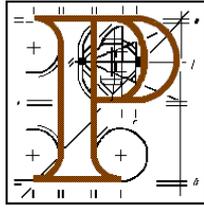


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P15/465

An Bord Pleanála Reference Number: PL 03.245531

APPEAL by Bill and Maureen Kenny care of McElligott Consulting of 'The Paddock', Ballysally, Caherelly, Grange, Kilmallock, County Limerick and by John Daly care of Stephen Ward Town Planning and Development Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 27th day of August, 2015 by Clare County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited care of John Spain Associates of 50 Upper Mount Street, Dublin.

PROPOSED DEVELOPMENT: Construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1,655 square metres (net retail area 1,140 square metres). The development includes the erection of one number free standing double sided internally illuminated sign, two number internally illuminated gable signs, one number poster sign and entrance glass signage. The proposed development will be served by 122 number car parking spaces and one number bus parking space. The proposed parking will serve the discount foodstore and accommodate public parking provision. Vehicular access to the site will be provided from Abbey Street. The proposed development includes the construction of an Electricity Supply Board substation, all landscaping, boundary treatment and site development works on the 1.0 hectare site. The Deanery, a Protected Structure, is located on the adjacent site to the east of the application site, all at Abbey Street, Killaloe, County Clare. Millstream Road, the L3088, forms the western boundary of the site.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. Having regard to the scale, bulk and length of the proposed building, to the excessive scale of car parking serving both the proposed development and public car parking, to the excessive level of platforming necessary to provide for this car park, to the removal of significant portions of the original curtilage wall bounding the grounds of a protected structure, and to the sensitivity of its open and elevated location within the curtilage of this protected structure, it is considered that the proposed development would be visually obtrusive in the context of the Deanery, would have a seriously detrimental visual impact on its character and landscaped setting, would result in the loss of mature trees that are characteristic of this parkland setting, and would set an undesirable precedent for further such development. It is also considered that the proposed development would seriously injure the visual amenity and character of the streetscape on this southern approach to the historic medieval Heritage town of Killaloe. The proposed development would fail to protect a protected structure contrary to Objective 18.1 of the Clare County Development Plan 2011 – 2017, would be contrary to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government (2011), and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Part of this site is subject to a “low density residential” zoning objective, as set out in the East Clare Local Area Plan 2011 – 2017, whereby the underlying priority is to ensure that the existing character of the area “is maintained and further reinforced...proposed development must also be appropriate in scale and nature for the area in which they propose to locate.” It is considered that this zoning objective is reasonable, particularly in the context of the location of these lands within the curtilage of a protected structure. Having regard to its scale and intensity, it is considered that the proposed development would contravene this zoning objective, and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.