



An
Bord
Pleanála

Board Order
ABP-315872-23

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: 22/481

Appeal by The Oaks Residents Association care of Mairead Mangan of 54 The Oaks, Turlough Road, Castlebar, County Mayo and by Farnan and Gillian Harte of 12 The Oaks, Turlough Road, Castlebar, County Mayo against the decision made on the 27th day of January, 2023 by Mayo County Council to grant, subject to conditions, a permission to Val and Clare Baynes care of Corbwell Design of Suite 1, Unit 17, Claregalway Corporate Park, Claregalway, Galway for the proposed development.

Proposed Development: Construction of four new townhouses along with two-storey apartment building along with demolition of existing front façade wall of old dwelling and removal of any structures on site and associated site works and services at Turlough Road, Castlebar, County Mayo as revised by the further public notices received by the planning authority on the 3rd day of January, 2023.

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

In deciding not to accept the Inspector's recommendation to refuse permission, the Board decided that:

1. With regard to density that the proposal makes the most effective use of the site.
2. With regard to the provision of shared open space, onsite access arrangements, car parking space and surface water drainage arrangements that there was adequate information of the file to allow the Board to decide that the proposal will meet the requirements of proper planning and residential amenity and will enrich the character of the surrounding area allowing for effective connectivity and creating a sense of identity and space.
3. With regard to the proposed layby for four carparking spaces the Board considered road safety can be adequately addressed by condition and noted that the Road Design Office has no objection to this development subject to the inclusion of said condition.

Conditions

1. The development shall be carried out in accordance with the site layout plan, plans, elevations and documentation submitted to the planning authority on 25th day of November 2021, as amended by the further plans and particulars submitted to the planning authority on the 17th day of June 2022, except as 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. Final elevation drawings of the dwelling houses to be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development on site. The elevation drawings shall detail all external finishes including fenestration and all finished materials including the type and colour scheme to be used. In this regard, dwelling B-5 shall also incorporate window(s) at first floor level on the side elevation.

Reason: In the interest of visual amenity and to provide passive surveillance of public open space.

3. A buffer zone (small railed off garden) shall be provided at the front of units A1 and A2 between the dwellings and the public footpath.

Reason: In the interest of residential amenity and clarity.

4. A finalised landscaping and boundary treatment plan shall be agreed, in writing, with the planning authority prior to the commencement of development on site. All stone works shall use natural local stone of a style and colour in keeping with that in the immediate locality.

Reason: In the interest of visual and residential amenity.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

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

Reason: In the interest of public health.

7. Final designs of footpaths, roadways and turning areas shall comply with the relevant current standards and design guidance for street design, footpaths and roads including good design practice on accessibility of streetscapes and the Design Manual of Urban Roads and Streets (DMURS), 2019.

Reason: In the interest of traffic safety and to ensure access for all.

8. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

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

9. Junctions and intersections shall have dished kerbs, dished footpaths and tactile paving. All footpaths shall be designed in such a manner as not to allow parking.

Reason: In the interests of traffic and pedestrian safety and to facilitate the disabled.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

11. On completion of the development, the developer shall submit to Mayo County Council as constructed drawings of the entire development including all services in the estate.

Reason: In the interests of proper development.

12. 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 names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names 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.

13. 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 all intended construction practice for the proposed development, including dust control, noise management measures and off-site disposal of construction/demolition waste.

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

14. Site development and building works shall be carried out only between the hours of 0800 to 1800 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 amenities of property in the vicinity.

15. Traffic signs and road markings (yield/stop sign) shall be provided by the developer at the junction between the public road and the proposed access entrance. These shall be as shown on the site layout plan.

Reason: In the interest of traffic and pedestrian safety.

16. Turning radii at junctions shall be a maximum of the following:
One to three metres shall be applied to all junctions and turning areas within the estate. as per 4.3.3, DMURS, May 2019, v1.1.

Reason: In the interest of traffic safety.

17. A minimum of 10% of all car parking spaces serving the apartments shall be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

18. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, for each apartment unit and house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

19. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units 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.

20. Prior to commencement of development, the developer 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.

21. 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 28th day of March. 2024.