



Planning and Development Acts 2000 to 2021

Planning Authority: Galway City Council

Planning Register Reference Number: 21/395

APPEAL by Cornacloy Property Holdings Limited care of MKO of Tuam Road, Galway against the decision made on the 4th day of February, 2022 by Galway City Council to refuse permission.

Proposed Development: Change of use from residential apartments to an apart-hotel use. Internal alterations, including provision of a reception area at ground floor level access and minor unit alteration to create a staff/storage room. All other associated and ancillary site works, all at City Point, Prospect Hill, Galway.

Decision

GRANT permission for the above proposed development for the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature, scale and context of the proposed development, the site location in the centre of Galway city on lands zoned 'CC', where development of the type proposed is compatible with, and would contribute to, this zoning objective as indicated in the Galway City Development Plan 2023-2029, and also having regard to Policy 6.8 'Tourism Sector' of the said development plan and the planning history pertaining to the site with regard to a hotel use at this location, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the planning authority's housing strategy or policies and would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the following matters:

- The site location in the centre of Galway city, a significant tourism hub.
- Tourist related uses are uses which are compatible with, and contribute to, the 'CC' zoning objective applicable to the area as indicated in the Galway City Development Plan 2023-2029.
- The proposed development is supported by Policy 6.8 'Tourism Sector' of the Galway City Development Plan 2023-2029.

- In particular, the Board had regard to the proposed development and planning history pertaining to the site with regard to a hotel use at this location. The Board noted that permission was granted for the demolition of an existing hotel and the development of a new hotel use at this site (planning register reference number 05/944). Permission was subsequently granted for a change of use from hotel to residential use (planning register reference number 06/1032). The Board considered that the proposed development effectively reinstates that previously permitted (and historically existing) hotel use at this city centre location.
- The particular context of the subject apartments in that they are not located within, or contiguous to, other residential areas but are located within/on a building in which all other uses are commercial.
- The Board considered Policy 3.1 'Housing Strategy', paragraph 23, in which it states, inter alia, that there will be a presumption against allowing short-term letting in view of the status of Galway city being defined as a rent pressure zone, but noted that this policy (and legislation cited within that policy) does not impose a complete prohibition on such uses.

Having considered the above matters, the Board determined that the proposed development would not adversely impact on the planning authority's housing strategy and would not set an undesirable precedent for such change-of-use given the site and location-specific considerations arising.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the proposed signage shall be submitted to, and agreed in writing with, the planning authority prior to the letting of any of the aparthotel units.

Reason: In the interest of the amenities of the area.

3. 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.



Tom Rabbette

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 15th day of June 2023.

