

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 23/61131

Appeal by Michael Burke care of Andrew Hersey Planning of 3 Atlantic View, West End, Kilkee, County Clare against the decision made on the 15th day of November, 2023 by Galway County Council to grant subject to conditions a permission to Cabriz Limited care of Archeco of Mulroog East, Ballinderreen, Kilcolgan, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: (1) Construction of a warehouse unit including ancillary office space and delivery area; (2) use of two number existing site entrances onto existing roadway servicing Cottage Hill Commercial Park; (3) connection to existing services; (4) hard and soft landscaping; (5) provision for car parking, bicycle parking, bin stores and lighting together with all associated site works and services at Gorteenabohogy, Loughrea, 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.

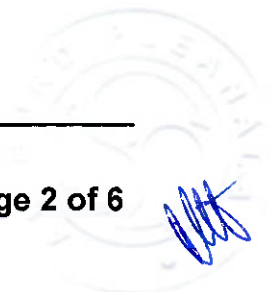
Reasons and Considerations

Having regard to the policies and objectives of the Galway County Development Plan 2022-2028 and given the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed construction of a warehouse at this location aligns with the long term vision for the area, would not adversely affect the visual amenities of the area and would be acceptable in terms of traffic safety. The Board was also satisfied that the applicant has demonstrated adequate consent to connect into the existing wastewater treatment system. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

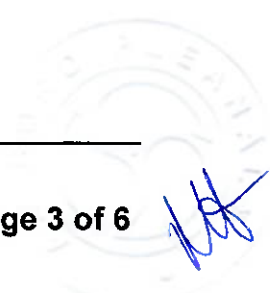
1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further particulars received by An Bord Pleanála on the 16th day of January, 2023, except as may otherwise be required in order to comply with the following conditions. Where 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.

Reason: In the interest of clarity.



2. (a) The development shall only be used for warehousing/storage. The development hereby permitted shall be used solely as indicated in the submitted plans and documentation in support of this application for use as a warehouse / storage unit. No part of the development shall be used for retail or manufacturing purposes. No intensification or change of use shall take place without the prior grant of planning permission whether or not such a change of use would otherwise constitute exempted development.
- (b) No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.
- (c) No additional floorspace shall be provided in any unit, either by way of sub-division of any unit, or the provision of mezzanine floorspace, or otherwise, without a prior grant of planning permission.
- (d) No goods, raw materials or waste products shall be placed or stored between the front of the building and the road.

Reason: In the interest of proper planning, public health and visual amenity.



3. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Éireann.

Reason: In the interest of public health.

4. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

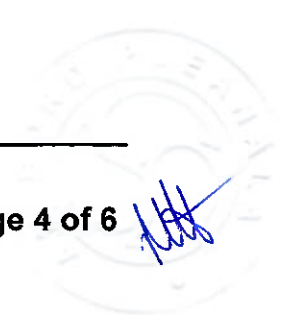
Reason: In the interest of environmental protection and public health.

5. The layout, marking and surfacing of the car parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.



7. Site development and building works shall be carried out only between the hours of 0700 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.

Reason: In order to safeguard the amenities of property in the vicinity.


8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.



9. 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.



Martina Hennessy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 10th day of July 2024

