



An
Bord
Pleanála

Inspector's Report ABP-303096-18

Development	Construction of 26 dwellings and new vehicular entrance off Railway Road.
Location	Railway Road , Connabury , Castleblayney, Co Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	18223
Applicant(s)	John and Martin O Brien
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Brendan and Eileen Tavey.
Observer(s)	None
Date of Site Inspection	22 nd of January 2019.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The site is a backland site located along Railway Road, south of the main street of Castleblayney town centre, County Monaghan. The site is located to the south of a large commercial building (Eir) and on the opposite side of the road (west) of side entrance of a derelict shopping centre. Railway Road provides access to Conarbury Court a residential development to the south of the site and three large dwellings, each with private access. The site is partially hard surfaced and is surrounded by metal hoarding around the north and east.

2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- Construction of 26 no. dwellings and new vehicular entrance off Railway Road.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 16 no. conditions of which the following are of note:

C 1- Revised plans to include altered dimensions for car parking spaces and appropriate egress and access for house 9 & 10.

C 5- General roads and surface water requirements including the provision of 45m for visibility splays.

C 6- Submission of a Part V agreement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information as summarised below:

Further Information

1. Submission of a concept statement outlining the design process and compliance with the national sustainable urban housing guidance which refers specifically to the subject site.
2. Revision of the site layout plan and contour layout to include useable open space.
3. Submission of revised site layout out with a revised water connection and specification and revised plans and particulars of the foul sewer pipeline.
4. Submission of a revised site layout for a new entrance, 30m further from Conabury Close and compliance with the Design Manual for Urban Roads and Streets (DMURS) design standards.
5. Submission of a traffic assessment, the use of a retaining wall along the boundary, revised design of the internal road network and public lighting scheme.
6. Submission of a revised storm water layout indicating the route and proposals to manage the surface water within the site.

3.2.2. Other Technical Reports

Housing Department- No objection subject to condition for Part V.

Roads Department- No objection subject to conditions.

Municipal District Office- No objection subject to conditions.

Water Services Section- No objection subject to conditions.

Chief Fire Officer- No objection subject to conditions.

Environment Section- No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water- No objection subject to conditions.

3.4. **Third Party Observations**

A submission was received by the appellant on the initial application and the further information and the issues have been reiterated in the grounds of appeal.

4.0 Planning History

None on the site.

Adjoining Site

PL47.213858 (Reg Ref 24/04)

Construction of a mixed use development on 2/3 stories over basement carpark, comprising of 22 no. apartments (16 no. one bed and 6 no. two bed), retail mall with 8 no. retail units on ground and first floor (132m² to 2,053m²) as associated services with infill façade at the Main Street and ground floor archway and pedestrian access from York Street (29 surface car spaces and 155 no. basement car spaces).

Condition No 2 required the retention of the dwelling along York Street and the omission of the pedestrian access from York Street.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 National Planning Framework (2018)

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).

Urban Design Manual, A Best Practice (DOEHLG, 2009)

Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets DMURS (2013)

Retail Planning Guidelines, 2012

5.2. Monaghan County Development Plan 2013-2019

The Castleblaney Town Centre Map (CYDP2) is included in the County Development Plan and the site is zoned as “Town Centre” where it is an objective *“To provide for the development and improvement of appropriate town centre uses including retail, commercial, residential, cultural and social use, with the overall aim of maintaining and strengthening the vitality and viability of the town centre”.*

Chapter 3- Settlement/ Core Strategy

Castleblayney is a Tier 2 settlement in the Core Strategy.

Table 3.13- Core Strategy Table- 18.2 ha zoning allocated for housing in Castleblayney (incorporating 50% headroom).

Chapter 8- Strategic Objectives for settlements

UDO 2- To promote the towns as residential centres and encourage the development of new residential accommodation on zoned housing lands

UDO 6- To encourage the refurbishment and reuse of derelict buildings and development on derelict lands and infill sites in the towns

TCO2- Promote and develop the town centres as the principle location for retail, office, leisure, entertainment, cultural and service uses and encourage the refurbishment, renewal and re-use of existing buildings and derelict sites within it.

TCO3- Protect the vitality and viability of town centres by promoting a diversity of uses, with a presumption in favour of development that would make a positive contribution to ensuring that the town centres continue to provide a focus for shopping.

TCO 10- Continue to encourage and accommodate the regeneration of backlands in the towns, where appropriate, including the construction of new urban streets to provide access to inaccessible lands.

Chapter 11- Castleblayney Town Development Plan

Chapter 15- Development Guidelines

15.3.1- Housing Densities shall comply with the national guidance

15.3.2 - Housing proposals will be accompanied by a Concept Statement

Table 15.1 -10 % Open space requirements for brownfield & 0-40 dwellings.

15.3.6 - Naming of housing estates shall be agreed by the Council.

Chapter 16- Housing Strategy

5.3. **Natural Heritage Designations**

The site is located >15km from any European site.

5.4. **Environmental Impact Assessment (EIA)**

Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal is submitted by a resident to the south of the site raised are summarised below:

Principle of development

- Policy TCO3 requires the promotion of a diversity of uses in the town centre which will make a positive contribution with a focus for shopping.
- Residential on an entire town centre site (0.85ha) will not support the requirement of Policy TCO3.
- Chapter 15 of the County Development Plan sets out a number of high level objectives and policies in relation to residential developments.
- The use of the site for residential will not support the vitality and viability of the site for a mixed use development.

Quality of Design

- The design statement includes incorrect reference to the levels on the site.
- The statement refers to overlooking on the open space. This statement is incorrect and only 6 dwellings face onto the open space.
- The planner does not provide a full assessment of the Design Concept statement or the proposals in respect of national guidance on design.
- The site is described as a brownfield site although only 25% is used for an unauthorised abandoned carpark (0.22ha).
- Low standards should not be accepted because of the brownfield status.

Site Levels

- It is proposed to undertake alteration to the levels of the site and the proposed house will be significantly lower than the surrounding area, particularly towards the west of the site.
- House No.14 is 6.55m lower than the lands to the west and it is unclear how this relates to surrounding lands.
- There is an average height difference of 4m between the site and lands to the west and the proposal for a timber and concrete post fence is unsuitable to retain 4m of soil.
- Dwellings 11, 12 & 13 will be looking directly onto the retaining wall at the western boundary.
- The school site is beside until No. 7 and has a height difference of 4 m on the ground levels.

Linkages/Access

- The proposal is served by a long linear road (>200m in length).
- Linkages to the site are poor with no uninterrupted route for pedestrians and the residents will have to cross a road twice to get to the site.
- The horizontal design of the road is substandard and not in keeping with the DMURS due to 3 no. tight horizontal curves.
- All vehicles travelling more than 15km/h will have difficulty negotiating the road and the speed limit at the minute is 50km/h.
- The 13m available at the proposed bend falls short of the required 23m for a design speed of 30km/hr (Table 4.2 of DMURS) as shown in Fig. 6.

Surface Water Drainage

- It is proposed to discharge run-off into an existing combined foul/ surface water sewer along the public road.
- There is no attempt to assess the feasibility for infiltration into the site of some or part of the surface water.

- The on-site storage facility is 97 cu.m a significant shortfall is accommodating the normal surface water on the site.
- The storage provision only caters for 2,000m² and not the full 4,200m² (unauthorised carpark has been omitted) therefore the design proposal is flawed.
- Based on the submitted design calculations it is unlikely that the required storage can be accommodated within the current open space area.
- There are a number of minor errors with regard to the surface water design including gullies located at the high point of the access road, speed ramps blocking flow paths to gullies and gullies being located in grass areas.

Miscellaneous items

- The proposed provision of a fence along the entire east of the site will restrict movement to the open space.
- The requirement to provide vehicular access to Unit 9 will reduce the open space.
- The turning head on the south east corner of the site will encroach into the open space.
- The proposed use of arched walkways to provide access to the rear of Type Z units is unsatisfactory.
- There are no details as to the level difference to the houses and the shared rear access.
- The rear garden arrangement for Unit 9 and Unit 12 is unsatisfactory.
- The provision of 2 no car parking spaces to the front of the dwellings, in accordance with the Building Regulations, will mean no grass strip can be applied.
- There are no details on the energy efficiency of the buildings.

Location of proposed development

- The entrance will lead to confusion due to its proximity with the existing commercial centre.

- The tactile paving on the footpath at the Eir site will cause serious traffic concerns for pedestrians.

6.2. Applicant Response

The applicant has submitted a response to the grounds of the appeal which is summarised below:

Background

- A background on the site context is provided including the last use on the site as car parking associated with the town centre use.
- There is no demand in the town for either apartments or any further commercial developments and a recent development for 20 houses has gained significant interest.
- The unauthorised bitumen has been on the site for over 7 years and is unenforceable and does not form part of the proposed development.
- Planning permission on the site indicates an intention for residential development on the site.
- The proposed development would regenerate the town centre.

Development Plan

- The Regional Guidelines and the development plan supports the population growth for Castleblayney and the current population falls below the Core Strategy allocation.
- The area of lands zoned as town centre is very large, relative to the size of the town which leads to a high degree of commercial vacancy in the town centre.
- The zoning allows residential where it is an objective to strengthen the vitality and viability of the town centre as the proposal does.
- There is no prohibition to a single residential use on the site.
- The policies of the development plan support the overall proposals which will provide a compact urban form.

- The proposed development has been designed in accordance with the sustainable residential guidelines.
- The proposal complies with the recreational standards as set out in Table 15.1 of the development plan.
- The housing scheme to the south of the site is physically detached from the town centre and the proposal will allow for connectivity.

Traffic

- If the shopping centre reopens any problems with traffic management will need to be addressed at that stage.
- There is no issue with the location of the proposed entrance adjacent to a commercial development as the speed is very low along the road.

Validity of application

- All lands submitted as part of the application are within the ownership of the applicant and Drawing No. 101 of the FI shows the remaining ownership in blue.
- Tactile paving can be provided by way of agreement with the planning authority.

Revised Design and Layout

- A revised design has been submitted to include the relocation of dwellings further to the rear of the site with the open space centrally located.
- The revision complies with the sustainable urban housing guidelines.
- The proposal as submitted to the council met all the development standards although the applicant is also happy to accept a grant of permission for the revised proposals.
- The overlooking on the open space has increased in the revised proposals.
- There are now no gates to the rear of properties.
- The houses are designed to current building regulation standards.

Site Levels

- The variations in the site levels are normal within an urban context and not excessive.
- The proposed design has a concrete retaining wall with rendered block facing and includes a concrete post and timber fence along the west boundary.
- The proposed boundary treatment along the western boundary is proposed to be amended to incorporate a 2.1m high closed boarded fence along the boundary.
- A **method statement is included for** the erection of the western boundary.

Pedestrian Linkage

- An engineer's report has been included to address the matter of traffic management.
- The proposed development fully complies with DMURS includes traffic calming within the site (ramps), corner radi complying with Figure 4.42 of DMURS
- The revised proposal provides for a high quality scheme.

Surface Water Drainage

- The site is 4,200 m², the existing car park is 2,200m² and the proposed design is for the net increase in impermeable area of 2, 000m².
- The presence of the carpark has been included in the calculations for the treatment of the surface water as this is a brownfield site.
- The treatment of the surface water was agreed at preplanning.

6.3. **Planning Authority Response**

None received

6.4. **Observations**

None received.

6.5. Further Responses

An agent on behalf of the appellant submitted a response to the applicant's submission and the revised design and the issues raised are summarised below:

General Comments

- The appellant lives immediately to the south of the site with a young family and is therefore an interested party.
- All issues raised have referred to the proper planning and sustainable development of the area.
- The revised layout illustrates that the initial application was flawed.
- The proposal has been altered significantly and there has been no opportunity for other third parties to make a submission on the changes.
- The revision includes a new house type (x) and revised layout and does not include any revised surface water layout, lighting, landscaping Concept statement etc.
- The quantum of information is inadequate to make a decision.
- There are further deficiencies in the revised design submitted.

Zoning

- The proposal still contravenes the policies of the development plan, in particular, TCO2, TCO3, TCO4.
- There should be a mixed use scheme on the site rather than a full housing scheme.
- There is a large area adjoining the site (A & B on Map CYDP2) already capable of providing 234 housing units.
- There is no justification to ignore the provision of commercial properties in Castleblayney.
- Reference in the applicant's submission to previous applications are irrelevant as these are over 18 years old.

Design and Layout (initial application)

- The majority of houses face onto a blank façade
- A 6.5m high retaining wall is in close proximity to the houses.
- 50% of the houses are north facing
- Overlooking onto the open space is limited.
- Only one site access and excessive length of road in the estate.

Design and Layout (proposed revision)

- The proposal does not comply with the
- The proposal is significant and should be re advertised.
- The layout is an improvement.
- There is inappropriate garden sizes.
- 55% of the dwellings face north
- There is excessive cut and fill
- There is a query over the ownership of open space areas around the proposal.
- There is serious health and safety concerns over the location of the entrance beside the Eir commercial building entrance.

Site levels and boundaries.

- There remains excessive cut on the site.
- The western boundary remains 6m lower than the national school.
- The level difference is against health and safety and residential amenity.
- There is no indication if the 2.1m high boarded fence along the National School was agreed with the landowners.
- Drainage work is required behind a retaining wall and would require the agreement of the landowners.
- The retaining wall could cause structural damage to the surrounding area.

Linkages/ Access

- The roads take an excessive amount of site area (20%).
- The internal radius of the roads is significantly lower (8.75m) than the requirement in DMURS (11m).

Surface Water Drainage

- The inadequacy of the surface water provision and the correct calculations will mean the by-pass overflow will come into operation even after a relatively modest rainfall event.
- Flows greater than the permitted 2.0l/s shall enter the combined drain with a possibility of flooding downstream of the site.
- The existing 2,200m² currently discharges indirectly to a combined drain.
- The current proposal for storage provision (97cu.m), the Engineers report calculates that the volume of storage required to cater for 4,200m² is 250cu.m compared to 97cu.m (160% increase).
- The engineers report states that the quantum of storage could be included as a condition of any planning although there is insufficient space on the site to provide the quantum of storage while maintaining the standard separation distances.
- Irish Water have approved the discharge of surface water run-off from the site to the combined sewer to a restricted flow of 2.0l/s and based on the inadequate size of the attenuation area the overflow device will operate at a more frequent basis resulting in the surface water entering the combined drain at a rate in excess of 2.0l/s.

7.0 Assessment

- 7.1. The following assessment has regard to the plans and particulars submitted with the applicant's response to the grounds of appeal which includes a revised scheme with the relocation of 4 no. dwellings from the centre of the site to the rear (north) and the increase and reconfiguration of the communal open space in the site.

- 7.2. The grounds of appeal consider the changes in the layout and design of the scheme vary significantly from the original application and contravenes the planning application process. I note one submission was made on the initial application and the further information and the amended design has been circulated to all parties who have been given an opportunity to comment.
- 7.3. I consider the proposed amendments do not significantly alter the proposed development, can be accepted as a revision and I am assessing this application *de novo* on the basis of the revised design submitted by the applicant.
- 7.4. The main issues of the appeal can be dealt with under the following headings:
- Principle of Development
 - Design and Layout
 - Water and Surface Water
 - Access and Parking
 - Appropriate Assessment

Principle of Development

- 7.5. The subject site is a brownfield site which fronts onto Railway Road, a local access road which radiates south from the main street of Castleblayney Town Centre. The site is zoned in the development plan for town centre use where it is an objective “*To provide for the development and improvement of appropriate town centre uses including retail, commercial, residential, cultural and social use, with the overall aim of maintaining and strengthening the vitality and viability of the town centre*”. The grounds of appeal refer to the expanse of residential lands zoned for housing in the development plan and consider that these lands should be retained as town centre use and commercial development.
- 7.6. There are no specific restrictions on the mix or percentage of residential development permitted on town centre zoned lands. Map CYCP 1 of the development plan illustrates the location and quantum of residential lands in Castleblayney town to support the Core Strategy allocation of 18.2ha as per Chapter 3 of the development plan. The schedule accompanying Map CYCP 1 allocates 5% of the total town centre lands for residential (1.13ha). Section 4.4.1 of the national

retail guidelines highlights the importance of promoting critical mass in town centres to enhance the vibrancy and vitality of such centres. The subject site is 0.85ha and whilst the supporting documentation does not provide details of other residential development in the town centre I consider the backland location of the site interconnecting the main street with existing residential development, to the south of the site, would strengthen the vitality and viability of the town centre by providing a critical mass. It is also of note a large derelict shopping centre on the opposite side of Railway Road permitted under PL47.213858 (Reg Ref 24/04) which can accommodate 8 no. retail units ranging in floor space from 132m² to 2,053m².

- 7.7. Therefore, based on the location of the site, zoning and the development plan policies, I have no objection to the principle of the use of the site for residential development, subject to complying with conditions and other planning requirements as addressed in the following sections.

Design and Layout

- 7.8. The proposed development includes, 26 no. residential units (22 no. 3 bedroom and 4. no. 2 bedroom) which fronts onto and is directly accessed from the Railway Road. A revised design, submitted with the applicant's response to the grounds of appeal, includes the relocation of 6 no. 3 bed dwellings from the centre of the site to the rear (west) and an increase and reconfiguration of the open space more central within the site. External materials and overall design remain the same as traditional two storey dwellings which red brick and plaster which is of a high quality. The grounds of appeal note the changes and whilst the revision was considered an improvement there remained a range of undesirable issues relating to the proposal including site levels, layout and boundary treatment along the west of the site.
- 7.9. The site is located c. 20m to the north of the closest detached dwelling and is separated by an agricultural lane. A small scale residential development is located to the south of the site, containing 2 rows of 4 terrace dwellings in front of 4 large detached dwellings. The use on the lands to the north and on the opposite side of Railway Road includes a mix of commercial, retail and education. Therefore, the site can be considered as a transition site.
- 7.10. Site Levels and boundary treatment- The lands at the North West (FFL 110) and southern (FFL 115) corner are higher than the existing site and it slopes down the

east to Railway Road (FFL 104). The proposal includes the levelling of the site (FFL c. 108) along the west with a gentle slope towards the road. A retaining wall is proposed along the west of the site. The drawings are unclear if the retaining wall encompasses the entire length of the boundary and an indicative section to the rear of house No. 14 illustrates additional non-climbable fencing on the west (school) side. The grounds of appeal raise concern over any agreement with adjoining land owners and the stability of the retaining wall.

- 7.11. I do not consider the variation in levels along the entire site are significant although it is acknowledged there are higher locations. There can be no objection to the principle of the retaining wall along the west of the site although for clarity purposes a proposal of the exact locations should be detailed. At those locations where the retained wall is greater than 2m or where it bounds the rear of the adjoining school a 2.1m high close board non-climbable fence is necessary. The applicant confirmed the design and construction of the wall will be undertaken by a specialist contractor using a factor of safety of 2. In addition, considering the alterations to the levels adjoining the Eir site a retaining wall should extend along this boundary (north).
- 7.12. A 1.8m high post and timber fence is proposed along the south and west, adjoining the agricultural lands and a 1.m high black metal round top fence is proposed along the front of the site and into the entrance, which I consider reasonable.
- 7.13. I note that the appellant is not one of the parties who is affected by the claimed encroachment, by way of erection of boundary treatment, and that no observations were made by the owners of the adjoining properties. As section 34(13) of the Planning and Development Act 2000, as amended, states, a person is not entitled solely by reason of a permission to carry out any development and therefore, the onus on the applicant to be certain under civil law that he has all necessary rights in the land to exercise the grant of permission and retention permission
- 7.14. Design- Policy HDP 3 of the development plan reiterates the principles of good urban design as contained in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009' and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities and the design manual provides best practice design criteria such as

context, connections, inclusivity, variety, efficiency, layout etc. where it is a requirement for the design of new development to improve and enhance the existing situation to make a positive contribution to the neighbourhood as assessed below.

- 7.15. As stated above, a revised scheme was submitted with the grounds of appeal. The open space has been increased and reconfigured to a central location overlooked by the proposed development and integrating play facilities. For this reason, I consider the amended design is an improvement to the initial scheme submitted to the planning authority and therefore consider it reasonable to assess the revised scheme.
- 7.16. Tenure- The proposed mix of dwellings includes 22 no 3 bed and 4 no 2 bed semi-detached dwellings. Policy HGO 1 of the development plan requires an appropriate house type mix within developments to respond to the changing demographics of persons on the housing list. The applicant states there is no demand for apartment units within Castleblayney and whilst there is no requirements for a specific mix of units, I consider 2 no 4 bed units would ensure a greater support for the wider community, which can be conditioned.
- 7.17. Open Space: The communal open space provision is 15 % of the gross site area has been included (site area 40.85ha/open space 0.13ha). The amended layout includes desirable attributes including permeability and overlooking. An indicative playground is proposed in the centre of the open space adjoining the car parking for the dwellings. A landscaping plan is not submitted with the revised proposal. The guidance in DMURS requires a move away from a road based design to the “homezone concept”, where the car does not have priority, which I consider acceptable. I consider it reasonable to include a condition for the submission of a detailed landscaping plan, shared surface paving supporting the homezone concept and design details for the proposed playground.
- 7.18. Having regard to the revised design submitted and the open space designation, it is considered the proposed development would comply with the requirements of the national guidance on sustainable residential development and layout is appropriate for the site.

Surface Water

- 7.19. The proposed development includes a connection to the public water and wastewater systems and no objection was raised by Irish Water or the Water Section of the Council in relation the servicing of the site. The site is partially hard surfaced for a carpark which falls towards the public road where the surface water is collected in road gullies and enters the public sewers. There is no attenuation at present. The site is 8,500m² (0.85ha) and the surface water calculations are based on the characteristic of the site as brownfield and an permeable green area of 6,600m² (77% of the site) with the provision of attenuation for a return period of 100years.
- 7.20. The grounds of appeal consider the use of the hard standing as impermeable area (2,400m²) is incorrect as it was last used as an unauthorised car park where the treatment of surface water was never provided. In addition, they refer to an engineer's report which calculates the storage capacity for 4,200m² as 250m³, yet there is insufficient space on the site to accommodate this amount of storage.
- 7.21. The revised design, submitted to the Board, includes surface water calculations for an impermeable area of 1,938m² (0.1938 ha) with a maximum storage of 82.7m³ which is 22% of the entire site area. The applicant considers the proposal will reduce the outflow rate of surface water to public sewers via management through attenuation (97.8m³ tank) to hydrobrake to restrict outflow to 2 l/s connecting to a combined sewer on the public road at manhole CMH01. Rainwater garden butts are proposed to the rear of each dwelling with a minimum capacity of 210 litres each.
- 7.22. The response from Irish Water and the Water Services section of the Council had no objection to the surface water proposal subject to additional works to the storm water system including relocation of manholes and alterations to proposed connections to the combined public sewer to accommodate for future storm separation on the public road.
- 7.23. Having regard to the unauthorised nature of the hard surfacing and the lack of surface water treatment I do not consider the classification of approximately half of the site as brownfield is appropriate for the satisfactory servicing on the site. Therefore, it is my opinion that the entire site (0.85ha) should be included for the purposes of calculating the necessary surface water management. I note the attenuation storage area (c. 90m³) is proposed within the open space along the front

of the site. The amended design increased this open space area, which I consider can accommodate a larger attenuation area. In their response to the grounds of appeal, the applicant considers that should the Board consider, the surface water from the carpark should be treated, the revised design can accommodate storage for a 250m³ tank. In this regard I consider that a condition to increase the attenuation storage can be included.

- 7.24. The site is located below a large expanse of agricultural lands. The proposed development fails to fully promote the use of Sustainable Urban Drainage Systems (SuDS) within the overall design. The national Design Manual for Urban Roads and Streets (DMURS) highlights the incorporation of SuDS elements into the fabric of the street. Having regard to the location of the site lower than the surrounding agricultural lands I consider the use of porous paving should be integrated into any scheme. In addition, I consider the paving will support the home zone concept, as discussed below.
- 7.25. Therefore, having regard to the lack of servicing for the existing unauthorised carpark, the location of the site lower than the surrounding lands, best practice guidance and the size of the open space, I consider the proposal should include an attenuation tank for the entire site and the overall design should integrate shared surface porous paving, which I consider reasonable to condition.

Access and Traffic

- 7.26. The site is accessed from and fronts onto Railway Road which is within the 50km/h speed limit. A derelict shopping centre is located on the opposite side of the road with access along the Railway Road for an underground basement car park and service area. The grounds of appeal consider the location of the access direct south of the Eir access will cause a traffic hazard. Following the submission of further information on a revised site entrance location 30m further away from Conabury Close, to the south, and site lines (y) 45m and (x) 2.4m provided in compliance with Section 4.4.5 of DMURS.
- 7.27. Two speed ramps are included in the revised design with shared surface for a turning area. Having regard to my assessment in relation to the design and layout, promotion of the homezone concept and use of SuDS within the scheme a condition

requiring shared surfaces for roads and parking is recommended and the need for speed ramps should be eliminated.

- 7.28. The use of tactile paving at the north of the entrance is raised as an issue in the grounds of appeal. I note the lands are within the control of the applicant and therefore I consider them reasonable.
- 7.29. Therefore, having regard to the location of the site within the town centre, the modest scale of the proposed development and the integration of homezone concepts, I do not consider the proposed development would cause a traffic hazard or endanger pedestrian safety.

Appropriate Assessment

- 7.30. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the:

1. national guidelines for Sustainable Residential Development in Urban Area and the accompanying Design Manual and the Design Manual for Urban Roads and Streets,
2. the town centre zoning of the site, the Core Strategy allocation and the policies and objectives of the Monaghan County Development Plan 2013-2019 and,
3. the pattern of development in the area.

It is considered that subject to compliance with the conditions as set out below the proposed development would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 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 An Bord Pleanála on the 07th of January 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) Dwelling No 6 and No 13 on the site layout received by An Bord Pleanála on the 07th of January 2019 shall be amended from a 3 no bed dwelling to a 4 no bed dwelling.

Revised calculations and 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 interest of residential amenity.

3. The proposed development shall be amended as follows:
 - (a) Increase in the size of the attenuation tank to treat the surface water for the entire site (0.85ha).

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

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. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - (a) shared surface treatment of all roads and footpaths with details of all proposed hard surface finishes to support the principle of Sustainable Urban Drainage Systems (SUDS), including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) Inclusion of semi-mature, native planting and proposed location of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed playground equipment and treatment of ground finish, including bollards, lighting fixtures and seating;
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.
 - (e) proposed location of the retaining wall along the north and west of the site which shall include a 2.1m high close board non-climbable fence along the school boundary and/or at all locations where the wall is more than 2m high.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. **PERPETUITY**

Reason: In the interest of visual amenity

5. 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 and to ensure the use of locally appropriate placenames for new residential areas

6. Site development and building works shall be carried out only between the hours of 0800 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

7. The exact line and configuration of the junction of the access road to the development with the public road shall be set out on the site and revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and access road shall be in accordance with the detailed standards of the planning

authority for such works and should support the principles of Sustainable Urban Drainage Systems (SUDS).

Reason: In the interest of amenity, traffic and pedestrian safety and proper planning and development.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and at the entrance into the site, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety

9. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

10. 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.

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.

Karen Hamilton
Planning Inspector

11th of March 2019