

An Bord Pleanála
64 Marlborough Street,
Dublin 1,
D01 V902

16 April 2024

AN BORD PLEANÁLA			
LDG-	071195-24		
ABP-			
16 APR 2024			
Fee: €	220	Type:	Chg
Time:	14:26	By:	Hand

BY HAND

**Re: Section 5 Referral with respect to Section 5 Declaration Ref. S5.3.24 –
The Dean Hotel, No. 80 Prospect Hill, No. 82, 84 & 86 Bohermore,
Galway City**

Dear Sir/ Madam,

On behalf of the applicant, Advanced Vision Limited, with an address at First Floor, 55 Percy Place, Dublin 4, we hereby submit a Section 5 Referral to An Bord Pleanala. On 22nd February 2024 a Section 5 Declaration application was made to Galway City Council (Ref. S5.3.24) as to;

“(1) Whether the change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level, is or is not Exempted Development,

(2) Whether an increase to the floor area at 3rd floor level, is or is not exempted development, and

(3) Whether an increase in additional floor area at lower ground floor level, is or is not Exempted development,

At The Dean Hotel 80, 82,84 & 86 Bohermore, Galway City.”

The Section 5 Declaration application was accompanied by drawings which identified the extent of the subject works, on the lower ground floor and third floor respectively. The rationale as to how the subject works can be considered exempted development was set out in the covering letter prepared by this office. An Opinion from a Senior Counsel also accompanied the application.

On 20th March 2024 Galway City Council issued a decision stating that *“it is considered that the change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level, the increase to the floor area at 3rd floor level and the increase in additional floor area at lower ground floor level, is development and not Exempted Development at The Dean Hotel 80,82, 84 & 86 Bohermore, Galway City”*. The relevant Referral Fee of €220 is attached.

The rationale behind the Planning Authority's consideration that the development is *“not exempted development”* can be gleaned from the *“Section 5 Planners Report”*.

On behalf of the applicant, we wish to respond to the content of the Planners report, and submit the Grounds as to why the subject works can be considered exempted development. We are of the opinion that the Planning Authority have not provided sufficient *“Reasons”* or *“Considerations”* for their decision and assessment of this case.

Outstanding Enforcement Issues

It is noted that the planners report states that *“the developer / owners of the hotel building have had scant regard for compliance with the original planning permission granted under Pl. Ref. 17/41”*. On behalf of our client we reject the latter statement and consider it to be entirely incorrect and disingenuous. The applicant has addressed all compliance issues and enforcement queries as they have arisen. The applicant has always responded to everything they were asked to. My clients were very surprised by Galway City Councils responses as well the length of time it has taken to receive responses on items raised by the Council.



In particular, this office has always closely engaged with the Enforcement Section in order to deal with any complaints made by third parties, and there is a substantive paper trail on the enforcement file as well as the planning compliance file to substantiate this fact. In this regard, a list (in chronological order) of the applicants engagement with the Enforcement section is summarised below.

- GCC Warning Letter (Ref. UD18/051) dated 30/11/2022 - Issued by Patricia Philbin, Director of Services, Planning.
- Planning Consultancy Services response to Warning Letter (Ref. UD18/051) dated 07/02/2023
- GCC acknowledgement of response to Warning Letter (Ref. UD18/051) dated 08/02/2023 - Issued by Eithne McKiernan, Staff Officer, Planning Department.
- GCC Warning Letter (Ref. UD18/051) dated 21/08/2023 Issued by Uinsinn Finn, A/ Director of Services, Infrastructure Development and Planning.
- Planning Consultancy Services response to Warning Letter (Ref. UD18/051) dated 15/09/2023
- GCC response to submission dated 16/11/2023 - Issued by Senior Executive Planner Liam Blake.
- GCC Enforcement Notice (Ref. UD18/051 KF/FD/MC) dated 16/11/2023 - Issued by Uinsinn Finn, A/ Director of Services, Infrastructure Development and Planning.
- LL submission of Section 5 application regarding items in above enforcement notice dated 22/02/2024
- GCC acknowledgement of receipt of Section 5 application (Ref. UD18/051 KF/CM/MC) dated 23/02/2024 - Issued by Katie Fahy, Senior Staff Officer, Planning Department.
- GCC decision on Section 5 application (Ref. S5.3.24) dated 20/03/2024 - Issued by James Russell. Planners report by Fiona Glynn. Senior Executive Planner is Liam Blake.

As can be seen, there has been numerous personnel changes in the Council dealing with this file. It would appear that the lack of continuity has affected the resolution of these items, and the newly appointed planning officer may not have been familiar with the history of the file.

The Planners Report also states that *"The Planning Authority have noted that some of the enforcement issues have since been address in a piecemeal fashion see planning ref. No. 22/248 and Ref No. 22/19."* In this regard, it should be noted that the latter applications sought to regularise the relocation of an ESB substation, which was specifically identified as a concern by the Enforcement Section. It should also be noted that a retention application under Pl. Ref. No. 22/248 was permitted by the Planning Authority on 19th December 2022.

The Planners report states that *"An active planning enforcement file exists with regard to this development, with various enforcement issues at hand."*

In response, it is important to note that the **only outstanding enforcement issues** on site relate to the subject works outlined in this Section 5 Referral.

We are of the opinion that the subject works are in fact exempted development and therefore should not be subject to enforcement proceedings. As such, this Section 5 application and Referral has been made in accordance with the *"Guide to Planning Enforcement in Ireland"* published by the OPR (2022). This advises that *"if you are still uncertain about whether a particular development requires planning permission, you can ask the planning authority for a written answer under the 'Section 5 Declaration' process."*

In these circumstances, we consider that it is entirely reasonable for my client to seek clarity on the question as to whether the subject works require planning permission or not. It should also be noted that the "scope" of the works which are the subject to enforcement proceedings, is identical to the scope of works outlined in the Section 5 Drawings. In this regard, we note that the Planning Officers report states that *"I have attached the same drawings below from the Enforcement Notice which are the most relevant in this instance. See the Lower Ground Floor plan approved and the 3rd Floor plan approved."*



In this regard, it is important to note that the floor areas annotated by the Enforcement Section, correlate with the areas identified by this office on the Section 5 floor plans.

(1) Whether the change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level, is or is not Exempted Development.

The "planning unit" of The Dean consists of Hotel Bedroom accommodation and ancillary uses. We are of the opinion that the "swapping around" or re-organisation of an ancillary Hotel use in lieu of Hotel bedroom accommodation within the existing and permitted hotel planning unit, can be considered exempted development. We are of the opinion that this interpretation is supported in the case of *"Carroll v. Brushfield Ltd."*. The latter referred to a case taken by neighbours of the Clarence Hotel in Dublin, when the hotel rearranged the internal rooms within the hotel (which involved a change from a car parking garage to a public bar opening onto the street). The court held that the entire hotel was a single planning unit and that no change of use has occurred by moving various elements within the hotel to other parts of the overall building. Furthermore, we refer to the opinion of Senior Council which concludes that *"in terms of the change in use of the third floor (Block 1), it is open for the planning authority to consider that the change of use from bedroom accommodation to restaurant and screened outdoor terrace is not unauthorised development."*

It should be noted that the existing Hotel fronts onto the busy Bohernmore Road to the north-west, which is one of the main vehicular routes into the City Centre. Given the baseline noise levels generated by the ongoing road traffic, it is considered that the presence of the Hotel Restaurant on the third floor would not adversely affect the residential amenities of the Bohernmore residents on the opposite side of the road. Furthermore, it is important to note that the public notice for the permitted development (Pl. Ref. No. 17/41) actually referred to 2 no. bars. The location of the existing bar element of the Restaurant at 3rd floor level is located further away from the Bohernmore residents, compared location of the bars indicated on the planning application drawings. Moreover, there is no record of any noise complaints associated with the use of the third floor of the Hotel.

Therefore, having regard to the established permission for 2 no. bars on site, together with the findings of the *"Carroll v. Brushfield Ltd."* case, we consider that the change of use at 3rd floor level is not material and can be considered exempted development.

Furthermore, the Hotel has the benefit a licence to sell alcohol within the Hotel. As part the licencing process, plans showing the extent and location of the premises concerns must generally be lodged with An Garda Síochána, the Fire Officer and the Court. Proof of planning and building control is also generally required. In this case, the Court accepted the principle of the *"ancillary Hotel restaurant (with bar) use at 3rd floor level"* at this location.

As stated above, the Planning Authority's have not provided sufficient *"Reasons"* and *"Considerations"* in the assessment of this case. In this regard, we refer to the *"Assessment"* section of the *"Planners Report"*. This states that *"The works in question constitute a material change and would not be exempted under Article 9(1)(a)(i) of the Planning and Development Regulations, 2001 (as amended) as the works in question contravene Condition no. 1 of the Ref. No. 17/41."*

In response, we are of the opinion that the provisions of Condition No. 1 of Pl. Ref. no. 17/41 did not preclude Hotel Restaurant use on the third floor. The latter generic condition simply stated that *"The development shall be carried out and completed in accordance with the application made on the 14/02/2017, as revised and amended by the details submitted on 04/07/2017, but subject to the conditions hereinafter incorporated."*

As such the provisions of Condition No. 1 does not prevent the *"swapping around"* or re-organisation of an ancillary Hotel use in lieu of Hotel bedroom accommodation within the existing and permitted hotel planning unit. As such the latter internal use change is not material and can be considered exempted development in this case.

(2) Whether an increase to the floor area at 3rd floor level, is or is not exempted development.

In this regard, we refer to the *"Existing Third Floor Plan"*. In the interest of clarity the *"increase in floor area"* is shaded in blue. This indicates 2 small areas of 35sqm and 35sqm respectively, amounting to an increase of 70sqm (Gross Floor Area) on the third floor.

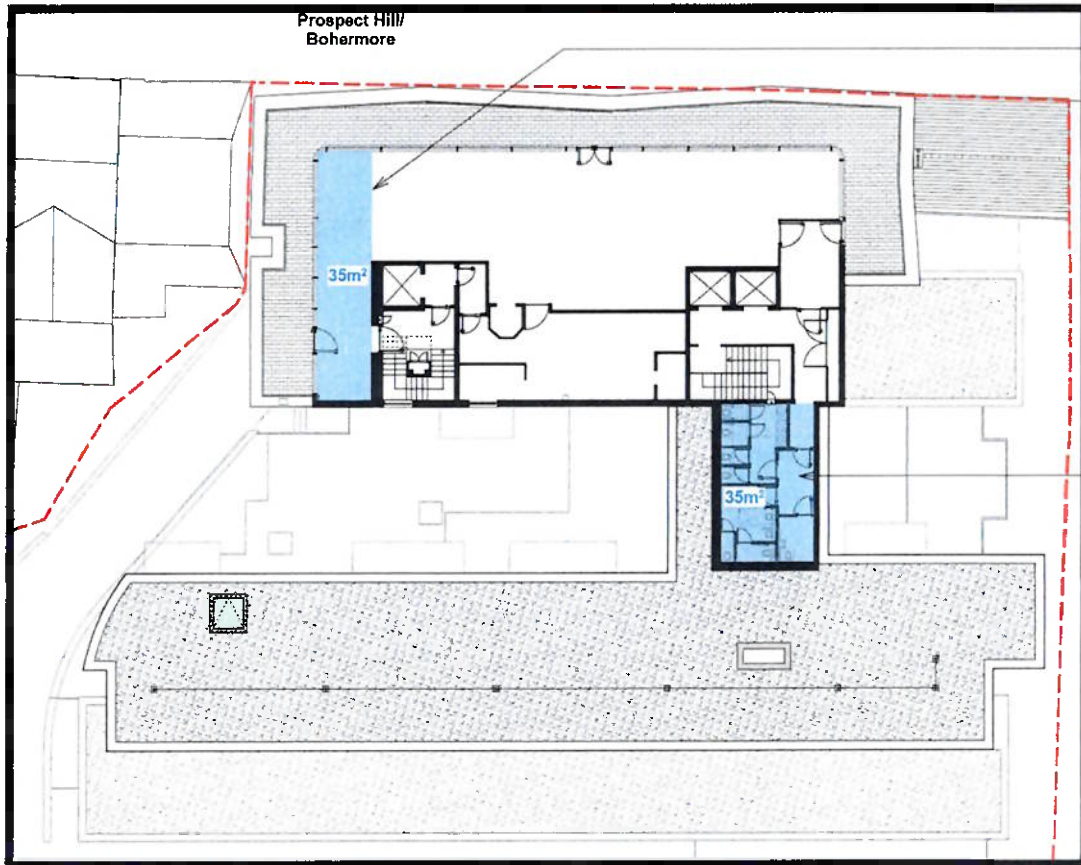


Image 1: Extract from Dwg S5.02 "Existing Third Floor Plan" prepared by Lawrence & Long Architects, with the subject small increases in gross floor area shaded blue.

We are of the opinion that this minor increase within a significant hotel building can be considered trivial or de Minimis. In this regard, we refer to the publication entitled "*Planning and Environmental Law in Ireland*" (John Gore Grimes 2011). This refers to the case of "*Marry v Connaughton*" (1984, IEHC 74, O' Hanlon J.) and states that "*the case made by the applicant that a permission did not authorize the development as the plans submitted did not precisely correspond with the actual location of the houses. The claim was dismissed on the basis that the dwellings were in substantial compliance with those shown on the plans and any deviation was de minimis.*" In response, we would be of the opinion that similar discretion is available in this instance, and that the minor deviation between the permitted and existing floorspace on the third floor is de minimis. Furthermore, we would submit that given that the minor floorspace increase is situated within the existing and permitted footprint of the hotel, it can be considered to be trivial within the development site.

We would also submit that the subject floor area is not precluded by the provisions of Condition No. 1 of Pl. Ref. No. 17/41.

Furthermore, the provisions of Section 4 (1)(h) of the Planning & Development Act 2000 (as amended). This provides that "*development consisting of the use of the of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure*

so as to render the appearance inconsistent with the character of the structure or neighbouring structures."

In this regard, we are of the opinion that the subject floor areas do not materially affect the character of the overall Hotel structure on site, and can be considered exempted development on this basis.

(3) Whether an increase in additional floor area at lower ground floor level, is or is not Exempted development

Similar to above, we refer to the "Existing Lower Ground Floor Plan". This indicates 2 small areas of 44sqm and 57sqm respectively, amounting to an increase of 101sqm (Gross Floor Area) on the lower ground floor.

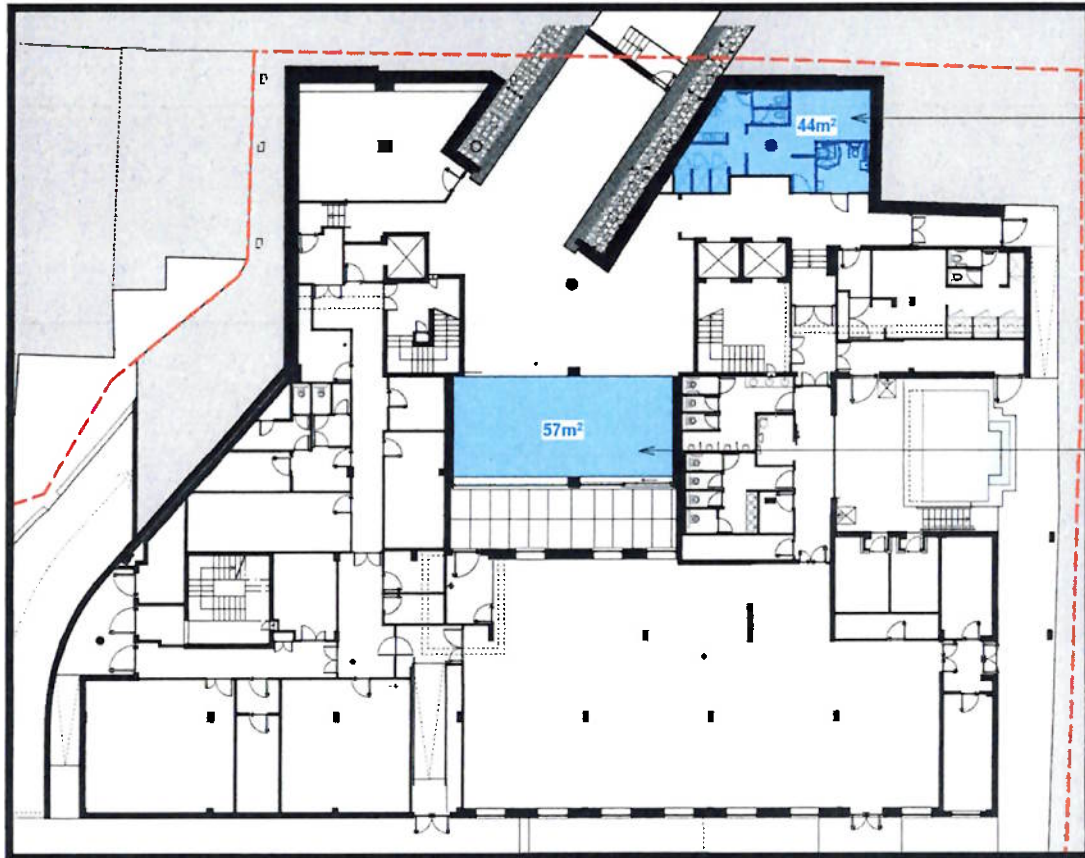


Image 2: Extract from Dwg S5.01 "Existing Lower Ground Floor Plan" prepared by Lawrence & Long Architects, with the subject small increases in gross floor area shaded blue.

Again, these minor additional areas within the overall permitted Hotel floorspace on site can be considered "de minimis". Also given that these minor additional areas are located within the main footprint of the permitted hotel, these additions can be considered minor.

Furthermore, as per the provisions of Section 4(1)(h) of the Act, the subject floor areas at lower ground floor level **"do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure."** In this regard, the subject floor areas can be considered exempted development.

It should be noted that the overall gross floor area (GFA) of the of the Hotel development as granted under Pl. Reg. 17/41, amounted to 4,989sqm. In this regard, the subject Lower Ground Floor area increase (101sqm GFA) together with the subject third floor increase (70sqm GFA) amounts to (171sqm GFA). This equates to an 3.42% increase in the overall GFA of the permitted development. In terms of the overall Net Internal Floor area, we have carried out a comparison of the "as granted" and the "as built" figures. This reveals that the overall net internal floor area "as granted" under Pl. Reg. 17/41, amounted to 3,613sqm. Whereas the overall net internal floor area "as built" amounts to 3,614sqm.

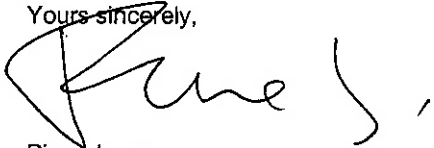
This represents a mere 1sqm increase compared to that granted under Pl. Reg. 17/41. As such, we would submit that these internal changes can be considered "*de minimis*".

Summary

We now look forward to the decision of An Bord Pleanala. Once the Inspector intends to visit the building and inspect the subject works, please do not hesitate to contact this office to arrange and facilitate.

If you require any clarification in relation to the documentation enclosed, please do not hesitate to contact the undersigned.

Yours sincerely,



Pierre Long
LAWRENCE AND LONG ARCHITECTS

ENCLS.

- Cheque to An Bord Pleanala €220
- Copy of Section 5 Decision by Planning Authority
- Copy of Section 5 Planners Report





Comhairle Cathrach na Gaillimhe
Galway City Council

Halla na Cathrach
Bóthar an Chofáiste
Gaillimh
H91 X4K8

City Hall
College Road
Galway
H91 X4K8

Our Ref: S5.3.24

Advanced Vision Limited,
c/o Lawrence & Long Architects,
13 Fitzwilliam Square East,
Dublin 2,
D02 PY27.

20 / 3 / 2024

Planning Declaration under Section 5 of the Planning & Development Act, 2000 (as amended) & the Planning & Development Regulations, 2001, (as amended).

Re: (1) Whether the change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level, is or is not Exempted Development,
(2) Whether an increase to the floor area at 3rd floor level, is or is not exempted development, and
(3) Whether an increase in additional floor area at lower ground floor level, is or is not Exempted development

At: The Dean Hotel, No.80, No. 82, No. 84 and No. 86 Bohermore, Galway City.

A Chara,

I refer to your recent application for a Declaration of Exemption under the provisions of the above and I wish to inform you that the proposed development is not an Exempted Development for the following reasons:

- It is considered that the change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level, the increase to the floor area at 3rd floor level and the increase in additional floor area at lower ground floor level, is Development, and not Exempted Development at The Dean Hotel 80, 82, 84 & 86 Bohermore, Galway City.

It must be emphasised that this opinion is given without prejudice to the provisions of Section 5(3) of the Planning & Development Act 2000 (as amended). If applicants are dissatisfied with the determination of the Council in relation to a declaration of exempted development, then, within 4 weeks of the date that the declaration is issued by the Council, the person issued with the declaration can refer it to An Bord Pleanála for review of the matter.

Mise le meas,

James Russell

Senior Planner,
Planning Department.

Section 5 of Planning and Development Act 2000, as amended.

Reference No. 5.3.24

Applicant: Advanced Vision Limited, First Floor, 55 Percy Place, Dublin 4 (current owners of The Dean Hotel).

Address: The Dean Hotel, No.80 Prospect Hill, No. 82, No. 84 and No. 86 Bohermore, Galway City.

Description of Development: (1) Whether the change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level, is or is not Exempted Development, (2) Whether an increase to the floor area at 3rd floor level, is or is not exempted development, and (3) Whether an increase in additional floor area at lower ground floor level, is or is not Exempted development at The Dean Hotel 80, 82, 84 & 86 Bohermore, Galway City.

Lodged with Galway City Council: 22nd of February 2023.

Assessment

The applicant has submitted the following with this planning application;

- Application form, Cover Letter and Opinion of Senior Counsel.
- Site Location Map Scale 1;1000 with site outlined in red.
- Existing Site Layout Map Scale 1;500.
- Existing Lower Ground Floor Plan 1;250 with additional floor areas outlined in blue (44m2 and 57m2).
- Existing Third Floor Plan 1;250 with additional floor areas outlined in blue (35m2 and 35m2). This floor plan also shows the area changed from bedroom accommodation to ancillary Hotel restaurant (with bar).

Planning History

Ref. No. 22/248 - Permission for development which will consist of retention of revisions to the development permitted under Pl. Ref. No's. 17/41 and 22/19 including (1) retention of relocation of ESB sub-station towards the southern boundary of the of the site (to the rear of the hotel), together with associated revisions to landscaping and boundary treatments along the rear southeast boundary (2) retention of low level hotel restaurant and bar signage to the front elevation (Northwest elevation) and (3) retention of fire escape gate and route at south corner of site (onto access lane existing onto Prospect Hill), together with all associated site works and services to protected structure (RPS No. 1201). **Conditions** (1) The development shall be retained / carried out in accordance with the application made on the 16/09/2022, but subject to the conditions hereinafter incorporated. (2) Except for the revisions hereby permitted in this application the development shall otherwise be retained / carried out in accordance with the plans and particulars granted under Planning Reference Number 17/41 and 22/19. (3) Notwithstanding the submitted drawings the retention works hereby permitted under the current application relate only to the works referenced in the development description / public notices. (4) Within five weeks the final grant of retention planning permission, the signage subject to the current application, which is currently in situ on the hotel building, shall be revised as follows; (a) Projecting signs 'E' (i.e. Guinness sign) and 'F' (i.e. Bar sign) shall be removed from the building, (b) The text of Sign 'G' shall be replaced with text 'Peig's Bar' or 'PEIG'S BAR'. (5) The applicant shall submit a revised landscaping scheme which shall clearly indicate details of a

planting schedule and a definite specification of all tree species. The revised landscaping scheme shall be submitted to the Planning Authority for written agreement within one week of the final grant of retention planning permission. All soft landscaping shall be installed / planted on site, within four weeks of written agreement from the Planning Authority. All hard landscaping / boundary treatment works shall be carried out and completed on site, within five weeks of the final grant of retention planning permission. (6) The fire escape gate located at south corner of the site shall only be used in the case of emergencies and shall not be used for any other purpose.

Ref. No. 22/19 - The Dean Hotel, No. 80 Prospect Hill & No. 82, 84 & 86 Bohermore, Galway City. Permission for retention sought which will consist of revisions to the development permitted under Pl. Ref. No. 17/41. No.86 Bohermore is a protected structure (RPS No. 1201). The development consists of (1) Retention of relocation of ESB sub-station towards the southern boundary of the site (to the rear of the Hotel) together with associated revisions to landscaping to provide screening (2) Retention of revised surface layout to the rear of the Hotel including revised turning area arrangements and a reduction in the number of on-site car parking spaces from 13 to 8 (3) Retention of high level Hotel signage to the front and side elevations, together with all associated site works and services.

A split decision was issued by Galway City Council under Pl. Ref. 22/19, as follows;

SCHEDULE 1: A Refusal is recommended for the retention of relocation of ESB sub-station towards the southern boundary of the site (to the rear of the Hotel) together with associated revisions to landscaping to provide screening;

1. The ESB sub-station gives rise to issues of visual dominance to the neighbouring properties in Forster Court, providing for a negative impact on residential and visual amenity. The retention of the ESB sub-station in its current location is therefore considered to be contrary to the Galway City Development Plan and to the proper planning and sustainable development of the area.
2. The use of bamboo as a boundary treatment is unacceptable as it is not compatible with the landscape plan and boundary treatment plan agreed under Planning Reference 17/41, whilst it also offers little biodiversity value and no pollinator value. The boundary treatment is therefore considered to be contrary to the Galway City Development Plan and to the proper planning and sustainable development of the area.

SCHEDULE 2: A Grant of permission is recommended for the retention of revised surface layout to the rear of the Hotel including revised turning area arrangements and a reduction in the number of on-site car parking spaces from 13 to 8, and, for the retention of high level Hotel signage to the front and side elevations, together with all associated site works and services subject to conditions as follow; (1) *The development shall be retained in accordance with the application made on the 10/02/2022, but subject to the conditions hereinafter incorporated. (2) Except for the revisions hereby permitted in this application the development shall otherwise be carried out in accordance with the grant of permission Planning Reference Number 17/41. (3) Within one month of the final grant of retention planning permission, the applicant shall submit a revised landscaping plan to that agreed under Planning Reference 17/41, to take account of the revisions to the site layout plan as originally agreed under Pl. Ref. 17/41. The revised landscape plan shall incorporate extra heavy standard Lime tree species along the rear boundary line. The landscape plan shall be submitted to the Planning Authority for written agreement. (4) The retention works hereby permitted do not include for a wooden fence, gate / access point or area of hardstanding that currently exists on site, located in the southern corner of the development site, to the south-west of the existing ESB sub-station. (5) The applicant shall submit proposals and drawings for the use of bi-lingual signage on the hotel building, to the Planning Authority*

for written agreement, within one month of the final grant of retention planning permission. Following written agreement on same, the bi-lingual signage shall be erected within one month of this agreement.

Section 5 Declaration Report (Ref P/DC/3/3/21) - The Dean Hotel, No 80 Prospect Hill, No 82, 84 & 86 Bohermore Galway City. Whether the relocation of ESB Substation is or is not development or is or is not exempted development. Lodged with Galway City Council on the 15th of February 2021 - A Declaration was issued by Galway City Council on the **11th of March 2021** under Section 5 of the Planning and Development Act 2000, as amended, stating that the works comprising of the relocation of the electricity substation are not exempted development and planning permission is therefore required. **Appealed to ABP 309893 – 21**; An Bord Pleanála, in considering this referral, had regard particularly to – Section 2(1) of the Planning and Development Act, 2000, as amended, Section 3(1) of the Planning and Development Act, 2000, Section 4(1)(a) of the Planning and Development Act, 2000, as amended, Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended, Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, the planning history of the site, the pattern of development in the area: An Bord Pleanála concluded on the **1st of November 2021** that: (a) The relocation of ESB Substation is development as defined under Section 3 of the Planning and Development Act, 2000 (as amended). (b) The works in question constitute a material change would not be exempted development under Article 9(1)(a)(i) of the Planning and Development Regulations, 2001 (as amended) as the works in question contravene condition no. 1 of ref no. 17/41. (c) The works in question do not fall under Schedule 2, Part 1, Class 41 Planning and Development Regulations, 2001 (as amended). An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the relocation of ESB Substation is development and is not exempted development.

Ref. No. 17/41 - Permission **granted** by Galway City Council for the construction of a hotel, on an overall site of 0.29 ha (0.73 acres). The development will consist of the: demolition of the existing single-storey commercial building at No. 80 Prospect Hill; demolition of the existing two-storey dwelling at No. 84 Bohermore; demolition of the existing part-single, part two-storey rear extension to No. 86 Bohermore (a Protected Structure, Ref. No. 1201) and associated garden shed; construction of a part-two, part-three, part-four storey hotel over lower ground (with fourth floor level setbacks to the south-east) in 2 No. blocks (the north-western block fronting Prospect Hill/Bohermore) and the south-eastern block (located to the rear of the site) connected at all floor levels comprising 139 No. bedrooms and related hotel facilities (including: reception area; lounge area; dining area; 2 No. bars; storage; associated signage; administration and staff facilities; plant (including substation with associated switch room); waste storage area; and delivery and dispatch area), with a total gross floor area of 5,310sq m (including lower ground level of 1,269 sq m).

It should be noted that as a response to the Further information Planning Reference No. 17/41 request changes were made to the design and the following points are relevant;

- The originally proposed gross floor area was reduced from 5,310sqm to 4,989sqm and the proposed hotel included for 134 no. hotel bedrooms, which provides for a reduction of 5 no. bedrooms. The design / visual appearance of the original submitted hotel building was significantly revised, so that the overall form, massing and scale of the hotel building was reduced, so as to allow the building integrate with the neighbouring building / urban form, without providing an overbearing impact.

- The revised hotel building provides for a reduction in size and volume compared to the building granted under Pl. Ref. 06/629 and the building sits comfortably with the adjoining buildings to the north and south. The applicant submitted a number of 3D illustrations of the revised building and the proposed hotel building was considered less dominant in terms of form, volume, height and massing.
- The proposed density of 1.69:1 was acceptable and the re-designed hotel building was not of a scale that it will impact negatively on the existing streetscape or the existing protected structure at No. 86 Bohermore. The Planner noted that the newly refined elevational treatment. It was considered that the proposed building would provide a positive contribution to the visual integrity of existing streetscape and public realm.
- The submitted Design Statement (DS) stated "we have revised the front block of the proposed development to give it a unitary volumetric form and a more appropriate scale in its context. By removing the expansive steeply pitched roofs and by setting back the top floor, the height and appearance has been reduced and the entire proposal looks better proportioned and integrated into the site". It is also noted that some external elements were removed.
- The permitted hotel building was in the form of a 3-storey building, fronting onto Bohermore. This is due to setting back of the third floor level, behind a parapet wall which sits on the flat roof of the second floor level. Both the second floor level and the third floor level incorporate a flat roof over, which assists in breaking down the bulk of the building, compared that originally proposed.
- In relation to the bulk of the building, it is also worth noting that the originally proposed two-storey element, located behind No. 86 Bohermore, has been reduced to ground floor level only. Given that this element would have been visible from Bohermore, this revision further reduces the scale / bulk of the building and improves the relationship with the protected structure.
- The external materials originally were simplified, with particular regard to the type / design of windows and cladding material. The projecting box windows were removed and the overall window type, on the front elevation of the building simplified to be more uniform in design. In relation to cladding material, the use of natural Irish limestone now take a vertical emphasis on the front elevation of the building, whereas previously it had a horizontal emphasis at ground level along with streetscape. It was considered that the combination of the vertical emphasis limestone and nap plaster finished, provides for an elevation that will integrate well with the existing streetscape.
- The originally proposed structure at the rear of No. 86 Bohermore, has been reduced by 1 no. storey, thus providing for a ground floor element only. This structure has also been set back from the rear of the protected structure and therefore the overall relationship with the protected structure has been improved.
- It is worth noting that the former railway tunnel will form part of the cellar bar, as a public accessible lounge area. In the event of a grant of planning permission, a condition will be attached to ensure that the former railway tunnel remains fully accessible by members of the public. Also, the developer will be required to erect an information board regarding the history of the railway tunnel.

The Planning Authority attached ^{24 no. conditions} ~~25~~ no. conditions to the FINAL grant of Planning Ref. No. 17/41 and the following are relevant to this case;

1. The development shall be carried out and completed in accordance with the application made on the 14/02/2017, as revised and amended by the details submitted on 04/07/2017, but subject to the conditions hereinafter incorporated. Reason: To ensure that the development is carried out in accordance

with the permission and that effective control is maintained.

The Planning Authority have reviewed the drawings submitted with this Planning Application on the 14th of February 2017 and as revised and amended by the details submitted on the 4th of July 2017. Additional drawings and documentation were submitted by way of Compliance to the Planning Authority which is standard practice for larger Planning Applications.

I have attached the same drawings from the Enforcement Notice at this end of this report which are the most relevant in this instance. See the Lower Ground Floor plan approved and 3rd floor plan approved. Please also note the notes highlighted below the drawings by the Enforcement Staff.

Ref. No. 06/629 – Permission granted by Galway City Council for a mixed use development on site, which included for the demolition of No. 's 84 and 86 (protected structure) Bohermore and the construction of a 2-storey over basement building, including a basement level with parking for 52 vehicles, 3 No. retail units at ground floor and the construction of 30 No. 1, 2 & 3-bed apartments, ranging in height, from 2 to 4 storeys in height over basement level.

Ref. No. 04/991 – Permission refused by An Board Pleanála for development consisting of (1) the demolition of No. 84 and the existing Shannon Dry Cleaners premises and all other structures on site; (2) The construction of three no. retail units at ground floor (one to house a new premises for Shannon Dry Cleaners); (3) The construction of 28 No. two and three bedroom apartments, internal courtyard and landscaping and (4) the construction of a basement level with parking for 49 vehicles, storage, dry cleaning works, plant rooms and all associated site. This decision overturned a decision by Galway City Council to grant permission for the same development.

Context

The appeal site is located a short distance north east of Eyre Square and on the eastern side of Prospect Hill. The appeal site is occupied by a Hotel Structure which is completed and open for business. Adjoining structures to the north include two-storey terraced dwellings and to the south a two-storey structure with retail at ground floor and residential above. To the south east of the site is a housing development, Forster Court consisting of single-storey dwellings.

The topography of the site is informative of its historical and industrial archaeological past. To the rear of the site an embankment and tunnel associated with the old Victorian Galway/Clifden railway line defined the original site. The original site sloped downwards towards the south to a previous railway line cut with steep embankment to the west and less steep bank to the east. A circular arched railway tunnel exists underneath the existing building to the north. This tunnel continues in a northerly direction underneath the public road.

Enforcement

As will be noted from the planning history section above, planning permission was granted under Plg. Ref. No. 17/41 to construct a 139 No. bedroom, 3-4 storey hotel, over lower ground level subject to conditions. **An active planning enforcement file exists with regard to this development, with various enforcement issues at hand.** The developer / owners of the hotel building have had scant regard for compliance with the original planning permission granted under Pl. Ref. 17/41. The Planning Authority have noted that some of the enforcement issues have since been addressed on a piecemeal fashion – see planning Ref. No. 22/248 and Ref. No. 22/19. It appears that there are a number of significant planning enforcement issues outstanding for this hotel development, as granted under Pl. Ref. 17/41.

A café / bar / restaurant is in operation on the upper level of the hotel, on a level that was previously granted as bedroom accommodation and internal changes to the permitted lower ground floor and third floor plans, remain outstanding.

The Planning Authority issued a **Warning Letter** (dated the **10th February 2020**) sub-section (1) under section 152 of the Planning and Development Act 2000 (as amended) was served on the owner re: Non-compliance with condition of Pl. ref. no. 17/41.

The Planning Authority issued an **Enforcement Notice (Ref UD: 18/051)** on the **16th of November 2023** in relation to 'Unauthorised material change of use of 3rd floor (Block 1) from bedroom accommodation to Restaurant and rooftop bar, unauthorised increase to the floor area at 3rd floor level and additional floor area at lower ground floor level'.

Prior to issuing the Enforcement Notice, the Planning Authority decided that some of the internal changes/ changes of use withing the permitted hotel building are not considered material and will not form part of any Enforcement Notice.

Item 2: Non-compliance with condition no. 5 of Pl. ref. no. 17/41.

A Revised Landscaping Plan was submitted under Pl. Ref. No. 22/248. This condition would appear to be complied with.

Item 3: Non-compliance with condition no. 15 of Pl. ref. no. 17/41.

A submission was received in relation to the type of kitchen vents to be used. Condition 15 did not request for the locations of the vents to be shown. This condition would appear to be complied with.

Item 4: Non-compliance with condition no. 18 of Pl. ref. no. 17/41.

It was confirmed that the finish to the rear of the Hotel is painted render as per Pl. Ref. No. 17/41. The "checkered" colouring is considered exempted development under Schedule 2, Part 1, Class 12 of the Planning & Development Regulations 2001 (as amended) as the building is not a protected structure or located within an ACA.

Item 5: Non-compliance with condition no. 23 of Pl. ref. no. 17/41.

Mr. Cian O'Broin (Hotel Manager) stated that anyone who wants to see it is brought down and this happens regularly. This condition would appear to be complied with.

In November 2023 an Enforcement Notice under Section 154 of the Planning and Development Act 2000 (as amended) was served on the owner re: *unauthorised development and non-compliance with planning conditions as outlined but not limited to:*

1. Non-compliance with condition no. 1 of Pl. Ref. No. 17/41 which states, *"the development shall be carried out in and completed in accordance with the application made on the 14/02/2017, as revised and amended by the details submitted on 04/07/2017, but subject to the conditions hereinafter incorporated"*. Namely:

- (a) Unauthorised change of use of 3rd floor (Block 1) from bedroom accommodation to Restaurant and rooftop bar.
- (b) Unauthorised increase to the floor area at 3rd floor level.
 - i. The area of the Restaurant is bigger than the area of the permitted bedrooms.
 - ii. The area containing the toilets was not included in the permitted drawings.

(c) Additional floor area at lower ground floor level.

i. The area containing the gent's changing room was not included in the permitted drawings.

ii. The gym has been increased into the area permitted as Interior Courtyard 1.

The owner should be instructed that in order to avoid further enforcement proceedings that they should carry out the following works.

(a) Cease the unauthorised use of Restaurant/Bar and outdoor terrace on the 3rd Floor and provide bedroom accommodation as per approved Drawing No. P-3-R-202 submitted on 04/07/2017 under Pl. Ref. 17/41.

(b) Remove the unauthorised additional floor areas on the 3rd Floor and complete the 3rd Floor as per approved Drawing No. P-3-R-202 submitted on 04/07/2017 under Pl. Ref. 17/41.

(c) Remove the unauthorised additional floor areas in the Lower Ground Floor and complete the development in accordance with approved Drawing No. P-B-0-200 submitted on 04/07/2017 under Pl. Ref. 17/41.

Therefore, an active planning enforcement file exists with regard to this development due to the non-compliance with the development permitted under Planning Ref. 17/41.

Zoning

The operative development plan is the Galway City Development Plan, 2023 - 2029. The site straddles two different land use zonings. "R" – to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods and "CI" – Commercial/Industrial – To provide for enterprise, light industry and commercial uses other than those reserved to the CC (city centre) zone.

The zoning of the site reflects its transitional nature between the traditional terraced residential areas of Bohernmore and the city centre commercial zone.

Relevant Planning Policy

National Guidelines and Policy

The following planning guidance and strategy documents are relevant:

- National Planning Framework (NPF) – the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040;
- Regional Spatial & Economic Strategy -North and Western Regional Assembly 2020-2032;
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities (Office of Public Works, 2009) including the associated 'Technical Appendices';

The **Galway City Development Plan 2023 – 2029** is the strategy for the proper planning and sustainable development of the functional area of Galway City. The following are considered relevant in this case:

- Chapter 2: Climate Action
- Chapter 5: Natural Heritage, Recreation and Amenity
- Chapter 8: Built Heritage, Placemaking and Urban Design

- Chapter 9: Environment and Infrastructure
- Chapter 11: Land Use Zoning Objectives and Development Management Standards and Guidelines. Part A – Land Use Zoning Policies and Objectives and Part B Development Management Standards.

Environmental Impact Assessment and Appropriate Assessment

Appropriate Assessment

Within a designated site: No

Article 6(3) of the EU Habitats Directive requires that *'any application or project not directly connected with or necessary to the management of the site but is likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives'*.

In terms of plans, the current proposal is being assessed under the Galway City Development Plan, 2023-2029, which was subject to a Natura Impact Report NIR and includes the following provisions to protect European Sites: Policy 5.1 Green Network and Biodiversity, Policy 5.2 Protected Spaces: Sites of European, National and Local Ecological Importance, Policy 5.3 Blue Spaces: Coast, Canals and Waterways, Policy 9.2 Water Quality and Development Management Standards and Guidelines. The River Basin Management Plan 2018-2021 has also been considered.

The development site is located within a 2km radius of the following Natura 2000 designations:

- The Lough Corrib SAC – approximate distance 0.35km.
- The Galway Bay Complex SAC – approximate distance 0.5km.
- Inner Galway Bay SPA approximate distance 0.5km.

See www.npws.ie for the specific conservation objectives of the above sites.

Appropriate Assessment (AA) Screening

Having regard to the nature and scale of the proposed development confined within an established commercial property located within a built-up urban area, with connections to existing services, and the absence of connectivity to European sites (Galway Bay SAC, the Inner Galway Bay SPA and the Lough Corrib SAC), it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these European sites.

Environmental Impact Assessment EIA Screening

Having regard to the nature and scale of the proposed development to an established commercial property and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Relevant Legislation

EVALUATION

Statutory Provision

1. Planning and Development Act 2000 (as amended)

Section 5 of the Act.

Section 2 (1) of the Act.

Section 3 (1) of the Act.

Section 4(1) (h) Exempted development.

Section 2(1)

In this Act, except where the context otherwise requires—

“use”, in relation to land, does not include the use of the land by the carrying out of works thereon.

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situated.

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

“unauthorised use” means, in relation to land, use commenced on or after 1 October 1964, being a use which is a material change in use of any structure or other land and being development other than—

(a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or

(b) development which is the subject of a permission granted under Part IV of the Act of 1963 F17[or under section 34, 37G or 37N of this Act], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;

Section 3(1) states as follows:

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 provides for Exempted Development **4(1)** of the Act states that the following shall be exempted developments for the purposes of this Act:

“(h) development consisting of the use of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or

which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4 (2)(a) of the Act enables certain classes of development to be deemed exempted development by way of regulation.

Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act. Section 4 (2) provides for the making of the Regulations.

2. Planning and Development Regulations 2001 (as amended)

PART 2 - Exempted Development

Article 5 (1), Part 2 provides interpretations for the purposes of exempted development. This includes:-

Article 6(1) states that subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1) states that development to which article 6 relates **shall not be exempted development** for the purposes of the Act— (a) if the carrying out of such development would—

(i) **contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.**

Article (10) (1) provides (1) Development which consists of a **change of use** within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out **would not** –

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,**
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

ASSESSMENT

The purpose of this referral

The applicant now seeks a declaration of exempted development, under Section 5 of Planning and Development Act 2000, as amended, (1) Whether the change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level, is or is not Exempted Development, (2) Whether an increase to the floor area at 3rd floor level, is or is not exempted development, and (3) Whether an increase in additional floor area at lower ground floor level, is or is not Exempted development at The Dean Hotel 80, 82, 84 & 86 Bohermore, Galway City.

The change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level AND the increase in floor area at 3rd floor level and the increase in additional floor area at lower ground floor level is development as defined under Section 3 of the Planning and Development Act, 2000 (as amended).

The Planning Authority consider the change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level AND the increase in floor area at 3rd floor level a substantial deviation from the development permitted under Planning Reference Number 17/41. See photos and drawings attached below.

The works in question constitute a material change and would not be exempted development under Article 9(1)(a)(i) of the Planning and Development Regulations, 2001 (as amended) as the works in question contravene Condition No. 1 of Ref No. 17/41.

Recommendation:

A letter should issue as follows:

It is considered that the change from Hotel bedroom accommodation to ancillary Hotel restaurant (with bar) use at 3rd floor level, the increase to the floor area at 3rd floor level and the increase in additional floor area at lower ground floor level, is development, and not Exempted development at The Dean Hotel 80, 82, 84 & 86 Bohermore, Galway City.

Fiona Glynn

Fiona Glynn
Executive Planner
19/03/24

checked
Aine Healy
20/03/2024

LB

Liam Blake
Senior Executive Planner
19/03/24

In support of the view that the works as carried out are exempted development reference is made to the Clarence Hotel case Carroll and Colley Brushfield Ltd where the judge ruled no material change of use had occurred because the whole hotel complex was a planning unit and the change of the garage to use as a bar did not alter the use of the planning unit as a hotel.

The applicant considers the increase in floor area at 3rd floor level in a significant hotel building can be considered trivial or *de Minimis*. In the legal case (Marry v Connaughton) alterations were considered *de minimis* as the development enacted substantially complied with the permission granted. The applicant refers to the case of 'Marry v Connaughton' (1984, IEHC 74, O'Hanlon J. and that similar discretion is available in this instance. Thirdly, the applicant also considers the increase in additional floor area at lower ground floor level within the overall permitted Hotel floorspace on site as '*de minimis*'.

Is or is not development

Firstly the question is whether the works in question constitute development. The definition of works under Section 2 of the Act includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. The definition of 'development' under Section 3 means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

The list of works that are entailed would require a level of construction on land and I would conclude that this is development in accordance with Section 3 of the Planning and Development Act, 2000 (as amended).

Is or is not exempted development

The referrer also notes that the works in question could be considered *de minimis* works.

I would consider the change is a material change and given its location within a built up area and on a site with neighbouring properties including residential development the works in question could not be determined to be *de minimis*.

Under the provision of Article 9(1) it states that development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would— (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. Condition No. 1 of Planning Reference No. 17/41 requires works to be carried out in accordance with the permitted plans. The proposal does contravene this condition and the works in question do not fall into a class of exemption as set out under the Planning and Development Regulations, 2001 (as amended).

Conclusion

Galway City Council had regard particularly to the following;

- Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000,
- Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- Article 6(1) and Article 9(1) and Article 10(1) of the Planning and Development Regulations, 2001, as amended,
- Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- the planning history of the site, including the drawings submitted and approved with Planning Application Ref. NO. 17/41.
- the pattern of development in this residential area:



Photo 1 – The Dean Hotel.



Photo 2 – The Dean Hotel.



Photo 3 – Hotel restaurant (with bar) use at 3rd floor level AND the increase in floor area at 3rd floor level.



Photo 4 – Hotel restaurant (with bar) use at 3rd floor level AND the increase in floor area at 3rd floor level.

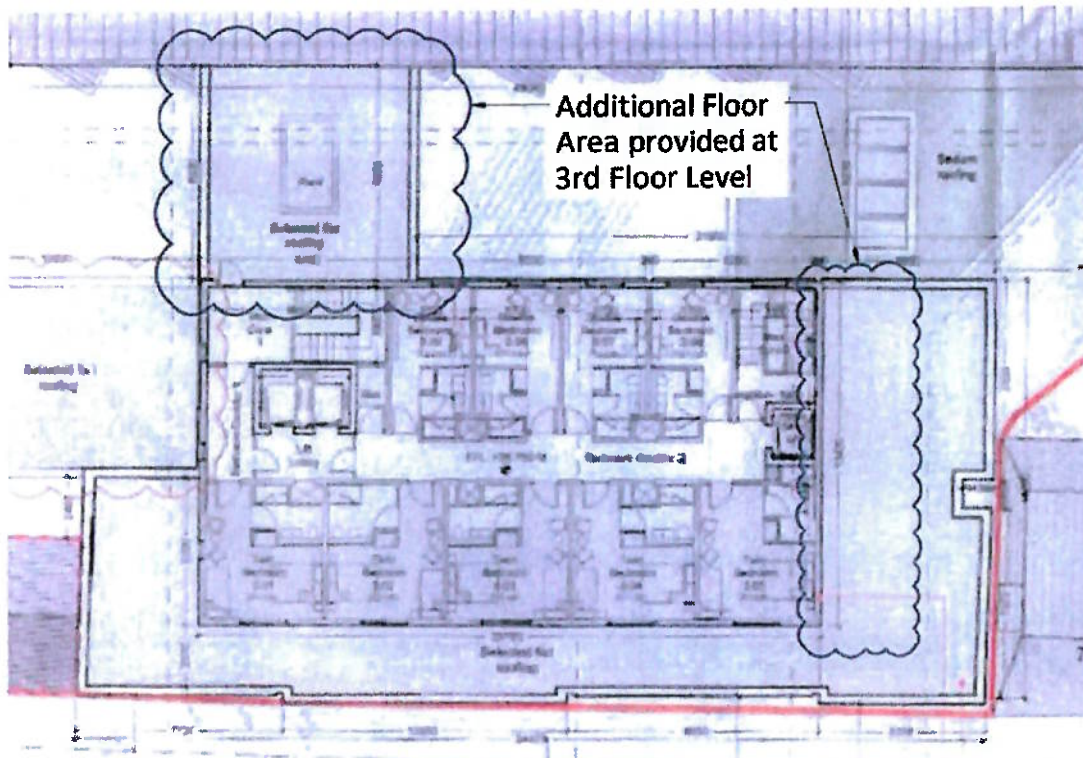
I have attached the same drawings below from the Enforcement Notice which are the most relevant in this instance. See the Lower Ground Floor plan approved and 3rd floor plan approved. Please also note the notes highlighted below the drawings by the Enforcement Staff.

[illegible]

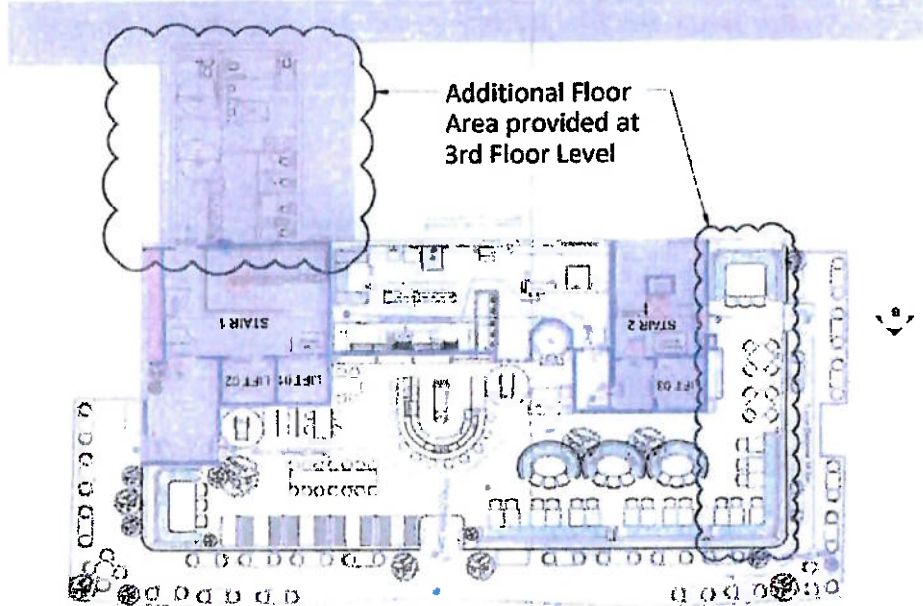
Architectural floor plan of the Lower Ground Floor Level. The plan shows a complex layout of rooms, corridors, and service areas. A large, irregularly shaped area in the lower-left quadrant is highlighted with a thick black outline and labeled "Additional Floor Area provided at Lower Ground Floor Level". Other rooms are labeled with numbers (e.g., 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 9

Extract from Drawing No. BG/561/02/03 (Lower Ground Floor Plan) submitted for Revised Fire Safety Certificate Application (FS202/20) on 28/10/2020. Additional floor area provided for changing area and increase to gym. Drawing rotated to match approved drawing for ease of viewing. Notes added by Fergus Daly on 03/11/2023.

3rd Floor Plan



Extract from Drawing No. P-3-R-202 (3rd Floor Plan) approved under Pl. Ref. 17/41. Submitted for Further Information on 04/07/2017. Bedrooms only at this level. Notes added by Fergus Daly on 03/11/2023.



Extract from Drawing No. BG/561/02/07 (3rd Floor Plan) submitted for Revised Fire Safety Certificate Application (FS202/20) on 28/10/2020. Area changed to Bar/Restaurant and outdoor terrace. Additional floor provided for Restaurant and toilets. Drawing rotated to match approved drawing for ease of viewing. Notes added by Fergus Daly on 03/11/2023.