



An  
Bord  
Pleanála

**Board Direction**  
**BD-006111-20**  
**ABP-306848-20**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/07/2020.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Remove condition numbers 2(a) and 3(a).

### **Reasons and Considerations**

Having regard to the nature and extent of the proposed development, to the pattern of development in the area, the relevant provisions of the statutory development plan and to the content of the remaining conditions attached to the decision of the planning authority, it is considered that; the removal of condition 2(a) is appropriate as there is no policy or evidence base to support the mandatory replacement of dwelling number 3 with a creche within the proposed development, nor is there any assessment of the layout rationale for a creche facility within dwelling number 3; the removal of condition 3(a) is appropriate as there is no policy or evidence base to support the precise mandate within this condition for the co-dependence of occupancy of the dwellings with the physical completion of the retail and office units, noting that both uses are consistent with the proper planning and sustainable development of the area and are consented within this single planning permission.

**Note:** in making its decision, the Board noted the commentary of the Inspector regarding the retention of condition 3(a). However it was considered that while the overall scheme including dwellings and the retail and office units, is appropriate at this location and has been assessed favourably by the planning authority within the content of a single planning permission and to which a five year duration of the life of the permission applies, it is considered appropriate that no precise co-dependency between the occupancy of dwellings and the physical completion of the retail and office units is necessary to support the principles of the proper planning and sustainable development of the area.

**Board Member:**

**Date:** 20/07/2020

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Chris McGarry