

An
Bord
Pleanála

Board Direction
BD-009342-21
ABP-310670-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/10/2021.

The Board decided by a majority of 2:1 to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the City Centre zoning objective for the site "To provide for city centre activities and particularly those which preserve the city centre as the dominant commercial area of the city" according to the Galway City Development Plan, 2017-2023, to the transitional nature of the site location peripheral to the city centre's principal shopping streets and to the mix and range of uses in the existing Fairgreen House building and in the immediate vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning objective for the site and subject to compliance with the conditions set out below, would not seriously injure the amenities of the adjoining properties or the overall area. 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 as amended by the further plans and particulars submitted on the 15th day of April 2021 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. Prior to the commencement of development, the applicant shall submit and agree in writing with the planning authority, full details of all external finishes.

Reason: In the interest of visual amenity.

3. Prior to the commencement of the development, the applicant shall submit to, and agree in writing with, the planning authority, a floor plan at a scale of not less than 1:100 showing full details of the internal layout for the proposed gaming use and full details of the machines to be installed for use by patrons.

Reason: In the interest of clarity.

4. Details of all external shopfronts and signage 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/visual amenity.

5. The premises shall not be used for the sale of or the consumption of alcohol on or off the premises unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity and the protection of the amenities of the area.

6. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
- (b) All windows and roof lights shall be double-glazed and tightly fitting.
- (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity.

7. Water supply and drainage arrangements, including the 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 public health.

8. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

9. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to the gaming use as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

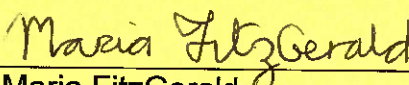
Reason: In the interest of residential amenity.

10. 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.

Note: In deciding to omit the temporary condition proposed by the Inspector, the Board considered that the proposed development would be effectively regulated through the function of the necessary licensing provisions for the development.

Board Member



Maria FitzGerald

Date: 29/10/2021