



An
Bord
Pleanála

Board Order
ABP-318327-23

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 23119

Appeal by Eastat Limited care of Enviroplan Consulting Limited of Suite Three, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 25th day of September 2023, by Galway City Council to refuse permission for the proposed development.

Proposed Development: Permission for development which will consist of retention of 11 number ensuite bedrooms over first and second floor levels to be used as ancillary accommodation to the hospitality business on the ground floor level (area 222.06 square metres), which was originally under planning authority register reference 93/713, a doctor's surgery in place to first floor level and a six-bed duplex apartment in place to first and second floor levels at 12-14 Prospect Hill, Galway.

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 conditions set out below.

Reasons and Considerations

The Board had regard to;

- (a) the nature of the development, ancillary to the use of a public house;
- (b) the location of the development on City Centre zoned lands, where Tourism related uses are considered compatible under Section 11.2.7 of the Galway City Development Plan 2023-2029;
- (c) the alignment of the proposal with Section 10.2 of the Galway City Development Plan 2023-2029; and
- (d) the provisions outlined within Guidance note for Local Authorities for Regulating Short-Term Letting (July 2019), Department of Housing, Planning and Local Government and Circular PL10/2017 and PL 04/2019 which sets out guidance on planning applications for short-term lettings.

The Board considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or set an undesirable precedent in the context of an ancillary use in a city centre zoning. The development proposed for retention

would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application as amended by further plans and particulars received by the planning authority on the 29th day of August 2023 and by further plans and particulars received by An Bord Pleanála on the 23rd Day of October 2023, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the first and second floor of the premises shall be ancillary to the primary use of public house on site and the entirety of the premises shall be managed as a single entity.

Reason: In the interest of clarity, orderly and sustainable development.

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 within six months from the date of this Order 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.



Mary Henchy

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

Dated this 13th day of June 2024.