

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Monaghan County

Planning Register Reference Number: 15/303

An Bord Pleanála Reference Number: PL 18.246558

APPEAL by Kaspers and Margaret Zusters care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 12th day of April, 2016 by Monaghan County Council to grant subject to conditions a permission to Sragh Dismantlers Limited care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of: (1) an extension to the side of existing single storey storage shed to provide for additional storage of de-polluted used vehicle parts, (2) the construction of one number additional single storey storage shed for the storage of de-polluted used vehicle parts, (3) the removal of condition number 12 from An Bord Pleanála planning permission decision, appeal reference number PL 18.242814 which states that 'There shall be no stacking of cars within the site area' and (4) the realignment of previously approved parking arrangement at existing vehicle dismantling facility together with all ancillary site development works at Sra, Ballybay, County Monaghan, as amended by the further public notice received by the planning authority on the 16th day of March, 2016.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

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

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16th day of March 2016, 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. All conditions as previously granted under planning register reference number 13/154 (An Bord Pleanála appeal reference number PL18.242814) shall be complied with, unless superseded by plans approved under this permission or conditions attached to this permission.

Reason: In the interest of clarity and orderly development.

3. Prior to the commencement of development, the requirements of the planning authority in respect of visibility splays at the entrance to the proposed car parking area shall be submitted for written agreement.

Reason: In the interest of traffic safety.

4. Stacking of cars on the site shall not exceed more than three vehicles in height where the vehicle is a carcass and two number vehicles where the vehicle awaits recycling or in either case exceed 4.5 metres in height.

Reason: In the interest of visual amenity.

5. (a) Within eight weeks from the date of this order, the facility operator shall make an application to the planning authority for a review of waste facility permit WFP-MN-10-0006-01 to take account of all changes on site.

(b) Any excess construction spoil from construction of the proposed structures or any other site works shall be disposed of at an authorised permitted facility.

Reason: In the interest of environmental protection.

6. The developer shall ensure and enforce, that no parking associated with the development takes place at any time during the day/night along the boundary of the site adjacent to the Local Road LT-71001.

Reason: in the interest of traffic safety.

7. (a) The facility hereby permitted shall operate between 0900 hours to 1800 hours (Monday to Friday) and 0900 hours to 1600 hours (Saturday). There shall be no business operations within the site area on Sundays or Public Holidays.

(b) Operations as detailed under part (a) of this condition are hereby defined to include use of all machinery within the site and there shall be no deliveries to and from the site outside these hours.

The site shall not be open for any business purposes outside these hours.

Reason: In the interest of orderly development and residential amenity.

8. Any external lighting shall be directed away from the public road and not towards any neighbouring dwellings.

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

9. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

12. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

13. 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 within three months from the date of this order 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.

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

Dated this day of 2016.