

An
Bord
Pleanála

Board Order

ABP-319928-24

Planning and Development Acts 2000 to 2022

Planning Authority: Monaghan County Council

Planning Register Reference Number: 23/206

Appeal by Noel and Joanna Mullins of Lisanisk, Carrickmacross, County Monaghan and by Others against the decision made on the 28th day of May, 2024 by Monaghan County Council to grant permission subject to conditions to Clarlan Limited of McGuigan Architects of 6 Plantation Terrace, Monaghan, County Monaghan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission to demolish existing stables and outbuildings and construct four number two-storey detached dwellings together with four number single-storey detached domestic garages, new individual vehicular accesses, connections to mains services including water and foul sewage, on site storm water treatment, new boundary treatments together with all ancillary site works at Lisanisk, Carrickmacross, County Monaghan amended finished floor levels to dwellings and garages, together with drainage design, hard and soft landscaping, alterations to shared access lane to include proposed road safety measures, amended accesses to each dwelling with gates, piers and boundary treatments and all associated works. The proposed development was amended by the further public notices received by the planning authority on the 1st day of May, 2024, revisions included.

Noel

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.

Reasons and Considerations

Having regard to the zoning objective of the subject site, its location within an existing urban area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be consistent with Policy RDP 24 (Residential Amenity) of the Monaghan County Development Plan 2019-2025, as varied. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

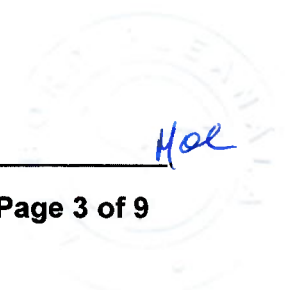
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 1st day of May 2024, except as may otherwise be required in order to comply with the 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) The treatment of the south-western boundary shall comprise a concrete block wall at a height of 1.8 metres as measured from the existing ground level on the respective neighbouring side of the boundary. The wall shall be plastered on both sides and capped. The wall or extension of the existing wall, subject to recommendations under condition number 2(b) below, shall be completed prior to occupation of any dwelling.
- (b) Prior to the commencement of development, the developer shall engage the services of a suitably qualified person/company to carry out a structural survey of the wall on the south-western boundary of the site, along with an engineering assessment of the structural integrity of the wall in terms of any potential impact of the permitted development on same. The report shall be submitted for agreement to the planning authority prior to commencement of development and the recommendations of the reports, in addition to the requirements of condition number 2(a) above, shall be implemented to the satisfaction of the planning authority prior to occupation of any dwelling.

Reason: In the interests of residential amenity and to ensure that the development is carried out and completed to an acceptable standard of construction.

3. Prior to the commencement of any development works on the site, including the removal of any building, landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development shall be undertaken by a suitably qualified ecologist and the findings submitted for written agreement of the planning authority. Should the significant presence of bats be established on the site no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.



Reason: In the interest of bat protection and to provide for the preservation and conservation of this species.

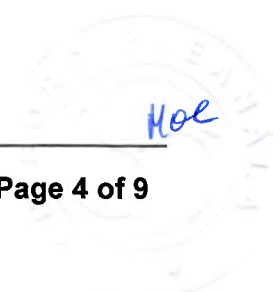
4. All houses within the scheme shall be provided with an electric vehicles (EV) home charge point to the exterior of the houses. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

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

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and



- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 7. (a) Recommendations and actions outlined in the submitted Stage 1 Road Safety Audit shall be implemented prior to occupation of any dwelling.
- (b) Upon completion of the development and prior to occupation of any dwelling, the developer shall complete a Stage 3 Road Safety Audit, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team. Agreed actions shall be implemented prior to occupation of any dwelling.

Reason: In the interest of pedestrian and traffic safety.

- 8. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be as per drawings submitted to the planning authority on the 1st day of May 2024.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

- 9. The scheme shall be landscaped in accordance with the landscape plans submitted to the planning authority on the 1st day of May 2024, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die

or are removed within three years of planting shall be replaced in the first planting season thereafter. Unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

10. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management measures, consultation measures with local residents in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste, including removal and disposal of asbestos.

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

11. Prior to the commencement of development, the developer shall enter into connection agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

12. Drainage arrangements, including the 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.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

14. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

15. 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.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

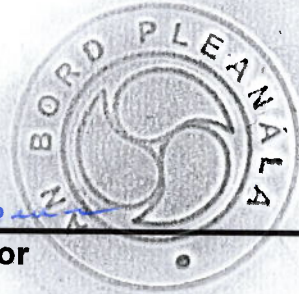
17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

18. 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.

Marie O'Connor



Marie O'Connor

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

Dated this *11* day of *March* 2025