



An  
Bord  
Pleanála

**Board Direction**  
**BD-007999-21**  
**ABP-308913-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/04/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the provisions of the Mayo County Development Plan 2014-2020 (as varied) and the Ballina and Environs Development Plan 2009-2015 (as varied), the Phase 1 Residential zoning objectives for the site, the nature and scale of the proposed development, and the existing pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would respect the character of existing development in the area and would not injure the residential amenities of the area, and would provide a suitable level of amenity for future occupants. The Board did not consider that the proposed development would contravene materially a condition attached to permission P19/119 having regard to the residual quantum of useable public open space provided with the overall housing development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 16<sup>th</sup> day of December 2020, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The materials, colours and textures of all the external finishes to the proposed house shall be submitted to and agreed in writing with the planning authority before the commencement of development.

**Reason:** In the interest of the visual and residential amenities of the area.

3. Details of the boundary walls to surround the dwelling and vehicular entrance/car parking shall be submitted to and agreed in writing with the planning authority before the commencement of development.

**Reason:** In the interest of the visual and residential amenities of the area.

4. (a) Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

(b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board Member**

Maria Fitzgerald  
Maria Fitzgerald

**Date:** 26/04/2021