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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P19/776**

**Appeal** by Woodhaven Developments Limited care of Cyril O'Reilly Design Limited of Parting Glass, Quin, County Clare against the decision made on the 20<sup>th</sup> day of February, 2020 by Clare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of the following: (a) one number mixed use building consisting of two number retail outlets and two number office units, (b) 14 number two storey and three number single storey dwelling houses and (c) all ancillary site works and connection to public services at the junction of Chapel Street and the R462, Tulla, County Clare, as amended by the further public notices received by the planning authority on the 24<sup>th</sup> day of January, 2020.

## **Decision**

**Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE conditions numbers 2(a) and 3(a) and the reasons therefor.**

## **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 number 2(a) is appropriate as there is no policy or evidence base to support the mandatory replacement of dwelling number 3 with a crèche within the proposed development, nor is there any assessment of the layout rationale for a crèche facility within dwelling number 3 and the removal of condition number 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.

## **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.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2020.**