It is a policy of the Council to carry out village design statements for its five 'Heritage towns' to contribute to a greater understanding of these townscapes resources of the County and plan for future appropriate development.

Archaeological Heritage

5.1.9. Ramelton is identified within the Record of Protected Monuments.

- Objective AH-O-1: To conserve and protect the County's archaeological heritage for present and future generations.

5.1.10. Table 21 Appendix 3 lists designated Protected Structures within the Letterkenny Municipal District. This identified 34 protected structures within Ramelton.

Ramelton Action Plan 2020

- 5.1.11. The Action Plan identifies 4-character areas within the town. The appeal site is located within the "Mall and Quays" Character Area. The Plan outlines that: *"this is the part of the study area with the oldest buildings laid out in the 17th century between the former O'Donnell Castle at the quayside, market cross, and the post medieval parish church. The area also contains the best quality Georgian period town houses and warehouses. There are many high-quality buildings in this area that would benefit from repair & renewal"*.
- 5.1.12. The existing building on site is identified as a "Priority 3" derelict building within the town. The Plan outlines that *'Priority 3' buildings require: "Necessary work which should be carried out before the next planned maintenance inspection (usually 5 years), for which there is time to plan, and which can be integrated with other work. This is work which is due in order to keep the building in a state of good repair and to maintain the value and usefulness of the estate."*

Draft Donegal County Development Plan 2024-2030

- 5.1.13. The Draft County Donegal Development Plan, 2024-2030, Environmental Report and additional technical reports were published for public consultation on 4th August, 2023 for a 10-week period to run between 4th August and 13th October, 2023.
- 5.1.14. I have reviewed the content of the Draft Plan as it relates to the appeal site and note the following:
- The site is located within an area designated as a regeneration opportunity within Map 21.46. Objective CS-0-7(C) seeks *"To support economic growth throughout the County through: c. To continue to support the regeneration, renewal and development of the County's towns and villages over the life of the Plan"*;
 - Map 11.7 identifies an ACA for Ramelton which extends to include the appeal site. Objective AH-O-4 seeks to *"Preserve the special character of the Ardara,*

Ballyshannon, Buncrana, Bundoran, Letterkenny, Ramelton, Raphoe, and Moville Architectural Conservation Areas as identified on Maps 11.2 – 11.9 inclusive”.

- Chapter 21 relates to Settlement Frameworks. Ramelton is designated as a Service Town.

5.2. Sustainable Urban Housing: Guidelines for New Apartments 2022

5.2.1. Section 3 relates to Apartment Design Standards. The following are of relevance:

Specific Planning Policy Requirement 3: Minimum Apartment Floor Areas:

- 2 bed apartment (4 persons) – 73sq.m.
- 3 bed apartment (5 persons) – 90sq.m.

Dual Aspect Ratios

5.2.2. Section 3.17 outlines that, it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations.

5.2.3. Paragraph 3.18 outlines that where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. Living spaces in apartments should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature.

5.2.4. Section 3.19 outlines that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, these requirements may be relaxed in part, on a case-by-case basis, subject to overall design quality.

Specific Planning Policy Requirement 4

5.2.5. In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- i. A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality

design in response to the subject site characteristics and ensure good street frontage where appropriate in.

- ii. In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.
- iii. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.

Private Amenity Space

5.2.6. Section 3.39 outlines that Private amenity space standards for apartments are set out in Appendix 1. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

5.2.7. Appendix 1 sets out minimum floor areas and standards.

5.3. Natural Heritage Designations

5.3.1. The subject site is not located within any designated European site. Lough Swilly SPA (Site Code 004075) and SAC (Site Code 002287) are located within c.10m of the site, on the opposite side of Shore Road.

5.3.2. Lough Swilly Including Big Isle, Blanket Nook & Inch Lake (Site Code 000166) is also designated as a proposed Natural Heritage Area.

5.4. EIA Screening

5.4.1. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

5.4.2. The proposed development comprises the construction of a 4- storey building with commercial floorspace and 5 no. apartment units, together with associated works, on a site with a stated area of 0.043ha. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold.

5.4.3. The site is in an urban area and the proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other development in the area. It would not give rise to a risk of major accidents or risks to human health.

5.4.4. Having regard to the nature and scale of the proposed development, comprising a mixed-use development on a brownfield site of 0.043ha in an urban location, it is considered that 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

A third-party appeal was submitted by Michele Brannigan in respect of Donegal County Council's notification of decision to grant permission for the development. The following provides a summary of the key points raised:

- Non compliance with Ramelton Action Plan – The appeal outlines that the building proposed for demolition is a historic building in the town and its repair is mentioned as one of the priorities of the Action Plan.
- No consideration has been given to preserve, repair or integrate the existing building in the proposed development.

- Procedural Issues – the Managers Order is dated the 30th of December which post dates the notification of decision to grant permission for the development.

A copy of the appellants observation on the application is attached to the appeal together with extracts from the Ramelton Action Plan.

6.2. **Applicant Response**

A response to the appeal was submitted on behalf of the applicant. The following provides a summary of the main points raised:

Introduction

- The principle of development on this site has been long established.
- The application seeks to replace an existing building which is in a state of disrepair.
- The development seeks to provide a mix of commercial and residential development in a designated Tier 2 town centre.
- The property to the east comprises a 4 storey development.

Appeal Response

- The Ramelton Action Plan is not a statutory document
- While Ramelton is a heritage town, the building proposed for demolition is not designated as a protected Structure or identified on the NIAH. The site is identified as a priority 3 building where repairs should be carried out.
- The appeal response refers to development undertaken in Shore Road over the past 20 years including the adjacent development to the east. The proposal will match the height of this adjacent building. The appeal response refers to the provision of a mural on the side gable of the building.
- The proposal is not a speculative development.
- There is a shortage of residential accommodation in Ramelton.
- The ethos of the Ramelton Action Plan is to eradicate or repair buildings which are currently an eyesore.

- On street parking is provided to the front of the development and there is an underground car park located adjacent to the site which is available for residents of the scheme.
- The size of the apartments is compliant with the sustainable urban housing design standards for new apartments.
- The appeal response refers to consultation between the applicant their agent and the planning authority. The appellant's assertion that the application was not properly considered misrepresents the work undertaken.

6.3. Planning Authority Response

Donegal County Council submitted a response to the 3rd party appeal. The following provides a summary of the key points raised:

- The grounds of appeal are noted. The majority of issues raised have been addressed within the planning reports dated 13th of May 2022 and 30th of November 2022.
- The objective to protect the built and archaeological heritage is noted. In the subject instance, the building is not of a quality to support upper floors. The building is not a protected structure or a structure which is identified on the NIAH.
- DCC's appeal response refers to the attempt by the planning authority to ensure that the streetscape will be informed by the industrial architectural heritage of the area.
- The development will result in an appropriate mixed use town centre development which supports compact growth.
- The development respects the architectural and archaeological heritage of the area.
- The PA recognises the value of the Ramelton Action Plan but is also directed by National, Regional and Local policy which support the redevelopment of the site.

- DCC requests An Bord Pleanála to uphold the decision of the Planning Authority.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Compliance with Development Plan
- Built Heritage
- Impact on Residential Amenity
- Other issues;
- Appropriate assessment.

7.2. Compliance with Development Plan

- 7.2.1. The appeal site is located within the settlement boundary of Ramelton to the north of the designated town core. The Donegal County Development Plan 2018-2024 does not provide land-use zonings for the lands within the town. Section 6.2.1 of the Development Plan outlines that Plan recognises the need for innovative and robust approaches to achieve renewal and regeneration and therefore there are no prescribed zonings for the purposes of residential development across Layer 2B or in the rural towns identified within layer 3. In lieu, settlement envelopes for the towns are contained within Part C of this Plan to delineate the extent of the 'urban' area.
- 7.2.2. Ramelton is identified as a Layer 2B settlement and the development plan states that these settlements 'play a critical role in driving growth and development in the County.' Section 2A.3.3 of the Plan outlines that in these settlements '*The prioritisation of regeneration, renewal and developmental objectives in these towns is a priority over the life of the Plan*".
- 7.2.3. The proposed development comprises the demolition of the existing commercial building on site and construction mixed use residential and commercial development. Policy TV-P-2 of the Development Plan seeks to encourage proposals for small scale residential development, including social housing schemes in towns and villages that will contribute to revitalisation and renewal subject to other policies of

this Plan including Part C and subject to the proper planning and sustainable development of the area.

- 7.2.4. I am satisfied that the principle of the development is consistent with the development plan strategy for Ramelton as set out within the Donegal County Development Plan 2018-2024, subject to consideration of other factors below.

7.3. **Built Heritage**

- 7.3.1. Ramelton is designated as a heritage town with significant built heritage resources within Table 3.2 of the Donegal County Development Plan 2018-2024. Policy BH-P-15 of the Development Plan outlines that: *It is a policy of the Council to preserve, protect and enhance the special built character and functions of the 'Heritage Towns' of Ardara, Ballyshannon, Moville, Ramelton and Raphoe.*
- 7.3.2. Ramelton is also identified within the Record of Protected Monuments- (RPS DG046-005). The Record of Protected Structure identifies 34 no. Protected Structures with Ramelton (Table 12 Appendix 3) and additional structures are also listed on the NIAH. Policy BH-P-14 of the Development Plan supports the designation of Architectural Conservation Areas within the County. The site is located within the ACA for Ramelton as designated within Draft Donegal Development Plan 2024-2030 (Map 11.7).
- 7.3.3. The appeal raises concern in relation to the proposal to demolish the existing building on the site to accommodate the development. The appeal outlines that this building is specifically identified as a building in need of repair within the Ramelton Action Plan and outlines that the proposal to demolish the structure is contrary to the provisions of the Plan. A number of extracts from the Action Plan are attached to the 3rd party appeal.
- 7.3.4. At the outset, in considering the grounds of appeal, I note that the existing building on site is not designated as a Protected Structure or included on the NIAH. The site is located within the Architectural Conservation Area for Ramelton as identified within Map 11.7 of the Draft Donegal County Development Plan 2024-2030. I note to reference within the Ramelton Action Plan to the building as a Priority 3 derelict building in need of repair. However, I do not consider that this precludes the demolition of the structure to accommodate the redevelopment of the site.

- 7.3.5. I note that Donegal County Council has accepted the principle of the demolition of the existing building on site on the basis that more compact growth can be achieved by its demolition to accommodate a higher and denser development on the site. Donegal County Council's appeal response furthermore outlines that the Action Plan is a non-statutory document and provides a rationale for the demolition of the structure on the basis that it is not of a quality to support upper floors. Having visited the site, I concur with the view of the planning authority in this regard. I consider that the redevelopment of the existing underutilised site will enhance the character of the area and support compact growth.
- 7.3.6. In design terms I consider that the proposal, as amended in response to the planning authority request for further information, is simple in format and will integrate positively into the existing streetscape of the area in accordance with the requirements of Policy BH-P-8 of the Donegal County Development Plan. The proposed restaurant ground floor use will provide an active frontage to the Quays area.
- 7.3.7. I refer to the submission of file from the Department of Housing, Local Government and Heritage which refers to the location of the site within a designated RMP and recommends the submission of an archaeological impact assessment of the site prior to the commencement of development. I am satisfied that this can be addressed by means of condition in the instance that the Board is minded to grant permission for the development.

7.4. Impact on Residential Amenity

Impact on Residential Amenity of Existing Properties

- 7.4.1. The appellant's observation on the application is attached to and cross referred to within the grounds of appeal. The observation raises concern in relation to the impact of the proposal on the residential amenity of existing properties along Bridge Street on grounds of overlooking.
- 7.4.2. I note that the appellants full address is not provided within the appeal or observation on the application. The existing properties at Bridge Street are located to the southwest of the appeal site.

- 7.4.3. The site directly to the south of the appeal site along Bridge Street is undeveloped. The rear facing upper floors face onto undeveloped lands and the fenestration reflects that of the permitted building to the east. I note that no windows are proposed on the west facing gable of the building. I am satisfied that the development will not result in overlooking of existing residential properties along Bridge Street or impact on the residential amenity of the area.

Residential Amenity of Proposed Apartment Units

- 7.4.4. The observation furthermore raises concern in relation to the amenity of the proposed apartment units and outlines that insufficient storage and amenity space is provided for the proposed apartment units.
- 7.4.5. The proposed development includes 5 no. apartments. No schedule of floor areas detailing compliance with the relevant standards is included with the application. I have reviewed the proposed units against the standards and SPPR's set out within the Sustainable Urban Housing: Design Standards for New Apartments Guidelines 2022. I note that the proposal is in most instances exceeds the minimum floor areas and standards set out within Appendix 1 of the Guidelines. As detailed within the appellant's observation on the application, I note that the storage areas detailed are not in compliance with the standard. Notwithstanding this, given the size of the proposed apartments, I consider that adherence to the relevant storage standard could be achieved by means of condition in the instance that the Board is minded to grant permission for the development.
- 7.4.6. The proposal includes 5 no. single aspect north facing apartments. Paragraph 3.18 of the Sustainable Urban Housing: Guidelines for Planning Authorities 2022 outlines that north facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. I consider that the provision of north facing apartments is acceptable having regard to the outlook from the apartments over Lough Swilly. In terms of the quality of the proposed apartment units, I note that the proposed floor to ceiling heights at upper levels will provide natural light to living areas and provide a high-quality living environment overlooking Lough Swilly.
- 7.4.7. The appeal refers to the non-provision of private amenity space to serve the apartments. Section 3.39 of the Sustainable Urban Housing: Guidelines for Planning

Authorities 2022 outlines that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality. I note that the proposed living/dining areas in each apartment are in excess of the required standards and the living spaces overlook Lough Swilly. In design terms I consider that the provision of protruding balconies along the front façade of the building would detract from the visual amenity of the Quays area. I consider the non-provision of private amenity space to be acceptable in this regard.

7.4.8. I note that no public open space is provided within the development but consider this acceptable having regard to the limited scale of development, infill nature of the site and presence of existing public open space within the vicinity of the appeal site. I furthermore note that Donegal County Council raised no objection to the non-provision of public open space within the development.

7.4.9. On an overall basis, I consider that the proposal would provide a high quality of residential amenity for the future occupants of the scheme.

Proposed Ground Floor Restaurant Use

7.4.10. The development includes a restaurant use at ground floor level. Limited details are provided within the application in relation to hours of operation the proposed restaurant use and any plant equipment including extractor fans/ condenser units associated with the proposed use.

7.4.11. Noise and fume emissions from same could impact on the residential amenity of upper floor apartments and nearby residential properties. I consider that this point could be addressed via condition in the instance that the Board are minded to grant permission for the development.

7.5. Other Issues

Parking

7.5.1. The appellants observation on the application raises concern in relation to the non-provision of car parking to serve the development. The planner's report which informs the decision to grant permission for the development raises no objection to the non-provision of parking and refers to provision of on street parking within the vicinity of the site. I furthermore note the central location of the site within Ramelton

and consider that the non-provision of parking is acceptable and in compliance with the guidance set out within the Sustainable Urban Housing: Design Standards for New Apartments Guidelines 2022.

Site Services

- 7.5.2. The proposal seeks to connect to the existing public system in the vicinity of the site. I note that there is no correspondence for Uisce Eireann on file. I note that in a recent application for development in the vicinity of the site PA Ref: 2250222, ABP Ref: Uisce Eireann raised no objection to the proposed connection to the system.
- 7.5.3. In terms of wastewater infrastructure, I note that under ABP310900-21 permission was granted to Irish Water in April 2022 for the construction of sewerage infrastructure including the construction of a wastewater treatment plant to serve the settlements of Ramelton, Milford and Rathmullen in County Donegal.
- 7.5.4. On the basis of the above, I am satisfied that the proposed connection to services can be sufficiently addressed via condition requiring consultation with Uisce Eireann in the instance that the Board is minded to grant permission for the development.

7.6. Appropriate Assessment

Screening Compliance with Article 6(3) of the Habitats Directive

- 7.6.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.6.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.6.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 7.6.4. Lough Swilly SPA (Site Code 004075) and SAC (Site Code 002287) are located within c.10m of the site, on the opposite side of Shore Road.

- 7.6.5. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of Development

- 7.6.6. The development is described at Section 2 of this Report. In summary, permission is sought for demolition of the existing commercial building on site and construction of a building to include 2 no. commercial units on the ground floor, 2 no. apartments on the first floor, 2 no. apartments on the second floor and 1 no. apartment on the third floor. The development comprises connection to the public sewer and all site development works.

Submissions and Observations

- 7.6.7. The submissions from the appellant, applicant and Planning Authority are summarised as Section 6 of my Report. No specific concerns in relation to the impact of the proposal on Natura 2000 sites are raised within the grounds of appeal.
- 7.6.8. Donegal County Council's Screening Determination concludes that: *"The Planning Authority has determined that an appropriate assessment of the proposed development is not required as it can be excluded on the basis of objective scientific information that the proposed development individually or in combination with other plans/ projects will have a significant effect on a European Site – Lough Swilly SAC and Lough Swilly SPA"*.

European Sites

- 7.6.9. The subject site is located adjacent to Lough Swilly SAC (Site Code 002287) and SPA (Site Code 004075), which encroach to the south side of Shore Road.
- 7.6.10. There are other European sites within a 15km search zone, however; in view of the small scale nature of the development, I am satisfied that there is no possibility of significant effects arising at any European site other than those in the immediate vicinity of the site.
- 7.6.11. Summaries of Lough Swilly SAC and Lough Swilly SPA are presented in the table below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)
<u>SAC</u>		
Lough Swilly SAC (Site Code 002287)	Estuaries, Coastal lagoons, Atlantic salt meadows, Molinia meadows on calcareous, peaty or clayey-silt-laden soils, Old sessile oak woods with Ilex and Blechnum in the British Isles, Otter	Adjacent
<u>SPA</u>		
Lough Swilly SPA (Site Code 004075)	Great Crested Grebe, Grey Heron, Whooper Swan, Greylag Goose, Shelduck, Wigeon, Teal, Mallard, Shoveler, Scaup, Goldeneye, Red-breasted Merganser, Coot, Oystercatcher, Knot, Dunlin, Curlew, Redshank, Greenshank, Black-headed Gull, Common Gull, Sandwich Tern, Common Tern, Greenland White-fronted Goose, Wetland and Waterbirds	Adjacent

Evaluation of Potential Significant Effects

- 7.6.12. The subject site, whilst adjacent to the SAC/SPA complex, is separated from it by a barrier in the form of a low-level wall that runs along the length of Shore Road. There is also a surface water gully on the opposite side of Shore Road.
- 7.6.13. There is adequate space within the site to store construction and demolition materials during the construction phase. In the unlikely event of run-off containing suspended solids being discharged from the site, there is a barrier to direct discharge to the European sites and run-off will instead drain to the public drainage network along Shore Road. I am satisfied, in view of this, that significant effects on the SAC or SPA arising during construction are unlikely and the issue can be excluded at this stage.
- 7.6.14. Construction activity may also give rise to disturbance of Species of Conservation Interest within the SPA but any SCI in the area of the site will be habituated to noise associated with daily activity within the town. The proposal is smallscale in nature and will involve standard construction methods. I am satisfied, in view of this, that

significant effects on the SAC or SPA arising during construction are unlikely and the issue can therefore be excluded at this stage.

7.6.15. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans and projects would not be likely to give rise to significant effects on Lough Swilly SAC (Site Code 002287) and SPA (Site Code 004075) or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore not required.

7.6.16. This determination is based on the following:

- The presence of a surface water drain on Shore Road that will intercept any surface water discharges from the site during construction,
- The small-scale nature of the development and its location within an urban area, where noise levels arising will be of a similar level and nature to daily activity,

8.0 Recommendation

8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the site's location within an urban area, to national and local policy objectives which support the redevelopment of brownfield/infill sites, the pattern of development in the area 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 be acceptable and would not seriously injure the residential or visual amenities of the area and would not adversely impact on the character and setting of the designated heritage town of Ramelton. 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 carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28th of September 2022 and the 3rd of November 2022, 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>Prior to the commencement of any development on site, the developer shall submit revised plans, illustrating the following revisions to the proposed development for the written agreement of the planning authority:</p> <ul style="list-style-type: none"> • Provision of internal minimum floor areas, including storage areas, in accordance with the standards set out within the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022). • Omission of the proposed office use at first floor level. Provision of 2 no. apartments at first floor level in accordance with the layout and use provided at second floor level. <p>Reason: In the interest of residential and visual amenity.</p>
3.	<p>Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development and options for the proposed mural along the western elevation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual amenity and streetscape.</p>
4.	<p>Prior to the commencement of development, the developer shall submit the following details for written agreement of the Planning Authority:</p>

	<ul style="list-style-type: none"> • Details of the location of all extractor points. • Measures to control odour and noise emissions from the proposed ground floor restaurant use. <p>During the hours of operation noise levels as measured at the site boundary shall not exceed 5db above the ambient.</p> <p>Reason: In the interest of public health and to protect the residential amenities of the area.</p>
5.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.
6.	<p>Opening hours of the ground floor commercial unit shall to be restricted to within the following hours:</p> <p>Monday – Friday: 8.30am – 12pm</p> <p>Saturday and Sunday: 10am to 12pm</p> <p>Reason: To cater for orderly development of the area.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual amenity.</p>
8.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless agreed in writing with the planning authority.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<p>Prior to the commencement of development, details of signage for the development shall be submitted for written agreement of the Planning Authority.</p> <p>No additional signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.</p> <p>Reason: In order to protect the visual amenities of the area.</p>
10.	<p>Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.</p>

	Reason: In the interests of public health.
11.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
13.	<p>The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

	<p>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. 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>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephanie Farrington
Senior Planning Inspector

13th of December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315477-23			
Proposed Development Summary	Demolition of existing building on site and construction of a 4-storey mixed use commercial and residential development.			
Development Address	Shore Road, Ramelton, Co. Donegal			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Yes. Class (10)(b) of Schedule 5 Part 2		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315477-23	
Proposed Development Summary	Demolition of existing building on site and construction of a 4-storey mixed use commercial and residential development.	
Development Address	Shore Road Ramelton	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	No. The development is located within an existing urban context. No significant waste, emissions or pollutants are envisaged.	<ul style="list-style-type: none"> • No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having		No No

[illegible]

Inspector: