

Planning and Development Acts 2000 to 2020

Planning Authority: Monaghan County Council

Planning Register Reference Number: 21/16

Appeal by Glencarn Holdings care of Genesis Planning Consultants of 27 Patrick Street, Newry, County Down against the decision made on the 10th day of March, 2021 by Monaghan County Council to refuse to Glencarn Holdings for development comprising: (1) Retention of elevational changes to Glencarn Shopping Centre, retention of external steel gantry servicing existing plant room, retention of air conditioning units and retention of existing external signage and ancillary site development works. (2) Permission for the removal of condition number 8 of planning permission reference number 04/40009 which states: Before the development is commenced, the developer shall pay to Castelblayney Town Council a contribution of €500,752 towards the expenditure incurred or proposed to be incurred by the Council in the provision of car parking which will facilitate the proposed development. The method of payment of this contribution shall be agreed with the planning authority prior to the commencement of any work on this development. The payment of the said contribution shall be subject to the following: (a) Where the proposed works are, within a period of seven years from the date of payment of the full contribution or final instalment payment thereof, not commenced the return of the contribution or the instalments thereof, paid during that period. (b) Where the proposed works are, within a period of seven years

from the date of payment of the full contribution or final instalment payment thereof, carried out in part only, or in such a manner as to facilitate the proposed development to a lesser extent, the return of a proportionate part of the contribution or the instalments thereof during that period. (c) Payment of interest at the prevailing interest rate payable by the Council on the contribution or any instalments thereof that have been paid, so long as and in so far as it is or they are retained unexpended by the Council in accordance with the plans and particulars lodged with the said Council, all at Glencarn Shopping Centre, Castleblayney, County Monaghan.

Decision

GRANT permission for the retention of external steel gantry servicing existing plant room, the retention of air conditioning units and ancillary site development works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the condition set out below. REFUSE permission for the removal of condition number 8 of planning register reference number 04/40009, the retention of elevational changes to Glencarn Shopping Centre, the retention of existing external signage and ancillary site development works based on the reasons and considerations marked (2) under

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.

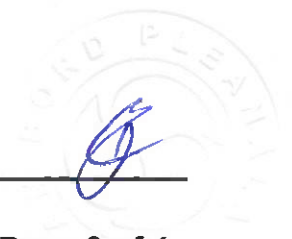
Reasons and Considerations (1)

Having regard to the established commercial use of the site and the zoning objective "To provide, protect and enhance town centre facilities and promote town centre strengthening" within the Monaghan County Development Plan 2019 - 2025 and to the planning history of the site, it is considered that, subject to compliance with the condition set out below, the development proposed to be retained would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Condition

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

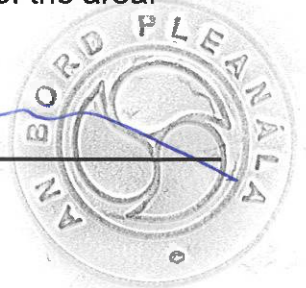


Reasons and Considerations (2)

1. Having regard to the development which has been carried out pursuant to the permission granted under planning register reference number 04/40009, the appropriate period of which has expired, it is considered that it would not be appropriate to remove condition number 8 of that permission in circumstances where compliance with the requirements of that condition was required prior to the commencement of development. Furthermore, based on the information provided in connection with the planning application and the appeal, it appears to the Board that the applicant's main justification for the removal of condition number 8 relates to the provision of car parking in the vicinity of the site in lieu of the financial contribution imposed under this condition. The existing car parking referred to by the applicant does not have the benefit of planning permission and lies outside the boundary of the site which is the subject of this application. It is considered that the removal of condition number 8 would, therefore, be contrary to proper planning and sustainable development of the area.
2. The proposed development seeks permission for the retention of elevational changes and signage at Glencarn Shopping Centre. These include changes to door and window openings where no corresponding internal layouts have been provided. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.



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



Dated this 24th day of SEPTEMBER 2021.