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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 19/1342**

**Appeal** by Norbert Walsh care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 22<sup>nd</sup> day of October, 2019 by Galway County Council to refuse permission to the said Norbert Walsh for the proposed development.

**Proposed Development:** (1) For the complete sub-division of building from that as previously granted under planning references 02/2908 and 11/142, and to include other light industry joinery manufacturing with ancillary storage with that previously approved (fitted kitchen manufacturing). (2) To upgrade the existing heating system to allow renewable energy sources of solar panels and ground to air heat pumps. (3) The refurbishment of the external building envelope, mainly the roof and external walls. All at Carnmore West, Oranmore, County Galway.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the established light industrial use on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The use hereby permitted shall be for light industrial purposes only. No retail or wholesale sales of products shall take place on the subject site.

**Reason:** In the interest of clarity.

3. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development. This scheme shall provide for adequate measures relating to future maintenance of the development including landscaping, roads, paths, parking areas, lighting, waste storage facilities, sanitary services together with management responsibilities and maintenance schedules.

**Reason:** To provide satisfactory future maintenance of this development in the interest of visual amenity.

4. Details of the external finishes associated with the structure shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

5. No additional floorspace shall be formed by means of an internal vertical division within the building hereby permitted unless authorised by a prior grant of permission.

**Reason:** In order to control the intensity of development in the interest of residential amenity.

6. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

**Reason:** In the interests of visual and residential amenity.

7. All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed building.

**Reason:** In the interest of visual amenity.

8. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the amenities of the area.

9. All plant and machinery shall be enclosed and soundproofed in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To safeguard the amenities of adjoining property.

10. The light industrial premises shall not operate outside the hours of 0800 to 1900 hours from Mondays to Saturdays inclusive and not at all on Sundays or public holidays.

**Reason:** To safeguard residential amenities of property in the vicinity.

11. 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.

**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.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**