

An  
Bord  
Pleanála

Board Order  
ABP-311229-21

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## Planning and Development Acts 2000 to 2021

**Planning Authority:** Mayo County Council

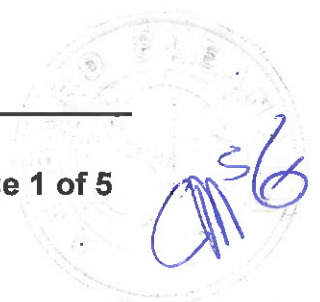
**Planning Register Reference Number:** P21/202

**Appeal** by Frescobol Holdings Limited care of John Kennedy of Station Road, Swinford, County Mayo against the decision made on the 10<sup>th</sup> day of August, 2021 by Mayo County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of new entrance roadway to the existing housing estate together with all ancillary site works at Rathdubh, Kilbride, Swinford, 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.



## Reasons and Considerations

Having regard to the nature, scale and extent of the proposed development, to the residential zoning of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of residential property in the vicinity by reason of overlooking, would not endanger public safety by reason of traffic hazard and obstruction of road users, due to the movement of traffic generated, either at and immediately adjoining the site or on the wider public road network, and would be an acceptable form of road development within this zoned residential land area, linked to an established residential area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of documentation submitted with the application and appeal. Specifically, the Board considered that the proposed new entrance roadway to the existing housing estate together with ancillary works, would not lead to serious injury to residential property in the area by reason of overlooking having regard to the documentation submitted with the application and appeal incorporating planting proposals. Furthermore, the Board considered that the proposed development would not of itself lead to additional traffic movements and that any redistribution of traffic subsequent to a grant of permission would not be material and could be accommodated safely on the new road and on the wider existing road network without any adverse effect or endangerment to traffic safety. In this regard, the proposed development would not be contrary to the spirit and intent of the provisions of section 16.1.1 of the statutory Plan for the area. In coming to this conclusion, the Board noted and shared the view set out in the local authority engineer's report dated the 7<sup>th</sup> July, 2021, recommending a grant of permission subject to conditions.

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## 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 16<sup>th</sup> day of June, 2021 and the 15<sup>th</sup> 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

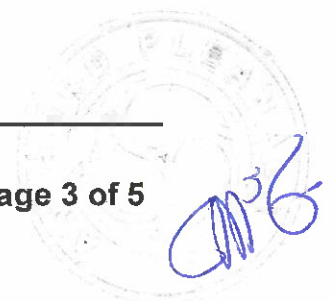
**Reason:** In the interest of clarity.

2. For the avoidance of doubt, the permitted development does not include the installation of traffic bollards on lands outside the red line area of the application and on a northern section of the existing estate road network of the area.

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

3. Details of final boundary treatment, including fencing and landscaping, to facilitate sightlines at the junction of the proposed road and the local road L13306, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

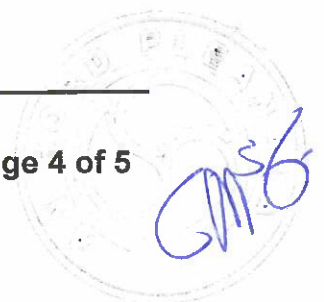


4. The proposed road and entrance junction with the local road L3306 shall be completed in accordance with the documentation as submitted to the planning authority on the 16<sup>th</sup> day of June, 2021 and the 15<sup>th</sup> day of July, 2021. Final details including surface materials, gradient, shall be in accordance with the requirements of the planning authority.

**Reason:** In the interest of traffic safety.

5. Prior to commencement of development, a landscape plan setting out full detail of the form and species type of screen planting, to the rear of existing houses, alongside the carriageway of the proposed roadway and along the frontage with the local road L3306, shall be submitted to, and agreed in writing with, the planning authority. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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 the interests of visual and residential amenity.

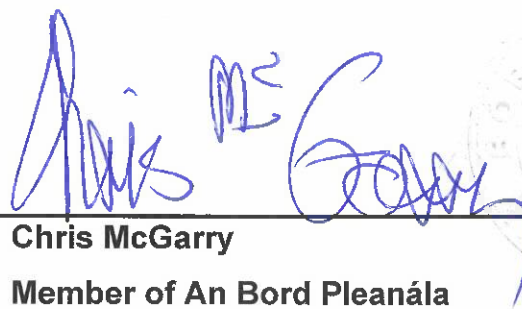


6. A surface water system shall be designed and installed as per the Proposed Roadway Plan submitted to the planning authority on the 16<sup>th</sup> day of June, 2021 and shall connect to the existing surface water system located within the existing housing development. No surface water from the proposed development shall discharge onto the adjoining public road or onto adjoining properties.

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

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of amenity and public safety.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 22<sup>nd</sup> day of July 2022.