

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 22/60256

Appeal by Joe O'Hara care of O'Hara Solicitors of Cross Street, Athenry, County Galway in relation to the application by Galway County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 10 of its decision made on the 28th day of July, 2022.

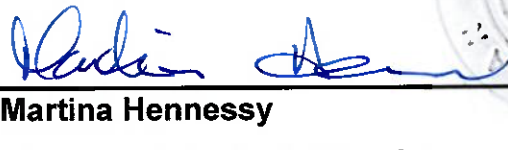
Proposed Development: Change of use of first floor office area to two number one bedroom apartments at Cross Street, Athenry, County Galway.

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 10 and directs the said Council to REMOVE condition number 10 and the reason therefor.

Reasons and Considerations

Having regard to the exemptions provided under Part 4 of the Galway County Council Development Contribution Scheme 2016 (as revised on the 1st day of August, 2019), as the proposed development entails a change of use of part of a building, for which development contributions have previously been paid, and the proposed development would not result in a substantial increase in output or intensity of use or the creation of additional gross floor space or functional area as the proposed development consists of the conversion of the upper floor of a building into residential use in an area zoned Town Centre in the Athenry Local Area Plan 2012 (as extended); and as the proposed development does not result in significant additional demand for services (i.e. additional car parking), the proposed development is exempt from the provisions of the Development Contribution Scheme. It is considered that the planning authority has, therefore, erred in its application of the terms of the Scheme and condition number 10 should be removed accordingly.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 31st day of October 2023.