

An  
Bord  
Pleanála

Board Order  
ABP-315133-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P22/769**

**Appeal** by Harold Conway care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo against the decision made on the 25<sup>th</sup> day of October, 2022 by Mayo County Council to refuse permission for the proposed development.

**Proposed Development:** (1) Construction of a housing development of 60 number apartments in two number five storey buildings; (2) pedestrian and vehicular access to Kilcolman Road (extending existing partially constructed access road serving Lidl store); (3) pedestrian/cycle access via access way to Ballyhaunis Road and (4) associated development and works including hard and soft landscaping, roads and footpaths, cycle and car parking, bin stores, public and private amenity and open spaces, boundary treatments, public lighting and all other ancillary works above and below ground including connections to water supply, wastewater infrastructure, surface water infrastructure and utilities and provision for an electricity substation at Kilcolman Road, Claremorris, 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: -

- (a) the National Planning Framework 2040,
- (b) the Northern and Western Regional Economic and Spatial Strategy 2020-2032,
- (c) the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- (d) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2020,
- (e) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018, and
- (f) the Mayo County Development Plan 2022-2028,

it is considered that, as the site is located within lands that are zoned town centre in the Mayo County Development Plan 2022-2028, the proposed apartments would be permissible in principle. It is also considered that, as Claremorris is a “small town” and so it is in a peripheral and/or less accessible location, the density and height of the revised proposal would be in accordance with the advice of the above cited Guidelines, and, within the context of the site, the exclusively residential use and mix of apartment sizes proposed would be appropriate. The proposed development would not seriously injure the visual amenities of the area, and subject to compliance with the conditions set out below, would afford a satisfactory standard of amenity to future residents and would not endanger public safety by reason of traffic hazard. 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 18<sup>th</sup> day of November, 2022, 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 proposed development shall be amended as follows:
  - (a) The kitchen/dining/living room window in the type 1.3 apartments shall be widened by 0.6 metre from 0.9 metre to 1.5 metres.
  - (b) The treatment of the westernmost boundary of the site shall be re-specified from a 1.4 metres high timber post and rail fence with a chain link fence to a 2.4 metres high wire mesh security fence.
  - (c) The Stormwater Attenuation Proposal shall include a 20% allowance for climate change and the size of the proposed attenuation tank shall reflect this allowance.

Revised drawings 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 the amenities of future residents, a reasonable level of cycle space provision, and sustainable drainage arrangements.

3. The number of apartments permitted is forty-four.

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

4. 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed apartment blocks, which shall not include render or timber, and the hard surfaces within the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

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

7. Storm water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

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

8. Street 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. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

9. Proposals for an estate/street name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. 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.

10. The landscaping scheme shown on the Landscape Masterplan drawing number DWG.01 submitted with the planning application shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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 interest of residential and visual amenity.

11. The management and maintenance of the proposed development comprising the apartment blocks and ancillary facilities, communal open space, and on-site access and drainage arrangements, following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event that the access and drainage arrangements are taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,

- (b) location of areas for construction site offices and staff facilities,
- (c) details of site security fencing and hoarding,
- (d) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (e) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (f) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (g) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (h) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (i) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

13. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of good traffic management and road safety.



14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

15. A Stage 2 Road Safety Audit of the proposed access arrangements to the site shall be undertaken. Any recommendations to be submitted to the planning authority for agreement.

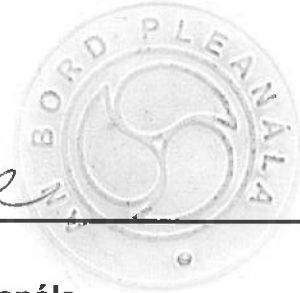
**Reason:** In the interest of road safety.

16. 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.

*Una Crosse*



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**Una Crosse**

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

**Dated this**

*25<sup>th</sup>* day of *September* **2023.**