



Planning and Development Acts 2000 to 2019

Planning Authority: Monaghan County Council

Planning Register Reference Number: 19/159

Appeal by Martin and Samantha McGlynn care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath against the decision made on the 22nd day of October, 2019 by Monaghan County Council to grant subject to conditions a permission to Greenbriar Developments Limited care of Collins Maher Martin Architects of Dodder Park Road, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of 41 number two-storey houses in blocks of 2, 3 and 4 units including four number two-bedroom, two storey mid-terrace houses, 30 number three-bedroom House Type A, two storey, semi-detached and terraced houses and seven number three-bedroom House Type B, two storey, semi-detached and end of terrace dwellings. The development will also consist of all associated roads, site services, boundaries, landscaping and associated site works at Corr An Tobair Estate, Nafarty, Ballybay Road, Carrickmacross, County Monaghan, as amended by the further public notice received by the planning authority on the 25th day of September, 2019.

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 residential zoning objective for the site, and the policies and objectives as set out in the Monaghan County Development Plan 2019-2025, the National Planning Framework 2018-2040, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009, the Sustainable Urban Housing and the Design Manual for Urban Roads and Streets issued by the Department of Housing, Planning and Local Government in 2018 and the Department of Transport, Tourism and Sport in 2019 and the overall scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development

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 25th day of September, 2019 and by the further particulars received by An Bord Pleanála on the 6th day of December 2019, 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) Dual aspect shall be provided to the side elevations units numbers 1, 22, 23, 35 and 36 facing the public road and to unit numbers 41, 30, 29, 16 and 17 to provide an interface/passive surveillance of the public open space.
 - (b) The rear garden of unit number 22 shall be extended southwards to match the width of that of number 23.
 - (c) Details of all boundary treatments shall be submitted.

- (d) Details of all rear garden levels to co-ordinate with engineering sections on drawing numbers 18056/C01C (Proposed Road and Finished Floor Levels Plan Sheet 1 of 2) and 18056/C02A (Proposed Road and Finished Floor Levels Plan Sheet 2 of 2) submitted to the planning authority on the 25th day of September, 2019, including terracing and steps shall be submitted.

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

Reason: In the interest of the visual amenities of the area.

4. (a) The site shall be landscaped in accordance with the landscaping details submitted with the application and the Landscape Masterplan drawing number 19021_LP_01 submitted to the planning authority on the 25th day of September, 2019.
- (b) The areas of open space shown on the submitted drawings shall be reserved for such use and shall be landscaped in accordance with the detailed requirements of the planning authority. The open space areas indicated shall be laid out and landscaped prior to the making available by the developer for occupation of any of the units.

- (c) Existing trees and hedgerows shall as far as possible be retained along the site boundaries and measures shall be put in place for their protection during construction works. A hedgerow of a species native to the area shall be used in lieu of a beech hedge along the roadside boundary.
- (d) Further details shall be submitted relative to the concept, construction and landscaping of the gabion wall along the rear boundary of Open Space 'A' and the south western boundary of the site.
- (e) The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.
- (f) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and 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 and to prevent flooding.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

7. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the design standards outlined in the Design Manual and Urban Roads and Streets. The road layout shall be amended as follows;
 - (i) Roads serving Units 17-22, 23-35 and 36-41, shall be redesigned and detailed as “homezones”, and shall be 4.8 metres wide in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the Design Manual and Urban Roads and Streets.
 - (ii) All other roads within the proposed development shall be reduced to a maximum width of 5.5 metres in accordance with the Design Manual and Urban Roads and Streets.
 - (iii) Traffic calming measures required shall be in accordance with the principles set out in the Design Manual and Urban Roads and Streets. Bollards with reflectors shall not be used within the proposed development.
- (b) The proposed vehicular access and extension of the footpath to adjoin the estate to the north shall comply with the detailed standards of the planning authority for such works.

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 pedestrian and traffic safety.

8. Prior to the commencement of development, full details of the proposed public lighting scheme, including the lighting levels within open areas of the development, and of the proposed access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. 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.

Reason: In the interests of visual and residential amenity.

10. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 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 and to ensure the use of locally appropriate place names for new residential areas.

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. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

13. 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:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings,
 - (d) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
 - (e) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
 - (f) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

14. 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.

15. 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.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.