

An
Bord
Pleanála

Board Order ABP-313449-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 21/2281

Appeal by Ghost Zapper Limited care of MKO Planning and Environmental Consultants of Tuam Road, Galway against the decision made on the 1st day of April, 2022 by Galway County Council to refuse permission.

Proposed Development: Construction of 59 number residential units consisting of: three number one-bed apartments; 17 number two-bed apartments; 11 number three-bed apartments; 21 number three-bed houses; seven number four-bed houses. Provision of 2,662.57 square metres of commercial floor space and all associated ancillary storage space consisting of: Block 5 – two number retail units (gross floor area 284.57 square metres) – Unit 1: 121.17 square metres (net) and Unit 2: (142.59 square metres); provision of a discount food store with ancillary off-licence sales (gross floor area: 2,157 square metres/net retail area 1,422 square metres (including roof mounted solar PV panels)). Works to provide for pedestrian access via the existing Athenry House Gate at the corner of Clarke Street and Cross Street. Demolition of existing bungalow on application site (106.48 square metres). Provision of shared communal and private open space, pedestrian and vehicular access, appropriate landscaping and boundary treatments, outdoor seating areas, street furniture, signage, bin stores, an ESB substation (37.21 square metres), associated car parking spaces (including accessible parking and EV charging

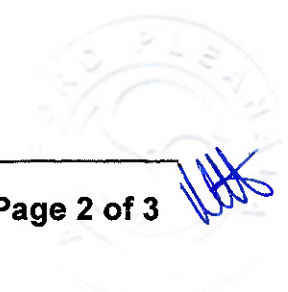
points), bicycle spaces and all other site development works and services ancillary to the proposed development. Refurbishment of Athenry House which is a protected structure (RPS Ref. 131/NIAH Ref. 30332038) to provide for use as a community and heritage centre along with demolition of ancillary derelict outbuilding, all in the townland of Athenry, Athenry, County Galway.

Decision

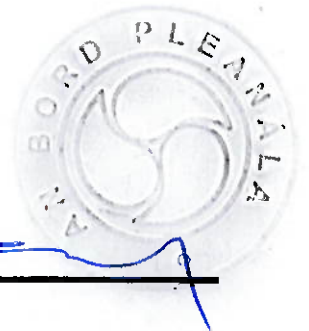
REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

Having regard to Objective AH 2 relating to protected structures in the Galway County Development Plan 2022-2028, it is considered that the position, volume and mass of the supermarket unit towards the northern end of the proposed development, proximate to the protected structure, would adversely affect the character and setting of Athenry House, (Protected Structure Ref 131). The lack of adequate separation distance from the protected structure would detract from the visual amenity of the area and would be contrary to the proper planning and sustainable development of the area. In addition, it is considered that the proximity of Block 7 to the site boundary, resulting in an inadequate provision of private open space to the units therein, would seriously injure the residential amenity of future residents, would be contrary to the relevant provisions of the Galway County Development Plan 2022-2028, would fail to accord with the required standard for residential amenity, as set out in Development Management Standard 2 of the Galway County Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.



The Board noted and shared the view of the Inspector that the reasons for refusal by the planning authority relating to flooding, traffic, car parking, and removal of trees were not warranted. In deciding not to accept the Inspector's recommendation to grant permission, the Board shared the concerns of the planning authority regarding the mass, volume and scale of the supermarket unit towards the northern end of the proposed development and considered that, in its specific form and disposition, proximate to the protected structure, it would adversely affect its character and setting and would, therefore, seriously injure the amenities of the area.



A handwritten signature in blue ink, appearing to read 'Martina Hennessy', is written over a horizontal line.

Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 8th day of December 2023.