



An
Bord
Pleanála

Inspector's Report

ABP-317335-23

Development	(1) Demolition of three outbuildings, (2) Demolition of two small extensions, (3) Alteration of rear double storey wing.
Location	Painter's Way, Churchland Quarters, Carndonagh Lifford PO, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2350404
Applicant(s)	Connor and Mark Kelly.
Type of Application	Outline Permission.
Planning Authority Decision	Refuse Outline Permission.
Type of Appeal	First Party
Appellant(s)	Connor and Mark Kelly.
Observer(s)	N/A.
Date of Site Inspection	25 th of July 2023.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.2ha, is a backland site located in the townland of Churchland Quarters Carndonagh. The site is located behind the former McDonough & Co. Ltd. Department Store at Pound Street. This building is listed on the National Inventory of Architectural Heritage (Ref: 40805019). Access to the site is provided via a gated entrance from Painter's Way.
- 1.2. The appeal site is currently overgrown and occupied by a number of derelict stone out-buildings. The site is generally flat with a slight increase in gradient from south to north.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises the following:
 - Demolition of 3 outbuildings
 - Demolition of 2 small extensions
 - Alteration of rear double storey wing
 - All associated works to include new vehicular entrance from Painter's Way, landscaped open spaces, bin store, drying yard and connection to public services;
 - Complete development to contain 10 no. residential units;
- 2.2. The first party appeal outlines that the proposed development provides for the creation of 10 no. apartment units through the refurbishment of the main outbuilding which forms the western boundary of the site. The development includes infilling the gap in the middle of the old building.
- 2.3. The application form outlines that the floor area of existing buildings on site is 1075.5 sq.m. The gross floor area of the proposed buildings is identified as 988 sq.m. and the area proposed for demolition is detailed as 255 sq.m. The proposal includes 10 no. 1 bed apartments with floor areas ranging from 60 sq.m. to 80 sq.m. 16 no. car parking spaces are proposed.

2.4. The application is accompanied by the following documentation:

- Application Cover Letter,
- Completed Application Form and Public Notices.
- Architectural Drawings including Site Location Plan, Provisional Site Layout and Sketch Plan.

3.0 **Planning Authority Decision**

3.1. **Decision**

Donegal County Council issued a notification of decision to refuse outline permission for the development in accordance with the following reasons and considerations:

1. It is a policy of the Council (Policy CN-TC-2 of the Seven Strategic Towns Local Area Plan 2018 – 2024 refers) to consider proposals for the sensitive and appropriate redevelopment of vacant and derelict buildings and sites within the town. Any proposals in this regard must demonstrate: (a) that the proposal will integrate effectively with the surrounding area and that there will be no over-development of the site or inappropriate densities, (b) that the development is appropriate in the context and setting and that the scale, massing , footprint and height is appropriate and that it does not detract from the character, amenity and design of the surrounding neighbourhood including the character and amenities of surrounding buildings, and (c) that the development would otherwise comply with all relevant policies of this Local Area Plan. In light of the proposal including an intention to demolish the large shed to the southern end of the application site and in the absence of sufficient detail to assess what impact the proposed development would have on the architectural heritage value of the other existing outhouses on site, to grant permission would militate against the preservation of the heritage value of the existing structures on site and thus would be a contravention of Policy CN-TC-2 above and contrary to the proper planning and sustainable development of the area.

2. It is a policy of the Council (Policy BH-P-6 of the County Donegal Development Plan 2018 – 2024 (as varied) refers) to ensure, where appropriate, measures to extend, modify or materially alter the fabric of vernacular and/or historic buildings are sensitive to traditional construction methods and materials and craftsmanship and do not have a detrimental impact on the character or appearance of a structure. In light of the proposal including an intention to demolish the large shed to the southern end of the application site and in the absence of sufficient detail to assess what impact the proposed development would have on the architectural heritage value of the other existing outhouses on site, to grant permission would militate against the preservation of the heritage value of the existing structures on site and thus would be a contravention of Policy BH-P-6 above and contrary to the proper planning and sustainable development of the area.
3. It is a policy of the Council (Policy BH-P-6 of the County Donegal Development Plan 2018 – 2024 (as varied) refers) to ensure, where appropriate, measures to extend, modify or materially alter the fabric of vernacular and/or historic buildings are sensitive to traditional construction methods and materials and craftsmanship and do not have a detrimental impact on the character or appearance of a structure. In light of the proposal including an intention to demolish the large shed to the southern end of the application site and in the absence of sufficient detail to assess what impact the proposed development would have on the architectural heritage value of the other existing outhouses on site, to grant permission would militate against the preservation of the heritage value of the existing structures on site and thus would be a contravention of Policy BH-P-6 above and contrary to the proper planning and sustainable development of the area.
4. In the absence of evidence to the contrary the Planning Authority is not satisfied that the drivers of motorised vehicles could not safely egress from the site onto the public street safely over lack of adequate vision in both directions at the site vehicular exit and thus to grant permission would endanger public safety by generation of a traffic hazard. Accordingly to

grant permission for the proposed development would be contrary to the proper planning and sustainable development of the area.

5. In the absence of evidence to the contrary the Planning Authority is not satisfied that there would be adequate capacity in the public drinking water supply to serve the proposed development and thus to grant permission would be prejudicial to public health. Accordingly to grant permission for the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report (15/05/2023)

The planner's report recommends that permission is refused for the development in accordance with the planning authority's decision. The following provides a summary of the key points raised:

- The report acknowledges the outline permission nature of the application but outlines that the application provides little detail in relation to the works proposed to convert the existing buildings on site. The development is deemed to be contrary to the built heritage policies of the Donegal County Development Plan.
- The report outlines that the Planning Authority has serious concerns in relation to the impact of the development on the historic fabric and heritage value of existing buildings on site.
- The report raises concern in relation to interventions proposed to the terrace of outbuildings along the western site boundary to accommodate the proposed 2 storey apartment units. The report notes that significant intervention would be required as the terrace is not 2 storeys for its entirety and the scope of works would go beyond refurbishment. The proposed upward extension and provision of balconies on the east facing elevation would substantially alter the character of the outbuildings. The report furthermore outlines that no details of fenestration have been provided and

provision of such would also require significant alterations. It is stated that the development would militate against the preservation of the heritage value of the buildings.

- The report outlines that the site has sufficient capacity to ensure development provides for adequate public communal amenity space but raises concerns about the suitability of balconies on the outbuildings which are of architectural heritage value and part of the overall McDonough's NIAH listed property.
- The report outlines that visibility splays at the proposed vehicular access from Painters Way have not been provided.
- No objection is raised in relation to wastewater proposals. Further information is required in relation to surface water supply. No objections to water supply are raised subject to Uisce Eireann connection agreement.
- The AA Screening outlines that the site is neither within, nor proximal to, nor directly linked with any Natura 2000 site and thus it is considered that there is no need to screen the proposed development for the need for Appropriate Assessment as it can be concluded beyond reasonable scientific doubt that the proposed development would have a significant effect on any Natura 2000 site.
- Environmental Impact Assessment: Having regard to the limited scale of the proposed development and the location of the site, 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 at preliminary examination and a screening determination is not required.

3.2.2. Other Technical Reports

Capital Projects Delivery Unit – Community Development and Planning (27/04/2023)

- The correspondence on file outlines that Part 8 permission was granted on site in November 2020. Funding has been received from the Rural Regeneration and Development Fund to deliver the proposed scheme and design works are currently underway. A copy of the Chief Executive's Report and decision on the Part 8 is attached.

Building Control (13/04/2023)

- No objection subject to condition.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

The following planning history relates to the site.

PG20/20 - Part 8 granted in November 2020 for restoration, refurbishment, alteration and refurbishment of former McDonagh Bros. Department Store and associated outbuildings to the rear to provide for the following:

- A new digital fabrication laboratory (FabLab) and co-working hub, office space, training room/exhibition space;
- A social space for young people and teenagers including a study hub and social room;
- A community kitchen;
- Communal storage;
- A public realm courtyard with sensory garden;

5.0 **Policy Context**

5.1. **Development Plan**

Donegal County Development Plan 2019-2024 (as varied)

Settlement Strategy

- 5.1.1. Table 2A.3 of the Development Plan sets out the Settlement Structure for the County. Carndonagh is designated as a Layer 2A Strategic Town. It is one of eight

Layer 2A towns, which are identified due to their existing population base, their infrastructural capacity to accommodate reasonable levels of new housing and their role as key service centres at the sub county level.

Chapter 3 - Towns and Villages

- 5.1.2. Chapter 3 of the Plan relates to towns and villages and aims: *“To unlock the potential of towns and villages through regeneration and renewal so as to strengthen the social, community and economic capacity and vitality of towns and strengthen rural communities”*.
- 5.1.3. Table 3.2 of the Plan sets out the rationale for the designation of Carndonagh as a “Strategic Town, Performing Special Economic Functions” on the basis of its role as a Development Centre (in conjunction with Bunrana) with a focus on tourism, its Tourism role and location on the Wild Atlantic Way and its role as a centre for delivery of Local Authority services.
- 5.1.4. The following objectives are of relevance:
- 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.
 - TV-O-4: To support initiatives to strengthen and improve the physical environment of towns and villages and encourage positive place-making.

Chapter 6 Housing

- 5.1.5. Section 6.2 of the Plan relates to Urban Housing. The aim of the Plan is *“To achieve quality urban housing in the County so as to adequately accommodate future population growth in a manner that provides for the sequential and sustainable development and regeneration of towns and integration of communities together with the appropriate level of infrastructure and service provision”*.

The following objectives are of relevance:

- UB-O-2: To deliver new urban residential development in towns in a sequential manner, outwards from the core making best use of infrastructure, land resources and assisting in regeneration of existing towns.

- UB-O-4: To promote quality urban design in new residential development and ensure that it is integrated with existing urban development in a manner to provide for positive places and spaces to contribute to overall social cohesion and quality of life.
- 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-6 It is a policy of the Council to encourage and support proposals for new residential development that will result in the regeneration and/or renewal of town centre areas or areas of vacancy and/or dereliction subject to the policies all other relevant policies of this plan including Part C, relevant national/regional guidance, relevant environmental designation and in the context of the proper planning and sustainable development of the area.
- UB-P-7: It is a policy of the Council that, development proposals for new residential developments (2 or more units) in settlements shall demonstrate that the design process, layout, specification, finish of the proposed development meets the guidelines set out in the following key Government publications:
 - 'Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes, Sustaining Communities,' DEHLG, 2007.
 - 'Sustainable Urban Housing: Design Standards for New Apartments,' DEHLG, 2007.
 - 'Guidelines on Sustainable Residential Development in Urban Areas,' DEHLG, 2009.
 - 'Urban Design Manual, A Best Practice Guide, A Companion Document to the Planning Guidelines on Sustainable Residential Development in Urban Areas' DEHLG, 2009.
 - 'Sustainable Urban Housing: Design Standards for New Apartments', 2015, DoHPCLG.

Chapter 7 – The Natural and Built Heritage

5.1.6. 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”*.

5.1.7. Relevant policies include the following:

- BH-P-2: It is a policy of the Council to review the RPS on an ongoing basis, and to add structures (or parts of structures) of special interest, including, those recommended by the Minister through the NIAH Survey of Donegal or other buildings which the Council consider to have special interest.
- 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.
- BH-P-6: It is a policy of the Council to ensure, where appropriate, measures to extend, modify or materially alter the fabric of vernacular and/or historic buildings are sensitive to traditional construction methods and materials and craftsmanship and do not have a detrimental impact on the character or appearance of a structure.
- 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-13: It is a policy of the Council to identify and promote the re-use of traditional building clusters/groupings in both rural and urban settings which add to the unique and specific value of a given landscape character.

Draft Donegal County Development Plan 2024-2030

5.1.8. The Draft Donegal County Development Plan 2024-2030 was on public display from the 4th of August to the 13th of October 2023. The Proposed Material Alterations to the Draft Plan were published on 8th March 2024 for a four-week public consultation period until the 5th of April 2024. The following provides a summary of the relevant built heritage provisions of the Draft Plan.

5.1.9. Section 11.3 of the Draft Plan relates to Built and Architectural Conservation. Section 11.3.2 of the Plan relates to Protected Structures. This outlines that the Minister of Housing, Local Government and Heritage has instructed planning authorities to include National Inventory of Architectural Heritage (NIAH) structures (see related section below) of Regional, National or International importance to their Record of Protected Structures (RPS). The Council is therefore proposing to add these structures to the RPS over the course of the plan.

5.1.10. The following policies and objectives are of relevance:

- AH-O-1 Conserve, manage, protect and enhance the architectural heritage of Donegal namely Protected Structures, Architectural Conservation Areas, NIAH structures, designed landscapes and historic gardens, vernacular, industrial and maritime built heritage, character and setting of such structures.
- AH-O-2 Promote the sustainable and sensitive re-use of the existing built heritage as a positive response to climate change and promote the circular economy and climate mitigation and adaptation through proper maintenance, repair and appropriate retrofitting, adaptative re-use and regeneration employing best conservation practice.
- AH-P-4 a. Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the Plan; and b. Identify structures for inclusion in the Record of Protected Structures based on the criteria set out in

the Architectural Heritage Protection, Guidelines for Planning Authorities (2011), the NIAH and Ministerial recommendations.

5.1.11. Section 11.3.4 of the Draft Plan relates to National Inventory of Architectural Heritage Structures (NIAH). This outlines that the Department of Housing, Local Government and Heritage established the National Inventory of Architectural Heritage (NIAH) on a statutory basis to identify, record and evaluate post-1700 built structures across the country to aid the protection and conservation of built heritage. The Minister has recommended that all NIAH structures be included on the Record of Protected Structures. NIAH structures must therefore be protected in advance of being systematically assessed for inclusion on the Record of Protected Structures.

- Policy AH-P-7 seeks to *“Require that development of structures on the NIAH including the curtilage, attendant grounds and setting of the structure are appropriate in terms of architectural treatment, character, scale, and form, and is not detrimental to the special character and integrity of the structure and its setting, save to the extent necessary to provide for strategic infrastructure projects including the TEN-T Priority Route Improvement Project, Donegal”*.

The Seven Strategic Towns Local Area Plan 2018-2024

Zoning

5.1.12. The appeal site is zoned for town centre purposes within the LAP with an objective to *“To sustain and strengthen the defined town centre area as the centre of commercial, retail, cultural and community life”*.

Regeneration Areas

5.1.13. Section 8.4.3 of the LAP refers to Vacancy, Dereliction and Areas in Need of Regeneration within Carndonagh. This outlines that, *“in Carndonagh, the Planning Authority has identified the Pound Street, Chapel Street, Bridge Street and Malin Street areas as locations that have particular issues in terms of the extent of vacant property and consequently the accompanying land use zoning map (Map 5 refers) specifically identifies this area as an ‘Area in Need of Regeneration’*.

5.1.14. The existing McDonough building fronting Pound Street is identified as being a building listed within the NIAH and is located within an area designated as an ‘Area in Need of Regeneration’. Figure 8.2 of the LAP illustrates the “Spatial distribution of

existing land use types” in Carndonagh town centre in March 2017. The McDonough building is identified as a vacant building.

5.1.15. The following town centre policies and objectives are of relevance:

1. Objective CN-TC-3: It is an objective of the Council to seek the development and renewal of areas within Carndonagh that are in need of regeneration, in order to prevent— (i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land, (ii) urban blight and decay, (iii) anti-social behaviour, or (iv) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses; in particular those areas identified on the land-use zoning map for Carndonagh (Map 5 refers).
2. Policy CN-TC-2: It is a policy of the Council to consider proposals for the sensitive and appropriate redevelopment of vacant and derelict buildings and sites within the town. Any proposals in this regard must demonstrate (a.) that the proposal will integrate effectively with the surrounding area and that there will be no over-development of the site or inappropriate densities, (b.) that the development is appropriate in its context and setting and that the scale, massing, footprint and height is appropriate and that it does not detract from the character, amenity and design of the surrounding neighbourhood including the character and amenities of surrounding buildings and (c.) that the development would otherwise comply with all relevant policies of this Local Area Plan.

Built Heritage

5.1.16. Section 8.9.1 of the Plan relates to Built and Natural Heritage Assets. This outlines that Carndonagh has a wealth of heritage and is home to the Donagh Cross (or St. Patrick’s Cross), which is believed to date from the seventh century. In addition, the town is host to 12 structures that are included on the Councils Record of Protected Structures, in addition to numerous structures that are included on the National Inventory of Architectural Heritage (see Map 5).

5.1.17. The LAP outlines that Carndonagh has a strong streetscape, with a good sense of enclosure and buildings of a human scale; features that contribute heavily to the attractiveness of the settlement. This LAP seeks to protect the historic built form,

environment and amenities of Carndonagh, whilst facilitating progressive, attractive and sustainable development within the town.

5.2. Natural Heritage Designations

The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- North Inishowen Coast SAC (IE 0002012)- 3km
- North Inishowen Coast pNHA – 2.8km
- Carndonagh Wood p NHA – 1.5km
- Magheradrumman Bog SAC (IE 000168) – 4.5km
- Magheradrumman Bog p NHA (IE 000168) – 4.5km
- Lough Fad West p NHA- 7.4km
- Slieve Snaght Bogs NHA- 3.8km
- Trawbreaga Bay SPA (IE 004034)- 3km
- Malin Head SPA (004146) – 12.1km
- Lough Foyle SPA (004087) – 13.2km

5.3. EIA Screening

Having regard to the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination a sub-threshold environmental impact assessment report for the proposed development was not necessary. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted in respect of Donegal County Council's decision to refuse outline permission for the development. The following provides a summary of the grounds of appeal:

- The appeal outlines that the policies and objectives of the Donegal County Development Plan 2018 to 2024 (as varied) and the Seven Strategic Towns Local Area Plan 2018-2024 fully support the refurbishment of existing outbuildings and the development of the site for residential purposes including objectives TV-0-1, TV-04, BH-P-3, BH-P-4, BH-P-6, BH-P-8 and BH-P-13 of the County Development Plan and Objective CN-TC-3 and Policy CN-TC-2 of the Seven Strategic Towns LAP.

Reasons for Refusal 1,2 and 3

- Section 7.2 of the appeal addresses DCC's first 3 reasons for refusal which relate to architectural/built heritage which raise particular concern in relation to proposal to demolish the existing building to the south of the site. The appeal refers to the designation of the existing building facing Pound Street as being of Regional Importance on the NIAH. The appeal outlines that the description of the building in the NIAH relates to the façade of the structure and the buildings importance on the streetscape of Carndonagh. The appeal outlines that no reference is included to the outbuildings in the NIAH.
- The appeal refers to the lack of consultation from the Department of Housing, Local Government and Heritage, Development Applications Unit having regard to the 3 no. substantive reasons for refusal relating to architectural heritage. The Board is requested to seek a submission from the DAU. The appeal outlines that it is considered that, on the basis of the description of the building on the NIAH, the Department would have no objection to the proposed refurbishment of the outbuildings.
- The appeal refers to the approved Part 8 pertaining to the site which includes proposals for refurbishment of the existing NIAH building to the north of the site and outbuildings on the appeal site. No concerns in relation to architectural heritage were raised within this application. The appeal outlines that DCC's decision to approve development of the outbuildings for a Part 8 is at variance with the Council's decision to refuse permission for the proposed development.
- The appeal refers to the concerns raised within DCC's decision to the impact of the demolition of the existing building to the south of the site on the

architectural heritage of the site. The appeal sets out a rationale for the demolition of the building to accommodate car parking. The applicant would be willing to omit the parking from the development and retain the existing building. This could be addressed by means of condition.

- The appeal refers to the reference of the planning authority to insufficient detail within the application. The applicants do not accept that it is beyond the ability of the planning authority to determine the principle of the development which is requested in an application for outline permission. The appeal outlines that DCC's 1st and 2nd reasons for refusal are contradicted by the 3rd reason for refusal.

Reason for Refusal no. 4

- The appeal outlines that the site is located within the 50 km/ph speed zone in Carndonagh. The drawing attached as Appendix C of the appeal outlines that sightlines of 45m can be achieved at the proposed site entrance. The reference of 49m within DCC's decision are not applicable to Painter's Way as it is not a public road and serves the car park at the Church of Sacred Heart. The appeal outlines that there is no basis for a refusal on traffic safety grounds.

Reason for Refusal no. 5

- The appeal outlines that the reason for refusal relating to insufficient drinking water capacity is not sustainable. The appeal refers to the development permitted on site as part of DCC's Part 8 proposals and outlines that there is no record of a refusal for permission on any other development proposal within the town on this basis.

Conclusion

- The appeal questions DCC's motives for refusing planning permission for the development. It is stated that the redevelopment of the site forms part of DCC's approved Part 8. The Part 8 should not be allowed to impact on the subject application as multiple permissions can relate to a site.
- ABP is requested to overturn the decision of DCC and grant permission for the development.

Attachments

The following attachments are included with the appeal:

- Appendix A: DCC decision to refuse permission
- Appendix B: Record from NIAH (Site Code 40805019)
- Appendix C: Visibility Splays at the Development Site

6.2. Planning Authority Response

Donegal County Council provided a response to the grounds of appeal. The following provides a summary of the key points raised:

- The approved Part 8 for the Tus Nua Regeneration Project under the RRDF entails reuse and refurbishment of all substantial outhouses with only one small outhouse of little architectural heritage merit to the east side of the site to be demolished.
- The drawings submitted with the application indicate a whole scale redevelopment as opposed to a reuse and refurbishment.
- The Planning Authority accepts the applicant's assertion within the appeal that the existence of an approved Part 8 should in no way prejudice the outcome of a planning application. The application relates to outline permission at a sensitive town centre site. The drawings submitted were deficient in detail for the purposes of assessing the impact of the proposal on buildings of architectural heritage merit and suggestive of a total redevelopment as opposed to reuse and refurbishment.
- The appeal response outlines that the old stone buildings on site offer great potential to create a town centre development with character and heritage value and creating a high-quality town centre built environment.
- In the event of purchase of the site by the Planning Authority, by agreement or CPO, DCC would fully accept market values at the time of purchase.
- The appeal response refers to the applicants' comments on architectural heritage issues and outlines that the entirety of the appeal site and the building fronting Pound Street are contained within one folio.

- The PA's response refers to policies BH-P-2 and BH-P-3 of the Donegal County Development Plan 2018-2024 (as varied).
- The PA accepts that a 45m stopping site distance at the town centre location would suffice.
- The reason for refusal in relation to water supply is an issue to be agreed with Uisce Eireann.
- The Planning Authority requests ABP to uphold the decision to refuse outline permission for the development.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development & Compliance with Policy
- Built Heritage - Reasons for Refusal 1, 2 and 3
- Access and Services – Reasons for Refusal 4 and 5

7.2. Principle of Development

- 7.2.1. The appeal site, which has a sated area of 0.2ha, is located in Carndonagh town centre and is zoned for town centre purposes within the Seven Strategic Towns LAP. The site is currently occupied by derelict stone outbuildings and is overgrown. The site is located to the rear of the existing McDonough and Co. Ltd building which fronts Pound Street. This building is listed on the NIAH as being of regional importance (4085019) and is currently vacant. Pound Street in the vicinity of the site is identified as being an area in need of regeneration within the LAP.
- 7.2.2. The proposal seeks outline permission for the demolition of a number of buildings on site and refurbishment of the existing western stone building to accommodate 10 no. apartment units, connection to services and associated parking. Access to the development is proposed via Painter's Way.

- 7.2.3. The applicant asserts that the development is in accordance with the policies and objectives of the Donegal County Development Plan 2018-2024 (as varied) and the Seven Strategic Towns Local Area Plan 2018-2024 which fully support the refurbishment of existing outbuildings and the development of the site for residential purposes including objectives TV-0-1, TV-04, BH-P-3, BH-P-4, BH-P-6, BH-P-8 and BH-P-13 of the County Development Plan and Objective CN-TC-3 and Policy CN-TC-2 of the Seven Strategic Towns LAP.
- 7.2.4. I consider that the principle of the development of a town centre site for residential purposes through reuse and refurbishment of existing derelict buildings is acceptable and in accordance with the town centre zoning objective pertaining to the site and Objective UB-0-9 and Policy UB-P-6 of the Donegal County Development Plan subject to compliance with design, built heritage and amenity standards.

7.3. **Built Heritage – Reasons for Refusal 1,2 and 3**

- 7.3.1. Donegal County Council's first 3 reasons for refusal relate to the impact of the proposal on the built heritage value of the site. The reasons for refusal raise particular concern in relation to the proposal to demolish the existing out-building to the south of the site and the proposed interventions to the stone building to the west to accommodate the proposed apartment units.
- 7.3.2. The planner's report which informs the decision of DCC to refuse permission for the development referred to insufficient detail of the proposal within the submitted application drawings in relation to the proposed works to the stone building to the west of the site. The report outlines that on the basis of the existing condition of this building significant extension works would be required. On site inspection I note that the western boundary is not defined by a continuous building line. A significant portion of the building has been removed as illustrated in the attached presentation document. DCC's decision furthermore raises concern in relation to interventions to the stone building required for the provision of fenestration and private amenity space for the proposed 10 no. apartment units.
- 7.3.3. Donegal County Council reasons for refusal outline that the proposal would be contrary to the following policies and objectives:

Policy CN-TC-2 of the Seven Strategic Towns Local Area Plan

3. It is a policy of the Council to consider proposals for the sensitive and appropriate redevelopment of vacant and derelict buildings and sites within the town. Any proposals in this regard must demonstrate (a.) that the proposal will integrate effectively with the surrounding area and that there will be no over-development of the site or inappropriate densities, (b.) that the development is appropriate in its context and setting and that the scale, massing, footprint and height is appropriate and that it does not detract from the character, amenity and design of the surrounding neighbourhood including the character and amenities of surrounding buildings and (c.) that the development would otherwise comply with all relevant policies of this Local Area Plan.

Policy BH-P-4 and BH-P-6 of the Donegal County Development Plan

- 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.
- BH-P-6: It is a policy of the Council to ensure, where appropriate, measures to extend, modify or materially alter the fabric of vernacular and/or historic buildings are sensitive to traditional construction methods and materials and craftsmanship and do not have a detrimental impact on the character or appearance of a structure.

7.3.4. The first party appeal asserts that the reasons for refusal are contradictory and questions the heritage value of the site. The appeal refers to the NIAH description of the McDonough & Ltd. Co. building on Pound Street (Ref no.40805019) and outlines that this relates to the façade to the façade of the structure and the buildings importance on the streetscape of Carndonagh. The appeal outlines that no reference is included to the outbuildings in the NIAH. A description of the site from the NIAH is attached as Appendix B of the appeal.

7.3.5. The appeal notes the concerns raised within the reason for refusal in relation to the proposed demolition of the existing outbuilding to the south of the site and outlines

that this can be retained and incorporated within the development. It is stated that this could be addressed by means of condition in the instance of a grant of outline permission. The appeal furthermore outlines that works to the existing outbuildings to the west were permitted as part of the permitted Part 8 on site. A copy of the permitted Part 8 drawings are attached to the file.

- 7.3.6. Having reviewed the information submitted in conjunction with the application and appeal I am not satisfied that the development would be in accordance with Policy CN-TC-2 of the Seven Strategic Towns Local Area Plan and Policy BH-P-4 of the Donegal County Development Plan.
- 7.3.7. Policy BH-P-4 of the DCDP seeks to ensure the repair, reuse and refurbishment of existing historic buildings within Carndonagh. The appeal site comprises a number of impressive out-buildings associated with an existing NIAH building within Carndonagh town centre. The existing out-building to the west of the site, which is proposed to accommodate the apartments, is attached to the NIAH building and insufficient detail is provided within the application in relation to the relationship between the two structures. On the basis of the limited information submitted in support of the application I consider that the development as proposed is piecemeal.
- 7.3.8. In terms of CN-TC-2 of the LAP, I am not satisfied that the proposal will integrate effectively with the surrounding area, in particular in relation to the existing NIAH structure to the north or support the redevelopment of this vacant building within the town centre and could prejudice its future development. While I consider that the principle of residential development is acceptable within Carndonagh town centre, I consider that the application is insufficient in terms of demonstration of the level of intervention required to the existing stone buildings to accommodate 10 no. apartment units and associated fenestration and private amenity space is not detailed within the application in accordance with relevant amenity standards. I refer to the requirements of UB-P-7 of the DCDP in this regard which outlines that proposals for new residential development shall demonstrate compliance with Government Publications including Sustainable Urban Housing- Design Standards for New Apartments.
- 7.3.9. I note the case made in the grounds of appeal in relation to the permitted Part 8 development and interventions to the stone buildings permitted as part of same.

However, in this regard, I note that the permitted development Part 8 provides for a comprehensive development of the site which included the development of the existing NIAH structure to the north and the permitted use did not include for residential development.

7.3.10. I note the concerns raised within DCC's notification of decision to refuse permission for the development in relation to the proposed demolition of the existing building to the south of the site and share the concerns of the planning authority in this regard. The appeal outlines that the applicant would be willing to incorporate this building as part of the development and this could be addressed by means of condition in the instance of the grant of permission. I am satisfied that this could be addressed via condition in the instance of a grant of permission.

7.3.11. In conclusion, on the basis of the information submitted in conjunction with the application and appeal I am not satisfied that the proposed development is in accordance with Policy BH-P-4 of the Donegal County Development Plan or Policy CN-TC-2 of the Seven Strategic Towns LAP. I recommend that permission is refused for the development on this basis.

7.4. Access and Services- Reasons for Refusal 4 and 5

7.4.1. Donegal County Council's 4th reason for refusal relates to the concerns in relation to visibility at the proposed entrance to the site from Painter's Way. I refer to drawing no. 0407/201 "Provisional Site Layout" submitted in conjunction with the appeal. This illustrates that site lines of 45m at 3m from the road edge can be provided at the proposed site entrance. I am satisfied that appropriate sight lines can be achieved at the site entrance and in this regard do not recommend that permission is refused for the development on grounds of traffic hazard.

7.4.2. Donegal County Council's 5th reason for refusal relates to insufficient information in relation to water capacity for Carndonagh. The development seeks to connect to the existing public water supply. The appeal refers to the development permitted on site as part of DCC's Part 8 proposals and outlines that there is no record of a refusal for permission on any other development proposal within the town on this basis. I consider that this is a matter for agreement between the applicant and Uisce Eireann. I furthermore note that the Draft Donegal County Development Plan 2024-2030 outlines that there is sufficient overall water supply to accommodate projected

growth over the development plan period. I do not recommend that permission is refused for the development on grounds of insufficient water capacity.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise, and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

9.0 Recommendation

I recommend that outline permission is refused for the development in accordance with the following reasons and considerations.

10.0 Reasons and Considerations

1. The proposed development seeks outline permission for the demolition of 3 no. outbuildings and alterations to existing derelict stone outbuildings to the rear of an existing building (Mc Donough & Co. Ltd.) Churchland Quarters, Carndonagh which listed on the National Inventory of Architectural Heritage as being of Regional Importance (Reg. No. 40805019) to accommodate 10 no. apartment units and associated development. On the basis of the information submitted with the application and appeal, and having regard to the characteristics of the proposal, the Board is not satisfied that the development would support and facilitate the reuse of the existing vacant NIAH structure and consider that insufficient detail is provided within the application to illustrate the level of interventions required to the existing buildings to the west of the site to accommodate the proposed residential development and associated residential amenity standards. The proposed development is therefore considered to be contrary to Policy BH-P-4 of the Donegal County Development Plan 2018-2024 (as varied) which seeks *“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” and Policy CN-TC-2 of the Seven Strategic Towns Local Area Plan 2018-2024 which seeks to “consider proposals for the sensitive and appropriate redevelopment of vacant and derelict buildings and sites within the town” and outlines that development proposals shall comply with criteria including demonstrate that “(a) the proposal will integrate effectively with the surrounding area and that there will be no over-development of the site or inappropriate densities, (b.) that the development is appropriate in its context and setting and that the scale, massing, footprint and height is appropriate and that it does not detract from the character, amenity and design of the surrounding neighbourhood including the character and amenities of surrounding buildings and (c.) that the development would otherwise comply with all relevant policies of this Local Area Plan”. The proposed development is therefore considered to be contrary to the provisions of the Donegal County Development Plan 2018-2024 (as varied) and the Seven Strategic Towns Local Area Plan 2018-2014 and the proper planning and sustainable development of the area.

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

12th of April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317335-23		
Proposed Development Summary	<ul style="list-style-type: none"> - Demolition of 3 outbuildings - Demolition of 2 small extensions - Alteration of rear double storey wing - All associated works to include new vehicular entrance from Painter's Way, landscaped open spaces, bin store, drying yard and connection to public services; - Complete development to contain 10 no. residential units; 		
Development Address	Painter's Way, Churchland Quarters, Carndonagh		
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) and 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				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	317335-23	
Proposed Development Summary	<ul style="list-style-type: none"> - Demolition of 3 outbuildings - Demolition of 2 small extensions - Alteration of rear double storey wing - All associated works to include new vehicular entrance from Painter's Way, landscaped open spaces, bin store, drying yard and connection to public services; - Complete development to contain 10 no. residential units; 	
Development Address	Painter's Way, Churchland Quarters, Carndonagh	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>No. The development is located within an existing urban context.</p> <p>No significant waste, emissions or pollutants are envisaged.</p>	<ul style="list-style-type: none"> • No <p>No</p>
Size of the Development		No

<p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>		No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	No	No
<p>• Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p>X</p>	<p>• There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____