



Planning and Development Acts 2000 to 2021

Planning Authority: Clare County Council

Planning Register Reference Number: P21/226

Appeal by Valley Healthcare Fund - Infrastructure Investment Fund ICAV care of HRA Planning, Chartered Town Planning Consultants of 3 Hartstonge Street, County Limerick against the decision made on the 10th day of August, 2021 by Clare County Council in relation to the application for permission for development comprising revisions and amendments to a permitted mixed use development (P19/231) currently under construction at Station Road and Gaol Road, Ennis, County Clare. Planning permission is sought for (1) an increase in floor area of the four-storey primary care health facility and ancillary commercial units from 7,250 square metres to 8,008 square metres with the provision of an additional floor set back at roof top level; and (2) provision of an additional deck of car parking within the existing permitted car park area to provide for 63 number car parking spaces. Amendment works to include (i) Relocation of permitted plant store from roof level to the ground floor within the confines of the existing building footprint; (ii) Provision of a fifth floor set back at roof top level with ancillary roof plant; (iii) Removal of permitted PV panels from roof level; (iv) Modification to the layout of permitted car park to reduce car parking from 62 number to 57 number spaces and provision of additional deck of car parking accommodating 63 number spaces; (v) Provision of additional bicycle parking spaces; and (vi) all associated site development works. Retention permission is sought for (a) Internal relocation

of permitted lift shaft extending from ground floor to roof level (b) Minor changes to window and door treatment on the western and eastern facades; and (c) Relocation of permitted external ESB substation and switchroom within the site on lands previously occupied by Braids Mill, at Station Road and Old Gaol Road, Ennis, County Clare as revised by the further public notices received by the planning authority on the 19th day of July, 2021 in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the retention of (a) the internal relocation of permitted lift shaft extending from ground floor to roof level; (b) minor changes to window and door treatment on the western and eastern facades and (c) relocation of permitted external ESB substation and switchroom within the site; (i) relocation of permitted plant store from roof level to the ground floor within the confines of the existing building footprint; removal of permitted PV panels from roof level; provision of additional bicycle parking spaces and all associated site development works and to refuse permission for an increase in floor area of the four-storey primary care health facility and ancillary commercial units from 7,250 square metres to 8,008 square metres with the provision of an additional floor set back at roof top level; and (2) provision of an additional deck of car parking within the existing permitted car park area to provide for 63 number car parking spaces. Amendment works include (a) provision of a fifth floor set back at roof top level with ancillary roof plant and (b) modification to the layout of permitted car park to reduce car parking from 62 number to 57 number spaces and provision of additional deck of car parking accommodating 63 number spaces.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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.

Reasons and Considerations

Having regard to:

- (a) The provision of the Clare County Development Plan 2017-2023,
- (b) The existing pattern of development in this town centre location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the visual and residential amenities of adjoining properties and acceptable in the context of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans and particulars submitted on the 19th day of July, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained, carried out and completed in accordance with the agreed particulars. For the avoidance of doubt, the grant of permission omits the proposal for the additional deck and grants permission for a total of 123 car parking spaces comprising 59 spaces in the main body of the site in conjunction to the 64 spaces previously permitted in the car park on the western side of Old Gaol Road.

Reason: In the interest of clarity.

2. The development for which retention is sought shall be retained, carried out and completed in accordance with the relevant conditions of the parent permission granted by Clare County Council under Planning Reference 19/231.

Reason: In the interest of clarity.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this 17th day of Jan. 2022