



Planning and Development Acts 2000 to 2018

Planning Authority: Galway City Council

Planning Register Reference Number: P/DC/3/15/18

WHEREAS a question has arisen as to whether the conversion of existing vacant office space and seminar room to a one-bedroom studio apartment at Ti Choinn, Gleann na Rí, Murrough, Galway, is or is not development or is or is not exempted development:

AND WHEREAS K King Construction Claregalway Limited care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway requested a declaration on the said question from Galway City Council and the Council issued a declaration on the 17th day of September, 2018 stating that the said matter is development and is not exempted development:

AND WHEREAS K King Construction Claregalway Limited referred the declaration for review to An Bord Pleanála on the 15th day of October, 2018:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1) and 4(2) of the Planning and Development Act, 2000, as amended,
- (d) Article 10(1) and 10(6) of the Planning and Development Regulations, 2001, as amended,
- (e) Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Part 1 and Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (g) The planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The conversion of the space, to a one-bedroom studio apartment would comprise a change of use which is material;
- (b) Part of the converted area comprises space which functions as a commons service area for the overall complex, which space is related to the ongoing maintenance and management of the building. It has not, therefore, been demonstrated by the referrer that the space has been vacant for two years or more immediately prior to the commencement of the proposed development, and

- (c) The referrer has not demonstrated that the converted space was not granted permission for a use ancillary to the original student accommodation/residential function of the overall complex, nor that any subsequent planning permission has secured a change to that original use.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the conversion of the ground floor vacant office space and seminar room, for use as a one-bedroom studio apartment at Ti Choinn, Gleann na Rí, Murrough, County Galway, is development and is not exempted development.

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.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.