



An
Bord
Pleanála

Board Order
ABP-310670-21

Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: 20/351

Appeal by CWC Fairgreen Limited care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo against the decision made on the 2nd day of June, 2021 by Galway City Council to refuse permission to the said CWC Fairgreen Limited for the proposed development:

Proposed Development: Permission for development which will consist of change of use of ground floor unit from (permitted) retail to gaming use. The proposed development also includes internal reconfiguration and fit out, construction of access and associated lobby area to existing adjoining multi-storey car park, external signage and branding and all associated and ancillary works and development, all at Fairgreen House, Fairgreen Road/Bothar Pairc An Aonaigh, Galway as amended by the revised public notice received by the planning authority on the 6th day of May, 2021 providing for further plans and particulars.

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 condition(s) 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 City Centre zoning objective CC 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" as set out in 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 comply with the zoning objective for the site, would not seriously injure the amenities of the adjoining properties or of the 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 to the planning authority on the 15th day of April 2021 and the 6th day of May, 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, details of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

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 showing 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.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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



Dated this 1st day of Nov. 2021.