



Planning and Development Acts 2000 to 2018

Planning Authority: Mayo County Council

Planning Register Reference Number: P17/1036

Appeal by Davil Properties Limited care of D. O'Malley and Associates of Unit 4, First Floor, McHale Business Park, Castlebar, County Mayo against the decision made on the 4th day of May, 2018 by Mayo County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of four number terraced dwelling houses with connection to public services and all associated site works at Davitts Terrace, Castlebar, Co Mayo.

Decision

Having regard to the nature of the condition 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 condition number 2 and the reason therefor and to AMEND condition number 10 so that it shall be as follows for the reason set out.

10. 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.

Reasons and Considerations

Having regard to the location of the site adjoining the town centre, and to the proposal for four number townhouses at an appropriate density and comprising of a layout and quantum of internal space and room sizes that accord with the advice contained in the “Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities” issued by the Department of the Environment, Heritage and Local Government, in 2007, together with the quantum of private amenity space, car parking and access arrangements, it is considered that the proposal represents an appropriate form and density of development and that condition number 2 should be removed. As such, the proposed development will reflect the character of the area and will maximise the development potential of the site.

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.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.