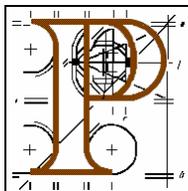


An Bord Pleanála



Inspector's Report

Development: 83 Dwellings, crèche, connection to existing and proposed local authority services and all ancillary site works at Lurgans, Carrickmacross, Co. Monaghan.

Planning Application

Planning Authority: Monaghan County Council
Planning Authority Reg. Ref.: 07/1889
Applicant: Roderick Joyce
Type of Application: Permission
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant: Roderick Joyce
Type of Appeal: 1st Party Appeal
Date of Site Inspection: 6th November 2008

Senior Inspector: Fiona Tynan

1.0 SITE DESCRIPTION AND LOCATION

The appeal site which measures 3.379ha is situated west of Carrickmacross, Co. Monaghan. Carrickmacross is described in the County Development Plan as the main town in the south of county Monaghan. It is located on the Dublin to Derry (N2) National Route. It is situated close to the M1 Motorway link at Ardee, approximately 80km north of Dublin, 35km south of Monaghan town and 21 km west of Dundalk.

The subject site is bounded by one-off detached dwellings to the east and west, and agricultural lands to the south. To the north of the site is a road of approximately 5m in width and ribbon development of four one-off houses comprising of bungalows, dormer dwellings and two storey properties. Opposite the site is the new residential development of Ros Cluain, comprising of red-bricked two storey detached dwellings. This development appears to be incomplete with machinery still present on site, however the houses appear to be occupied. The road bounding the site is of very poor quality in its road surface, alignment and width. To the east of the appeal site (though not directly bounding the site) is a modern housing estate of Crann Nua.

The site is accessed from the southern side of Lurgans Road close to its junction with the Mullinary/Shercock Road. On the day of the site visit, this access road was closed for repair works and access was via a through road in the estate of Crann Nua.

A hedgerow of approximately 1m in height defines the front boundary of the site together with a small number of young trees whilst a post and wire fence is insitu to the rear. The appeal site is currently occupied by a dwelling and some agricultural outbuildings situated to the north-west of the site. Existing buildings on the site have a floor area of 555sq.m. These are to be demolished. The floor area of the proposed development is 9306.77sq.m.

The topography of the site is undulating such that the site falls by 1-1.5m in a north-west to north east direction for the first 60m and for the remaining 135m the site falls in a southerly direction by 13m.

Attached are photographs from the site visit.

2.0 PROPOSAL

The proposal is to demolish the existing buildings on the site which have a floor area of 555 sq.m. and to construct 83 dwellings and a crèche on the site. The layout plan submitted illustrates a setback of approximately 23m from the road edge with a row of semi-detached dwellings orientated onto a local access road. This new local access road will provide access to the remainder of the development to the rear at the north-eastern corner of the site where the rest of the semi-detached dwellings are orientated towards a central open space area. Another area of open space is located to the south/rear of the site,

towards which 6 terraced dwellings are orientated. To the north east of the site are the proposed crèche and a Block of 4 apartments. The design of the scheme is typified by the use of rustic brick on the external walls and a number of house types have bay windows.

Submitted with the application is a statement that 20% of the building area or equivalent number of houses will be agreed with the Council under the terms of Part V and their requirements to fulfil their social and affordable housing obligations as per the Planning and Development Act 2000.

A lengthy further information request was issued by the Council on 13th November 2007 to the applicants. This request sought an analysis of the design of the proposal in the form of a context statement, a reduction in density from 9.9 dwellings per acre to 8 per acre, the overall layout and mix of units amongst other issues.

On 12th May 2008, the applicant submitted revisions to the scheme, which are summarised as follows:

- A reduction in the density of the development to 6.7 dwellings per acre. The number of units proposed is now 56 rather than the previous 83.
- Omission of apartments from the proposed scheme.
- A greater portion of 3 and 4 bedroom units have been included.
- Crèche facility omitted.
- Traffic Transport Assessment carried out.

The revised layout proposes the location of nine detached dwellings overlooking the front of the site, with a semi-detached dwelling laid out in a perpendicular form at the corner of the internal access road leading to the central open space area, another access road is located on the opposite side of the open space aligned by semi-detached dwellings. Whilst the overall house types have changed slightly, the design of the dwellings remains largely as was previously proposed.

3.0 PLANNING CONTEXT

3.1 Planning History

There are no recent planning history on the site, however there are a number of applications/appeals in the immediate vicinity of the site which are highlighted below.

A.B.P. Ref. PL18.226931/P.A. Ref.07/1951: Refers to a proposal by Roderick Joyce to erect 29 dwellings and ancillary site works at Lurgans, Carrickmacross, County Monaghan. Permission was refused by the Board on the grounds of restricted nature of the appeal site and the additional traffic turning movements that the development would generate on a substandard road.

P.A. Ref. 04/1528: Refers to an application by Roderick Joyce for 18. no. two storey 4 bed detached houses and 12 no. two storey houses with integral garage giving rise to a total of 30 houses. This application was granted

permission by Monaghan County Council on 28th May 2005 and now construction is almost complete. The development is identified as Ros Cluain and is situated opposite the current appeal site.

3.2 Development Plan Policy

The policies and provisions of the **County Monaghan Development Plan 2007-2013** refer to the site. Chapter 10 of the County Plan incorporates the Development Plan for Carrickmacross 2007-2013. In accordance with the Carrickmacross Town Map, the subject site is located within the development limit of Carrickmacross though outside of the Town Boundary. The zoning for the site is identified as higher density housing, the objective of which is “*to protect and improve existing residential amenity, to provide for new residential development and to provide for new and improved ancillary services*”. To the south west of the site (outside of the application boundary) is an area zoned as Local Landscape Policy Area the objective of which is “*to protect important landscape features and elevated lands within Carrickmacross from development that would detrimentally impact on the amenity of the landscape or on the natural setting of the town*”.

3.3 Government Guidelines

The Border Regional Guidelines 2004 are relevant to this appeal. Following the publication of the National Spatial Strategy in 2002, each of the regional authorities were required to prepare and adopt Regional Planning Guidelines, the objective of which is to provide a long-term strategic planning framework for the implementation of the National Spatial Strategy at regional level. The Border Regional Authority adopted such Guidelines in 2004 for the next 20 years. The Border Region incorporates the counties of Monaghan, Donegal, Sligo, Leitrim, Cavan and Louth. The vision for the Region is to be achieved by “*further enhancing the urban structure in the Region by building on gateways and hubs, primary development centres, key towns and villages*”.

The “*Sustainable Urban Housing, Design Standards for Apartments*” issued by the Department of Environment, Heritage and Local Government were adopted in September 2007. It recommends a minimum floor area of 45 sq.m. per 1-bedroom apartment, 73 sq.m. per 2-bedroom apartment and 90 sq.m per 3-bed apartment. It states in Section 2.4 that where minimum overall apartment floor areas are recommended, the measurements should be internal wall-to-wall dimensions.

The *Residential Density Guidelines, 1999*, seek to promote higher residential densities within serviced areas, which are proximate to public transport corridors. Sites with an area in excess of 0.5ha., can propose their own density. For open lands on the periphery of cities and towns, densities in the general range of 35-50 dwellings per hectare are encouraged generally; development at less than 20 dwellings per hectare should generally be discouraged in the interests of land efficiency.

3.4 Technical Reports

Internal:

Water Services Section: Requested further information as the proposals detailed for the foul sewer pumping station and effluent overflow tank were unacceptable to the Planning Authority. It was identified that the proposals appeared to involve excessive excavation depths of up to 7.5m which would consequently have Health and Safety implications. A detailed further information request from the Water Services Section was recommended. In consideration of the further information submission on 12th May 2008, in the event of a grant of permission 8 no. conditions are recommended.

Road Design Office: Recommended that a Traffic and Transport Assessment be carried out and submitted to assess the impact and infrastructure requirements of the proposed development, any other committed developments and any other proposed developments in the area on the existing road network. In addition it was requested that a Stage ½ Road Safety Audit be undertaken in relation to the proposed site layout. A revised report was issued in response to the further information submitted by the Applicant on 12th May 2008. It recommends the imposition of a number of conditions in relation to the Traffic and Transport Assessment and the Safety Audit submitted.

Road Department: Their report set out a lengthy further information request to address issues relating to a road safety audit, a Traffic Transport Assessment, a revised plan setting out clear and unobstructed vision splays, to set back their front boundary to provide a minimum clear road width of 6.5m to allow for passing traffic on the public road, public lighting proposals, traffic calming measures, and car parking. In relation to the further information submitted on 12th May 2008, the Design Office recommended refusal on the grounds that the design was substandard, the road width is narrower than standard, proposal to remove some of the verge on the north side would reduce the visibility at the exits of the properties on that side of the road and would be unsatisfactory to ensure road safety.

External:

An Taisce: An Taisce state that the proposal should be examined under the test requirements of Box 5.2 National Spatial Strategy Ireland 2002 in relation to the Asset Test, Transport Test, Economic Test, Character Test and Integration Test.

DOEHLG, Applications Unit: It is stated in their report, dated 3rd June 2008, that given the scale, extent and location of the proposed development it is possible that subsurface archaeological remains could be encountered during the construction phases that involve ground disturbance. It is recommended that an Archaeological Impact Assessment be prepared to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place.

3.5 Decision of Planning Authority

The further information submitted was considered, however, ultimately on the 6th June 2008, Monaghan County Council decided to refused permission on two grounds as follows:

1. *“Access to the site is by means of a local secondary road which is restricted in terms of width. The introduction of additional traffic at this location with restricted capacity would endanger public safety by reason of traffic hazard and obstruction to road users due to the extra traffic and turning movements generated by the development. The proposal would, if permitted, endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.*
2. *The roadway and footpath proposed to facilitate the development are narrower than the recommended standards. The proposal would, if permitted, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area”.*

4.0 GROUNDS OF FIRST PARTY APPEAL

A first party appeal has been lodged by Michael Cummings & Co. Ltd., Town Planning and Development Consultant, on behalf of Roderick Joyce. The grounds of appeal identify the following:

- Reference is made to Monaghan County Development Plan which sets out the settlement strategy for the County. Carrickmacross is defined in the Plan as a Tier 2 settlement and with a Census 2006 population of 2,414 is to be the recipient of “sustained growth” with a potential population of 4,000-7,000 by 2012. To achieve this, four policies are outlined.
- With reference to the Planning Report, it is evident that the scheme as amended by Further Information satisfies the Planning Authority with respect to the revised layout, house types, design and finishes. Additionally, there is appreciation for the increased amount of open space and its overlooking/supervision by the proposed dwellings as well as the detailed landscaping proposals.
- In relation to refusal reason no. 1 which cited that the access road to the development is restricted in width, it is argued that this was never mentioned during any of the meetings with officials, nor did it form any part of the Further Information Request.
- The Planning Report makes no reference to the Road’s Design Office Report which was positive in its recommendation.
- The Roads Department report which recommended the refusal does not appear to have considered the submitted Traffic and Transport Assessment Report or the Road Safety Audit provided by the Applicant.
- The Traffic and Transport Assessment concluded that “trips from the development will exit the site entrance and discharge to the existing road network westward and towards Carrickmacross at a 10/90 split” and that the traffic generated by the proposed development will operate within the allowable RFC values, in regard to the junctions will not have any adverse impact on the existing road network and will not significantly impact on the capacities, queue lengths or delays at the Mullinary Road/Mullinary Street/Lurgan’s Road junction. It is argued that the TTA and the RSA

have clearly indicated that the proposed development would not endanger public safety by reason of traffic hazard or obstruction of road users.

- In relation to reason no. 2 issued in the decision to refuse permission, reference is made to para. 8.15 of the Development Management Guidelines, County Monaghan Development Plan, where it is stated that “where a development is proposed within or adjacent to the defined development limit of a town or village, the developer shall be required to provide a pedestrian footpath along the entire site frontage”. In this instance, the applicant set back the development from the roadside to create a 6.5m carriageway and a 2m wide footpath throughout. The applicant was willing to accept a condition requiring a financial contribution towards the road realignment and the extension of footpaths. It is stated that such a condition was imposed on the development opposite, Reg. Ref. P04/1528.
- In the submitted Road Safety Audit, it is stated that the developer would be prepared to discuss the provision of a footpath with the Council to either provide funding or to construct it if the Council acquires the relevant third party lands.
- It is argued that the observation by the Area Engineer that the suggested improvements would in part reduce visibility when exiting the single residential property and the single field gate is not accepted, given the limited access and the offset created by the reduction in traffic speeds in the vicinity by the imposition of traffic calming measures. It is stated that the improvements, which could be viewed as temporary measures, would be on balance a gain in road safety in the vicinity, as there would be the provision of a pedestrian facility where none exists at present.

5.0 PLANNING AUTHORITY RESPONSE

The Planning Authority did not submit a response to this appeal.

6.0 ASSESSMENT

For the purposes of this assessment, the proposal which has been considered, is that submitted as further information to Monaghan County Council for 56 no. dwellings. Arising from the examination of the file documentation and inspection of the site, it is considered that the key issues in relation to this appeal centres upon the following:

- Housing Density, Mix & Design
- Housing Layout
- Road Design & Access

Housing Density, Mix and Design:

The scheme as submitted by further information revised the density from 25 dwellings per ha to a density of 17 dwellings per ha (8 dwellings per acre). As stated previously, the Government Guidelines on density, the Residential Density Guidelines 1999, consider that for sites on the periphery of cities and towns densities of 35-50 dwellings per hectare are generally encouraged and

densities of less than 20 should be discouraged. Therefore, the current proposal contravenes these Guidelines. However, as an aside, the appropriateness of the residential zoning of the said lands is questioned given its distance from the town centre and the nature of the local road access.

The mix of housing units is considered acceptable with 3, 4 and 5 bedroom detached houses proposed together with the standard 2 and 3 bedroom semi-detached units. It is also noted that corner feature buildings are indicated where the front and side of the properties are exposed to the public domain. This is considered acceptable.

Housing Layout:

The housing layout as submitted by further information proposes a setback from the Shercock Road with the internal road running parallel. A number of detached house types align this road, with the semi-detached houses primarily located along the internal access road which aligns the central open space area. The layout as submitted offers supervision of the open space and the playground thereon. Despite the topography of the site, it is noted that no site section drawings were submitted. In this context, this drawing would have proved very informative as there is a drop of 5m over 40m to the rear of the site. An analysis of the proposed finished floor levels of dwelling no. 42/43 and those further south 46/47 illustrates that a height difference of over 5m will occur between these dwellings. The drawings illustrate a proposal to erect a 2m high retaining wall and a separation distance of 22m. Nonetheless, with such a difference in ground levels, it is considered that there is significant potential for overlooking. Furthermore, in the absence of a site cross section of the proposed dwellings, it is unclear what the proposals are to grade the ground level, and yet offer functional rear garden areas without significant retaining walls. It is therefore considered that insufficient information has been submitted to support the layout of the housing scheme as submitted in the context of the site's undulating topography.

Road Design and Access:

It is the issues of road design and traffic safety which gave rise to the Council's decision to refuse permission for this development. The Council's decision to refuse permission followed a lengthy request for further information of which part related to the road design and access arrangements. Nonetheless, the Senior Executive Roads Engineer recommended a refusal of permission on the grounds that the roadway and footpath are too narrow to ensure road safety, the existing road is already narrow and unsatisfactory to cater for the existing vehicular and pedestrian traffic and the applicant's proposal to remove some of the verge on the north side would reduce the visibility at the exits of the properties on that side of the road.

It was immediately evident when visiting the site, that the existing roadway was extremely restricted in width. As per the submitted drawings, it is calculated to be 5.11m wide at the northeastern corner of the site (outside of the applicant's site). The roadway as it currently exists, is restricted in width, alignment and offers poor visibility of oncoming vehicles and/or obstructions. As per the submitted site plan, the applicant proposes to realign the northern

portion of his boundary of allow for a 6.5m wide carriageway, between it and the opposing development of Ros Cluain. However, that section of roadway which connects this and the aforementioned estate development to the more built-up area of Carrickmacross and Crann Nua is as already stated only 5.11m wide. It is noted that in the Road Safety Audit Stage ½ and Designers Response Form, which was submitted as Further Information by the Applicants, it is stated that the development proposes a sightline of 80m at 4.5m from the road edge of the new development junction. However the Road Safety Audit recommends that the 80m as proposed should be a minimum only. Having assessed the site and considered the drawings, a sightline in excess of 80m would not be possible due to the road's current alignment and the proximity of the dwelling houses to the east to the roadside edge. Furthermore, the Road Safety Audit also notes that the radius of the estate road and the public road is 6m, which may result in larger vehicles mounting the footpath putting vulnerable road users at risk, it therefore recommends that the radius at the entrance be 10.15m. Therefore, in my opinion, the Road Safety Audit highlighted that there were issues of safety pertaining to this development.

It is evident from visiting the site and consideration of submissions, that the development of Ros Cluain which is located directly opposite the site and which was developed by the Applicant, was granted by Monaghan County Council from the said road, Lurgan Road. Nonetheless, it is considered that to grant the residential development on the subject site as proposed, would be contrary to the proper planning and sustainable development of the area on traffic grounds for reasons of restricted visibility at the site's entrance, the restricted alignment of Lurgan Road and failure to adhere to design standards for roadway and footpath width.

10.0 CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and the site inspection, I consider that the proposed development would be contrary to the proper planning and sustainable development of the area, having regard to density of the scheme and the additional traffic that the development would generate on Lurgan Road, which is restricted in alignment, width and visibility. Accordingly, I recommend that permission be refused for the proposed development for the reasons and considerations stated in the Schedule below.

DECISION

REFUSE permission for the above proposed development for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users due to the additional traffic turning movements the development would generate on a narrow and substandard road at a point where sight lines are restricted in an easterly direction where there are no footpaths or street lighting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The development proposes a density of 17 dwellings per hectare which falls substantially below the minimum set for sites on the periphery of cities and towns in accordance with the Government Guidelines, the Residential Density Guidelines, 1999, and therefore would be contrary to the proper planning and sustainable development of the area.

Fiona Tynan
Senior Planning Inspector
23rd December 2008