



Development	Planning permission for alterations to elevations of commercial unit comprising: New wall with punch windows in elevations, new roof plant, new external lift core, new balustrade to balcony, lift shaft and risers in basement car park area, two plant areas adjacent to ground floor and all associated site development works.		
Location	Oranmore Business Park, Carrowmoneash, Oranmore, County Galway.		
Planning Authority Ref.	22/1265		
Applicant(s)	Siorop Investments Ltd.		
Type of Application	Permission.	PA Decision	Grant Permission.
Type of Appeal	Third Party(s)	Appellant	Oranmore Autowash Ltd & Forth Concepts Ltd.
Observer(s)	None		
Date of Site Inspection	14/02/24	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

1.1 The appeal site is located within the Oranmore Business Park and comprises part of a three and four storey commercial building that has the benefit of dual frontage onto the R381 (formerly the N18) and also onto the internal access road

within the Business Park. The eastern section (majority) of the commercial building is currently vacant (this part is specifically part of this appeal), with an operational cinema occupying the western part of the building. The building is located on a site area of 0.571 hectares on a prominent site within the Business Park on the outskirts of the settlement of Oranmore, which is located within the designated settlement boundary of Oranmore, north of the town centre.

1.2 The appeal site is part of the overall Oranmore Business Park, with the Maldron Hotel complex and leisure centre located immediately south of the appeal site, a car parts and servicing business to its west within the Business Park and a car sales and auto wash business immediately north of the appeal site, outside of, but immediately adjacent to the Business Park and accessed directly onto the R381. Site levels within the appeal site are consistent with those of the R381. Immediately south and east of the building is a surface car park area and there are two levels of basement car parking beneath the building. The appeal site comprises a prominent site, site number 17 within the Business Park. The Business Park is served by an internal access road, footpaths and streetlighting. The vacant part of the building/site is fenced off at present. There is a low walled boundary (approximately 1.2 metres) located along the southern and eastern site boundaries.

2.0 Proposed development.

Planning permission is sought for alterations to the elevations of a commercial building comprising the following:

- New external wall with punch windows within the northern and southern elevations.
- Punch windows within the eastern elevation.
- Roof plant within a timber enclosure.
- New external lift core.
- New balustrade on existing second floor balcony.
- Alterations to basement car park to facilitate provision of lift shaft and risers.
- Provision of two plant areas at ground floor level adjacent to building.

- All associated site development works.

3.0 Planning Authority's Decision:

The Planning Authority granted planning permission for the alterations to the commercial building subject to ten conditions of a standard nature and included the following:

Condition number 3: Window types.

Condition number 4: Sight distance triangles to be maintained.

Condition number 5: Construction hours.

Condition numbers 8 and 9: Advertising signage.

4.0 Planning History

The following is considered to be the relevant planning history pertaining to the appeal site.

Planning Authority reference 16/1381, in 2016, Siorap Ltd were granted planning permission for permission for a change of use from entertainment and restaurant uses to office use, including installation of mezzanine floor within double height space, insertion of glazed atrium to rear of building, amendments to front and rear facades and amendments to roof plana and screening.

Planning Authority reference 21/1635, in 2021, Siorap Ltd were granted an extension of duration of planning permission for a change of use from entertainment and restaurant uses to office use as previously permitted under planning reference 16/1381. The permission was extended until the 31st day of October 2026.

5.0. Local Planning Policy

5.1 Galway County Development Plan 2022 -2028

The Galway County Development Plan 2022 -2028 was adopted by the Planning Authority on 9th May 2022 and came into effect on the 20th day of June 2022.

One of the overarching aims of the plan is to: Promote the creation of an attractive county to live, work, visit and enable businesses to flourish in an environment that

offers a range of housing options, robust and diverse range of employment opportunities, access to quality infrastructure and community facilities with a high-quality sustainable environment for all.

The site has the benefit of a C2-Commercial/Mixed use land use zoning objective as per the current Oranmore Settlement land use zoning map. The zoning objective is: To provide for 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 development and employment creation and which do not undermine the vitality and viability of the town centre.

Description: To facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new high quality commercial/mixed use developments in a good quality physical environment.

Oranmore (including the current appeal site) is located within the of the boundary of the Galway Metropolitan Area and of the Galway City Transport and Planning Strategy (GCTPS).

Chapter 5: Economic Development, Enterprise and Retail Development

The following policy objectives are considered to be of relevance in this instance:

EL1: Key Employment Locations

It is an objective of the plan to continue to deliver and enhance key employment locations and supporting infrastructure within the county. Economic development will be promoted within locations listed in Table 5.4 in order to secure the county's continued economic development.

The objectives for these main employment locations include:

- To upgrade, improve and maximise the infrastructural facilities available within the MASP area, key towns and the strategic economic corridor.
- To seek to reserve lands to support nationally and regionally significant activities and to attract specialist enterprise development that is large scale or high value.
- To facilitate opportunities for science and technology-based employment.
- To ensure development is compatible with the enhancement, preservation and protection of the environment and recognised cultural resources.
- To identify sites of adequate size and location to accommodate necessary infrastructure or support activities which would not be appropriate in proximity to centres of population or sensitive environments or environmentally sensitive economic activities.

5.2 Natural Heritage Designations

The closest designated European Sites are the Galway Bay Complex SAC (site code 00268) and the Inner Galway SPA (site code 004031), both located approximately 710 metres south-west of the appeal site.

The site is located approximately 710 metres east of the Galway Bay Complex pNHA.

6.0 The Appeal

6.1 Third Party Appeals.

Appeal by Forth Concepts Ltd.

- The Planning Authority did not afford adequate weight or regard to their observation in their assessment of the proposals.
- The appellants strongly object to the proposals and submitted a copy of their observation that they had previously submitted to the Planning Authority.

- Limited information was submitted by the applicants in relation to future development on the appeal site and the intended use of the building.
- The appellants have a valid lease on their property and do not wish for their future plans to be obstructed or interfered with.
- The proposed windows on the northern elevation will adversely impact the privacy of their commercial property and lead to a devaluation of same.

Appeal by Oranmore Autowash Ltd:

- The Planning Authority did not afford adequate weight or regard to their observation in their assessment of the proposals.
- The applicants entered onto the adjoining property to the north of the appeal site and took photographic images without the appellant's consent.
- The name of the applicants has altered between Siorap Ltd and Siorap Investments Ltd.
- The applicants are not the owners of the appeal site as set out within their Planning application form.
- The Planner's Report was stated to be subject to restricted viewing as per the Galway County Council planning search tool.
- The extension of duration application made by Siorap Ltd in 2021 should not have been accepted, as they were not the legal owners of the appeal site.
- When the 2016 application was being made on the appeal site for a change of use, the applicant's company had been dissolved and the planning permission had no legal standing.
- No weight or regard was had to the fact that the appellants have operated a commercial business for the past nine years adjacent to the appeal site.
- The proposals would prejudice the appellants business and obstruct potential expansion of the appellants business and result in its devaluation.

- The windows on the northern elevation would adversely impact the development of the property on which they are lease holders.
- The Planning Authority did not afford adequate weight or regard to the future plans of the appellants to develop their commercial business on the site immediately north of the appeal site.
- The proposed northern elevation windows would be compromised by future development proposals of the appellants in terms of adequate daylight.
- The applicants have not stated the intended purpose for the proposed alterations. We believe that it may be an attempt to change the use of the building to a residential use.
- The windows on the northern elevation will adversely impact the privacy of their commercial property and lead to a devaluation of same.
- The windows on the northern elevation will adversely impact the privacy of their commercial property and raises concerns regarding future uses within the appeal site.
- The issues raised are potentially issues that could be raised under judicial review on points of law and jurisdiction, public interest and the common good.

6.2 P.A. Response

- None.

6.3 Applicant Response to third parts appeal submissions

- The appeal site has the benefit of a C2-mixed use/commercial land use zoning objective as per the current Galway Development Plan 2022-28.
- The development complies with the provisions of all relevant local and national planning policies and objectives.
- The proposals provide for internal and external alterations to an existing commercial building.

- The appellants' submissions relate to potential impacts upon the adjoining commercial premises.
- The appellants specifically reference the alterations to the northern elevation. These alterations would involve the provision of additional window openings on that elevation. The permitted use of the appellants site is commercial as is the permitted use within the appeal site.
- Typically, impact on privacy and amenity are associated with residential land uses. In this instance, the adjoining commercial land uses are ones where there is not any privacy or amenity to be maintained. The windows on the northern elevation will overlook a car wash and a storage yard.
- The appellants have not demonstrated any sensitivity within the adjoining premises which would require consideration in terms of privacy or amenity.
- There is no use ongoing within the adjoining site to the north that requires specific consideration in terms of privacy or amenity. Both adjoining businesses operate within standard commercial operating hours.
- No amenity or privacy issues arise in this instance.
- The appellants have not demonstrated that the development potential of the adjoining site to the north would be compromised in any way.
- There are no permissible uses facilitated under the land use zoning objective that would in any way be affected by the provision of windows on the northern elevation.
- No adverse impact upon the development potential of the adjoining site to the north would arise from the northern elevation alterations.
- The Planning Authority deemed that the public notices accorded with the provisions of the current Planning and Development Regulations.
- The proposals would comply with the policies and objectives as set out within the current Galway Development Plan 2022-28 and with the proper planning and sustainable development of the area.

- The applicants request that the decision of the Planning Authority be upheld by the Board.

7.0 EIA Screening - Having regard to the relatively minor nature of the alterations to the commercial building and its location removed from any sensitive locations or features on zoned serviced lands within a brownfield site, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - The subject site is located approximately 710 metres northeast of the Galway Bay Complex SAC (site code 00268) and the Inner Galway SPA (site code 004031). I consider that the alterations to the elevations are not so significant as to adversely impact upon the Galway Bay Complex SAC nor the Inner Galway Bay SPA both of which are located approximately 710 metres south-west of the appeal site and on the opposite side of the N67 National Secondary Route. Having regard to the location of the development on a brownfield site, the relatively modest scale of the alterations, the fully serviced nature of the site, the lack of suitable habitat within the appeal site boundary and the separation distance from Natura 2000 sites and unlikelihood of ecological/hydrological connectivity to any European site via surface or groundwater. I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to result in significant effects arising within a European site (s), in view of the sites' conservation objectives and, therefore, a Stage 1 Appropriate Assessment screening, is not required in this instance.

2.0 **Assessment**

2.1. **Introduction**

2.1.1. The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of development.
- Design and Layout
- Other Matters

2.2. **Principle of Development**

2.2.1. The appeal site comprises an existing commercial building located on lands zoned as C2-mixed use commercial within the current Development Plan and within an existing and permitted Business Park. The land holding (commercial building) has been split into two for the purposes of this application. Part of the building (outside of the ed line application site boundary) is currently occupied a cinema and the remainder of the building (within the re line application site boundary) is vacant. However, the building has been constructed as one unit and subdivided into different uses, leisure and entertainment use and office. The appeal site in a prominent one, at the main entrance to the Business Park and I consider that it would be beneficial to maintain occupancy within the building and this would accord with the economic policies and objectives as set out within the current Plan, specifically EL1 where the objective is to deliver and enhance employment at key locations including within the MASP area, which includes Oranmore.

2.2.2. No change of use is proposed under the current proposals, therefore, the uses proposed will remain as permitted under planning reference 16/1381 which relate to office use (not yet implemented) or to remain as originally permitted for entertainment and leisure uses. Therefore, on balance, I am satisfied that the internal and external alterations proposed are acceptable in principle, subject to a suitable design and layout being proposed and that any neighbouring businesses

would not be adversely impacted upon. These are matters that will be addressed later within this assessment.

2.2.3. In conclusion, I consider that the alterations are of a relatively modest nature and would in my opinion enhance the aesthetics of the building, in terms of providing greater architectural expression within the elevations in accordance with policy objective EL1. These are matters which will be addressed in greater details within Section 2.3 of this report below.

2.3. **Design and Layout**

2.3.1 The external alterations to the elevations would mainly comprise of punch window ope in the northern, southern, and eastern elevations, new external lift core and provision of new balustrade to serve the existing second floor balcony and two plant areas adjacent to the ground floor level. Other alterations are internal in nature and concerns changes within the basement area.

2.3.2 The appellants' businesses are located immediately north of the appeal site. They set out that the alterations to the northern elevation could compromise the future viability of their businesses or adversely impact their privacy or amenity. The lands within the Oranmore Business Park and in its vicinity are zoned C2-mixed use commercial. Therefore, I consider that the issue of adversely impacting privacy or amenity does not arise in this instance, as these are not key considerations when assessing impact of alterations to a commercial premises within a specifically designated commercial district.

2.3.3 In terms of the issue of adversely impacting their future viability. The appellants have failed to demonstrate how the proposals for the northern elevation would adversely impact the ability of the appellants to develop their site or their future viability. I am of the opinion that neither the car wash nor car sales business's ability to trade will be adversely impacted by the proposals. Each proposal is assessed on its individual merits.

2.3.4 I am satisfied that the external alterations to the commercial building, mainly comprising punch hole fenestration detail and the replacement of a second-floor

balustrade on the southern elevation will enhance the aesthetics of this commercial building. The proposals could improve the prospects of gaining an occupancy within the remainder of the commercial building which would be of benefit to the overall Oranmore Business Park and in terms of generating increased employment in Oranmore.

2.3.5 In conclusion, I am satisfied that the alterations proposed will integrate appropriately with the commercial building on site in terms of scale, proportion and finishes and are acceptable. They would accord with the policy objectives EL1 as set out within the current Development Pan, in relation to delivering and enhancing employment opportunities at key employment locations, which include Oranmore given its location within the designated Galway Metropolitan Area. I am satisfied that the proposals will not adversely impact the ability of the neighbouring commercial businesses to trade now or into the future by reason of overlooking or overshadowing due to the generous separation distances between the buildings within this commercial context.

2.4. Other Matters

2.4.1. The appellants raised the issues of the proposals lacking clarity in relation to the intended uses within the commercial building. From the planning particulars submitted including the public notices; I note that no change of use is proposed within the current proposals, which relate to internal and external alterations. A change of use of the building was permitted by the PA in 2016 and extended in 2021 from entertainment and leisure uses to office use. The office use has not been implemented to date within the building. The issue of use, therefore, does not form part of this assessment.

2.4.2. The appellants set out that the Planning Authority did not give due weight or consideration to their observations. I note that the Panning Authority within its assessment considered the principle of the development, the merits of the internal and external alterations having regard to the existing and permitted uses within the appeal site and within the neighbouring sites. The applicants acknowledge that the alterations proposed represent a departure from the building permitted on site. The extent of the departure is clearly set out within the planning documentation submitted

and assessed within Section 2.3. of the report above. The alterations are significant enough to require planning permission. However, I consider that the departure has been clearly illustrated and justified within the planning documentation submitted, in terms of the commercial uses permitted within the site and the Business Park and the land use zoning that pertains to this site, which is considered to be acceptable.

2.4.3. The appellants have raised issue of devaluation of their property that would arise as a result of the development proposals. The appellants have failed to submit any documentary evidence to substantiate this claim. In the absence of such documentary evidence, I am not satisfied that this claim can be substantiated and therefore, I do not consider it appropriate to assess this issue any further within this report.

2.4.4. The appellants raise the issue of the applicants using different company names between historical planning applications made within the appeal site and within the current planning application. I note that the planning documentation submitted with the current appeal reference the name Siorop Investments Ltd. I note that the previous applications made in relation to the appeal site, in 2016 for the change of use application and in 2021 for the extension of duration application, were made on behalf of Siorop Ltd. Therefore, there is a discrepancy in terms of the applicants' name used between the last number of planning applications within the appeal site. The Board may wish to investigate this issue further if they deem appropriate.

2.4.5. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Board sufficient comfort to permit the alterations to the commercial building as proposed.

3.0 **Recommendation**

I recommend that planning permission for the alterations to the commercial building be granted.

4.0 **Reasons and Considerations:**

Having regard to the location of the site within a serviced urban area to the compliance with the economic policies and objectives of the Galway County Development Plan 2022-2028, specifically EL1 in relation to the enhancement of key employment locations including Oranmore, part of the Galway Metropolitan Area, to the acceptable scale and design of the alterations, and to the pattern of commercial development in the area, it is considered that subject to compliance with the conditions set out below, the development would integrate appropriately with the existing commercial building on site and not adversely impact the aesthetics within the Business Park nor the neighbouring commercial development. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 **Conditions**

- 1 The development shall be constructed in accordance with the plans and particulars lodged with the application on the 23rd day of December 2022 as submitted to the Planning Authority, 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 Details of the materials, colours, and textures of all the external finishes to the development, including details the balustrade shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

- 3 (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roof, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of proper planning and sustainable development.

- 4 Details of external signage shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason; In the interest of architectural heritage.

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.

Fergal Ó Bric

Planning Inspectorate

21st day of March 2024