



An
Bord
Pleanála

Inspector's Report PL16.248711

Development	3 no. 3-bed houses and 4 no. 4-bed houses.
Location	Bellavary, Castlebar, County Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	P16/997.
Applicants	Caroline and Veitch McCombs.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellants	Caroline and Veitch McCombs.
Observers	Deirbhile Ní Chionnaigh.
Date of Site Inspection	18 th September, 2017.
Inspector	Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority's Decision	5
5.0 Planning History.....	7
6.0 Grounds of Appeal.....	7
7.0 Appeal Responses.....	8
8.0 Observations.....	8
9.0 Development Plan Provision.....	13
10.0 Planning Assessment.....	15
11.0 Appropriate Assessment	23
12.0 Conclusions and Recommendation.....	24
13.0 Decision	24
14.0 Reasons and Considerations	25
15.0 Conditions	25

1.0 Introduction

PL16.248711 relates to a first party appeal against the decision of Mayo County Council to issue notification to refuse planning permission for the construction of 7 dwellinghouses at a site in the village of Bellavary outside Castlebar in County Mayo. Mayo County Council refused planning permission for three reasons stating that the proposed development was located outside the core facilities of Bellavary Village and would constitute random housing in a rural area. The reasons for refusal also made reference to the development being at variance with official policy in relation to control of development affecting national roads. Finally, the proposal includes a foul pumping station and soakpit located in a green area which constitutes poor development and design. An observation was also submitted in support of the Planning Authority's decision.

2.0 Site Location and Description

- 2.1. The appeal site is located on lands to the north of the N5 on the northern outskirts of the small village of Bellavary approximately 10 kilometres east of Castlebar Town in Central Mayo.
- 2.2. The village is relatively small comprising of a cluster of dwellings in commercial premises located along a short main street which runs parallel to the N5 which traverses the town in an east/west direction. Bellavary accommodates a local national school, a post office, a petrol filling station, a small convenience store and a number of public houses. All of these services with the exception of the petrol station are located in the vicinity of the main street and to the south of the N5. The petrol station is located on the northern side of the N5 on the eastern environs to the village.
- 2.3. Foxford Road (N58) runs northwards from the N5 in the vicinity of the village. This is a national secondary route. There are a number of houses, approximately a dozen, on the northern side of the N5 which fronts onto the N58. These dwellings are located within the 60 kilometre speed limit of Bellavary Village but are physically separated from the main street of the village by the N5 National Primary Route. The

dwellings on the northern environs of the village include a small suburban type residential development comprising of 5 dwellings called 'Nephin View'.

- 2.4. The subject site is located on the eastern side of the N58 directly opposite the entrance in Nephin View. It comprises of a greenfield area to the rear of two houses which front onto the eastern side of the N58. The greenfield site is irregularly shaped and occupies an area of 0.627 hectares. It is currently under grass. A line of conifer trees run along the south-eastern boundary of the site which backs onto the service station fronting onto the N5. The remainder of the site is surrounded by hedgerows and mature deciduous trees which bound the rear gardens of existing dwellings backing onto the site. A low embankment is located along the northern eastern boundary of the site. The site incorporates a slight downward slope from the north-west to the south-east.
- 2.5. In terms of surrounding land uses, lands to the north of the site are in agricultural use. The petrol station fronting onto the N5 is located to the south-east of the site while a small triangular area of grass is located between the south-western boundary of the site and the junction of the N5/N58. There are three dwellinghouses fronting onto the N58 along the western boundary of the site.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of 3 no. three bedroomed houses and 4 no. four bedroomed houses on the subject site. The internal access road is to be taken off the N58 between two existing dwellings at a point almost opposite the Nephin View residential development. The internal access road is approximately 100 metres long and ends in a hammerhead junction. The 3 no. three bedroomed dwellings are to be located to the north of the access road backing onto the northern boundary of the site. Whereas the 4 no. four bedroomed houses back onto the eastern boundary of the site and face onto the hammerhead junction.
- 3.2. The three bedroomed houses rise to a ridge height of 7.55 metres above ground level and incorporate a nap plaster finish with some stone cladding at ground floor level. The total floor area of each of the dwellings is 145.5 metres. The four bedroomed dwellinghouses to the rear of the site incorporate similar external cladding and rise to a ridge height of 7.82 metres. The total floor area of these

dwellings is just under 170 square metres. The proposed housing development is to be served by new connections to the existing public mains and public sewer. The proposed method of surface water disposal is via a soakpit in the area of public open space.

4.0 **Planning Authority's Decision**

Mayo County Council issued notification to refuse planning permission for three reasons which are set out in full below:

1. *Having regard to the location of the proposed development outside the core facilities of Bellavary Village, the proposed development would constitute random housing development in a rural area. Such development would be seriously injurious to the visual amenities of the area and would set an undesirable precedent for other similar developments in the immediate area. The development therefore would be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development is considered at variance with official policy in relation to the control of development on/affecting national roads as outlined in the Department of Environment, Community and Local Government Spatial Planning and National Road Guidelines for Planning Authorities (2012). The proposed development, by itself or by the precedent which a grant of permission for it would set for other relevant development would adversely affect the use of a national road.*
3. *It is considered that the proposed layout, which includes a foul pumping station and soakpit located within a green area, constitutes poor development design. The proposed development would seriously injure the amenities or depreciate the value of property in the vicinity.*

4.1. **Planning Authority Assessment**

- 4.1.1. Mayo County Council received the planning application on 21st December, 2016.
- 4.1.2. A report from the **Area Engineer in Castlebar** notes that the access/exit is onto a national road and it is requested that the application be referred to the National Road Design Office and Road Design Office. The suitability of the pumping station for the

four houses is also questioned and it is suggested that the design/layout be modified to eliminate the pumping station. The location of the soakpit within the green area could also lead to saturated ground.

- 4.1.3. A report from the **Senior Archaeologist** recommends that an archaeological assessment must be submitted.
- 4.1.4. A report from **Transport Infrastructure Ireland** states that the Authority has examined the above application and considers that it is at variance with official policy in relation to the control of development on/affecting national roads. It also recommended that a road safety audit should be carried out in accordance with the National Roads Authority's Design Manual for Roads and Bridges. Any recommendations arising shall be incorporated into the proposed development by amendment to the existing planning application or as conditions on the permission if granted.
- 4.1.5. A number of observations were submitted objecting to the proposed development the contents of which have been read and noted.
- 4.1.6. A report from the **Road Design Office** states that the office requires further information in relation to the following items.
- A Road Safety Audit.
 - The applicant is required to show how access visibility requirements can be obtained.
- 4.1.7. A report from the **Mayo National Roads Design Office** recommends that planning permission be granted subject to conditions relating to site visibility at the proposed site entrance, and that any new building lines shall be at least 40 metres from the national road.
- 4.1.8. The **planner's report** notes that there is currently no Local Area Plan for Bellavary Village. It is noted that the proposed development is located outside of the core village facilities and is separated from the core village facilities by the N5 National Primary Route. It is considered that the proposed development would be inappropriate at this location. It is also noted that the Area Engineer has expressed concerns over the location of the pumping station. It is considered that a grant of planning permission in this instance would lead to increased volume of traffic and

would contravene the development plan in relation to traffic safety. It is noted that a Road Safety Audit was submitted by way of unsolicited additional information on the 4th May. The Stage 1 Road Safety Audit sets out a number of potential problems in respect of visibility, junction access, footway pedestrian crossings, drainage, public lighting and road markings and signage. Recommendations in relation to each of these issues are set out in the Road Safety Audit. However, the planner's report notes that the TII have expressed concerns in relation to the proposed development. It is therefore recommended that planning permission be refused.

- 4.1.9. In its decision dated 19th May, 2017 Mayo County Council issued notification to refuse planning permission for the three reasons set out above in my report.

5.0 Planning History

- 5.1. No planning history files are attached.
- 5.2. The planner's report makes reference to two applications relating to the site. Under Reg. Ref. 04/2430 planning permission was granted to construct a dwelling on the site. An extension of the duration of permission was granted under Reg. Ref. 09/983. Details of Reg. Ref. 09/983 are contained in a pouch to the front of the file.

6.0 Grounds of Appeal

The decision was the subject of a first party appeal by John Halligan Architects. The grounds of appeal are outlined below:

- With regard to the first reason for refusal, it notes that the current development plan identifies Bellavary as a settlement and the Tables contained in core strategy states that Bellavary requires an additional nine housing units between 2011 and 2020. Furthermore, it is the Planning Authority's policy to support the sustainable development and growth of towns throughout Mayo - including Bellavary.
- In relation to the second reason for refusal it is stated that the proposed development constitutes development of an infill site in an already developed and serviced area of the town and village. Under Reg. Ref. P05/1475 a

development of four houses has taken place directly opposite the proposed development.

- Furthermore, reference is made to the Road Safety Audit carried out by Tobin Engineers where it is noted that the development is located within a 60km/h speed limit, and additional measures could be introduced to further reduce speed along this section of road.
- In relation to the final reason for refusal, it is stated that the introduction of a foul pumping station is a standard design in housing developments where level dictates that a gravity feed cannot be achieved to the existing sewerage system. The pumping station could have been screened or relocated had the Planning Authority considered this necessary. A soakpit or attenuation system is also a standard system designed to deal with surface water run-off for housing developments or hard surface areas. Neither of these systems would depreciate the value or seriously injure the amenities of property in the vicinity of the site.

7.0 Appeal Responses

A response from the grounds of appeal by Mayo County Council are not contained on file.

8.0 Observations

A detailed observation was received from Deirbhile Ní Chionnaigh a resident of Bellavary. The principle concerns in relation to the proposed development are as follows:

- The creation of a crossroad exit onto a national secondary route within approximately 110 metres of a national primary route constitutes traffic hazard. It is argued that the creation of a crossroad onto the N58 would give rise to a traffic hazard on an already congested N58 road and would cause obstruction to current road users. Reference is also made to Section 16.1.3 of Volume 2 of the Mayo County Development Plan which permits a limited level of direct access

onto the national road within urban areas. It is argued that the proposed development is however located in a rural area.

- It is also argued that the proposed development is at variance with national policy in relation to control of frontage development on national roads. It is noted in relation to the development opposite the site, that a left hand merging lane was provided on the N58 to facilitate traffic from the estate using the N58. No such lane is proposed under the current application.
- The provision of 21 car parking spaces within the overall site to accommodate 7 proposed housing units would undoubtedly add additional burden to the congested road. Parking design is poor within the layout.
- It is also noted that the section of the N5 between Bellavary and Castlebar is the busiest section of road in County Mayo.
- It is stated that the actual speed limit is not put in practice and is not reflective of the actual speed limits of traffic travelling southwards on the N58 towards the N5.
- It is considered that the sightlines provided are of concern and it is not considered that the sightline requirements for local road (90 metres) is appropriate for a national road.
- It is argued that there is no requirement for the proposed development of 7 houses in the Bellavary area and there are existing vacant residential properties in the area. The development plan also clearly states that vacancy data is not available for the Bellavary area and therefore there may not be a shortfall in housing units.
- Given the high level of vacant residential properties in County Mayo, it is stated that the Planning Authority should encourage the use of vacant residential properties as an alternative to new build.
- It is also contended that residential development in areas under strong urban influence must demonstrate a rural generated housing need.
- The proposed development of 7 two-storey houses would create a building line which would not follow the established building lines of residential properties in the area. There is no similarity in design or density to the well-established homes

in the area. Furthermore, one of the dwellings (Plot No. 7) falls within 40 metres of a national primary road and as such is contrary to the required setback of building lines onto national primary routes as required by the Mayo County Development Plan.

- It is also stated that the proposal has not been thoroughly considered in terms of siting and profile and that the design does not comply with Planning Authority or national guidelines.
- The proposal also constitutes overdevelopment of site in a rural area.
- It is stated that the proposal by reason of its density, design and layout would seriously injure the observer's residential amenity and is not in keeping with neighbouring properties.
- The public open space provided is inadequate and unsuitable and could pose a danger to children playing in the area. The proposed pumping station and the existing sewer manhole also dominate public open space. And the location of a foul sewer vent would represent a safety hazard for children living in the area.
- It is also noted that the proposal will require the relocation of a lighting column and it is queried whether or not permission from the ESB has been sought or is required in this instance.
- The layout of visual visitor parking within the site is also of concern and could result in a traffic hazard. The proposal has no plan for disabled parking facilities and this is not in accordance with the Mayo County Development Plan.
- No detailed planting or screening has been provided.
- The applicants have not provided any quantitative data to show how the proposed soakpits will adequately deal with surface water from the site. It is noted from mapping surveys by the Office of Public Works that the area is located within a pluvial flooding area.
- No archaeological assessment has been provided by the applicants. It is argued that the south-western portion of the site has been flooded on numerous occasions. It is also evident that areas within a few miles radius of the proposed development are mapped as flooding areas.

- It is stated that the Bellavary area is served by a group water scheme and no application has been made to join this scheme.
- Concerns are expressed that there may be an inadequate level of school places in Ballavary National School to cater for the development.
- Finally it is stated that the applicant made no effort to carry out consultation with the local community.

8.1. Response to Observation

The Board requested that the applicants submit a response to the observation submitted and this response is briefly set out below:

- Contrary to being rural in nature, it is argued that the subject site is located within an established village envelope and within an existing settlement cluster to the north of the N5. The Board also granted permission for a housing development a further distance from the village centre (to the south of the village). Mayo County Council have deemed the subject site to be within the village boundary on three occasions where it granted planning permission for a dwelling. Reference is made to numerous policies in the development plan where it is the objective of the Council to encourage in-depth residential development in smaller settlements.
- The observation makes reference to the proposals supposedly non-compliance with NRA Guidelines in relation to Spatial Planning and National Roads. However, no acknowledgement is made for the Design Manual for Urban Roads and Streets (DMURS) which it is argued, is the appropriate Guideline for Streets and Roads with a speed limit of 60km/h or less.
- It is noted that both DMURS and the Mayo County Development Plan requires sightlines for urban roads of 59 metres and 65 metres respectively. Based on the foregoing the sightlines of 90 metres is deemed to be appropriate.
- The proposed development comprising of 7 dwellings would not lead to significant volumes of traffic. Furthermore, it is argued that the close proximity of the N58 junction and the N5 junction within a 60 kilometre speed limit significantly reduces the possibility of traffic speeding along the N58. The

Road Safety Audit indicates that there have only been three minor collisions in the 8-year period between 2005 and 2017 in the vicinity of the N5/N58 junction. There is no data to support the implication that the current road is highly dangerous.

- In terms of impact on residential and visual amenities, it is stated that the proposed development is of high design, limited in scale and would not give rise to any tangible impacts on amenity.
- In relation to the demand for housing, it is stated that as of August 2017, only one dwelling appears to be for sale on the Daft.ie website in the village. It is argued that there is not a significant level of vacancy in Bellavary. It is also stated that contrary to what is stated in the observation, there are no unfinished estates in Bellavary. Finally, it is stated in the context of the current housing crisis the applicant should not be required to further justify the need for housing.
- With regard to flooding, the applicant confirms that the site is not subject to flooding and there is no contemporary information suggesting otherwise. It is noted that CFRAM study has not been finalised for the Bellavary area.
- With regard to the archaeological assessment, it is noted that the subject site is located approximately 107 metres from the zone of notification for the monument and approximately 167 metres from the monument itself. While the City Council archaeologist recommended further archaeological analysis, no justification for the same is provided. An archaeological monitoring condition would, in the applicant's view, be entirely appropriate.
- With regard to the principle of using soakpits, it is submitted that their use is commonplace and the specification for same is guided by EPA standards.
- Any relocation of the lighting column is a minor issue.
- With regard to the pumping station for foul sewage, it is submitted that this is common and offers a robust solution where gravity flow is not available. Many urban areas are served by pump sewers.

- With regard to the design and layout of roads, it is suggested that the proposal fully complies with DMURS and adopts the concept that roads should not be designed to standards in excess of the movement function.
- It is further noted that the N58/N5 is due to be redundant in the medium to long term with a new route being planned to the north of the subject site.
- In relation to site access, it is stated that precedent has been established on the subject site with the granting of planning permission for a dwellinghouse with an access at this location.
- In relation to water supply, the proposed development would be served by a local group water scheme the provision of which will be finalised at a later stage and this can be appropriately regulated through condition. There is no suggestion that there is any infrastructural deficiency in terms of water supply.
- Likewise, the proposal is modest and should not have any material impact on school capacity.
- With regard to public consultation it is noted that the observer has availed of her statutory rights and her right to comment on the application is not being prejudiced in any way.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Mayo County Development Plan 2014 – 2020.
- 9.2. There is no local area plan prepared for Bellavary therefore there are no land use zoning objectives or designated town boundaries associated with the settlement.
- 9.3. Policy P-05 states that it is the policy of the Council to support sustainable development and growth of various towns including Bellavary to the population levels set out in the Core Strategy Table (Table 1(b)) and through the implementation of housing objectives below and other strategies and development guidance document of the plan.
- 9.4. Policy UH-01 states it is an objective of the Council to ensure that future housing in urban areas in the County is located on lands zoned for residential use. In unzoned

towns and villages residential development shall be located in towns/village centres or immediate adjacent to town/village centres (based on the sequential approach); on serviced lands; and in accordance with the development guidance document in this plan.

9.5. Policy UH-04 states it is an objective of the Council to encourage in-depth residential development in smaller settlements of the settlement hierarchy, of appropriate scale, design and density compatible with the intrinsic character and scale of those settlements, to provide an alternative choice for those seeking to live in a more rural setting and to sustain smaller settlements as a focus for rural population growth and service provision.

9.6. Table 1(b) of the Core Strategy indicates that the number of housing units required between 2011 and 2020 for Bellavary is 9. It does note however that vacancy data is not available two settlements, one of which is Bellavary and therefore there may not be a shortfall of housing units in these towns.

9.7. Section 16.3 of Volume 2 of the Plan sets out access visibility requirements in urban roads. Where the 60 kilometre speed limit applies, the minimum Y distance would be 65 metres, 2.4 metres back from the entrance.

9.8. **NRA Guidelines on Spatial Planning and National Roads**

In relation to the development of lands adjoining national roads that are subject to a speed limit of 60 kmph, otherwise known as transitional zones, any plan may provide for a limited level of direct access to facilitate orderly urban development. Any such proposal however should be subject to a road safety audit, carried out in accordance with NRA's requirements, and the proliferation of such entrances which would lead to a diminution in the role of such zones and therefore must be avoided.

9.9. **Design Manual for Urban Roads and Streets**

In relation to forward visibility standards set in DMURS for design speed of 60 km/h, a forward visibility standard of 59 metres is required.

10.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to the Planning Authority's reasons for refusal and the grounds of appeal. I have also visited the site in question and have had regard to the additional issues raised in the observation submitted in respect of the appeal. I consider that pertinent issues in determining the current application and appeal before the Board are as follows:

- Location of the Proposed Development in the context of the Village
- Traffic Issues including Compliance with National Policy on Access onto National Road Network
- Impact on Recreational Amenity
- Open Space and Parking Provision within the Scheme
- Housing Demand in the Area
- Flooding
- Archaeology
- Drainage Issues
- Other Issues

10.1. Location of the Proposed Development in the context of the Village

10.1.1. The Board will note that there is no local area plan in respect of the village of Bellavary. As a result, there is no land use zoning provisions relating to the site and its surroundings nor is there any designated village boundary associated with the site. In previous development plans the village boundary was often deemed to be the area within the restricted speed limits associated with the village. While I can find no reference to any such guidelines provided in the current development plan it would seem reasonable in my view, that in general terms that the restricted speed limits of the approach road leading to the village would constitute a reasonable boundary to limit development within the confines of the village.

10.1.2. The Planning Authority appears to have taken a somewhat different view and determined that the village boundary in this instance was demarcated on its northern

side by the N5 National Primary Route. Having inspected the site and its surroundings I consider it reasonable to conclude that the village in fact spills over onto the northern side of the N5. There is undoubtedly a cluster of residential development around the intersection between the N58 and the N5. Furthermore, and perhaps more importantly, the speed limit and the entrance signs into the village of Bellavary the entrance signs and the speed restriction limits are located approximately 120 metres to the north of the entrance in to the site. It is also apparent that the subject site, and the roadway serving the subject site, is served by footpaths, public lighting, a public sewer and public water supply (albeit a local group water supply scheme). Again, such infrastructure is indicative of an urban area or village centre than that associated with a rural area as indicated in the observation submitted to the Board. In conclusion therefore, I consider that the subject site, having regard to the infrastructure available and the speed restrictions and the village sign on the speed restriction that the site in question can be considered to be located within the confines of the village.

10.1.3. This in my view is a very important consideration in terms of whether or not the Board would accept a suburban type infill development on the subject lands. If the Board accept that the subject site is located within the confines of the village, I would consider that the principle of an infill type suburban development would be acceptable and furthermore would be fully in accordance with development plan policy as it relates to such sites. Specifically, I would refer the Board to Policy UH-04 where it states that 'it is the objective of the Council to encourage in-depth residential development in the smaller settlements of the hierarchy, of appropriate scale and design and density compatible with the intrinsic character and scale of those settlements to provide an alteration choice for those seeking to live in a more rural setting and to sustain the smaller settlements as a focus of rural population growth and service provision'.

10.1.4. In my opinion the proposed development would sit very comfortably within this policy objective. I therefore consider the principle of development on the subject site to be acceptable.

10.2. **Traffic Issues including Compliance with National Policy on Access onto National Road Network**

- 10.2.1. The observation submitted in respect of the proposed development highlights the busy nature of the N5/N58 junction. Having inspected the site, I would concur that the N5 is a particularly busy route linking Castlebar with the Midlands and onto Dublin. The N58 National Secondary Route between Castlebar and Foxford is less busy and undoubtedly accommodates smaller volumes of traffic. During my site inspection I noted that traffic along the N58 approaching the N5 travels at relatively modest speeds in the vicinity of the site. This is undoubtedly due to a combination of the implementation of the 60 kilometre per hour speed limit to the north of the subject site and the fact that motorists acknowledge that they are approaching a major junction with the N5. I therefore do not agree with the observer's conclusion that traffic travelling in the vicinity of the proposed access onto the N58 travels at excessive speeds and thus constitutes a significant traffic hazard. The fact that there are a proliferation of vehicular accesses including an access to a small residential estate in the immediate vicinity of the site would also have a traffic calming effect. A precedent has been set for an access serving an infill development on this section of the road.
- 10.2.2. While both the Planning Authority and the observer argue that the proposed development is at variance with the Department of the Environment, Community and Local Government Spatial Planning and National Road – Guidelines for Planning Authorities (2012), I note that the said guidelines indicate that plans may provide for a limited level of direct access to facilitate orderly urban development. I consider in this instance that the proposal would constitute orderly development in channelling all traffic to and from the infill development through one access within the confines of the 60 kmph speed limit.
- 10.2.3. In fact, I further note that while the submission from TII states that the application is at variance with official policy in relation to control of development onto or affecting national roads, the submission goes on to suggest that a road safety audit be carried out in accordance with relevant guidelines and that any recommendations arising from the audit should be incorporated into the proposed development and funded by the developer. The TII report therefore is somewhat ambiguous in that on the one hand it suggests that the proposal is at variance with official policy but on the other

hand states that were such a development to proceed, any amendments arising from a road safety audit should be included in any grant of planning permission. I also note that the Mayo National Road Design Office recommended a grant of planning permission subject to conditions. It can be reasonably concluded in my view that there was no unanimity in relation to the proposed development and specifically whether or not it was at variance with national policy.

- 10.2.4. While I acknowledge that the subject site accesses onto a national secondary route, this national secondary route is located within the 60 kilometre speed limit and it is clear that guidelines suggest that in appropriate circumstances newly constructed accesses can be permitted in such locations. I have argued above that the proposed development in my view does not constitute a traffic hazard in that traffic speeds within the vicinity of the access are generally acceptable and in accordance with the speed limits. Furthermore, the proposed infill development would channel traffic associated with seven dwellings into one specific access and this is significantly more acceptable than a proliferation of access onto a national secondary route within a built-up area. Finally, in relation to this issue it should be borne in mind that the proposal in this instance represents an opportunity to develop existing infill sites that can avail of appropriate infrastructure such as roads, footpaths, public lighting and drainage services which will help to strengthen and sustain small rural villages and will also militate against the proliferation of one-off housing in the wider area which can give rise to a number of planning and environmental problems.
- 10.2.5. With regard to the issue of sightlines I am satisfied that the applicant in this instance has demonstrated that requisite sightlines of 90 metres can be achieved in both directions at the proposed access. These sightlines fully comply with the standards set out in DMURS which require, in the case of 60 kmph stretches of road, sightlines in the order of 59 metres in each direction. Mayo County Council Development Plan require sightlines of 65 metres in the case of areas where the 60 kmph speed limit applies. Sightlines in the case of the current development comfortably exceed these requirements.
- 10.2.6. With regard to trip generation, the vehicular trips generated by seven houses would not be significant or material in terms of the traffic volumes currently using the national secondary route and national primary route in the vicinity of the site. It would be unreasonable in my view to suggest that the trip generation arising from seven

additional houses would be at such to create traffic congestion or a significant traffic hazard due to excessive turning movements in and out of the site. Furthermore, the site's location in close proximity to services within the village including the petrol station and convenience store, associated with the petrol station on the northern side of the N5 to the south-east of the site, would provide the opportunity to avail of these services by foot. Thus, the proposed development of the site in question could assist in reducing vehicular trip generation at the junction in question.

10.3. Impact on Recreational Amenity

10.3.1. Having inspected the site and evaluated and assessed the drawings submitted with the application, I am generally satisfied that the proposed development complies with qualitative and quantitative safeguards in respect of preserving residential amenity. The proposed layout will not give rise to any amenity issues in terms of overlooking or overshadowing. The separation distances between the proposed dwellings and adjoining residential dwellings are more than adequate to ensure that amenity is protected.

10.4. Open Space and Parking Provision within the Scheme

10.4.1. I am also satisfied that appropriate car parking provision, private open space provision and public open space provision is provided in this instance. The observation submitted argues that the open space on the southern side of the access road (referred to in the drawings as Open Space A) is incidental and could prove to be dangerous to children in such close proximity to the access road. I acknowledge that the public open space designated as Open Space A is indeed incidental and does not provide any usable or functional open space. It nevertheless will improve the aesthetics of the entrance into the estate. Public Open Space B and Public Open Space C however do provide appropriate pockets of open space which are of sufficient scale and dimension to provide usable open space in the form of a 'kickabout area' etc. The open space provided in areas B and C in my view are functional and usable and provide an acceptable amenity for future occupants of the estate.

10.4.2. With regard to car parking and visitor car parking, I do not consider that the layout of visitor car parking adjacent to the open space represents a traffic hazard as suggested in the observation submitted. Adequate sightlines are afforded for traffic manoeuvring in and out of the spaces. Furthermore, it is not anticipated that there would be significant volumes of traffic, including visitor traffic, along the internal access road.

10.5. **Housing Demand in the Area**

10.5.1. This is a difficult issue to assess over the long term as housing demand can change significantly over time, particularly over a five-year period relating to the life of a planning permission. Notwithstanding this fact, it is a material consideration in my view as largescale expansion in rural villages can lead to a significant housing overhang during a period of recession and can result in ghost estates etc., which can significantly impact on the quality of life and the visual amenity in a specific town or village.

10.5.2. Notwithstanding this point, it is clear that the core strategy indicates that the research suggests that an additional nine units should be provided within the village of Bellavary over the plan period. The observation on the grounds of appeal does however point out that there have been no specific surveys undertaken in relation to vacancy within Bellavary.

10.5.3. On consulting the Daft.ie website, I note that there are three houses currently for sale in the Bellavary area, only one of which is located within the town. This to me does not suggest that there is a significant overhang of housing provision within the village at present. Furthermore, a perusal of the Daft.ie and other related websites did not yield any results for rented properties available in Bellavary. Therefore, based on my assessment above I can only conclude that there is not a significant overhang of housing development in the Bellavary area which would be exacerbated by a grant of planning permission for the development currently before the Board.

10.6. **Flooding**

10.6.1. The observation submitted to the Board suggests that the subject site is prone to pluvial flooding, particularly in its south-western corner.

- 10.6.2. The applicant disputes this and states that there has been no flooding history associated with the site. I have consulted the OPW draft flood mapping for the area and I note that there is no evidence contained on the map which suggests that the subject site or lands surrounding the subject site have been subject to flooding. It is clear that some flooding does occur in Bellavary but this is mainly confined to lands to the north-west of the village and lands to the immediate east of that part of the village which is located to the south of the N5.
- 10.6.3. I full acknowledge that these maps provide only an indication of the areas that may be prone to flooding and are not necessarily locally accurate. I further acknowledge that these maps should not be used on the sole basis for making decisions on planning applications as per Circular PL/2/2014. Nevertheless, in the absence of any definitive evidence, I think it would be inappropriate to come to the conclusion that the subject site floods. I further note that the Planning Authority did not express any concerns in respect of flooding in its assessment of the application.
- 10.6.4. If the Board have any concerns in this regard, it could request the applicant to submit further information in the form of a flood risk assessment. I however have inspected the site and noted that the lands in question appear to be relatively well drained and there was no evidence of any soft ground underfoot nor was there any evidence of any rushes or similar type vegetation that would be indicative of heavier wet ground conditions.

10.7. **Archaeology**

A ringfort enclosure is located approximately 160 metres north-east of the subject site (MA070/160). It would be appropriate in my view, were the Board disposed to grant planning permission in this instance, that a condition be attached requiring archaeological monitoring to take place. I note that there are a number of ringforts in the wider area to the north-east and south-east of the subject site and it would be appropriate in my view that archaeological monitoring take place during the construction activities.

10.8. **Drainage Issues**

- 10.8.1. Notwithstanding the comments made by the Castlebar Area Engineer in relation to the pumping station, I consider that the provision of pumping station in an area of open space to be acceptable in this instance. Due to the topography of the site, it is

necessary to pump effluent to the public mains to the north. While details of the proposed pump are contained on file, it is not altogether clear whether the pumping chamber would be located underground or encased above ground. However, it is clear from the drawings submitted that the size and scale of the chamber is not so significant that it will significantly impact on the functionality of the open space. Furthermore, it could be relocated to a more discreet location within the open space so as not to impinge on the amenity. I consider that this issue could be adequately dealt with by way of condition.

10.8.2. Likewise, in relation to the soakaway, I do not consider that the presence of a soakaway within the public open space would have a significant impact on the amenity level of the open space. The soakaway is to provide drainage off the hardstanding areas associated with the internal access road. I do not consider that this will give rise to significant levels of surface run-off. Again I refer the Board to the fact that the site in question appears to be well drained and there is no evidence of any soft or heavy ground underfoot when inspecting the site. Again I consider that this issue is an issue that could be adequately dealt with by way of condition and would not in itself constitute reasonable grounds for refusal.

10.9. **Other Issues**

Lack of Public Consultation

Concerns are expressed in the observation that inappropriate levels of consultation with the wider community took place. Public notices were erected on the subject site in accordance with the Regulations and were validated by the Planning Authority. The applicant was therefore fully compliant with the public notice requirements as set out in the Regulations. It also appears that the application as dealt with, in no way jeopardised the observer's rights as a third party in the appeal process.

Landscaping Proposals

The observations submitted also argues that details in relation to landscaping are inappropriate. Drawings submitted with the application submitted on 4th May, 2017 indicated the location of existing trees to be retained and proposed trees to be incorporated in the design layout. I consider that there is sufficient information provided in respect of landscaping and I further consider that any further details in

respect of landscaping can be appropriately addressed by way of a standard condition.

School Capacity

Notwithstanding the fact it was mentioned in the observation, there is no evidence to suggest that the proposed development could place a significant strain on the resources of Bellavary School. The national school currently accommodates 188 pupils and it is not considered that any demand arising from seven additional houses would have a significant or material impact on school resources. On the contrary strengthening development within existing settlements in rural areas particularly in the west of Ireland are often seen as a positive development in terms of school enrolment and keeping rural schools viable.

11.0 Appropriate Assessment

11.1. The nearest Natura 2000 site is the River Moy SAC which is located approximately 1 kilometre away at its closest point to the subject site. The River Moy SAC (Site Code: 002298) is located on the western side of the N58 and also on the western side of the Dublin – Ballina Railway Line.

11.2. The features of interest associated with the River Moy SAC include:

- Active raised bogs.
- Degraded raised bogs still capable of natural regeneration.
- Depressions on peat substrates of the Rhynchosporion.
- Alkaline fens.
- Old Sensile Oak woodlands.
- Alluvial forests.
- White Clawed Crayfish.
- Sea Lamprey.
- Brook Lamprey.
- Salmon.

- Otter.

11.3. The subject site is sufficiently far removed to ensure that the proposed development will in no way impact on the designated habitats listed above. Furthermore, there appears to be no hydrological connection between the subject site and the River Moy or any tributaries associated with the River Moy. As there is hydrological connection, the potential for the proposed development to impact on the aquatic species listed above is also negligible.

11.4. Thus it is reasonable to conclude on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the River Moy SAC (Site Code: 002298) or any other European site in view of the site's conservation objectives and a Stage 2 Appropriate Assessment (and the submission of an NIS) is not therefore required.

12.0 **Conclusions and Recommendation**

Arising from my assessment above, I consider the proposed development to be acceptable in principle having regard to its location within the confines of the village. I further consider the proposed development will not adversely impact on residential amenities of the area and would generally be acceptable in terms of traffic safety and convenience. I therefore recommend that the decision of Mayo County Council be overturned in this instance and planning permission be granted for the proposed development.

13.0 **Decision**

Grant planning permission for the proposed development in accordance with the plans and particulars lodged, based on the reasons and considerations set out below.

14.0 Reasons and Considerations

Having regard to the location of the site within the confines of Bellavary Village it is considered that the proposed development, subject to conditions set out below would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 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 drawings received by the planning authority on 4th day of May, 2017, 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 the 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only

Reason: In the interest of visual amenity.

3. Water supply and 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.

4. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

5. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

6. Visitor car parking spaces shall be provided within the site. The locations and layout of these spaces shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure adequate off-street parking provision is available to serve the development.

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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

8. 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.

9. All screen walls shall be 2 metres in height above ground level, constructed in brick to match the brick used in the dwelling(s) constructed in concrete block, and shall be capped, and rendered on both sides in a finish that matches the external finish of the dwellings.

Reason: In the interests of residential and visual amenity.

10. All rear gardens shall be bounded by timber panel fences, 1.8 metres in height, constructed with concrete uprights or block walls.

Reason: In the interests of residential and visual amenity.

11. No walls, fences or other boundary treatment shall be constructed around the front gardens of the proposed dwellings, and front gardens shall be kept as "open plan".

Reason: To ensure that the proposed scheme remains open plan in nature/appearance, in the interest of visual amenity.

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 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 interests of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas].

13. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded and landscaped in accordance with a landscape scheme to be agreed with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: To ensure the satisfactory development of public open space areas and their continued use for this purpose.

14. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of

the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

16. 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 of roads, footpaths, watermains, drains, 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 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 agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Paul Caprani,
Senior Planning Inspector.

5th October, 2017.