



Planning and Development Acts 2000 to 2019

Planning Authority: Galway City Council

Planning Register Reference Number: 18/26

Appeal by Evolution Asset Holdings Limited care of Future Analytics Consulting Limited of 23 Fitzwilliam Square (South), Dublin in relation to the application by Galway City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 7th day of May, 2019.

Proposed Development: Construction of a mixed-use three-storey with partial fourth-storey commercial and residential development comprised of - restaurant/bar and function/meeting rooms unit incorporating covered outdoor seating areas and a partial basement storey for staff facilities and storage; two number retail units, total 13 number apartment units comprised as follows – three number one bedroom apartments, nine number two bedroom apartments, and one number three bedroom apartment; rooftop plant rooms and screened plant enclosure: 53 number car parking spaces utilising two number existing formed site entrances; landscaped podium deck; associated hard and soft landscape works, surface water attenuation works and associated general site works, at the junction of Doughiska Road and Sraith Fhada, Doughiska, Galway. The proposed development was revised by

further public notices received by the planning authority on the 28th day of September, 2018.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.

2. Prior to commencement of development, the developer shall pay to Galway City Council a contribution of €169,350 (one hundred and sixty nine thousand, three hundred and fifty euro).

Reason: So that the developer should contribute an equitable portion of the cost of the services which facilitate the development. The use or return of this contribution shall be carried out as provided for in section 48 of the Planning and Development Act 2000, as amended.

Reasons and Considerations

Having regard to the Schedule of Accommodation set out on the A3 page titled "Summary Site Statistics and Areas" submitted by the applicant as additional information to the planning authority on the 14th day of September, 2018, which clearly indicates that the café/bar/restaurant/function room (which would be classed as a commercial development as per the adopted financial contribution scheme), amounts to 1,013 square metres. Furthermore, the proposed retail element amounts to 110 square metres (this would be classed as commercial development under the provisions of the financial contribution scheme). Therefore, the total gross floor area which can be classed as

commercial development that would attract a levy of €41 per square metre would be 1,123 square metres and not 1,213 square metres as calculated in the planning authority's condition. The commercial element of the financial contribution condition should be amended accordingly and the amount to be levied for the commercial element associated with the development shall be €46,043 (forty six thousand and forty three euro).

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.

Terry Ó Niadh

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

Dated this day of 2019.