

An
Bord
Pleanála

Board Order
ABP-319531-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: S5.3.24

WHEREAS a question has arisen as to whether:

- (a) the change from hotel bedroom accommodation to ancillary hotel restaurant (with bar) use at 3rd floor is or is not development or is or is not exempted development,
- (b) an increase in additional floor area at 3rd floor level is or is not development or is or is not exempted development,
- (c) an increase in additional floor area at lower ground floor level is or is not development or is or is not exempted development,

all at Dean Hotel, 80, 82, 84 and 86 Bohermore, Galway City.

AND WHEREAS Advanced Vision Limited care of Lawrence and Long Architects of 13 Fitzwilliam Square, Dublin requested a declaration on the said question from Galway City Council and the Council issued a declaration on the 20th day of March 2024 stating that the matter is development and is not exempted development,

AND WHEREAS Advanced Vision Limited referred the declaration for review to An Bord Pleanála on the 16th day of April, 2024,

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

- (a) Sections 2(1), 3(1) and 5 of the Planning and Development Act 2000, as amended,
- (b) Articles 3, 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Parts 1 and 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (d) the planning history of the site, and,
- (e) the report and recommendation of the Planning Inspector.

AND WHEREAS An Bord Pleanála has concluded that -

On the basis of the information on file, the original hotel was not fully constructed in accordance with the planning permission (Reference 17/41) granted by the planning authority, the change in location of bar/restaurant and increase in gross floor area at lower ground floor level and third floor level is a material change from the parent permission, and the changes made by the developer in this instance do not accord with Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended);

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

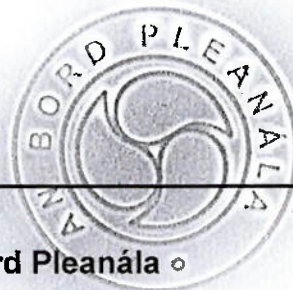
- (a) The change from hotel bedroom accommodation to ancillary hotel restaurant (with bar) use at 3rd floor is development and is not exempted development.
- (b) The increase in additional floor area at 3rd floor level is development and is not exempted development.
- (c) The increase in floor area at first floor level is development and is not exempted development.

Mary Gurrie

Mary Gurrie

Member of An Bord Pleanála

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



Dated this *29* day of *January* 2025.