



Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: 22/839

Appeal by Edward McEllin care of D. Moran and Associates of Hopkins Road, Castlebar, County Mayo against the decision made on the 14th day of November, 2022 by Mayo County Council to grant subject to conditions a permission to Vivian Hussey care of David O'Malley and Associates of Unit 4, First Floor, McHale Retail Park, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolish an existing derelict dwellinghouse and construct a two-storey over-basement building, comprising two retail units at basement level (410 square metres), retail space (539 square metres) at ground floor level and offices (452 square metres) at first floor level, inclusive of access and egress, landscaping and all ancillary site services, all at Mountain View Road, Castlebar, 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 National Planning Framework (2018), the Mayo County Development Plan 2022-2028, the Castlebar and Environs Development Plan 2008-2014, and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed redevelopment of the site to provide shops and offices would, under the town centre zoning, be permissible in principle. The resulting building would be of an appropriate density for its town centre location and, subject to several elevational amendments, it would be compatible with the visual and residential amenities of the area. The omission of off-street parking would be appropriate. Cycle stands should, however, be provided. No water or Appropriate Assessment issues would arise. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed 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) A bin storage area(s) shall be provided for the proposed building.
 - (b) Bicycle stands shall be provided in accordance with the relevant standards of the development plan for the area.
 - (c) The elevations of the proposed building shall be revised as follows:
 - (i) In the southern elevation, the ground floor openings shall exhibit greater vertical alignment with the first-floor openings above by being contained within the extremities established by these first-floor openings. The western shop window shall be fitted with three lights.
 - (ii) In the western gabled elevation, the ground floor opening shall exhibit greater vertical alignment with the two first-floor openings above by being contained within the extremities established by these two first-floor openings. The ground floor shop window shall be fitted with three lights. Additionally, the basement level shop window in the western elevation shall be fitted with three lights.
 - (iii) In the northern elevation, the ground floor window shall align horizontally with the adjacent ground floor windows in the western side elevation.
 - (iv) In the eastern elevation, the windows shall be omitted.

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 interest of visual and residential amenity and to facilitate cycling as a sustainable mode of transport.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths and the plaza.
- (b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.
- (c) Details of proposed street furniture, including bollards, lighting fixtures and seating.
- (d) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed 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.

5. Details of signage shall be submitted to, and agreed in writing with, the planning authority prior to installation, and only agreed signage shall be installed thereafter on the building.

Reason: In the interest of the amenities of the area and visual amenity.

6. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

8. 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 or public holidays. Deviation from these times shall 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.

9. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

10. Stormwater drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. 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.


Liam Bergin

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

Dated this 03rd day of January 2024.