



An
Bord
Pleanála

Inspector's Report ABP-320117-24

Development	Renovation and refurbishment of ground floor area of commercial premises to form a bar, lounge, kitchen, accessible toilet facilities, off licence area, external smoking area and all associated site works.
Location	Central Bar, Upper Main Street, Letterkenny, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2450110
Applicant(s)	Michael and Mark Blaney of Central Bar
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Gerard Convie
Observer(s)	None

Date of Site Inspection

22nd November 2022

Inspector

Ronan O'Connor

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	6
5.1. Development Plan	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	9
6.3. Planning Authority Response	9
6.4. Observations	9
7.0 Assessment	9
8.0 Recommendation	12
9.0 Reasons and Considerations	12
10.0 Conditions	12
Appendix 1 - Form 1 EIA Pre-Screening	15
Appendix 2 - Form 2 - EIA Preliminary Examination	17

Appendix 3 – Relevant Policies of the Letterkenny Plan and Transport Plan 2023-2029	20
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1.0 Site Location and Description

- 1.1. The site is located on Upper Main Street, Letterkenny, within the designated Town Centre. On site is a 3-storey building and an adjacent 1 and a half storey building. The existing Central Bar lies to the south of the site.

2.0 Proposed Development

- 2.1. Renovation and refurbishment of ground floor area of commercial premises to form a bar, lounge, kitchen, accessible toilet facilities, off licence area, external smoking area and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant Permission [decision date 12th June 2024].

3.2. Planning Authority Reports

- 3.2.1. Planning Reports [Dated 4th June 2024]

- Proposed development accords with the zoning objective.
- Principle of development is acceptable.
- No significant concerns in relation to the siting and design of the proposal
- Design Statement not considered necessary for this scale of development
- Is in conformity with the relevant policies of the Development Plan
- No significant concerns in relation to residential amenity
- No concerns in relation to Traffic
- Recommended to Grant Permission

- 3.2.2. Other Technical Reports

Building Control [report dated 22/05/2024]– works to comply with Building Regulations

EHO [report dated 14/05/2024]– Recommends consultation with Irish Water and/or Donegal County Council Sanitary Services Department/Local HSE Environmental Health Services.

3.2.3. Conditions

3.2.4. There are no conditions of particular note.

3.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage [dated 21st May 2024]

- Note site is located within a Zone of Archaeological Potential/possible that subsurface archaeological remains could be encountered during the construction phases
- Conditions recommended.

3.4. **Third Party Observations**

3.4.1. 1 no. third party observation received. The issues raised are as per the grounds of appeal as set out in Section 6.1 of this report.

4.0 **Planning History**

4.1.1. No relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

The current Development Plan is the County Donegal Development Plan 2024-2030. The site lies within Letterkenny Town Centre. The Letterkenny Plan and Transport Plan 2023-2029 ('The Letterkenny Plan') then applies. Relevant Policies and Objectives of the Letterkenny Plan¹ include:

- Objective LK-TC-O-01

¹ See Appendix 3 for full text of same

- Objective LK-TC-O-02
- Objective LK-TC-O-05
- Objective LK-TC-O-07
- Policy LK-TC-P-01
- Policy LK-TC-P-02
- Policy LK-TC-P-03
- Policy LK-TC-P-04
- Policy LK-TC-P-08
- Policy LK-TC-P-09
- Policy LK-TC-P-13

5.2. Natural Heritage Designations

- 5.2.1. The closest designated site is the Lough Swilly SAC (Site Code 002287) which is located c1.4km to the east of the site.

5.3. EIA Screening

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

5.4. Appropriate Assessment

- 5.4.1. Having regard to the minor nature and scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment and the proximity of the lands in question to the nearest European Site (Lough Swilly SAC (Site Code 002287) which is located c1.4km to the east of the site), it is my opinion that no Appropriate Assessment issues arise and that the proposed 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 1 no. third-party appeal has been submitted [received 8th July 2024]. The Grounds of Appeal are set out below:

- Reuse of the building may fulfil some objectives of the Letterkenny Plan and Transport Plan 2023-2029 ('The Letterkenny Plan')
- Current proposal fails in some aspects of the plan
- Policy LK-TC-P04 seeks to introduce more residential development into town centres
- Is another licenced premises the best use for the site?
- Does not contribute to the day-time vitality of Letterkenny
- Average of 114 pub closures per annum in Ireland since 2019
- Building may be vacant in the future
- Proposal does not include a Design Statement
- No mention of signs/lighting/advertisements
- Final external elevations must be determined at application stage/a condition is insufficient
- Other examples of public houses where such conditions have not been complied with
- No detail in relation to the basis for the Transport Statement/no details as to who has prepared it
- Wastewater details required
- May be a conversion into a night club/any grant should make clear that a night club is not permitted
- Planning Authority have ignored the relevant adopted Plans and policies
- Proposal will lead to a further deterioration of Letterkenny Main Street

6.2. Applicant Response

6.2.1. No valid response received.

6.3. Planning Authority Response

6.3.1. A response from the Planning Authority was received on the 2nd August 2024. This is summarised below:

- Planning Authority is satisfied the proposed use does not materially contravene the Letterkenny Plan and Local Transport Plan 2023-2029.
- Content of the application contained sufficient information, and the scale and nature of the proposal did not necessitate a Design Statement.
- All matters raised in the appeal have been address in the Planner's Report

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. The main issues raised in this appeal are as follows:

- Principle of Development/Proposed Use
- Design and Appearance
- Traffic
- Other Issues

7.2. Principle of Development/Proposed Use

7.3. The site is zoned Town Centre with reference to Map 7.1 'Land Use Zoning Map' of the Letterkenny Plan. The related objective, as set out in Table 7.1 of same is to *'sustain and strengthen the core of Letterkenny as a regional centre of residential, commercial, retail, cultural and community life and to support active travel and public transport provision'*. A pub use is 'Open for Consideration' in such areas, with

reference to Table 7.2 'Land Use Zoning Matrix'. In relation to same, I am of the view that the use as proposed is appropriate for a town centre location such as this one, subject to the proposal being in accordance with other relevant provisions of the plan. I would note that the Planning Authority has not questioned the appropriateness of the proposed use in this location, although the third-party appellant has raised concerns with same, and I have considered these concerns specifically below.

7.4. Specifically in relation to the issues raised within the appeal, while Policy LK-TC-P-04 of the Letterkenny Plan encourages residential development within the town centre, it does not do so at the exclusion of other uses. As such, there is no policy specifically requiring a residential use to be accommodated on this site. In terms of the potential overconcentration of particular uses within the town centre, there is no specific policy restricting the number of public house/off licence uses within the town centre area (I would note that Section 9.6, and Policy LK-TC-P-13 of the Letterkenny Plan refers to potential over-concentration of amusement arcades, bookmakers, casinos and food take-away uses only). I would note that the proposed development is in accordance with Objective LK-TC-O-07 which seeks to reduce vacancy and dereliction levels within Letterkenny. As such, the active use of the building would serve to enhance the vitality and viability of the town centre. The proposed opening hours of 11.30am to 11.30pm would take in lunch-time trade, and hence would bring activity during daytime hours also, an issue raised as a concern by the third-party appellant. In relation to the potential for future closure, the decision to expand is a commercial decision by the applicant, and the viability of the pub business at a national level is not a material planning concern in my view.

7.5. Design

7.5.1. In terms of the changes to the front elevations, there is only very limited changes to the same, namely re-rendering of the front façade and insertion of a door into the one and a half storey building. I note that an extension to the side and rear is proposed. This is moderate in scale and will not have a significant visual impact when viewed from the main street, and the extensions respect the overall character and proportions the building. I concur with the view of the Planning Authority, in that a Design Statement is not warranted for a proposal of this scale and that there is

sufficient information contained within the application documentation to allow an assessment of design issues.

- 7.5.2. In relation to signage to the front elevations, a condition that requires details of such signage is again appropriate in my view. Any potential non-compliance with same is a matter for the Enforcement Department of Donegal County Council, as is any non-compliance with similar conditions on other sites referred to by the appellant.

7.6. Traffic

- 7.6.1. I note that a Traffic and Transport Statement (Form TTS 2) has been submitted with the application form. This sets out that the existing peak hourly flow to the premises is 25 cars (in and out), with 2 heavy commercial vehicles (HCVs), in and out. With the development in place, peak hourly flow is 40 cars (in and out), with 3 heavy commercial vehicles (HCVs), in and out. I concur with the appellant that the source of the data is unknown (such as traffic surveys etc) and as such, I am of the view that the data can only be given limited weight. I would also question the accuracy of the data, with the number of cars and heavy commercial vehicles HCVs during the peak hourly flow appearing to be somewhat in excess of what would normally be expected from a use of this type (i.e. a bar use within a town centre with no on-site car parking). Notwithstanding, and even if the data were correct, the peak hourly flows associated with a bar use would likely be in the evening times, where traffic flows associated with other commercial activities in the town would not be at a peak. I am of the view that the likely traffic generated by the proposed development would not be significant, and the Board can be satisfied that, given the nature of the use, and the town centre location, the volume of traffic generated by the proposed development would not be significant, and would not have likely significant impact on the surrounding road network.

7.7. Amenity Impacts

- 7.7.1. I would note that the appellant has raised concerns in relation to the potential for site to accommodate a night club use. This is not proposed here, and the application will see an extension to the existing licenced premises. Given the location within the town centre, I am not of the view that the uses as proposed will have an impact on surrounding amenity. Should the Board be minded to grant permission, a standard condition can be imposed requiring that the proposed development be implemented

in accordance with the plans and particulars, which would include an adherence to the proposed operating hours as set out in the application form (11.30am to 11.30pm).

7.8. Other Issues

- 7.8.1. Wastewater – I note that the site is located on Letterkenny Main Street. Wastewater in such locations are connected to the existing wastewater network. Notwithstanding, a standard condition can be imposed that would require such services to be as per Uisce Eireann/Planning Authority requirements, should the Board be minded to grant permission.

8.0 Recommendation

- 8.1.1. I recommend that permission be granted, as per the reasons and considerations below.

9.0 Reasons and Considerations

The proposed development is 'open for consideration' having regard to the 'Town Centre' zoning objective of the Letterkenny Plan and Transport Plan 2023-2029. It is considered that the proposed development is appropriate given the nature of the use proposed and the location of the site within the town centre. The proposed design and appearance of the buildings is considered to be appropriate. It is not considered that the proposed development will have a negative impact on the amenity of the surrounding area, nor will it result in a significant impact on the capacity of the surrounding road network. The proposed development is therefore in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior

to commencement of development and the development shall be carried out and completed in accordance with the agree particulars.

Reason: In the interest of clarity.

2. Water supply, waste-water disposal and surface water drainage arrangements shall comply with the requirements of the Irish Water and the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety, public health and orderly development.

3. (a) All external lights shall be hooded and aligned so as to prevent direct spillage of light onto public road.

(b) No L.E.D, neon or similar lights shall be erected on the subject premises, structure or site.

(c) No digital displays or similar illuminated streaming media shall be erected or displayed on the subject premises, structure or site.

(d) No signs, symbols or other means of advertisement shall be erected or posted on site without prior written agreement of the Planning Authority and in any event signage shall not be in the form of plastic, internally illuminated, box facia signs or similar.

(e) Signage shall be in the traditional format consisting of handwritten text on timber facia board (or similar) with lighting by external means only or as otherwise agreed with the Planning Authority.

Reason: To cater for orderly development and in the interests of public safety.

4. (a) The applicant shall employ a qualified archaeologist to monitor all groundworks associated with the development.

(b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or

excavation) and should facilitate the archaeologist in recording any material found.

c) The Planning Authority and the Department shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

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

11th December 2024

Appendix 1 - Form 1 EIA Pre-Screening

An Bord Pleanála	ABP-320117-24		
Case Reference			
Proposed Development Summary	Renovation and refurbishment of ground floor area of commercial premises to form a bar, lounge, kitchen, accessible toilet facilities, off licence area, external smoking area and all associated site works.		
Development Address	Central Bar, Upper Main Street, Letterkenny, 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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class (10)(b)(iv) of Schedule 5 Part 2 : 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	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		<i>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</i> The relevant threshold is 10ha. The stated site area is 0.0768 Ha.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____

Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320117-24	
Proposed Development Summary	Renovation and refurbishment of ground floor area of commercial premises to form a bar, lounge, kitchen, accessible toilet facilities, off licence area, external smoking area and all associated site works.	
Development Address	Central Bar, Upper Main Street, Letterkenny, Co. Donegal.	
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?	The proposed development is for the conversion of existing buildings to a public house and extensions to the rear. There are similar commercial developments in this town centre location. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?	The development would generally be consistent with the scale of surrounding developments and would not be exceptional in scale in the context of the existing environment.	No

Are there significant cumulative considerations having regard to other existing and/or permitted projects?	There would be no significant cumulative considerations with regards to existing and permitted projects/developments.	No
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	The development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.	No No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required.		

Inspector: _____

Date: _____

Appendix 3 – Relevant Policies of the Letterkenny Plan and Transport Plan 2023-2029

- Objective LK-TC-O-01 To strengthen the urban form of the town centre so as to reinforce the centre as a cohesive, attractive and high-quality urban area that is attractive and safe for residents, visitors and investors and is a place where public life can thrive.
- Objective LK-TC-O-02 - To create a vibrant town centre which is a multi-dimensional, inclusive and inviting place providing a mix of homes, jobs, services, amenities, facilities and experiences.
- Objective LK-TC-O-05 - To bring the concept proposals contained in the Letterkenny 2040 Regeneration Strategy through the processes of detailed design, stakeholder engagement and any required statutory approval processes and thereafter to deliver on the collaborative vision of the Strategy.
- Objective LK-TC-O-07 - To reduce vacancy and dereliction levels in Letterkenny by 75% over the lifetime of the Local Area Plan via the uptake of public funding mechanisms and schemes and through the encouragement and support of private sector investment
- Policy LK-TC-P-01 - It is a policy of the Council to support the ambitions of the Letterkenny 2040 Regeneration Strategy
- Policy LK-TC-P-02 - It is a policy of the Council to require that development proposals within the town centre are broadly consistent with, and would not prejudice the delivery of, the Letterkenny 2040 Regeneration Strategy.
- Policy LK-TC-P-03 - It is a policy of the Council that new development proposals on streets that provide physical connections in the town centre will only be supported where they would not prejudice public safety, public realm, built and cultural heritage, accessibility, character and where they provide for an appropriate mix of uses.
- Policy LK-TC-P-04: It is a policy of the Council to support the provision of additional appropriately located and designed residential accommodation in the town centre.

- Policy LK-TC-P-08 - Policy LK-TC-P-08: It is a policy of the Council to require that development proposals within the town centre area conform to the following design criteria:
 - Proposals shall have regard to the Letterkenny Design Guide and the Linkages & Public Space Action Plan, prepared as part of the Letterkenny 2040 Regeneration Strategy.
 - Proposals shall provide for distinctive buildings of high architectural quality, which contribute to a distinct sense of place and a quality public realm
 - Building lines shall be such that a sense of enclosure is provided to the streetscape (i.e. following established building lines where appropriate or moving the building line closer to the road edge if deemed necessary in order to better define the streetscape)
 - Proposals shall promote visual interest through modulation and detailing of architectural elements (e.g. variation in building elevations, variations in roof form, cornices, windows, eaves, frontages and entrances and minor variations in setback).
 - Proposals shall provide for minimum 3-storey development along the Pearse Road and 2 Storeys elsewhere in the town centre.
 - Proposals shall avoid the use of industrial type cladding on the exterior of buildings.
 - Proposals for refurbishment and restoration of vernacular buildings must respect the character of the existing buildings, important views and spaces and historic settlement pattern in terms of scale, height, density, grouping, design and materials.
 - Proposals shall be accompanied by a design statement clearly outlining the rationale behind the concept and chosen design approach
 - Proposals shall comply with all relevant statutory planning guidelines
- Policy LK-TC-P-09 - It is a policy of the Council to:
 - Ensure the retention of traditional shop-fronts as appropriate.

- Only approve alterations to existing traditional shop fronts if the proposal is an improvement on what exists. Particular care will be taken over proposals for the installation of blinds, canopies, security grilles and shutters to avoid harm to the visual amenity of the shopping streets; if acceptable in principle they must be designed as an integral part of the shop front design.
- Avoid pastiche shop fronts and facades.
- Encourage contemporary design resolution where appropriate, avoiding cautious pastiche and given due consideration to the appearance of security lighting and shutters, additional security measures as necessary, signage and advertisements
- Policy LK-TC-P-13: It is a policy of the Council that proposals for amusement arcades, bookmakers, casinos and food take-away units will be considered within the 'Town Centre' zone provided that their development: (a) is not located within or abutting premises consisting of residential accommodation, schools or religious institutions; (b) is not contributing to the over concentration of such uses in a given area causing excessive noise, litter and anti-social hours of operation; and (c) contributes to the enhancement of streetscape and vitality and viability of the area