



An
Bord
Pleanála

Inspector's Report

ABP-315297-22

Development	Proposed two-storey office extension.
Location	Prospect Townland, Athenry, County Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	22933
Applicant(s)	Athenry Cooperative Livestock Mart Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Don and Anne Ruane.
Observer(s)	None.
Date of Site Inspection	27 th June 2023.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.46ha and is located in the townland of Prospect, within the urban area of Athenry, County Galway. It comprises part of the existing Athenry Mart commercial site. The Athenry Mart site occupies an extensive area and comprises a mix of enclosed animal holding pens and sales rings, associated offices and parking areas.
- 1.2. The site is located toward the north end of the Mart and is to the immediate south of an existing office building on the site, which is occupied by FDB and the Irish Farm Accounts Co-operative (IFAC).
- 1.3. The Mart site is adjoined to the north-west by detached and semi-detached housing along Prospect Road and is adjoined to the east by a Tesco supermarket.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises a two-storey extension to an existing office building, for office use, together with ancillary services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on 11th November 2022, subject to 9 No. conditions.
 - Condition 2 restricted use of the development, with no intensification or change of use without a prior grant of permission.
 - Condition 3 required that all first-floor windows on the north-west elevation shall be obscure glazed unless otherwise agreed.
 - Condition 9 required payment of a financial contribution of €4,092.66.

3.2. Planning Authority Reports

- 3.2.1. Two planning reports have been provided, the first of which is undated and the second of which is dated 10th November 2022. The first report states that the

development is acceptable in this urban location but recommends that additional information be sought regarding potential overlooking from first floor windows on the north-west elevation and proposed car parking arrangements.

3.2.2. The second report followed receipt of the AI response. It summarises and responds to the individual AI response items and recommends that permission be granted, subject to 9 No. recommended conditions. The recommended conditions are consistent with those attached to the final decision.

3.2.3. Other Technical Reports

None received.

3.3. **Prescribed Bodies**

3.3.1. The Planning Report indicates that An Taisce, Failte Ireland, the Department of Housing, Local Government and Heritage and the Heritage Council were consulted on the application but did not make a submission.

3.4. **Third Party Observations**

3.4.1. A single third-party submission was received, the issues raised within which can be summarised as follows: -

- Overdevelopment,
- Impact on Architectural Conservation Area,
- Residential amenity, including overlooking and privacy,
- Overshadowing,
- Disruption associated with mart activities,
- Structural impacts for adjacent property,
- Availability of alternative locations within the mart site,
- Road safety and traffic

4.0 Planning History

- 4.1. The site has an extensive planning history, associated with its operation as a livestock mart.

5.0 Policy Context

5.1. Galway County Development Plan 2022-2028

- 5.1.1. Athenry is identified as a tier 3 Area of Strategic Potential and Section 2.4.3 states that it is a large economically active service centre that provides employment for the surrounding area.

- 5.1.2. Relevant policies include: -

SS3: Support the development of Athenry as a town of Strategic Potential as outlined in the Core Strategy and Settlement Strategy in order to sustain a strong, vibrant urban centre which will act as an important driver for the local economy, reduce travel demand and support a large rural hinterland, while providing a complementary role to the Key Towns and MASP and the smaller towns and villages in the County.

CGR1: To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. Development of lands with no links to the town or village centre will be discouraged.

5.2. Athenry Local Area Plan 2012-2018

- 5.2.1. The lifetime of the LAP was extended by a further 5 years, to 22nd May 2022, and has not been updated or replaced at the time of this report. It continues to contain the development strategy for Athenry, including land use zonings.

- 5.2.2. The subject site is zoned 'Commercial / Mixed Use', with an objective to '*Promote the development of commercial and complementary mixed uses on suitable lands that can provide focal points for the provision of services to surrounding neighbourhoods/areas and opportunities for commercial enterprises, retail developments and employment creation and which do not undermine the vitality and viability of the town centre*'.

5.2.3. Relevant objectives include: -

ED3: Facilitate and encourage the establishment of industry/business/enterprise which are considered compatible with surrounding uses on suitably zoned sites. Where such uses are developed adjacent to residential areas and community facilities, buffer zones shall be provided as well as adequate screening in the form of planting, landscaping as appropriate.

ED6: Encourage the provision of high quality designs (including variations in design and scale), layout, boundary treatment and arrival views of development within Industrial (I), Business and Enterprise (BE) Business and Technology (BT) and Commercial/Mixed Use (C2) zones in order to positively contribute to the character and visual amenity of the area.

TI3: Promote Athenry as an integrated transportation location which supports the provision of improved and enhanced public transport services and facilities, including rail, bus services, the Rural Transport Initiative, park and ride facilities and all associated ancillary requirements.

- Support the provision of an integrated public transportation facility/hub (with all the required ancillary services) which is located in proximity to the railway station in consultation with public transport providers and local landowners.
- Seek to provide enhanced public access between the Railway Station and its existing parking facilities.
- Support the provision of parking facilities in proximity to public transportation nodes to facilitate sustainable patterns of commuting to/from Athenry.

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or in the vicinity of any designated European site. The closest such site is Galway Bay Complex SAC (Site Code 000268), which is c.10.5k west.

5.4. EIA Preliminary Screening

- 5.4.1. The proposed development comprises an office extension with a stated gross floor area of 314.82sqm. It does not constitute a prescribed class for which EIA or a screening for EIA could be required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows: -

- The proposal includes works outside the red line boundary.
- The proposal is a standalone building that is not accessible from the existing building. There are other locations within the mart site, which do not give rise to disruption such as overlooking, overshadowing, noise and damage.
 - The proposal will overlook and overshadow the appellants' home.
 - Incorporation of opaque glazing, as was required by the Planning Authority, is inadequate. Consideration should be given to omission of windows in favour of rooflights.
 - The development will also interrupt skyline views.
- The proposed layout is illogical and haphazard, with reference to access points and the incorporation of graduated ridgelines and window opens. The development is contrary to objective ED6 of the development plan.
- Parking proposals on the site are inadequate to serve existing and proposed developments. The mart site currently operates over-capacity, in terms of parking spaces.
- The mart is now an intensive operation and gives rise to tailbacks on the road on days of operation. The site access layout is also inadequate.
 - Proposals at the AI stage to incorporate alternative queueing procedures and pavement markings within the site are insufficiently detailed. A complete redesign of the access junction is required.

- Other commercial development in the area (constructed and planned) has given rise to increased traffic on Prospect Road, which affects access to the subject site. The development is contrary to policy TI 3 of the Athenry Local Area Plan.

6.2. Applicant Response

6.2.1. A submission was made on the applicant's behalf on 19th January 2023, by John Diskin & Associates Consulting Engineers Limited. Its contents can be summarised as follows: -

- Additional maps/drawings that may be required, associated with the additional information, can be provided should the Board require same.
- The occupier of the first floor of the office building on the site requires additional space, which has given rise to the proposal. The occupier does not wish to occupy physically separate buildings.
- The proposed layout and graduated heights are reflective of site conditions and are a requirement in order to allow access through to the existing building's first floor.
- A consistent ridge height would also result in a rectangular, unattractive design.
- There are no views of the appellant's rear garden from windows within the extension.
- A footpath / planted area will be provided adjacent to the shared boundary with the appellant and will no longer be possible to park in this area.
- Comparison of the mart to a shopping centre is not unreasonable. Should it be required, additional parking can be provided on the applicant's landholding.
- Sightlines at the site access accord with County Council requirements.
- Any queueing on very large sale days will be addressed by the proposed off-road queueing system proposed at the AI stage. Pedestrian movement and safety are also covered within the AI submission.
- Operations at the mart are now of a reduced scale to what they were 20/30 years ago and are typically concluded by 5-6pm.

- The Mart requires income that is not dependent on animal sales and the existing and proposed office provide a supplementary income. It is not an extension of the mart operation.
- The development will have a minimal impact on the appellants' residential amenity.

6.3. **Planning Authority Response**

6.3.1. None received.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. None.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Principle of development,
- Impact on residential amenity,
- Access, and
- Appropriate assessment.

7.2. **Principle of development**

7.2.1. The proposed development comprises a two-storey office extension, which would be functionally linked to an existing office building at first floor level in order to provide an enlarged floorplate for the existing occupier, IFAC. In responding to the appeal, the applicant states that IFAC requires additional floorspace and that all floorspace is required in one unit.

- 7.2.2. In justifying the development, the applicant states that the Mart requires income that is not dependent on animal sales and that both the existing and proposed offices provide a supplementary income.
- 7.2.3. I consider the proposed development is consistent with the Commercial / Mixed Use zoning that applies under the local area plan, is consistent with the established pattern of development on the site and is consistent with objective ED3 of the local area plan and SS3 of the county development plan, which together support development that enhances Athenry's role as a driver of the local economy. I therefore consider the development is acceptable in principle, subject to consideration of other relevant factors below.

7.3. Impact on residential amenity

- 7.3.1. The proposed development has a traditional 2-storey, pitched roof design. It incorporates a maximum ridge height of 9.7m and steps up from the existing building in 2 No. graduated steps that are separated by projecting parapet elements. It has a stated gross floor area of 314.8sqm.
- 7.3.2. The appellant argues that the proposal will overlook and overshadow their home and that there are other locations within the Mart site that would not give rise to disruption such as overlooking, overshadowing, noise, etc. He further argues that incorporation of opaque glazing, as was required by the Planning Authority in its decision, is inadequate and that consideration should be given to omission of windows in favour of rooflights.
- 7.3.3. In responding to the appeal, the applicant submits that there are no views of the appellant's rear garden from windows within the extension and that the proposed layout and graduated heights are reflective of site conditions and are a requirement in order to allow access through to the existing building's first floor.
- 7.3.4. The appellant's home is adjacent to the north-west site boundary and is separated from the proposed development by c.17m. There is a block wall of graduated height along the shared boundary, which steps up from c.1.8m high parallel to the front and side of the house, to c.3m high parallel to the rear garden.
- 7.3.5. There are 5 No. north-west facing first floor windows within the existing building and a further 5 No. north-west facing first floor windows within the proposed extension,

which are likely to have a view of the appellant's rear garden. I note in this respect that the Planning Authority required that all proposed first floor windows on the north-west elevation shall be obscure glazed, which I consider is a sensible and practical form of mitigation.

- 7.3.6. Other options such as omitting windows in favour of rooflights, as the appellant requests, or the incorporation of high-level windows would, in my view, have a detrimental impact on the appearance of the building and would not result in any improved relationship between the properties.
- 7.3.7. Regarding potential overshadowing, the development has a similar overall height and built profile to the existing office building. It is located south-east of the appellant's house, where it may give rise to some limited overshadowing in morning times. This said, I am satisfied that the appellant's home and garden will continue to receive adequate access to light in the afternoons and evenings. I do not consider that any limited overshadowing arising would justify a refusal of permission.
- 7.3.8. Concerns regarding noise appear to relate to the Mart business, which is not affected by the proposal. As an office development, I do not consider any significant or unacceptable noise issues are likely to arise.

7.4. Access

- 7.4.1. The Mart site includes a wide access junction from Prospect Road, which provides a delivery/service entrance at the north end of the site and a separate car park entrance immediately to its east. There is also an informal parking area to the front of the existing office building, between the access points. The car park contains 118 parking spaces, and the informal parking area is shown to contain 5 spaces, 123 spaces total. A further 107 No. spaces are identified at the rear of the site, for the dedicated use of delivery/collection vehicles.
- 7.4.2. The appellant expresses a number of concerns regarding parking and road safety, stating that the mart operation gives rise to queueing along Prospect Road on sales days and that there is insufficient parking on the site.
- 7.4.3. In responding to the appeal, the appellant states that queueing on Prospect Road and on-site parking arrangements will be resolved by a new internal circulation route layout.

- 7.4.4. Parking proposals were clarified at the AI stage, where the applicant outlined that the existing and proposed office uses generate a requirement for 36 spaces under the terms of the development plan. These spaces are identified on Drawing Ref. Athenry Mart 2022_11_A, with parking spaces for the proposed office (17 proposed) to the rear of the building and abutting the Mart building and with parking spaces for the existing office (20 identified) within the car park and area to the front of the building.
- 7.4.5. I consider the proposal to provide parking spaces for the proposed building to the rear of the building and abutting the Mart building is inappropriate and is likely to lead to conflict with delivery vehicles on busy sales days. The proposed spaces arrangement will also create pedestrian/motorist conflict, where pedestrians will be required to walk between delivery vehicles in order to access the office building. I consider these spaces should be provided within the existing car park and recommend that a condition be attached to this effect, in the event the Board decide to grant permission.
- 7.4.6. Consideration must also be given to parking for the Mart use, given the car park is shared. This aspect of the site operation was also clarified at the AI stage, where the applicant identified a combined sales ring gross floor area of 613.67sqm (sales rings 1, 2 and 3) and an offices gross floor area of 610.2sqm. Under the terms of the development plan, the office element generates a requirement for 24 spaces in this urban location. The combined office uses on the site therefore generate a requirement for 60 spaces.
- 7.4.7. The development plan does not specify a minimum parking requirement for a mart use but I am satisfied that the remaining 63 No. spaces are adequate in this location. I note in this regard that the applicant states that mart activities have changed in recent times, that sales ring No. 3 is no longer in use and that technology allows farmers to conduct their business remotely, rather than stay at length on sales days. The additional 107 No. parking spaces at the rear of the site are also likely to alleviate pressure on the main carpark, particularly given they are for the dedicated use of farmers buying and selling at the Mart.
- 7.4.8. Regarding the issue of queueing on Prospect Road, the applicant acknowledged at the AI stage that on large sales days (usually 2 to 3 times per year) vehicles can be caused to queue along Prospect Road. To address this, it is proposed to create a

formal off-road layout of 4m wide queueing lanes in the area leading up to the point where animals are discharged to the care of the Mart.

- 7.4.9. Drawing Ref. Athenry Mart 2022_11_A identifies the proposed queueing layout and based on a parking bay of 10m, the layout allows for containment of c.25 vehicles. Taken together with the dedicated parking area for the delivery vehicles, I am satisfied that this approach will address queueing on Prospect Road. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to submit and agree proposals for a parking management plan, which should outline how the queueing system will be implemented on busy sales days.

7.5. Appropriate Assessment

- 7.5.1. The site is not located within or in the vicinity of any designated European site. The closest such site is Galway Bay Complex SAC (Site Code 000268), which is c.10.5k west. There are a number of other European sites within a 15km search.
- 7.5.2. The site is located on brownfield land, within the urban area of Athenry, and within an existing commercial site, Athenry Mart. Foul water is proposed to drain to the public network and surface water is proposed to be stored in harvesting tanks, where it will be used to wash animal holding pens on sales days.
- 7.5.3. Having regard to the nature and characteristics of the development, the site's locational context and the separation distance from any European site, I am satisfied that there is no possibility of significant on any European site, in view of its conservation objectives. I therefore conclude that appropriate assessment is not required.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the following reasons and considerations, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the Commercial / Mixed Use zoning which applies to the site under the Athenry Local Area 2012 – 2018, together with the character and pattern of development on this commercial site, it is considered that subject to compliance with

conditions set out below, the proposed development would not seriously injure the amenity of residential property in the vicinity and would contribute to or cause a traffic hazard. The proposed development would therefore be in accordance with the provisions of the Athenry local area plan and the Galway County Development Plan 2022 - 2028 and would also accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by additional information submitted on 20th October 2022, 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 agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Proposed parking spaces 1-17 identified on drawing No. Athenry Mart 2022_11_A shall be omitted and commensurate parking to serve the proposed office building shall be provided within the existing car park, in accordance with details to be submitted and agreed with the Planning Authority prior to occupation of the building.</p> <p>Reason: In the interest of road safety.</p>
3.	<p>The proposed queueing and parking layout shall be delineated on the site in a permanent surface finish prior to the commencement of development.</p> <p>Reason: In the interest of road safety.</p>
4.	<p>Prior to the commencement of development the applicant shall submit a car parking management plan for the entire Athenry Mart site, which shall include details of implementation of measures for the management of on-site queueing lanes.</p>

	Reason: In the interest of road safety.
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Barry O'Donnell
Planning Inspector

17th July 2023.