



An
Bord
Pleanála

Inspector's Report

ABP-319246-24

Development	Conversion of offices to 5 apartments and all associated site works.
Location	Bishop Street, Ballyshannon, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2351761
Applicant(s)	Donal Kelly
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party V Conditions
Appellant(s)	Donal Kelly
Observer(s)	None.
Date of Site Inspection	3 rd May 2024
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The site comprises an existing 2 storey dwelling house in use as offices on Bishop Street, Ballyshannon. There is a public house to the west and residential property to the east. Access to the site is off the adjoining local county road.

2.0 Proposed Development

- 2.1. Conversion of offices to 5 apartments and all associated site works. The subject appeal is a first party appeal against Conditions 1, 2, 3, 4, 5, 7 and 9 of the Planning Authority's decision.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 15th Day of February 2024, the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 10 No. conditions. The following conditions are of relevance in the context of this subject appeal:

Condition 1:

Development shall be carried out strictly in accordance with lodged plans and details, particularly the following revised plans and details:

- Revised Site Layout received on 25/01/2024

save as hereinunder otherwise required.

Reason: To define the permission.

Condition 2:

(a) Apartment nos. 1 and 2 are omitted from the development hereby approved.

(b) The proposed bicycle store at basement level shall be replaced by additional storage space for residents and the bicycle parking area created external to the building.

(c) Prior to the commencement of development revised plans drawn to a scale not less than 1:100 and 1:500 shall be submitted to the Planning Authority for written agreement in accordance with Condition 2 No. (a) & (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 3:

(a) The 3 no. apartments herein permitted shall not be sold and the applicant shall not transfer ownership to individuals without the prior written approval of the Planning Authority

(b) The 3 no. apartments shall not be used for short term holiday letting purposes.

Reason: In order to define the permission.

Condition 4:

No surface water from site shall be permitted to discharge to public road and applicant shall take steps to ensure that no public road water discharges onto site.

Reason: To prevent flooding.

Condition 5:

Entrance shall incorporate an access channel or other similar drainage trap, together with suitable drainage pipework in order to prevent discharge of surface water onto public road. Said works shall be carried out prior to first occupation of the dwelling hereby permitted.

Condition 7:

(a) Any bulk fuel storage tank shall be properly bunded with a bund capacity of at least 110% of that of the fuel tank

(b) Should the existing oil tank be no longer required, it shall be removed prior to first occupation of any apartment herein permitted.

Reason: To ensure the integrity and preservation of designated EU habitats and their qualifying interests.

Condition 9:

- (a) The car park, internal service road and entrance area shall be appropriately designed in terms of thickness and strength and shall be surfaced in bituminous macadam with minimum thickness 40mm.
- (b) Car parking shall be appropriately marked with thermoplastic road marking materials designating parking bays, distinguishing disabled parking bays, circulation lanes and areas to be kept clear of parking.
- (c) Access to the adjacent agricultural lands to the north shall be kept clear at all times.
- (d) Roadways and paved areas shall be drained by the provision of an adequate number of gullies so arranged to avoid ponding. The gully grating shall be lockable type to B.S. 497 Part 1.

Reason: In the interests of traffic safety and to avoid flooding.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The first Planner's report [dated 04/01/2024] recommended FI be sought in relation to the following matters:

1. Revised plans demonstrating that proposed apartments can achieved the internal space standards as set out in Design Standards Guidelines (2022) – the absence of private amenity space for 2 no. apartments was noted.
2. Clarify if access from the public road is shared/details of same
3. Access to the agricultural building
4. Bin storage area
5. Revised plans for balconies/smoking area and impact on amenity
6. Oil tank and location of same
7. Surface water disposal
8. Compliance with Table 2, Appendix 3 of the Development Plan (dwell time)
9. External storage for apartments

3.2.3. Further Information in relation to the above matters was requested on 11th January 2024. Further Information was received on 2nd February 2024.

3.2.4. The second Planner's report [dated 07/02/2024] recommended permission be granted. However, of note in the context of this appeal, it was recommended that apartments Nos 1& 2 be omitted due to lack of private amenity space.

3.2.5. Other Technical Reports

CFO – Objection – inadequate means of escape

BC – Standard advice to be attached

AC – Structure not protected – no comments to make

3.3. **Prescribed Bodies**

3.3.1. None

3.4. **Third Party Observations**

3.4.1. None

4.0 **Planning History**

Ref 00241 Grant permission for Erection of additional storey on top of existing rear annex to form office accommodation, replacement of roof to main building and formation of two dormer windows to existing attic offices [decision date 11/05/2000]

Ref 971156 Grant permission for Erection of two storey office extension to rear of existing offices [decision date 25/09/1997]

Ref 96287 Grant permission for Retention of change of use of premises from dwelling to office accommodation [decision date 31/05/1996]

5.0 Policy Context

5.1. Section 28 Ministerial Guidelines

- 5.1.1. Having considered the nature of the appeal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines').

5.2. Development Plan

- 5.2.1. The relevant plan is the County Donegal Development Plan 2018-2024 (as varied)¹.

The subject site is located within an area designated as 'Town Centre' in the Seven Strategic Towns (Ballyshannon) Local Area Plan 2018-2024 (as varied) with an Area of Townscape Character along the street frontage. The zoning objective of Town Centre is 'To sustain and strengthen the defined town centre area as the centre of commercial, retail, cultural and community life.

Policy GEN-H-5 sets out that 'It is a policy of the Council to consider proposals for residential development within defined town centres (Maps 1-7 refer) where such developments:

- (i) Would be compatible with existing and/or permitted adjoining land uses and would not have any adverse impact on the amenities of adjoining properties
- (ii) Would be appropriate in terms of scale and density relative to adjoining land uses
- (iii) Are designed to have regard to the vernacular character and form of existing buildings within the town centre and;
- (iv) Would otherwise comply with all relevant policies of this Local Area Plan.'

¹ Elected Members adopted the Donegal Draft County Development Plan 2024-2030 at a Special Council Meeting on 16th May 2024. This Plan will come into effect on the 27th June 2024 (6 weeks after it has been adopted) except for any parts of the plan which may subsequently be subject to a Draft Ministerial Direction.

Policy UB-P-26: 'Proposals for the conversion of a building into flats or the conversion of existing large flats into smaller units will normally be permitted, provided that:

- (a) The building/site is capable of accommodating the additional residential amenities; and
- (b) The proposal would not hinder traffic movement or prejudice the safety of road users or pedestrians; and
- (c) The proposal includes amenities comprising refuse disposal facilities, drying areas and access to private outdoor amenity space; and
- (d) The proposal is for self-contained flats; and
- (e) Where appropriate, the proposal shall include convenient and adequate off-street car parking that integrates with the neighbouring properties
- (f) The proposal meets minimum standards specified in 'Sustainable Urban Housing: Design Standards for New Apartments', Department of Environment, Heritage and Local Government, September 2007.'

Relevant development controls and technical guidelines are set out in Appendix 3 Part B 'Development Guidelines and Technical Standards'

5.3. Natural Heritage Designations

- 5.3.1. None. The nearest designated site is the Erne Estuary/Finner Dunes pNHA (site code 000139) located approximately 294m to the south-west. The nearest European Site is the Donegal Bay SPA (site code 004151) located approximately 300m to the south-west.

5.4. EIA Screening

- 5.4.1. Having regard to the minor nature and scale of the proposed development, the site location within an existing town centre, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The subject appeal is a first party appeal against Conditions 1, 2, 3, 4, 5, 7 and 9 of the Planning Authority's decision. The Grounds of Appeal are summarised below:

Condition 1 (in accordance with plans and particulars etc) –

- Reasons stated do not relate to planning policy/refusal for relaxation of amenity space has not been stated.

Condition 2a(omission of apartments 1& 2) –

- Renders the development unviable/will lead to further vacant and derelict properties in Ballyshannon/DCC have not provided details of the amenities they seek to protect/Policy allows for a reduction of amenity space on sites of less than 0.25 (reference is made to the Design Standards Guidelines).
- Site is in proximity to beaches/public parks/location within town centre is suitable for some workers who are seeking weekly accommodation.
- Applicant has received numerous enquires for this type of accommodation.
- Aware of other apartment buildings in Ballyshannon that have no amenity spaces or onsite parking.
- High vacancy rate and dereliction in older properties in the town core.
- Visual inspection shows 50% vacancy (Bishop Street).
- List attached of apt buildings with no amenity space.

Condition 2b (cycle storage)

- Internal storage is preferable for electric bikes.

Condition 2c (revised plans)

- No need for additional drawings.

Condition 3a (Restriction on sale of apartments)

- This is not reasonable/no planning policy reasons for this condition.

Condition 3b (Restriction on short term lets)

- Is unreasonable – many other properties in the town are used for holiday lets/fill a gap in the tourist market during peak seasons.

Condition 4 surface water)

- Spillage of surface water from the site onto the public road is not possible due to site topography/condition not required.

Condition 5 (Acco drain)

- Provision of an Acco drain serves no purpose at this site/would never be a trip hazard/no flooding has ever occurred at this entrance.

Condition 7 (existing oil tank)

- Proposed to heat the property with electricity – therefore this condition is not required.

Condition 9 (access to lands to north)

- Applicant has informally granted right of access through his yard/no legal agreement exists/not within the Council's power to condition rights of way over the applicant's property.

6.1.2. Encl 12 – is a 'Clarification Statement Request' and is summarised below:

- PA should have relaxed the requirements for private and communal amenity space as the site is less than 0.25 ha and is located in the town centre core/questions legality of Condition 2(a)
- Conversion of vacant properties to apartments in cities, towns and villages has taken place all over Ireland where no private, communal amenity space and car parking is available on sites due to restricted size
- Housing shortage would be exponentially multiplied if planning policy did not provide for restricted sites/PA must provide evidence to justify condition 2(a)

- Apartment 1 provides for level access housing for older people/usually car parking or external amenity space no required/town centre locations preferred for this occupancy group
- Has there been a change in policy since other apartment buildings with no car parking, amenity space have been approved?
- Oral Hearing Request

6.1.3. Encl include: Appeal Cover Letter; Notification of Decision to Grant; Application cover letter; Extract Apartment Design Standards; Email correspondence; Photographs; Planning History documents; Fire Safety Certificates; Dwgs.

6.2. Planning Authority Response

6.2.1. A response from the Planning Authority was received on 02/04/2024. This is summarised below:

Condition 1 (in accordance with plans and particulars etc)

- Nothing to add in relation to same.

Condition 2a(omission of apartments 1& 2)

- Guidelines and planning policy do not permit relaxation of standards to the extent that requirements are negated.
- 2 no. apartments, no. 1 with 2 bedrooms and no. 2 with 3 bedrooms, have no private
- amenity space at all.
- Reference is made to the requirement of Policy UB-P-26.
- Applicant has failed to response meaningfully to FI.
- Welcomes the proposed refurbishment/as submitted 2 no. units are not to standard/no alternative proposals that could be assessed/onus is on the applicant to put forward a sustainable and viable layout that meets the required standards.

Condition 2b (cycle storage)

- Proposed cycle store is at lower ground basement level/accessed via a 5 step staircase/may be inappropriate/sufficient externs space

Condition 3a (Restriction on sale of apartments)/ Condition 3b (Restriction on short term lets)

- Clearly stated within the planning application that the use of the apartment was for 'letting'. Short term rental is defined as periods of 90 days or less and it is considered that this gives ample scope to the applicant to meet the housing rental demand currently experienced.

Condition 4 (surface water)

- The wording of the condition has a twofold purpose – to prevent water from a site entering the public road and in reverse, to prevent water from the public road entering a site. In this instance as the site falls to a lower level than the public road, it is incumbent on the applicant to ensure that water does not flow from said road into this site area causing potential damage.

Condition 5 (Acco drain)

- Purpose of an acco channel is to prevent water from the public road entering the applicant's property. The condition is imposed to provide for safeguarding of the applicant's property against water damage.

Condition 7 (existing oil tank)

- The applicant was requested through Further Information to set out the purpose of an existing oil tank that is directly at the rear of the subject building. Without any clarification of the functionality of the tank or volume of oil therein, the safety of future residents is paramount, and should the tank be no longer needed irrespective of how the building is heated, the condition provides for removal from the site area. The Planning Authority acknowledges that the reason as set out in the permission may be amended to read as 'In the interests of safety of residents of the building.'

Condition 9 (access to lands to north)

- The layout plan as submitted details 2 no. parking spaces across the existing entrance into adjoining lands where there is also a small shed in agricultural use. Part (c) of Condition 9 requires that access be maintained and is considered to be a reasonable assessment of the situation on the ground irrespective of land ownership.

Summary

- Scope exists to provide a sustainable development.
- Any further matters raised in said appeal have previously been addressed in the Planner's Reports of 4th January 2024 and 7th February 2024.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal relate to the inclusion of Conditions 1, 2, 3, 4, 5, 7 and 9. Furthermore, in accordance with the provisions of Section 139 of the Planning and Development Act, 2000, as amended, I am satisfied that this appeal should relate only to the merits of the aforementioned conditions.

Condition 1 (in accordance with plans and particulars etc)

7.1.2. The appellant states that the reasons as stated do not relate to planning policy and there is no reason given for the omission of the 2 no. units (Units 1 and 2). In relation to the wording of this condition, I am satisfied that this it is a standard condition and does not require amendment. I do not concur that a reasoning for omitting Units 1 and 2 should be set out in this condition, as this would not be good practice, and in any event, the reasoning for omitting same is set out in the reports of the Local Authority Planner.

Condition 2a (omission of apartments 1& 2)

7.1.3. In relation to the omission of Apartment units 1 and 2, the first party appellant has stated that the omission of same would render the development unviable and would subsequently lead to further vacant and derelict properties in Ballyshannon. Reference is made to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (the 'Apartment Guidelines') which allow for the reduction of amenity space on sites of less than 0.25 Ha.

7.1.4. In response, the Planning Authority have stated that guidelines and planning policy do not permit relaxation of standards to the extent that requirements are negated and that these two units have no private amenity space at all. Reference is made to the requirements of Policy UB-P-26 of the Donegal County Development Plan 2018-2024.

7.1.5. In relation to the merits of Condition 2(a), I note the following. The proposal is to covert the existing office space to residential units, and to erect balconies to the rear. There are five no. residential units in total, with Units 1 and 2 occupying the original building, with units 3 to 5 occupying the existing extension to the rear.

7.1.6. Of particular relevance to this appeal are the requirements of SPPR 2 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023). SPPR 2 states as follows:

For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:

Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;

Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th;

For schemes of 50 or more units, SPPR 1 shall apply to the entire development;

All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

7.1.7. This is a building refurbishment scheme and as such SPPR 2 applies (the site area is not of relevance as this is not an urban infill scheme).

7.1.8. I note also the requirements of SPPR 3 of the Apartment Guidelines which set out minimum standards for apartment units as follows:

- Studio apartment (1 person) 37 sq.m

- 1-bedroom apartment (2 persons) 45 sq.m
- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment (5 persons) 90 sq.m

7.1.9. In addition to the above, the Guidelines set out that Planning Authorities may also consider a two-bedroom apartment to accommodate 3 persons, with a minimum floor area of 63 square metres, in accordance with the standards set out in Quality Housing for Sustainable Communities, and it is noted that this type of unit may be particularly suited to certain social housing schemes such as sheltered housing. The Apartment Guidelines also set out standards in relation to communal space provision although it is further stated that, for building refurbishment schemes, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

7.1.10. The key consideration is, then, the overall quality of the scheme, and having regard to same, if there is justification for exercising discretion in relation to the provision of private amenity space for Units 1 and 2, and for exercising discretion in relation to the provision of communal amenity space for the scheme as a whole.

7.1.11. I have set out a schedule of the proposed accommodation below, in order to assist the Board carry out an overall assessment of the quality of the scheme as proposed.

Apartment No.	No beds	Floor Area sq. m. (minimum standard)	Private Amenity Space sq. m. (minimum standard)
Apartment 1	2	57.58 (73 /63 ²)	None (7/6 ³)
Apartment 2	3	116.89 (90)	None (9)
Apartment 3	1	46.05 (45)	14.4 (5)
Apartment 4	1	51 (45)	14.4 (5)
Apartment 5	1	51.77 (45)	14.4 (5)

² Planning authorities may also consider a two-bedroom apartment to accommodate 3 persons, with a minimum floor area of 63 square metres, in accordance with the standards set out in Quality Housing for Sustainable Communities

³ For a 2 bed/3 person)

- 7.1.12. In relation to the above, I note that the overall floor area of Unit 1 (2 bed unit) is 57.58 sq. m, which is below the minimum standard as set out in SPPR 3. The floor area of Unit 2 is 115.89 sq. m, which is well in excess of the minimum standard for a 3 bed unit. No amenity space is provided for these units. The remaining 1 bed units either meet or exceed the minimum standards, with the provision of private amenity space for these units well exceeding the minimum standard of 5 sq. m.
- 7.1.13. In relation to the overall quality of the scheme, as noted, the floor area of Apartment 1 does not meet the minimum standard for a 2 bed/4 person unit, nor does it meet the standard for 2 bed/3 person unit. I would note that the Board is required to have regard to the Apartment Guidelines, and are required to apply the standards as set out in any SPPRs within these guidelines. The minimum standard for Apartment 1 has not been met. However, rather than omitting same, I am of the view that revised plans can be sought that amend this unit from a 2 bed to a 1 bed unit. This unit would then exceed the required minimum standard. This can be achieved by omitting the proposed partition wall (which is not shown on the existing survey plans). Subject to this condition, I am satisfied that the overall quality of the scheme is sufficient to justify discretion in relation to the provision of private amenity space for Units 1 and 2, and in relation to the provision of communal space for the scheme as a whole, noting the provision of floor areas above minimum standards for the remainder of the units, and the provision of private amenity space above minimum standards for the 3 no. 1 bed units. I note also that all of the proposed units proposed are dual aspect units. The constraints of the existing building are noted also, and the layout is such that the provision of private amenity space for Units 1 and 2 would not appear to be possible or practicable in any event, without the omission of a number of units. In relation to communal space, again the constraints of the site would render the provision of same impracticable, given the shared use of the car parking area to the rear of the site.
- 7.1.14. In relation to the requirements of Policy UB-P-26 of the Development Plan, I note that part (c) of same requires that the proposal includes *inter alia* access to private outdoor amenity space. In relation to same I note that the majority of units (3 of 5) do have access to outdoor amenity space, and I would note the wording of same does not explicitly state that *each* of the units should have access to outdoor amenity

space. I am satisfied then that permitting Unit 1 (as revised as per the discussion above) and Unit 2 would not represent a contravention of this policy.

Condition 2b (cycle storage)

- 7.1.15. In relation condition 2, the PA have requested that external cycle storage is provided, noting the location of the proposed internal storage, and stating that this is not accessible to all. The applicant has stated that internal storage is preferable for electric bikes. In relation to same I share some of the concerns of the PA, in relation to accessibility. However, there is no indication that there is available external space to the rear to accommodate the required cycle parking provision. As such, noting the constraints of the site, I am minded to accept the cycle parking provision as is shown on the plans and subsequently would recommended that Condition 2b be omitted.

Condition 3a (Restriction on sale of apartments)/Condition 3b (Restriction on short term lets)

- 7.1.16. The development description does not refer to a 'Build-to-Rent' proposal. As such, in my view, there is no apparent justification for restricting the private sale of the apartment units. Furthermore, the development description does not refer to 'short-term lets', notwithstanding there is some reference to short-term letting within the application documentation. In relation to short-term letting, if applicable and having regard to the Planning and Development Regulations, 2001, as amended, planning permission may be required for same. However, the determination of same is not within the scope of this appeal, nor is it the remit of the Board to adjudicate on any subsequent matters of enforcement. As such, I am of the view that Condition 3(a) and Condition 3(b) should be omitted.

Condition 4 surface water)/ Condition 5 (Acco drain)

- 7.1.17. The PA have stated these conditions are necessary due to the possibility of surface water entering the site from the public road. This is reasonable and I accept that the conditions should be retained.

Condition 7 (removal of existing oil tank)

- 7.1.18. The PA have clarified that the reason for the required removal of this tank is for reasons of public safety (which differ from the reasons on the PA decision). The applicant has stated that the proposed units will be heated by way of electricity but

has not clarified the function of the existing oil tank. However, I accept that reasoning of the PA is acceptable, and the function of the existing oil tank is not clear. I am of the view, then that Condition 7 should be retained, albeit with a slightly altered wording.

Condition 9(c)(access to lands to north)

- 7.1.19. Condition 9(c) requires that access so the lands to the agricultural land/shed to the north be kept clear at all times. In relation to same, the first party appeal statement sets out that no legal agreement exists in relation to this access and it is not within the Council's power to condition rights of way over the applicant's property. The PA note that, as submitted, the plans detail 2 no. car parking spaces across the existing access point and that condition 9(c) is reasonable given the situation on the ground, irrespective of land ownership. I would note that imposing this condition would effectively mean that 2 no. car parking spaces would be omitted from the scheme. (out of a total of 6 no. spaces) I am not satisfied that this would be appropriate, having regard to the need to provide sufficient parking for the proposed units. I note also that no submission has been received from this landowner to the north in relation to any possible impediment of any access to the north.
- 7.1.20. In conclusion, and having regard to the above considerations, I am of the view that there is insufficient evidence on the file to justify Condition 9(c) and I am of the view that this element of condition 9 should be omitted from the scheme.

8.0 AA Screening

- 8.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing town centre outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

- 9.1.1. Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs Donegal County Council under subsection (1) of Section 139 of the Planning and Development Act, 2000, as amended:

to **AMEND** Condition No. 2 for the reasons and considerations set out hereunder:

2. The proposed development shall be revised as follows:

(a) The proposed layout of Apartment No. 1 at ground floor level shall be revised so the unit becomes a 1 Bed unit rather than a 2 Bed unit. The proposed partition wall between Bedroom 1 and Bedroom 2 shall be omitted from the scheme to facilitate this requirement.

Revised plans detailing the above amendments shall be submitted to, and approved in writing by, the Planning Authority prior to commencement of the proposed development.

Reason: In the interest of the residential amenity of future occupiers of the proposed development.

Reasons and Considerations (1):

The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2024) allow for flexibility in relation to the provision of private and communal amenity space in refurbishment schemes, subject to the overall quality of the scheme being sufficient. The Board considered the overall quality of the scheme to be sufficient, subject to proposed Apartment No. 1 being amended. As such, it is considered reasonable to retain Apartment No. 1 and No. 2 within the scheme. In relation to proposed Apartment Unit 1, at ground floor level, the Board considered that this unit is undersized, having regard to the requirements of SPPR 3 of the Apartment Guidelines, and therefore a requirement to amend same to become a 1 bed unit is justified having regard to the Board's obligations to apply the provisions of SPPR 3.

In relation to the requirement for external cycle storage, the constraints of the site are noted, and in this particular instance, the provision of cycle storage internally is the preferred and most practicable option.

to **Omit** Condition 3 for the reasons and considerations set out hereunder:

Reasons and Considerations (2):

The development description does not refer to 'Built-to-Rent' units and, therefore, the Board is of the view that there is insufficient justification for a condition restricting the private sale of the proposed units. Furthermore, the development description does not refer to 'short-term letting' and in this regard the Board note the requirements of Planning and Development Regulations, 2001, as amended, in relation to same.

to **Amend** Condition 7 for the reasons and considerations set out hereunder:

7. Should the existing oil tank be no longer required, it shall be removed prior to first occupation of any apartment herein permitted.

Reason: In the interests of public safety.

Reasons and Considerations (3):

The use of the existing oil tank has not been clarified and if not in use the removal of same is required.

to **Amend** Condition 9 for the reasons and considerations set out hereunder:

9. (a) The car park, internal service road and entrance area shall be appropriately designed in terms of thickness and strength and shall be surfaced in bituminous macadam with minimum thickness 40mm.

(b) Car parking shall be appropriately marked with thermoplastic road marking materials designating parking bays, distinguishing disabled parking bays, circulation lanes and areas to be kept clear of parking.

(c) Roadways and paved areas shall be drained by the provision of an adequate number of gullies so arranged to avoid ponding. The gully grating shall be lockable type to B.S. 497 Part 1.

Reason: In the interests of traffic safety and to avoid flooding.

Reasons and Considerations (4):

The Board is of the view that the imposition of Condition 9 as set out in the Planning Authority's decision would effectively require the omission of 2 no. car parking spaces and this was not considered to be appropriate given the need for sufficient parking to serve the proposed development. Furthermore, it was considered that there was insufficient evidence on file in relation to the need to retain access to the lands to the north to justify the imposition of said condition.

to **Retain** all other conditions as per the Planning Authority decision for the reasons and considerations set out hereunder:

Reasons and Considerations (5):

The Board was of the view that there was insufficient justification to amend or omit any other conditions.

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.

Rónán O'Connor
Senior Planning Inspector

24th May 2024