



Planning and Development Acts 2000 to 2018

Planning Authority: Monaghan County Council

Planning Register Reference Number: 17/310

Appeal by the Drumbear Residents Association care of John McKenna of 19 Drumbear Wood, Cootehill Road, Monaghan against the decision made on the 13th day of February, 2018 by Monaghan County Council to grant subject to conditions a permission to Deancastle Developments Limited bcare of McGuigan Architects of 52 Glaslough Street, Monaghan, County Monaghan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of 17 number two-storey dwellings, playground, playing pitch, connection to existing public storm and foul sewer together with connection to public water main and all associated site works, at Drumbear Wood, Drumbear, 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 in the Monaghan Town Development Plan 2013-2019, the pattern of development in the area and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not agree that the existing vehicular entrance is not adequate to cater for the increased traffic movements generated by the proposed development. It also considered the entrance to be acceptable in the context of the provisions of the Design Manual for Urban Roads and Streets.

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 17th day of January, 2018, 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. (a) Prior to any other works commencing, visibility splays of 49 metres, measured to the nearside road edge in each direction, shall be provided from a point in the centre of the entrance 2.4 metres from the road edge at a height of between 1.05 metre and two metres above ground level to an object height of between 0.6 metres and two metres above ground level in both directions. The area within the visibility splays shall be cleared to provide a level surface no higher than 250 millimetres above the level of the adjoining carriageway and shall be retained and kept clear thereafter.
- (b) Where it is necessary to remove hedges, walls, fences, embankments or other obstructions in order to achieve the required visibility splays, they shall be reinstated behind the visibility splays. Any new trees or shrubs shall be planted back from the visibility splays to allow for future growth and some species will require additional set back. All existing planting shall be kept trimmed behind visibility splays.

- (c) The new entrance shall form a bellmouth of four metres radius with the edge of the new boundary. The recessed entrance shall be of sufficient dimensions to contain a stationary vehicle off the public road.
- (d) The entrance/access road shall be surfaced with concrete or bitmac from the edge of the public road for a minimum of five metres and the surface shall be graded back so that its level at three metres from the edge of the carriageway is a minimum of 100 millimetres below road level. The gradient of access road shall be not greater than 1:20 (5.0%) for the first five metres from the boundary and 1:10 (10.0%) thereafter.
- (e) ACO Drain/Gullies shall be installed at the proposed entrance and constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly, measures shall be taken to prevent road surface water from flowing onto the entrance. The discharge from the above drainage shall be piped to an appropriate drainage pipeline or watercourse.

Reason: In the interest of traffic safety.

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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. (a) Prior to commencement of development, a Project Management Plan and a Construction and Demolition waste management plan shall be submitted to and agreed in writing with the planning authority.
- (b) The Project Management Plan shall include the following measures -
 - (i) Provision, within site boundaries, for the temporary off-street accommodation of building materials, vehicles and temporary offices.
 - (ii) Car and truck parking facilities provided on-site during the Construction Phases of development.
 - (iii) Provision of a defined Contractor's Compound incorporating measures, where necessary, to counteract ground-water pollution.

Reason: In the interest of orderly development.

6. 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.

7. 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 interest of urban legibility.

8. The areas of public open space on the lodged plans shall be reserved for such use. shall be soiled, seeded, set out and landscaped in accordance with the detailed requirements of the planning authority. The formal play area, including play equipment, shall be completed to a standard suitable for public open space. This work shall be completed before any of the dwellings are made available for occupation or in accordance with a phasing schedule as otherwise agreed with the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

10. 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.

11. 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.

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 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.

Terry Prendergast

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

Dated this day of 2019.