

An
Bord
Pleanála

Board Order
ABP-312456-22

Planning and Development Acts 2000 to 2021

Planning Authority: Mayo County Council

Planning Register Reference Number: P20/865

Appeal by Noel Golden care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo against the decision made on the 8th day of December, 2021 by Mayo County Council to refuse outline permission for the proposed development.

Proposed Development: Construction of housing development of 28 number semi-detached dwellings (12 number single and 16 number two-storey), vehicular and pedestrian site access, connections to public services and utilities, and all associated and ancillary works and development, all at Ballyvary, Castlebar, County Mayo, as revised by the further public notices received by the planning authority on the 12th day of November, 2021.

Decision

GRANT outline 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.

MB

Reasons and Considerations

In arriving at its decision, the Board considered the provisions of the totality of the Mayo County Development Plan 2022-2028, including:

- (a) Chapter 2, Core and Settlement Strategy, Core Strategy Table 2.4, and the Settlement Hierarchy, (Table 2.6) which classified Bellavary as a Tier IV Rural Settlement, and Section 2.8.1.3, Rural Settlements Tier IV which provides detail on these settlements.
- (b) Chapter 3 Housing, map 3.1, Rural Areas under strong Urban Influence, policies and objectives, HSP1, HSP3, TVHP2, THVP8, and THVO9.
- (c) Chapter 12 Settlement Plans, Section 12.18 Settlement Plans for Tier IV Rural Settlements and Tier V Rural Villages, policies and objectives RSVP1, RSVP2 and RSVO4 (quoted in full below).

RSVO 4 - To support the development of appropriate housing in rural settlements and villages, in order to provide a choice for those who wish to live in a rural setting but not in the rural countryside, subject to a limited scope for individual small-scale multi-house developments of up to 12 houses only or 10% of the existing housing stock, unless it can be demonstrated to the satisfaction of the Planning Authority that local infrastructure, such as schools, community facilities and water services, are sufficiently developed to cater for a larger residential development.

Mayo County Development Plan Volume 3 includes Bellavary Settlement Plan, the Board noted the site the subject of this application is mainly within the area identified as the Consolidation Zone, the site is primarily within the area identified as an Opportunity Site, and the access to the site connects with the area identified as the Core Area.

In arriving at its decision, the Board also had regard to -

- (a) The documents submitted with the application and the appeal, including correspondence confirming capacity in the Group Water Scheme, (e-mail from the secretary of PBKS Gws dated 11/1/22), and
- (b) the planning permission granted for an extension to and recreational facilities for Bellavary Central National School.

Having regard to the above context the Board is satisfied that the site is an appropriate location for 26 houses, as the site location aligns with the objective to develop rural settlements in a sustainable and sequential manner.

The Board considered that the proposal was not contrary to RSVO 4, as the development plan identifies this area as a Rural Settlement Consolidation Zone for reasons including having access to services. The applicant has provided confirmation at appeal stage that capacity is available in the Group Water Scheme, any letters of consent to connect to the Scheme required by the planning authority can be provided at permission consequent stage. The Board noted that the planning history in the area includes permission being granted for an extension to the local primary school. The planning authority in its report does not identify any specific deficiency with regard to schools or community facilities and the matter of water services has been addressed by the applicant.

The Board also considered the density at approximately 17 houses to the hectare, 26 houses on a 1.53 hectares site, to be acceptable as this site has been identified as an "opportunity site" in the settlement plan. The development plan states the minimum residential density required for Rural Settlements is five units per hectares. The scheme as proposed accords with this requirement.

Furthermore, the Board considered the layout and configuration received at further information stage to be acceptable having regard to the settlement plan for Bellavary, and the policies and objectives in the development plan including sequential growth and variety of house type. The detail of the design is a matter to be considered at permission consequent stage.

The scale of development does not in itself contravene the core strategy, the number of units proposed does not exceed the growth target for Tier IV settlements. Providing a layout for the whole of the site prevents piecemeal development and 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 outline permission, the Board considered that the principal of the development accorded with the policies and objectives of the Mayo County Development Plan 2022-2028.

Conditions

1. This outline permission is for the development as indicated in the plans and particulars lodged with the application, as amended by further plans and particulars lodged on the 11th day of October 2021 and documents submitted at appeal stage on the 12th day of January 2022, except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of permission consequent on this outline permission is received.

Reason: In the interest of clarity.

2. This outline permission relates solely to the principle of the development on this site of 26 houses, 10 single storey and 16 two storey semi-detached houses, plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following:

- (a) Details of the design, height, and external finish of all proposed houses.
- (b) A detailed landscaping plan prepared by a suitably qualified landscape professional to include a boundary treatment plan for the entire site.
- (c) Evidence of consent to connect to water supply, in accordance with the requirements of the planning authority.
- (d) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (e) The detailed design of pedestrian and vehicular access, parking areas, shared surfaces, public lighting, and footpaths.
- (f) Proposed phasing of the delivery of the development.

Reason In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. Prior to commencement of development, the developer shall enter into waste water connection agreement(s) with Uisce Eireann, formerly Irish Water.

Reason: In the interest of public health.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

5. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

6. No development on foot of any permission granted consequent to this outline permission shall be undertaken until such time as the developer, in accordance with any requirements of the planning authority, enters into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

7. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

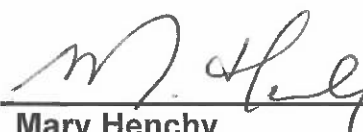
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

9. No development on foot of any permission granted consequent to this outline permission shall be undertaken until such time as the developer, has paid 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.



Mary Henchy

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



Dated this 2nd day of June. 2023.