



An  
Bord  
Pleanála

**Board Order**

**PL 18.248053**

---

**Planning and Development Acts 2000 to 2017**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: 16/374**

**Appeal** by John E. Coyle Limited, Tony Coyle and Kilian Coyle care of Aidan Sherlock and Associates of Dawson Street, Monaghan Town, County Monaghan against the decision made on the 25<sup>th</sup> day of January, 2017 by Monaghan County Council to grant subject to conditions a permission to Jason Croarkin care of Enda Prendergast and Associates of Topaz Retail Park, Derry Road, Monaghan in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolish existing single storey habitable dwelling house, ancillary rear shed and garden walls including partial removal of perimeter stone boundary wall and the construction of a 16 unit residential development incorporating eight number three bed two storey houses, two number four bed two storey houses and six number two bed apartments arranged over three floors, the provision of vehicular/pedestrian access via plantation roadway, on street parking, rear car parking facility, bin store, hard/soft landscaping and planting scheme plus associated site works and the provision of all essential services situated at Railway View, Kilnacloy, Monaghan, County Monaghan.

## **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 zoning objective for the site, the nature and scale of the proposed development, the pattern of development within the vicinity of the site, and having regard to the provisions of the Monaghan County Development Plan 2013 – 2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or other amenities of the area, would not be prejudicial to public health, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20<sup>th</sup> day of December 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. The proposed development shall be amended as follows:
  - (a) The internal layout of the proposed apartments shall be revised to ensure full compliance with the minimum floorspace requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2015.
  - (b) All footpaths within the site shall have a minimum width of 1.8 metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual and residential amenity.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

**Reason:** In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

4. Details of the materials, colours and textures of all external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The proposed grey brick external finish to the apartment block shall be replaced with red brick to match the remainder of the development.

**Reason:** In the interest of visual amenity.

5. 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.

6. 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.

7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs, traffic calming measures and footpath dishings shall comply with the detailed standards of the planning authority for such works, and shall comply with the standards set out in the Design Manual for Urban Roads and Streets.

**Reason:** In the interest of amenity and traffic and pedestrian safety.

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

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

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Friday inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

10. 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 noise management measures, measures to prevent pollution to local watercourses, and off-site disposal of construction/demolition waste.

**Reason:** In the interests of clarity, orderly development and amenity.

11. Prior to the commencement of development, precise details of all boundary treatment shall be submitted for the written agreement of the planning authority. All rear gardens shall be bounded by 1.8 metres high concrete block walls, rendered on both sides and capped, replacing the proposed timber fencing. In addition, the proposed timber fencing bounding the western edge of the footpath to the rear of the houses shall be replaced by a metal railing.

**Reason:** In the interest of visual amenity.

12. Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility.

13. The landscaping scheme accompanying the planning application shall be implemented in full in the first planting season following completion of the development, and any trees or shrubs which die or are removed or become seriously damaged or diseased within three years of planting shall be replaced in the next planting season thereafter. The landscaping scheme shall have regard to the planning authority's guidelines for Open Space Development and Taking in Charge. The developer's Landscape Architect shall certify by letter his/her opinion on compliance of the completed landscaping scheme with the approved landscape proposal within six months of substantial completion of the development.

**Reason:** In the interests of amenity, ecology and sustainable development.

14. A plan containing details for the management of waste 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 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.

**Reason:** In the interests of residential amenity and proper waste management.

15. The developer shall agree details relating to the private management of the housing development specifically in relation to ongoing maintenance of the roads, services and open spaces in the period prior to the taking in charge of the development by the local authority or as otherwise agreed in writing with the planning authority.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

16. Prior to commencement of development, the applicant 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.

17. 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.

