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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P19/166**

**Appeal** by John Nealon of Carrowntreila, Ballina, County Mayo against the decision made on the 11<sup>th</sup> day of July, 2019 by Mayo County Council to grant subject to conditions a permission to Keith Ruane care of OMD Design Limited of Unit 2, Killala Road Business Park, Killala Road, Ballina, County Mayo in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1) Demolish existing dwelling house, (2) construct replacement dwelling house, (3) install effluent treatment system with percolation area, (4) carry out all associated ancillary site works, all at Carrowntreila, Ballina, County Mayo.

**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 the scale and nature of the proposed replacement dwelling and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Mayo County Development Plan 2014-2020. 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 submitted on the 19<sup>th</sup> day of June, 2019, 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 existing house on site to be replaced shall be demolished prior to occupancy of proposed dwelling or within eighteen months from the date of commencement of works, whichever is the sooner date.

**Reason:** In the interest of orderly development.

3. The finished floor level of the proposed dwelling shall be constructed at 13.5 metres O.D.

**Reason:** To prevent risk of flooding.

4.
  - (a) The existing front boundary shall be set back as necessary to provide for improved sightlines at the vehicular entrance to the site in accordance with the detailed requirements of the planning authority.
  - (b) All temporary fencing shall be removed prior to occupancy of the dwelling.

Details, showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of traffic safety and orderly development.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include:

- (a) the establishment of a hedgerow along all side and rear boundaries of the site, and
- (b) details of all boundary treatment including details of height, materials and finishes.

Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

- 6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

- (b) Certification by the system manufacturer that the system has been properly installed and compliant with the treatment performance criteria shall be submitted to the planning authority within four weeks of the installation of the system. A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
  
- (c) Surface water soak-ways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
  
- (d) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

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

- 7. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.
- (c) The existing drainage channel traversing the site shall be diverted in accordance with the requirements of the planning authority.

All details including timescale for such works shall be submitted for the prior written agreement of the planning authority.

**Reason:** In the interests of traffic safety and to prevent pollution.

- 8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interests of sustainable waste management.

9. Details of external finishes shall comply with the following criteria:
- (a) The front door and windows shall be simple in design.
  - (b) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tiles shall be the same as the colour of the roof.
  - (c) The external walls shall be finished in neutral colours such as grey or off-white.
  - (d) Stone, where used, shall be indigenous to the area.

**Reason:** In the interest of visual amenity.

10. The developer shall comply with the planning authority's Fuel Oil Regulations for single family dwellings.

**Reason:** To reduce fire risk.

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**Terry Ó Niadh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**