

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Monaghan County

Planning Register Reference Number: 17/33

An Bord Pleanála Reference Number: ABP-300177-17

APPEAL by Elizabeth and Gerard McHugh care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath against the decision made on the 16th day of October, 2017 by Monaghan County Council to grant subject to conditions a permission to Geraldine Callan care of Kenneth D. Lonergan and Associates Limited of Shercock Road, Carrickmacross, County Monaghan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of existing sheds and yard as builders store and retention of boundary fence, all at Carricklane, Carrickmacross, County Monaghan, as amended by the revised public notice received by the planning authority on the 20th day of September, 2017.

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 policies of the Monaghan County Development Plan 2013-2019, and the character and appearance of existing and permitted development in the area, the Board considered that the proposed development, subject to compliance with the conditions set out below, would constitute an appropriate development at this location and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 20th day of September 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 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 timber sheeting along the southern site boundary shall be removed and replaced with a hedge of native plant species within the first planting season following final grant of permission. The new hedge planting shall be adequately protected from damage until established and any plants which die, are removed or become seriously damaged or diseased, within a period of five years, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
 - (b) External floodlights NR2, NR3, NR4, NR7, NR9 and NR10, as detailed on the site layout plan submitted to the planning authority on the 20th day of September 2017, shall be removed from the site.
 - (c) External floodlights NR1, NR5, NR6 and NR8 are hereby retained and no further lighting shall be erected on site unless otherwise authorised by a prior grant of planning permission.

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

Reason: In the interests of visual and residential amenity.

3. The use of the premises as a builders' storage yard shall be for a period of 10 years from the date of this permission, unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

Reason: To enable the effect of the development on the amenities of the area to be reviewed having regard to the circumstances then prevailing.

4. The storage of building materials and equipment shall be restricted to the storage shed on the southern site boundary (273 square metres) and to the adjacent open yard areas. All other structures and yard areas within the site shall be used for agricultural purposes or for purposes that are incidental to the enjoyment of the dwelling house only, unless otherwise authorised by a prior grant of planning permission.

Reason: Having regard to the nature of the development, the Board considers it appropriate to restrict the scale of the commercial use.

5. The yard area shall not be sold, let or otherwise transferred or conveyed, save as part of the overall site.

Reason: The layout and services are not suitable for separate sale or lease.

6.
 - (a) The agricultural shed along the western site boundary shall be used for agricultural purposes relating to the housing of animals and storage of agricultural equipment, machinery and materials only and shall not be further subdivided or altered.
 - (b) Slurry generated by the slatted shed shall be disposed of by spreading on land, or by other means that are acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

7. Works associated with the use of the site as a builders' storage yard shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 1400 hours 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.

8. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. Drainage details shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interests of environmental protection and public health.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2018.