



An
Bord
Pleanála

Inspector's Report ABP-306360-20.

Development

Planning permission is sought for a mixed-use residential and commercial development. This site is within the vicinity of a number of Protected Structures.

Location

Site to the rear of No. 6 to 7 'The Diamond', Roosky Td, Monaghan, Co. Monaghan.

Planning Authority

Monaghan County Council.

Planning Authority Reg. Ref.

19474.

Applicant

JCEP Developments Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Refused.

Type of Appeal

First Party

Appellant

JCEP Developments Ltd.

Observers

None

Date of Site Inspection

7th May, 2020 & 3rd July, 2020.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 0.15ha area and it consists of a parcel of land located to the rear of No.s 6 to 7 'The Diamond', both Protected Structures, to the south east of Monaghan towns historic centre. The site benefits from road frontage onto the Castle Road, a cul-de-sac road, on its southern side. No. 6 and 7 'The Diamond' contains 'Ronaghan's Pharmacy', 'MaGill Jewellers' and the Swan Park Family Practice mainly at ground floor level. The use of the upper floor levels of these buildings is unclear but their frontages contribute to the period architectural character of Dublin Street and a central area within Monaghan town referred to as 'The Diamond'. The north easternmost corner of the site adjoins a pedestrian in width laneway that extends alongside the eastern elevations of MaGill Jewellers and Swan Park Family Practice. This appeal site is located c0.2km to the north of the Castle Road junction with Macartan Road and the N54, as the bird would fly, in the Townland of Roosky. It is also located c1.5km to the west of the N2, national road.
- 1.2. The site appears to have historically consisted of the rear garden areas to No.s 6 and 7 'The Diamond'. It contains a number of mature trees which together with the tall roadside boundary adjoining Castle Road limits views into the site.
- 1.3. At present the appeal site appears to consist of an area of hard stand towards its northern end, possibly for parking and the like, with this connecting into an area that is unkempt and overgrown but appears to be used for access and egress onto Castle Road to the south. The ground levels of the site slope appear to slope in a southerly direction and there is a significant variability in ground levels also in the immediate vicinity of the site with the ground levels appearing to slope in a southerly and easterly direction.
- 1.4. The boundaries of the site are mixed in their nature and include tall solid walls of concrete construction, some historic stone walls through to mature evergreens. As said these limit views into the site in its current form and give the site a high degree of self containment. The site includes a number of modest in size and height single storey shed type structures. These are mainly located midway along the eastern boundary of the site but there is also a structure located in the north western most corner alongside another small structure located midway along the western boundary.

- 1.5. Directly opposite the Castle Road frontage there is a pay and display public car park. The nature of parking is of limited duration and there are a number of disabled spaces in close proximity to the site contained within it.
- 1.6. The adjoining plot of land to the west and north is a consolidated parcel of land which appears to be occupied by the Northern Standard Newspaper. This parcel of land consists of a consolidation of building structures towards its northern portion end and immediately midway relative to the site area. This parcel of land also includes an area of hard stand on its southern portion which at the time of inspection appeared to mainly function as a car parking area. Like the appeal site, the Northern Standard Newspaper site is served by a vehicle entrance onto Castle Road, at a point where this road changes its direction significantly from its general east west alignment alongside the appeal site to a roughly north south direction to where it meets Macartan Road and N54 junction.
- 1.7. The land immediately to the west consists mainly of backyards of properties that benefit from frontage onto Dublin Street to the north and Castle Road to the south. The surrounding area has a mixed character with properties to the north, north-east and north west containing a wide variety of land uses one would expect to find in a town centre, e.g. retail, commercial through to civic in nature. The Monaghan Town shopping centre lies in close proximity to the south west of the site and the Ulster Canal lies on the southern side of the aforementioned car parking that lies on the opposite side of Castle Road.

2.0 Proposed Development

- 2.1. Planning permission to develop a mixed-use residential/commercial infill development. The proposed development as set out in the accompanying documentation contain 25 no. apartments arranged in two blocks over 4/5 floors, linked via landscaped courtyard garden with lower level office/storage space beneath. 'Block A' consists of ground floor office space beneath 1 no. 1 bed apartment & 13 no. 2 bed apartments. 'Block B' consists of a lower level storage space beneath 3 no. 1 bed apartments & 8 no. 2 bed apartments. The proposed development would have pedestrian access directly onto 'The Diamond' via an existing right-of-way and the site is located opposite a council carpark which lies on the opposite side of Castle Road. The works include lower level

storage space, bin store, bicycle store, kitchen garden, connection into public utilities, landscaping & planting scheme together with associated site works. The proposed development is located within the immediate vicinity of a number of Protected Structures.

2.2. In summary this proposed mixed-use scheme is comprised of two blocks which cumulatively contain:

- 4 No. 1 Bedroom (2 Person) Apartments;
- 8 No. 2 Bedroom (3 Person) Apartments;
- 13 No. 2 Bedroom (4 Person) Apartments;
- Office 1 (424m²); and,
- Office 2 (97m²).

2.3. This application is accompanied by various documentation including:

- Covering Letter.
- Engineering Assessment Report.
- Planning & Design Statement.
- Part V Preplanning Statement of Understanding.
- Building Lifecycle Report.
- Water Protection Plan Checklist.

This application is also accompanied by a scale model.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 4th day of December, 2019, the Planning Authority issued a notification to **refuse** planning permission for the following stated reasons:

“1. Objective MPO 2 of the Monaghan County Development Plan 2019-2025 requires that all development proposals within the Dublin Street Regeneration Plan area have regard to the regeneration strategy and development objectives

of the Regeneration Plan. One of the Key Urban Structure Objectives of the Regeneration Plan is to 'Create new routes, for pedestrian, cyclist and vehicular movement, which contributes to ease of movement and connect existing and new spaces; Gavan Duffy Place, Church Walk, The Mall, and Courthouse Square'.

The proposed development is to be accessed via proposed new roads (Church Walk and The Mall) provided for in the Dublin Street Regeneration Plan. The proposed roads have not yet reached detailed design stage and consequently their exact location and levels remain undetermined. The granting of planning permission for this proposed development, which is based on assumed future road levels and positions, has the potential to prejudice the design and delivery of these roads. The granting of planning permission for the proposed development could consequently prejudice the delivery of the Dublin Street Regeneration Plan and is considered premature pending the detailed design of Church Walk and The Mall.

Accordingly, if permitted as proposed, the development would be (i) premature pending the determination by the Planning/Road Authority of a road layout for the site/area and (ii) be contrary to the proper planning and sustainable development of the area.

- 2. Objective MPO 2 of the Monaghan County Development Plan 2019-2025 requires that all development proposals within the Dublin Street Regeneration Plan area have regard to the regeneration strategy and development objectives of the Plan. Furthermore, Section 15.2.5 and Policy UDP1 of the Monaghan County Development Plan 2019-2025 prescribes that piecemeal development of individual plots will generally not be permitted unless it is demonstrated that the development does not prejudice the comprehensive redevelopment of adjoining lands in a sustainable manner.*

The development as proposed fails to demonstrate how this project would provide for the coordinated development of this area as required by the Regeneration Plan and is considered piecemeal, in that it provides for the redevelopment of one site within a larger backland area, for which a

regeneration plan that provides for linked development exists without due consideration for the potential future development of the adjoining lands.

As such it is considered that the proposed development would materially contravene Objective MPO2 and Policy UDP1 of the Monaghan County Development Plan 2019-2025 and be contrary to the proper planning and sustainable development of the area.

3. *The proposed development fails to provide for any car parking within the site. Notwithstanding the town centre location of the site and a 50% reduction in car parking spaces which is permissible at such locations by the Monaghan County Development Plan 2019-2025, the scale of the development would still require 35 car parking spaces as per Section 15.28 of the Monaghan County Development Plan 2019 - 2025.*

The proposed development would therefore contravene Policy CP1 of the Monaghan County Development Plan 2019-2025 and be contrary to the proper planning and sustainable development of the area.

4. *Notwithstanding the private amenity space standards outlined in the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities, Section 15.8.1 (Private Open Space Standards) of the Monaghan County Development Plan 2019-2025 requires that 1 and 2 bed apartments in a town centre location shall, as a minimum, be served by 10sqm of private open space. The proposed development provides for the majority of proposed apartments have a private open space area which is less than 10sqm.*

Accordingly, if permitted as proposed, the development would materially contravene Policy RDP 8 of the Monaghan County Development Plan 2019-2025 and be contrary to the proper planning and sustainable development of the area.

5. *The office space proposed is unacceptable, specifically, the larger office unit (424sqm) that extends for 37m. Due to ground levels within the site, and notwithstanding the small lightwell to the larger unit, the proposed office space only benefits from natural light to the front elevation facing south and would be a poor quality space.*

Accordingly, if permitted as proposed, the development would provide an unacceptable standard of commercial floorspace which would be contrary to Policy INDP 9 of the Monaghan County Development Plan and contrary to the proper planning and sustainable development of the area.

6. *Section 15.12 (Waste Storage) of the Monaghan County Development Plan 2019-2025 requires that suitable provision must be made for the storage, segregation and recycling of waste and for convenient access for its deposit and collection in all new residential developments. Communal bin storage facilities should be provided in a well-ventilated space convenient to the units served. The proposed bin storage area on the ground floor is remote from a significant number of apartments and is unacceptably designed in terms of convenience, security and ventilation.*

Accordingly, if permitted as proposed, the development would (i) materially conflict with the Monaghan County Development Plan 2019-2025 and (ii) be contrary to the proper planning and sustainable development of the area.

7. *The application site is located within a zone of archaeological potential and within the zone of constraint for Recorded Monument M0009-040 and may have an impact on the Recorded Monument which is subject to statutory protection. No Archaeological Impact Assessment has been submitted to assess the potential impact of the proposed development. As such, it has not been demonstrated that the proposed development would not injure or interfere with the zone of archaeological constraint registered under Section 12 of the National Monuments (Amendment) Act 1930-2004.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report is the basis of the Planning Authority’s decision and the substantive concerns raised by them in their report are in my view reflected in the seven substantive reasons for refusal of the proposed development set out in Section 3.1.1 above. This report includes the following comments:

- While the Dublin Street Regeneration Plan acknowledges the potential to develop sites in an incremental/piecemeal fashion it also sets out the need for a coordinated

approach and that each development plot should have regard to adjoining developments in relation to building heights and massing.

- In the absence of a co-ordinated approach it is considered that the proposal fails to demonstrate that the project sits acceptably within the overall block in the short and long term.
- Reference is made to Section 15.2.5 of the Development Plan which indicates that generally piecemeal development of individual plots will not be permitted unless it is satisfactorily demonstrated that the development does not jeopardise the comprehensive redevelopment of adjoining lands. This development relates to only one site within the plan area and it comprises two significant blocks that could limit and/or sterilise the development potential of the lands immediately adjoining it.
- Concern is raised that no car parking provision is proposed to serve this development.
- Under section 15.28 and Table 15.6 of the Development Plan the proposed development would require 70 spaces. The site should be categorised as an 'intermediate urban location' and on such sites, Policy CP5 of the Development Plan allows for a 50% town centre reduction which is considered appropriate.
- The bin storage area is remote from a number of the proposed units.
- In relation to height it is again reiterated that a co-ordinated approach is required so that adjoining plots redevelopment are not prejudiced.
- The proposed office space, particularly the larger unit is of a poor quality in terms of natural lighting and ventilation.
- In the absence of a co-ordinated approach it is not possible to ascertain if the development will, or will not, unduly overlook, overshadow, and/or overbear upon the surrounding properties and as such a precautionary approach should be had.
- Concern is raised that the majority of the balconies serving the proposed apartments fail to meet the required standards set out under Section 15.8.1 and Table 15.3 of the Development Plan.
- The public road access to serve this development has yet to be designed.

3.2.2. Other Technical Reports

Assistant District Engineer: Their report can be summarised as follows:

- No car parking has been provided.
- No objection to the proposed development as it does not contain any new vehicular entrances/exits onto the public road (LT14121).
- Recommendation that standard conditions be imposed.

Environment: This report can be summarised as follows:

- The site is located on a regionally important aquifer and on an area of high groundwater vulnerability.
- The receiving waters are located in waterbody NB-03-479 and are classified as 'poor' status and has a Water Framework Directive of Restore 2021.
- It notes that a water protection plan checklist accompanies this application.
- No objection subject to recommended conditions.

Roads: No objection subject to compliance with their recommended conditions.

Housing: Several design and layout concerns raised in relation to this proposed mixed-use development. The proposed Part V compliance offer is not agreed too as it is not considered to represent value for money. Notwithstanding, in the event of a grant of permission it is requested that a Part V condition be imposed.

Fire & Civil Protection: A recommendation of refusal is made based upon inadequate fire brigade vehicle access provision.

Water Services Section: No objection subject to recommended conditions.

Local Enterprise Office: No objection.

3.3. Prescribed Bodies

3.3.1. **Department of Culture, Heritage, and the Gaeltacht:** Their submission can be summarised as follows:

- The proposed development is situated within the zone of constraint for Recorded Monument MO009-060 and may also have an impact on Recorded Monument MO009-060013.
- Given the location of the site it is possible that there are archaeological remains associated with the Recorded Monuments.
- It is recommended that an Archaeological Impact Assessment be prepared to assess the impact the proposed development would have on archaeological remains *in situ*. It is further recommended that this is done prior to any decision being made and the scope of what should be included in the archaeological impact assessment is also set out.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. **Site and Immediate Vicinity:** None relevant.

5.0 **Policy & Context**

5.1. **National Planning Provisions**

- National Planning Framework - Project Ireland 2040, 2018.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009.
- Urban Design Manual, A Best Practice, DOEHLG, 2009.
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018.
- Urban Development and Building Height Guidelines for Planning Authorities, 2018.
- Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets DMURS, 2013.

- Architectural Heritage Guidelines, 2004.

5.2. Regional Planning Provisions

- The Regional Planning Guidelines for the Border Region, Regional Planning Guidelines, 2010 to 2022.

5.3. Local Planning Provisions

5.3.1. Development Plan

The Monaghan County Development Plan, 2019 to 2025, is the applicable Development Plan, under which the site forms part of a larger parcel of land that extends to the north, south, east, and west of the site that is zoned town centre.

Chapter 2 of this plan identifies Monaghan town as a 'Tier 1 (County Town)' and indicates that it will be promoted as the primary growth centre for industrial development, as the primary retail and service centre and as a strong and attractive residential centre.

Chapter 10 of this plan deals specifically with Monaghan town and it sets out the following: '*Monaghan Settlement Plan Strategic Objective*': "*to facilitate the development of Monaghan to maintain its position as the principal town in the County at the top of the settlement hierarchy and to ensure that its expansion takes place in an orderly and sustainable fashion that will not detract from the vitality and viability of its town centre*" (Note: MTSO 1).

Section 10.1 of the plan states that: "*strengthening of Monaghan town as a major centre of population in the regional and cross border context is important in terms of attracting private sector investment in jobs and the economy*".

Section 10.4 of the plan sets out that Monaghan town consists of a mixture of land uses with retailing underpinning the function of the town centre. It also notes that a Local Area Action Plan (LAAP) for the lands to the north east of Dublin Street, Roosky, was adopted under the previous plan. With this LAAP promoting the growth and development of the town to appropriate locations and that the implementation of this plan remains an objective of the Monaghan Town Settlement Plan.

It also indicates that the Dublin Street Regeneration Plan has also been prepared to provide guidance and options for the future development of the Dublin Street back land areas with the aim of this plan seeking to realise the potential for growth; improve the range and quality of retail and non-retail offer; deliver a more attractive shopping visitor environment; to develop the town as a service centre; and, to increase the number of people visiting the town. In spirit of this it indicates that the Council will promote and encourage the redevelopment of brownfield and derelict sites to consolidate the town centre.

Chapter 10 of the plan includes a number of 'Monaghan Town Centre Objectives.

Section 10.9 of the plan indicates that the redevelopment of the back-land areas of Dublin Street will contribute towards an improved environment within the town.

In relation to the built heritage, Section 10.12 of the plan indicates that the Monaghan town has a wealth of buildings of architectural interest and that the town centre consists of four urban spaces of quite different character, one of which is the Diamond.

In relation to archaeology, Section 10.13 of the plan indicates that Dublin Street and the Diamond appear to date back to the 17th century and it also recognises that within this area that due to earlier activity in this area and there is the potential for archaeology remains to be *in situ*.

5.3.2. **Dublin Street Regeneration Plan - Monaghan, 2019.**

This appeal site is located within the said plan area and consists of a parcel of land that is situated to the south east of the town centre. This plan seeks to realise the potential for growth and improve the range and quality of offer in retail and non-retail sectors; deliver a more attractive shopping and visitor environment; develop the town as a service centre and increase the number of people visiting the town for shopping and other purposes.

Section 3 of the plan sets out the regeneration vision for this land parcel consisting of consolidating the urban structure of the plan area; creating new streets and new public spaces which integrate seamlessly with the existing historic town centre and introduce a new backland quarter. It indicates an objective to enhance the permeability of the area, and to provide an attractive place where people which to live, work and visit. It also indicates that the short term vision for these lands: "*is to plan for the upgrading of existing public spaces, streets, spaces and footpaths*"; and, "*to create new*

connections with new streets and spaces which enhance the urban structure, the quality of the public realm of the Dublin Street quarter as development sites come on-stream” with these works setting the standard for new developments.

Section 5 of the plan sets out the Development Objectives for the plan area. It includes but is not limited to ensuring that the development delivers quality, attractive urban environments and that “*development provides for the sustainable conservation of the architectural, social and historic heritage of the area, and promotes the adaptation and re-use of protected structures*”.

5.4. Natural Heritage Designations

- 5.4.1. The nearest European Site is the Special Protection Areas: Slieve Beagh SPA (Site Code: 004167) which is located c11km to the north west of the appeal site.

5.5. Environmental Impact Assessment

- 5.5.1. Having regard to the serviced nature of the site; nature and scale of the proposed development; the nature of the receiving environment; the lack of any connectivity between this brownfield site and the significant lateral separation distance from the nearest European site; I consider that 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.

5.6. Built Heritage

5.6.1. Site:

Within the appeal site boundary is the Recorded Monument MO01705 which is Classified as a ‘Bawn’.

5.6.2. In the Immediate Vicinity: Archaeological

Within c4.5m of the western boundary of the appeal site and towards its northern most extent is Recorded Monument MO00186.

5.6.3. In the immediate Vicinity: Protected Structures and NIAH Registered Buildings

The site adjoins and neighbours a number of Protected Structures. Of note No. 6 ‘The Diamond’ is described as a three-storey house and is given ‘Local 3’ as a reference in

the RPS; and, No. 7 'The Diamond' is similarly described but is given 'Local 4' as a reference.

Of further note the site is located in close proximity to a number of NIAH Registered Buildings including 'Magill's Jewellers', Dublin Street, which dates to c1810-1830, is rated 'Regional' and its category of special interest is indicated as 'Architectural' (NIAH Register No. 41.303.127). This building is situated immediately to the north of the site. Within the immediate vicinity of the site are several other NIAH Sites including but not limited to Saint Patricks Church of Ireland, Monaghan Town Council and a similar in period building to Magill's Jewellers, a building referred to as C. McNally's.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- This proposal would bring significant benefit to a derelict town centre site.
- The Planning Authority has failed to have regard to the Apartment Guidelines in terms of car parking matters and assessment of the design.
- Given the central location of Monaghan and the availability of public car parking spaces adjacent to the site and within a town centre locality it is considered appropriate that car parking provision be wholly eliminated. Further, a contribution in lieu of car parking could be imposed as part of any grant of permission.
- The proposed apartment units are compliant with local through to national planning provisions including the Dublin Street Regeneration Plan (DSRP).
- The Planning Authority has incorrectly determined that the road network serving the site has not reached detailed design stage and, if permitted, the proposed development would have the potential to prejudice the delivery of the DSRP.
- Matters regarding bin storage and bicycle storage can be addressed by way of condition. However, as the Board will be assessing this appeal case *de novo* the appeal documentation includes 2 no. bin storage areas at surface level and Masterplan sketches to demonstrate that the proposal is compliant with relevant local planning provisions. The Board is requested to assess the proposed

development subject to these revisions. These revisions are not substantive in nature and the overall waste storage is compliant with Sections 4.8 and 4.9 of the Apartment Guidelines.

- Against the site's town centre context, the proposed density of 164 no. units per hectare is appropriate.
- The building heights of four to five storeys is an appropriate design response and is considered to be consistent with national Guidelines on such matters.
- The determination made by the Planning Authority in terms of Appropriate Assessment is concurred with.
- The design particulars of this scheme meet the requirements of universal design.
- The site layout has been designed to provide pedestrian and cycle connections to the immediate and wider areas of the town. Further cognisance was had to Castle Road becoming a future pedestrian/cycle link.
- Private and communal areas adhere to national standards and it is noted that refusal reason no. 4 seeks to apply the standards of the Development Plan. It is noted that Section 15.8.1 of the Development Plan allows for a relaxation of public and private open space standards where development is proposed in a vacant and/or derelict town centre site.
- The variety of apartment types proposed and mix unit will cater for a variety of house tenures and will be accessible to all by way of the provision of lifts.
- A condition is appropriate to deal with any sub-surface archaeology.
- The design approach was formulated in response to the DSRP and allows for the site to be developed in conjunction with the adjacent plots in future.
- No Part VIII proposals have commenced to date by the Council.
- The only pragmatic way for this area to be developed is by incremental backland development like this proposal as the DSRP land is in multiple ownership.
- To not encourage this proposal is contrary to the Development Plan which seeks to encourage the reuse and regeneration of brownfield sites within urban areas.

- The office unit incorporates ground level glazing and a lightwell at the internal courtyard. It is not accepted that the office unit is of a poor quality. There is no specific planning policy either at a national or local level requiring daylight provision for office space and relevant building control standards are dealt with under a separate consent.
- The Planning Authority in this case has failed to have regard to national policy which seeks to increase the provision of residential units at such locations.
- The Planning Authority did not deem this proposal to be unacceptable on architectural grounds nor did they consider that it would adversely affect any 3rd Party lands.
- The Board is requested to overturn the decision of the Planning Authority in this situation.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. None received.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The following assessment has regard to the plans and particulars submitted with the applicant's response to the grounds of appeal which includes revisions to the proposed scheme in the form of the provision of 2 no. bin storage areas at surface level. This revision I consider is a minor adjustment to the overall nature, extent and scale of the mixed-use scheme proposed. It results in a quantitative improvement to waste storage for future occupants; however, in brief I consider they do compromise the open space provisions within the scheme immediately alongside the location of one of the bin storage areas alongside a future pedestrian walkway 'Church Walk' is a questionable location. However, should the Board be minded to grant planning permission for the development sought I note that the amended design has been circulated to all parties to this appeal

case who have been given an opportunity to comment. No comments were received. In this case, having regard to the fact that the proposed amendments do not significantly alter the nature, scale and extent of the proposed development sought, I consider that it can be accepted as a revision and I therefore propose to assess this application *de novo* on the basis of the revised design submitted by the appellant as part of their appeal submission to the Board that essentially seeks for the Planning Authority's decision in this case be overturned.

7.1.2. Having carried out an inspection of the site and its surrounding environs, having examined all submissions, documentations, plans and particulars on file, I consider that the main issues that arise in this appeal case relate to the seven reasons for refusal set out in the Planning Authority's notification to refuse planning permission for the development sought under this application.

7.1.3. These reasons for refusal I have set out under Section 3.1 of my report above. I, therefore, propose to deal with these and the substantive issues that arise under this particular appeal case under the following broad headings:

- *Principle of the Proposed Development*
- *Compliance with Planning Policy – Dublin Street Regeneration Plan*
- *Car Parking Provision*
- *Residential Amenity*
- *Waste*
- *Standard of Office Space*

7.1.4. The matter of 'Appropriate Assessment' also requires assessment. This I propose to examine at the end of my assessment.

7.1.5. Before I commence my consideration of these issues, I consider it incumbent to note that the Appellant in their grounds of appeal submission raises a number of concerns in relation to the manner in which the proposed development was assessed. For example, concern is raised that due cognisance was not had to certain national guidelines and the like. These concerns could be considered to be procedural in their nature. The Board does not have an ombudsman type role on such matters as part of its determination of this appeal case. That is to say for clarity its role is restricted to carrying out a *de novo* consideration of the proposed development as set out in the

planning application and as noted above as revised by the minor amendment of the proposed provision of 2 no. waste storage bins at surface level which I note is in part the appellants response to overcome the concerns set out under the sixth refusal reason of the Planning Authority's decision notification.

7.1.6. I also note from the outset that like the conclusions of the Planning Authority I raise no substantive concerns in relation to the proposed density of 164 no. units per hectare at the appeal site having regard to the appeals site town centre location and to the proposed staggering of building height from four buildings in the northern portion of the site to five in a southern section of the site alongside the site's road frontage with Castle Road which I am cognisant appears to be the general alignment of the proposed new street (The Mall) in the Dublin Street Regeneration Plan. In general having regard to local through to national planning policy which encourages increased densification of urban land alongside additional height where contexts allow, subject to safeguards, in particular that the dwelling units are generally of the quantitative standard for future occupants of the apartment unit types proposed.

7.1.7. On this point I also refer to Section 15.2.4 of the Development Plan. It defines 'brownfield sites': *"as any land which has been subject to building, engineering or other operations excluding temporary uses or urban green spaces. These sites generally comprise of redundant land and/or buildings"*.

7.1.8. The Development Plan goes on to recognise the latent potential of such sites in the revitalisation of settlements within the County. For example, it defines backland sites as sites that are: *"usually undeveloped parcels of land located to the rear of existing buildings"*.

7.1.9. Arguably, the subject site towards its northern end has evidence of small structures and the site is as a whole a means of access to the rear of existing bounding the northern boundary of the site with the southern portion of the site mainly consisting of urban green space associated with its former historic use as a private amenity space for No.s 6 and 7 'The Diamond'.

7.1.10. In such contexts the Development Plan under Strategic Objective SSO 17 seeks to: *"promote and encourage the delivery of the refurbishment and regeneration of the back lands of the towns as well as appropriate development on infill sites, derelict sites, vacant plots and brownfield sites"*; and, under Urban Development Policies for

Public Realm seeks to: *“promote the development of backland and infill sites and the reuse and regeneration of brownfield sites within the urban areas”*. As such the realisation of the latent potential of the appeal site which occupies a prime location to the south east of the historic heart of Monaghan town and within an area that is subject to a specific regeneration plan I raise no general issue with subject to safeguards.

7.1.11. Moreover, I raise no substantive concern with the contemporary approach proposed to the design. However, like other new developments whether a contemporary or more traditional approach is taken in the design resolution the success of buildings and the spaces associated with them is also significantly dependent upon the quality of materials, finishes, treatments through to landscaping measures and other public realm infrastructure used. Moreover, this extends to the impact of built forms on its immediate environs from daylight, overshadowing, appropriate façade activation particularly at ground floor level through to measures such as appropriate lighting that create safe and vibrant pedestrian links that are also designed with appropriate levels of passive surveillance. This broad concern overlaps with concerns raised in terms of the piecemeal nature of the proposed development which is a substantive concern examined under Section 7.3 below.

7.2. Principle of the Proposed Development

7.2.1. The subject site could be considered a brownfield site, as it lies to the rear of No. 6 and 7 ‘The Diamond’.

7.2.2. The site and its immediate environs are zoned in the Development Plan for town centre uses and is subject to the following objective: *“to provide, protect and enhance town centre facilities and promote town centre strengthening”*. It further indicates that the *“principal permitted land use will be town centre related uses including retail, residential, commercial, social uses, cultural uses, medical/health uses, hotels, pubs, restaurants and other similar type uses”*.

7.2.3. The site is located within a parcel of town centre land to the south east of the towns historic core which is subject to the provisions of the Dublin Street Regeneration Plan.

7.2.4. This plan in a manner consistent with the Development Plan seeks to promote and encourage the redevelopment of brownfield sites alongside seeks to promote and encourage the consolidation of the town centre.

- 7.2.5. Under this proposal a mixture of residential and office development is sought. Essentially it consists of 25 apartment units of 1 and 2 bedroom type and two office spaces one with a stated 424m² and the other 97m², respectively.
- 7.2.6. The Dublin Street Regeneration Plan sets out the following vision for its plan area: *“Dublin Street together with its backlands offers a unique opportunity to create a new and viable town centre quarter, with the potential to accommodate additional shopping, office, cultural, residential and new employment zone. It offers the opportunity to address the weaknesses of the area and to maximise its strengths; to enhance pedestrian and vehicular movement, to enhance the existing built heritage; to integrate with the historic streetscape in a manner that is both contemporary and forward looking while complimenting the built heritage; to create an integrated and commercially robust, viable proposal, and a vibrant and sustainable new urban quarter in Monaghan”*.
- 7.2.7. Indeed, three of the four recommendations set out under the stated purpose of the Dublin Street Regeneration Plan relate to retail; i.e. 1) to realise the potential for growth and to improve the range and quality of offer in retail (and non-retail sectors); 2) to deliver a more attractive shopping (and visitor environment); and, 3) to increase the number of people visiting Monaghan for shopping (and other purposes).
- 7.2.8. The Dublin Street Regeneration Plan indicates that the Dublin Street area is well placed to prove a range of retail uses to complement existing retail provision in the town core and I note that the provision of retail within the Dublin Street Regeneration Plan area alongside the provision of north south pedestrian routes through the plan area arguably would encourage the flow of shoppers moving through the plan area between other strong retail provisions within the town. For example, Monaghan Town Shopping Centre and the McDonagh Junction Shopping Centre which are both situated in close proximity to the south west of the site.
- 7.2.9. The Dublin Street Regeneration Plan also identifies a significantly low retail density per 1,000 head of the county’s population in comparison to other counties and that there is potential for strengthening of the retail offer at this location.
- 7.2.10. In terms of the mix of uses proposed under this application, in my view, there is a missed opportunity to provide retail land use at ground floor level and in turn there is inevitably a missed opportunity to strengthen the retail offer of Monaghan town.

- 7.2.11. In relation to built heritage Both No.s 6 and & 7 'The Diamond' are designated under the Record of Protected Structures accompanying the Monaghan County Development Plan, 2019 to 2025, as 'Protected Structures'. I further note that there are a number of period properties to the east and west of them that also front onto Dublin Street and are afforded similar protection.
- 7.2.12. Historically No. 6 and & 'The Diamond' are likely to have accommodated some retail use facing onto Dublin Street with the main functional use being residential in nature. To the rear the site would have functioned as a long linear rear garden space that extended in a southerly direction and its long linear grain dates to the plantation period in the early 17th Century with the laying out of Dublin Street and the land to the north of the Ulster Canal around this time. It is likely that it also could have contained mews type through to coach house type structures; however, no such structures survive within the appeal site area.
- 7.2.13. There is a wealth of structures within the sites urbanscape setting that are of recognised under the RPS and also by the NIAH as being of built heritage merit with these structures including the Gothic Revival 'Monaghans First Presbyterian Church' and graveyard that bounds the eastern boundary of the car park, to the south east of the site.
- 7.2.14. Altogether, the adjoining and neighbouring close proximity of these structures result in the site's setting being highly sensitive to change.
- 7.2.15. As part of the designs cognisance to the presence of Protected Structures, in particular, No.s 6 and 7 'The Diamond', and also having regard to the general encouragement of achieving greater density and heights within urban area the applicant proposes that the northernmost block steps, which would be located nearest to the rear of No.s 6 and 7 'The Diamond' has a marginal increase in its building height with a four storey built form proposed and with the fourth floor being setback from the main built footprint of the lower three floor levels. The southernmost block increases in height to five storeys and again the design includes that the uppermost floor is set back relative to the floor levels below.
- 7.2.16. In addition, the northernmost section of the site which has a width of c10 to 10.5m due to it being bound by the northern standard building to the west; located to the south of Swan Park Family Practice and an existing pedestrian walkway; alongside being

located immediately to the north of the proposed route of 'Church Walk' in the Dublin Street Regeneration Plan a kitchen garden inspired pocket of open space is proposed alongside at its entry a waste storage provision. Arguably the provision of a kitchen garden open space at this location does provide some historical reference to the sites former use. There is also some correlation between the proposed use of this space with that shown in Figure 3.11 of the Dublin Street Regeneration Plan which shows this space in its entirety as a green space. However, there is no pedestrian linkage running along its eastern side connecting to the proposed 'Church Walk' as is indicated in the submitted scheme.

- 7.2.17. The provision of a connection running alongside the eastern side of the proposed kitchen garden would provide access to the adjoining property to the north to Church Lane which in turn would link to an existing private lane that already exists to the immediate north.
- 7.2.18. In relation to the proposed contribution to the streetscape scene of Castle Road, which would in time become 'The Mall' as the Dublin Street Regeneration Plan is progressed I raise no particular concern with the contemporary approach subject to a high quality palette of materials that takes reference to its setting alongside a more light weight finish for the upper setback floor levels of Block A and Block B.
- 7.2.19. In general, I do not consider that the consolidation of this backland and underutilised parcel of land for the development sought under this application would significantly adversely impact Protected Structures in its vicinity and there is potential for the period structures of No. 6 and 7 'The Diamond' to be more visible for public appreciation from Church Walk.
- 7.2.20. In addition, to the built heritage sensitivity of the site's setting to change regard to by the fact that the site lies within a zone of archaeological importance with the roughly half of the site, i.e. the northern portion of the site, identified under Map MDP 3 as: "*an approximate location of sites of Archaeological Importance*" is required.
- 7.2.21. Indeed, within the bounds of the appeal site itself is Recorded Monument MO01705 and within c4m of the western boundary towards its northern most extent is Recorded Monument MO00186.

- 7.2.22. In addition, in close proximity are a number of other Recorded Monuments associated with the attendant grounds of Saint Patricks Church of Ireland are the following Recorded Monuments MO01637; MO01532 and MO01638.
- 7.2.23. It is therefore incumbent that any development at this location have regard to the recognised archaeological sensitivity of this locality and it is reasonable to expect that documentation accompanying an application for development that has potential for ground and below ground disturbance be accompanied by an archaeological impact assessment. With this assessment being part of the basis from which the design was informed.
- 7.2.24. Of concern this has not been done by the applicant nor has it been appropriately addressed in their grounds of appeal submission to the Board.
- 7.2.25. I note to that the Development Plan includes a number of provisions that seeks to protect and safeguard, as appropriate, Recorded Monuments. For example policies PMP 2 seeks to ensure that any development adjacent to an archaeological monument or site shall not be detrimental to the character of the archaeological site or its setting; PMP 3 of the Development Plan seeks to protect archaeological sites and monuments that are listed in the Record of Monuments and Places; and, PMP 4 indicates when considering new development in the vicinity of archaeological monuments/sites the Planning Authority may require one or more of a number of measures to ensure their preservation and enhancement. These measures include the provision of an appropriate buffer between the proposed development and the archaeological monument and site; the carrying out of an archaeological investigation prior to the permission being granted through to revisions of the proposal to reflect advice and/or recommendations made by the relevant Department.
- 7.2.26. I also note that objective SNO 1 of the Development Plan promotes the value of Monaghan's built heritage as an asset for the local economy.
- 7.2.27. In this case, having regard to the archaeological sensitivity of the site and its immediate setting, having regard to the documentation submitted with this application and on appeal, which I consider fails to clarify the impact the proposed development would have on the recorded monument within the site boundary and adjoining the site. Alongside having regard to the provisions of the Development Plan and the precautionary principle. I am not satisfied that the proposed development would not

result in a detrimental impact to these monuments and that the design proposal has had adequate regard to them. Nor do I consider that the latent potential of these sites to contribute to the built heritage assets within the plan area of the Dublin Street Regeneration Plan has been considered in terms of public realm, urban realm identity, visitor offer through to place making. For example, I refer to the Viking Triangle quarter in Waterford whose revitalisation had regard to the latent archaeological potential in its regeneration and interpretation of its built heritage legacy added to its uniqueness, vibrancy and visitor offer.

7.2.28. I therefore concur with the seventh reason for refusal in the Planning Authority's decision notification.

7.2.29. Section 10.4 of the Development Plan indicates that it is an objective that all new developments in the Dublin Street Regeneration Plan area, including the back lands behind Dublin Street, has regard to this plan. In addition, it indicates that the Planning Authority will seek to promote and encourage the redevelopment of brownfield and derelict sites as part of consolidating the town centre.

7.2.30. To this end the Development Plan includes a number of Monaghan town centre specific objectives including MPO 1 which seeks to ensure that development in the vicinity of Dublin Street/Roosky area has regard to Local Area Action Plan; and, MPO 2 which seeks to ensure that development proposals within the Dublin Street Regeneration Plan area have regard to it and the objectives this plan contains. While I consider that there are some general synergies between the proposed development and the Dublin Street Regeneration Plan, I consider that there are a number of fundamental issues which require more detailed examination. In the absence of such an examination whether or not the principle of development is acceptable under the Dublin Street Regeneration Plan can not be determined.

7.2.31. Based on the above considerations I consider whilst many aspects of the proposed development are generally acceptable in principle, in particular, it generally accords with development type land uses deemed to be permissible on town centre land and it would result in the sequential consolidation of town centre land that is currently under utilised and not contributing to the vitality and vibrancy of the town; notwithstanding, I consider that the proposed development should be considered on its merits. Which I propose to do below.

7.3. Compliance with Planning Policy – Dublin Street Regeneration Plan

- 7.3.1. The first two reasons for refusal cited by the Planning Authority in their decision notification raise concerns that the proposed development would be firstly premature pending their determination of the road layout for the site and the Dublin Street Regeneration Plan area and could prejudice the design delivery of these roads, if permission was granted, particularly in relation to the design of ‘Church Walk’ and ‘The Mall’.
- 7.3.2. Secondly, it raises concerns that the proposed development would result in a piecemeal development of individual plots which is not an approach generally encouraged for the Dublin Street Regeneration Plan area and they were further not satisfied that the proposed development would not prejudice the comprehensive redevelopment of adjoining lands in a sustainable manner. In relation to this particular concern the Planning Authority considered that the proposed development would ‘materially contravene’ Objective MPO 2 and Policy UDP 1 of the Development Plan. As such it was considered it would be contrary to the proper planning and sustainable development of the area.
- 7.3.3. The appellant refute that this would be the case in their submission to the Board and they argue that there are provisions within local planning policy provisions, including the Dublin Street Regeneration Plan for the individual redevelopment of sites like the appeal site.
- 7.3.4. They further contend that the design concept has been informed by this plan and would not prejudice the design of ‘Church Walk’ and ‘The Mall’ nor would it prejudice the future redevelopment of adjoining and neighbouring land within the Dublin Street Regeneration Plan area.
- 7.3.5. Moreover, they contend that the proposed development would allow for seamless connectivity with the future realisation of this plan and that as a totality the proposed development is consistent with this local area plan together with all relevant local through to national planning provisions which generally seek to encourage and promote development on sites where urban sequential development and regeneration of underutilised land serviced land can be achieved.
- 7.3.6. In relation to development proposals on backland sites alongside having regard to the provisions set out in the Dublin Street Regeneration Plan I consider that regard should

be had also to the Development Plan which provides the overarching local planning provisions for Monaghan town itself.

- 7.3.7. Under Section 15.2.5 of the Development Plan, in relation to such sites, it indicates that: *“development proposals on these lands should be prepared using the principles of master planning to ensure that large areas of land, often in multi-ownership, are appropriately planned and developed in a sustainable manner”*.
- 7.3.8. It goes on to state that: *“Masterplans provide a plan-led approach and may include provisions for phasing, infrastructure provision, community facilities, density, layout, open spaces, landscaping and development design briefs and statements”* and that: *“piecemeal development of individual plots will generally not be permitted unless it is satisfactorily demonstrated that the development does not jeopardise the comprehensive redevelopment of adjoining lands in a sustainable manner.”*
- 7.3.9. In relation to the Dublin Street Regeneration Plan under Section 10.4 of the Development Plan it indicates that this plan has been prepared to provide guidance and options for the future development of the Dublin Street back land area with the aim of realising the potential for growth and to improve the range, quality of retail and non-retail offers. Alongside delivering a more attractive shopping and visitor environment.
- 7.3.10. Moreover, it seeks to develop the town as a service centre given its strategic location alongside increasing the number of people visiting the town for shopping and other purposes.
- 7.3.11. It highlights that it is an objective that all new developments in the Dublin Street and regeneration area including its associated back lands will have regard to this plan. In addition, that the Planning Authority will promote and encourage the redevelopment of: *“brownfield and derelict sites to consolidate the town centre”*.
- 7.3.12. This section of the Development Plan includes four Monaghan Town Centre Objectives. Of particular relevance to this application are the requirements of MPO 2 which reiterates that the Planning Authority will: *“ensure that all development proposals within the Dublin Street Regeneration Plan area have regard to the regeneration strategy and development objectives of the Dublin Street Regeneration Plan”*.

- 7.3.13. Section 3 of the Dublin Street Regeneration Plan sets out the regeneration vision indicating that the: *“consolidating the urban structure of the plan area, creating new streets and new public spaces which integrate seamlessly with the existing historic town centre and introduce a new backland quarter”* with an objective of enhanced permeability of the area and to provide a place that is attractive where people wish to live, work and visit.
- 7.3.14. It advocates that a well defined urban structure is fundamental to the creation of a well-designed urban neighbourhood alongside a legible network of connections and spaces for pedestrian and traffic movement.
- 7.3.15. In terms of setting out the short term plan, it indicates that the vision for the area is to plan the upgrading of existing public spaces, streets and footpaths so as to: *“create new connections with new streets and spaces which enhance the urban structure, and quality of the public realm of the Dublin Street quarter as development sites come on-stream”*. It further indicates that the new high-quality public realm which it defines in the form of footpaths, street furniture, wayfinding, signage, landscaping, and the like will set the standard for new developments.
- 7.3.16. In the long term it sets out that the vision is: *“to allow the existing urban fabric to regenerate through adaptation, conversion and infill developments, and through development of new urban blocks”*.
- 7.3.17. It does indicate that a flexible approach could be had at this point whereby the plan could facilitate the development of both large scale and/or incremental development of the plan area with an objective of development opening up the area to public permeability integrating Dublin Street to the new backland quarter and vice-versa.
- 7.3.18. In relation to streets and spaces a number of key new streets and spaces are proposed. Of relevance to the proposed development is the new mews lane to the rear of the long plots behind Dublin Street properties, like those to the rear of No.s 6 and 7 ‘The Diamond’. This proposed lane is referred as ‘Church Walk’ in recognition to the views available towards the spire of the Church of St. Patrick, which I note lies to the west of the appeal site. It is envisaged that this lane would in time connect to the proposed public space referred to as ‘Charles Gavan Duffy Place’ to the east and Courthouse Square to the west in the long term. It is also envisaged that this lane would provide an ease of access and services to the south of the existing plots of

Dublin Street. It follows a roughly central alignment between Dublin Street and the proposed 'The Mall'.

- 7.3.19. Of further relevance to the subject site, a new formal street is proposed to the rear and the plan indicates that this would generally be in line with the existing road (Note: Castle Road) to the rear of the site and bounding the northern perimeter of the adjoining the surface car park. It also indicates that this road would be realigned to create a promenade along the rear of the site. This new street is referred to as 'The Mall'.
- 7.3.20. Whether an incremental finer grain approach that responds to the multiple landowners that have interest in the Dublin Street Regeneration Plan area is had or whether a co-ordinated full block or consolidation into two block approach is had with adherence to a Masterplan, it is clear that the first step to realising the creation of this envisaged new urban quarter is the preparation and finalisation of its principal new streets and spaces which 'Church Walk' and 'The Mall' are.
- 7.3.21. The principle streets and spaces envisaged within the plan, including 'Church Walk' and 'The Mall', appear largely unchanged in either incremental, full block or two number consolidated blocks redevelopment scenarios set out in the plan.
- 7.3.22. Within the plan area I observed that the ground levels are changeable and the appeal site itself does not occupy an end of block location or a location where if it proceeded in the absence of any finalisation of the new street and new spaces design at a minimum, the ground levels for 'Church Walk' and the promenade of 'The Mall', would be set by the proposed development for these in the immediate vicinity of the site. In turn this could limit the successful realisation of highly permeable and highly accessible streets and spaces alongside it could negatively dictate the redevelopment of other blocks of adjoining and neighbouring land.
- 7.3.23. In the absence of any coherent design for the key streets and spaces proposed under this plan I consider that the proposed development has the potential to impact upon achieving the optimum best public and urban realm outcomes for this new envisaged urban quarter.
- 7.3.24. Moreover, it has the potential to impact adversely the realisation of the full latent potential of the plan area.

7.3.25. The Dublin Street Regeneration Plan clearly sets out that the short-term vision for the plan area is the creation of the new streets and spaces.

7.3.26. In my view it is only in doing so that a successful new urban quarter can be realised whether that arises from multiple tight grain schemes reflecting the multiple landowners or by land consolidation of the long back land plots into larger blocks. I consider that the latter approach is the more likely means of achieving the visions set out in the Dublin Street Regeneration Plan and in particular the detailed urban design, urban structure, public realm, urban form, building height, architectural design and the security objectives that are set out in Section 5. Moreover, it is more consistent with the Development Plan which in general has a presumption against piecemeal and un-coordinated development (Note: Section 15.2.5 of the Development Plan).

7.3.27. In relation to the specific objectives set out in Section 5 of the Dublin Street Regeneration Plan I raise a concern that the proposed development fails to realise any potential north south link between Dublin Street and 'The Mall'. But rather it seeks that connectivity be achieved elsewhere within the plan area lands. It also provides:

- Limited activation of street frontages, particularly in relation to Church Walk.
- Proposes the placement of a waste storage provision alongside Church Walk which arguably does not add to the future attractiveness of this new route.
- Proposes no interpretation of the sites built heritage, in particular the archaeology present within it; and, the design appears not to be informed by the presence of a Recorded Monument within the bounds of the site or the Recorded Monument adjoining the site.
- There is no indication that any of the historic stone walls present along parts of the site boundary would be maintained or used to inform the design approach and palette of materials.
- As part of the key urban form objectives it is advocated that two to three stories are appropriate on the southern side of Church Walk in order to have a sympathetic juxtaposition with period properties that are present to the north of it. The proposed block addressing Church Walk is essentially four storeys.
- No interpretation of the site context has been demonstrated in a manner consistent with the key architectural design objectives which seek to ensure the sustainable

conservation of historic heritage of the area alongside the provision of new interpretation of the development of the town by reinforcing its unique qualities and providing it with a distinct identity.

- 7.3.28. At this point of time the Dublin Street Regeneration Plan is a new guiding local area plan that directs the future development of the site and the land to the immediate west, north and to the east of the site.
- 7.3.29. In the absence of any adopted design drawings for achieving the short term vision of street and spaces creation would in my view be premature and, if permitted, it would give rise to the piecemeal as well as un-coordinated development of the Dublin Street Regeneration Plan lands in a manner that would be prejudicial to achieving and realising its full potential as a new urban quarter within the town centre of Monaghan. I therefore consider that whilst the general principle of the promotion of development of backland, infill sites and the regeneration of brownfield sites is supported under UDP 1 of the Development Plan I concur with the Planning Authority in this case that the proposed development, if permitted, would be contrary to Objective MPO 2 of the Development Plan and would therefore be contrary to the proper planning and sustainable of the area.
- 7.3.30. I also note that the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, and its accompanying design manual advocate high quality sustainable development that are well designed and built to integrate with existing or new communities.
- 7.3.31. In this instance, arguably the new town centre neighbourhood is governed by the provisions set out not just in national planning provisions, the County Development Plan but the Dublin Street Regeneration Plan in terms of specific detail and direction.
- 7.3.32. The said design manual provides for best practice design criteria such as site context, connections, inclusivity, variety, efficiency, layout, and the like.
- 7.3.33. Ultimately the requirement of the new development is to improve and enhance the existing situation and to make a positive contribution to the neighbourhood. As the proposed development has the potential to prejudice the realisation of a coherent vision for this new urban quarter as discussed above it is arguably inconsistent with the said Guidelines design approach.

7.3.34. My final comment in this section relates to the Planning Authority's second reason for refusal which in their decision notification cites that the proposed development would "materially contravene" objective MPO 2 and UDP 1 of the Development Plan.

7.3.35. On this matter I refer to the provisions provided under Section 37 (2) (a) of the Planning & Development Act, 2000, as amended, provides that the Board may in determining an appeal under this section of the Act decide to grant a permission for a development even if the development contravenes materially the Development Plan relating to the area of the Planning Authority to whose decision the appeal relates. It states: "*where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that*"

"(i) the proposed development is of strategic or national importance"

"(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned"

7.3.36. If one or both are applicable, so as to permit the Board to grant permission for the proposed development sought under this application, then the question to be determined is whether a favourable decision should, in the circumstances of the present case, be made. If they do not apply, then the Board is precluded from granting permission in this case.

7.3.37. In this instance case I consider that the proposed development is a type of development that is not of strategic or national importance as it is generally deemed to be acceptable on land subject to the 'town centre' land use zoning and the promotion of redevelopment of brownfield land is encouraged within the said Development Plan through to the Dublin Street Regeneration Plan, i.e. the local area plan for the site and its immediate environs.

As such I do not consider that the proposed development, if permitted, would materially contravene the Development Plan in particular the objectives set out under the second reason for refusal, subject to safeguards.

7.4. Car Parking Provision

7.4.1. The Planning Authority's third reason for refusal whilst acknowledging that in town centre locations a 50% reduction in car parking spaces is permissible under the

Development Plan considered that by virtue of the proposed development not providing for any of its car parking demands that to permit the proposed development as proposed would contravene Policy CDP1 of the Development Plan.

- 7.4.2. In relation to the Planning Officer's report, which is the basis for the Planning Authority's decision, the Planning Officer notes the provisions set out under the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2018, which allow for car parking provision to be minimised substantially through to wholly eliminated. After having regard to the quantum of car parking that the proposal would require, based on the provisions of Section 15.28 and Table 15.6 of the Development, i.e. a total of 70 car parking spaces broken down into a rounded figure of 38 for the residential component and 32 for the office component was equated. The Planning Officer considered that the site in their view occupied a location that should be categorised as an 'intermediate urban location' as it provided for more than 45 dwellings per hectare (Note: stated density of 164 units per hectare). At such locations they considered it was appropriate that a 50% reduction in car parking as provided for under Policy CP 5 of the Development Plan is the appropriate standard to apply.
- 7.4.3. I further note that Planning Authority's Roads Report in relation to the proposed development also highlights that no car parking has been proposed with this development; however, this report does not make any further detailed comments on this matter.
- 7.4.4. The appellants contend that it would be more appropriate in this situation that the site falls into the 'central and/or accessible urban location' category provided for under the aforementioned guidelines.
- 7.4.5. As such it is appropriate, in their view, that the provisions of the said Guidelines which allow for the whole elimination of car parking provision is allowed.
- 7.4.6. It is further contended by the appellant in their submission that the sites location benefits from adequate car parking provision in its immediate and wider vicinity. With this including the car parking provision on the opposite side of Castle Road.
- 7.4.7. They also indicate a willingness to pay a financial contribution towards the cost of car parking provision which is an acceptable solution to ensure urban consolidation at this location.

- 7.4.8. In relation to the said Guidelines referred to by the Appellant I am cognisant that Section 1.10 of these indicate that in certain circumstances the requirements for car parking where there are better mobility solutions and to reduce costs may be deemed acceptable.
- 7.4.9. Under Section 4.18, these guidelines recognise that the quantum of car parking for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development and that this will be broadly based on proximity and accessibility criteria.
- 7.4.10. As noted above the appellant contends that the subject site occupies a site that comes under the Guidelines category of 'central and/or accessible urban location' which contrasts to the Planning Authority's Planning Officers findings in their assessment of the proposed development.
- 7.4.11. Section 4.19 of the Guidelines define such locations as being central locations that are well served by public transport.
- 7.4.12. In these locations it advocates that the default policy is for car parking to be minimised, substantially reduced, or wholly eliminated dependent on the certain circumstances.
- 7.4.13. I further note that it describes such areas as being highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such as rail and bus stations located in close proximity.
- 7.4.14. Moreover, it indicates that these locations are mostly likely to be in cities, especially in or adjacent to city centres or centrally located employment locations within a defined walking distance to Dart, commuter rail and Luas stops.
- 7.4.15. In relation to 'Intermediate Urban Locations' the guidelines under Section 4.21 state: *"in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard"*.
- 7.4.16. Under Section 4.23 of the Guidelines it indicates that for: *"all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired"* and that it should be

demonstrated that the site is sufficiently well located in relation to employment, amenities and services.

- 7.4.17. Whilst I note that this site has a given site area of 0.1525ha and that the Guidelines also provide for sites of up to 0.25ha, for car parking provision to be relaxed in part of whole, on a case-by-case basis, subject to overall design quality and location.
- 7.4.18. Having inspected the site and its environs, alongside having had regard to relevant planning provisions I do not accept that the appellants contention that the site is one that can be considered as being 'central and/or accessible urban'. This is due to a number of factors including: firstly, while the Monaghan town occupies a strategic location on the road network and the town is identified as being the principal settlement within Monaghan county (Tier 1) it has a modest population of less than 10,000. With the 2016 Census giving it a population of 7,678 persons. Secondly, the town is not well served by public transport with there being limited bus service and a lack of rail. Thirdly, there is a high level of dependency on the car as a mode of transport which in turn has resulted in high level of dependency on car parking spaces for those who journey into Monaghan town to avail of its variety of retail, services, amenity, employment and other offers.
- 7.4.19. I consider that the Planning Authority's Planning Officers categorisation of the site as more appropriate and relative to it and the towns locational attributes and lack of robust public transport provisions. That is to say it lies in close proximity to Monaghan's town centre with it being positioned immediately behind Dublin Street, one of the town's principal streets through to this proposal seeks to provide a mixed use development with a residential component that exceeds 45 dwellings per hectare. In such locations as stated the guidelines advocate that Planning Authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.
- 7.4.20. Against this context I note that the Development Plan allows for a reduction of up to 50% of the standards required for developments or redevelopment of sites including infill, brownfield and derelict sites within designated town centres where appropriate (Note: Policy CP 5). I further note that CP 1 of the Development Plan also states that the Planning Authority shall require car parking to be provided in compliance with the Development Plan standards.

- 7.4.21. I consider this reduction is appropriate in this situation considering that the plan standards for the quantum of development proposed equates to 70 car parking spaces which is a number that I consider has been correctly calculated by the Planning Authority.
- 7.4.22. I consider that the provision of this number would have a significant impediment to maximising the potential of this town centre site. Even if the majority of these spaces were provided by way of basement through to a setback provision from the southern roadside edge. There could also potentially be a less than optimal outcome in terms of achieving linkages through the site connecting it to the proposed Church Walk, existing pedestrian links to Dublin Street and to the proposed new street 'The Mall'.
- 7.4.23. I further consider that despite the sites town centre location with the site being in easy reach of a plethora of amenities, services, employment opportunities I again reiterate that it is poorly provided for in terms of public transport and the public transport that does exist consists of bus service of limited routes and limited frequencies though in recent years connectivity has somewhat improved by private operators providing bus services from the town linking it up to other settlements inside and outside of the County.
- 7.4.24. I consider that Policy CP 5 is a reasonable and local planning provision supported balance in terms of car parking provision for any future redevelopment at this site and that equates to a provision of 35 car parking spaces for the quantum of residential and office development proposed. I do not consider that any substantive demonstration has been provided to offset this total number of car parking spaces in this instance nor has it been demonstrated that there was potential for arrangements to be made for future occupants to be able to access affordable long stay car parking within the vicinity of the site or for those with mobility issues.
- 7.4.25. It is not sustainable for a development of this scale to be dependent solely on the public provision of car parking to meet its need nor would it be appropriate that a financial contribution towards the provision of 35 car parking spaces be a balanced response to the lack of car parking provided within this scheme.
- 7.4.26. While there is a large car parking provision on the opposite side of Castle Road as the Dublin Street Regeneration Plan is realised with the creation of a new street 'The Mall' this large quantum of ground level car parking may not be maintained in the long term

as such. Moreover, it may be more appropriate that the town centre sequentially develops onto such land and that car parking provision be consolidated, for example in multi-storey car parks.

7.4.27. Indeed, the Dublin Street Regeneration Plan as part of its vision statement recognises that there is considerable land within Monaghan town that has significant potential to realise and the National Planning Framework advocates for compact and sequential development within settlements across the country (For example: Section 2.6 and National Strategic Outcome 1).

7.4.28. I also note that in relation to the car parking provisions that Policy CP 4 of the Development Plan requires the provision of car parking spaces for persons with impaired mobility at a rate of one space in twenty-five. The absence of any car parking provision means that no such provision has been designed into this scheme despite it containing 25 no. apartment units.

7.4.29. Whilst I accept that the local through to national planning policy provisions allow a case by case flexibility to car parking provision in this case I consider that the provision of a 50% reduction in car parking space requirements is appropriate in this case as it responds to the poor public transport provision and the dependency on car parking for shoppers and visitors into the town.

7.4.30. Moreover, the Dublin Street Regeneration Plan advocates that a balance is reached between the provision of car parking with the achievement of a high-quality public realm and built environment.

7.4.31. Against the above considerations I concur with the Planning Authority's third reason for refusal in that the proposed development would contravene policy CP 1 of the Development Plan which requires such development to meet the Development Plan requirements. It also would be contrary to policy CP 4 due to the lack of any provision for persons with impaired mobility.

7.5. Residential Amenity

7.5.1. The Planning Authority's fourth reason for refusal, indicates that notwithstanding the private amenity space standards outlined in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authority's, 2018, reference is made to Section 15.8.1 of the Development Plan which requires that 1 and 2

bedroom apartments in town centre locations shall at a minimum be served with 10m² of private open space (Note: Table 15.2).

- 7.5.2. Of concern to them the proposed development and the majority of the dwelling units it contains did not meet this minimum requirement. For this reason, it was considered that the proposed development, if permitted, would materially contravene Policy RDP 8 of the Development Plan; and thus, would be contrary to the proper planning and sustainable development of the area.
- 7.5.3. The appellant in their grounds of appeal contend that all of the proposed dwelling units comply with the minimum standards for such units and they further refer to Section 15.8.1 of the Development Plan which states: “*a relaxation of the provision of public and private open space will be permitted where development is proposed within vacant and/or derelict town centre sites*”. They also highlight that a number of the units are served with more than one means of private open space; that the quantum of public open space within the state compensates for any shortfall where private amenity spaces fall short of the Development Plan standards; and, that guidelines issued under Section 28(1C) of the Planning and Development Act, 2000, as amended, takes precedence over such local planning provisions.
- 7.5.4. Setting aside that public open space provision requirements alongside compliance with the relevant standards required is in my view a separate matter and the provision of public open space should not be an argument that substantiates an off-set and/or shortfall in private amenity space. Particularly as they perform different functions for occupants of a residential scheme.
- 7.5.5. I am cognisant that the provision of qualitative and quantitative private amenity space is an important factor in achieving sustainable dwelling units within town centre locations for occupants of apartments.
- 7.5.6. Indeed, their value and importance arguably has been recognised as contributing to the daily lives of those living within urban areas within these unprecedented times we have and are finding ourselves in during a global pandemic. Arguably factoring in climate change impacts they are also a valuable amenity provision for those living in tight grain and high density urban areas as they offer a secure private outdoor space that can have a number of uses from passive amenity, greening our of urban built

environment through to enhancing the level of daylight and ventilation into the interior spaces of apartment units.

- 7.5.7. The said Guidelines referred to in the fourth reason refusal set out minimum floor area standards for private amenity space for apartment units. This proposal seeks permission for four one-bedroom (2 person) apartments; eight two-bedroom (3 Person) apartments; and, 13 two-bedroom (4 person) apartments. Thus, under the said guidelines they require 5m²; 6m² and 7m², respectively.
- 7.5.8. Further, having examined the submitted drawings I note that the majority of balconies just meet the minimum required depth for such private amenity spaces and a number of the balconies due to their northerly aspect through providing for passive surveillance over proposed pedestrian 'Church Walk' due to them being enclosed by the building on three sides would be dark and overshadowed spaces of limited values. These particular balconies are generally of a limited 2.1m² area. Though their deficiency in amenity value as private open space is generally compensated for in terms of the provision of a second balcony of a southerly orientation and that contains the remaining private open space to meet or marginally exceed the minimum required national private amenity standards.
- 7.5.9. Though these latter balconies in Block B have the potential to be overshadowed due to their lateral separation distance from Block A alongside the height of Block A. With overshadowing potentially added too as adjoining blocks are developed in future.
- 7.5.10. Arguably the proposed apartment units within this scheme whilst meeting minimum national standards for apartment units they are not a very generous private amenity space provision. Particularly against the context that these standards are minimum and not maximum standards, alongside the sites setting within a town setting.
- 7.5.11. Against these considerations and having regard to the deficiencies in the qualitative value of the northern balconies proposed within this mixed use scheme it is not in my view unreasonable for the Planning Authority to have applied their private open space standards which if incorporated into the residential design and layout would have resulted in improved private open space amenity for future occupants.
- 7.5.12. Like the Guidelines referred to the Development Plan does allow for a relaxation of the private amenity standards set out in plan for vacant and/or derelict town centre sites or where residential developments are in close proximity to public parks or other

natural amenities alongside where alternative amenities and facilities are available within the neighbourhood and privacy is not compromised. This is provided for under Section 3.39 and it indicates that this should be on a case to case basis, subject to overall design quality.

- 7.5.13. Whilst I agree that it is reasonable to seek an appropriate level of qualitative and quantitative private amenity space and that there is merit to considering whether or not it is reasonable to accept private amenity spaces that meet and only marginally exceed minimum national quantitative standards, as set out under Appendix 1 of the Guidelines, in a town centre urbanscape this should be relative to an overall balance being reached with the design and layout of the scheme which may include off sets for qualitative deficiencies of private open space provision.
- 7.5.14. Internally the space standards take a similar approach in terms of meeting or marginally exceeding the minimum requirements of Appendix 1 of the Guidelines. This in my view is particularly evident in terms of the widths of bedrooms. For example the one person bedrooms by and large have widths that just meet the minimum standard of 2.1m. I also note that these guidelines also seek where there is a reduction in car parking provision at the same time this deficit needs to be compensated for by other provisions such as the provision of additional storage facilities. The design and layout for the apartment units do not appear to include any significant additional storage measures in this regard either within the apartment units or separate from the individual apartment units. The internal space provisions in many cases appears to be a check box exercise relative to the referred to Appendix 1.
- 7.5.15. I note that policy RDP 8 of the Development Plan requires residential developments to be provided with appropriate recreational facilities with the nature and scale of which reflective of the scale of the residential development. It also requires this provision to be in accordance with the provisions of the Development Plan, in particular Section 15.8 and Table 15.2.
- 7.5.16. Based on the above considerations and having regard to qualitative deficiencies of a number of the balconies on the northern elevations of the blocks, taken together with the north to south orientation of the two blocks, I consider that the proposed development, if permitted, would give rise to a substandard amenity for future occupants in terms or private amenity space provision.

- 7.5.17. On the matter of material contravention referred to under the fourth refusal reason cited by the Planning Authority in their decision notification, I note that the Planning Authority in its fourth reason for refusal concluded that the proposed development would, if permitted, materially contravene Policy RDP 8 of the Development Plan. I again refer to the provisions of Section 37(2)(a) of the Planning & Development Act, 2000, as amended, which I have already cited under Section 7.3 of my assessment above.
- 7.5.18. In this instance case I consider that the proposed development is a type of development that is generally deemed to be acceptable on land subject to the 'Town Centre' land use zoning. I do however consider that the proposed apartments are of strategic or national objectives but I do recognise the importance for the settlement of Monaghan to develop the backland sites, including those within the Dublin Street Regeneration Plan area and to strengthen as well as further consolidate what the town centre by way of redevelopments including permissible land uses like residential.
- 7.5.19. Moreover, I do not consider that there are conflicting objectives in the Development Plan in relation to the amenities that should accompany residential developments like in that it seeks that residential developments include a qualitative and quantitative amenity standard for future occupants of in this case one and two bedroom apartments.
- 7.5.20. While I acknowledge that the Development Plan minimum standards in terms of private open space are more generous quantitatively to those set out in the Guidelines ultimately local and national planning provisions in unison seek to achieve qualitative apartments that are appropriate to their site contexts. Given that residential development proposed under this application is a type of development generally deemed to be permissible subject to safeguards including demonstration of qualitative provision of amenity provision like private open space as well as allows for a level of flexibility also based on site context and on a case by case basis I do not consider that the proposed development would materially contravene Policy RDP 8 of the Development Plan but would rather be inconsistent or contrary with this policy.

7.6. **Waste**

- 7.6.1. The sixth stated reason for refusal as set out in the Planning Authority's decision notification relates to the waste storage provision within this scheme and as previously

discussed the appellant as part of their grounds of appeal submission have submitted revisions to incorporate two new bin storage areas in two locations within the site area.

- 7.6.2. I have already raised concerns in relation to this provision and there is also a lack of clarification for waste storage for the office use through to whether or not the overall quantum of waste storage is sufficient for the overall development proposed.
- 7.6.3. Given the confined area of the site and the high density of development that is sought I understand that the adequacy of waste storage provision within the proposed scheme as set out in the application documentation was a cause of a concern for the Planning Authority in this case.
- 7.6.4. I consider that the provision is still not qualitatively resolved by the revisions received by the appellant in their appeal submission to the Board and that the relationship between the two additional waste storage areas relative to the communal open space provision is poorly considered and not appropriately positioned within this mixed use scheme.
- 7.6.5. In particular the proposed waste storage area at the entrance to the kitchen garden. This location is far from ideal in terms of access and the amenities of this ancillary open space but also alongside one of the key new connections identified within the Dublin Street Regeneration Plan, i.e. 'Church Walk' and could potential give rise to associated nuisances, such as noxious odours through to anti-social behaviour in the form of dumping.
- 7.6.6. Moreover, I consider that the provision of the other waste storage area centrally against the western boundary facing into the courtyard garden is also a visually overt location that has the potential to result in the diminishment of this main open space provision.
- 7.6.7. I further note that Section 15.12 of the Development Plan advocates not only should suitable provision be made for the storage, segregation and recycling of waste alongside its convenient access that it is also designed in a manner that ensures integration within the associated building or boundary enclosure.
- 7.6.8. I am not satisfied that the documentation submitted has satisfactorily demonstrated that the waste storage provision, including the additional storage proposed as part of the appeal submission is sufficient for the quantum of uses proposed. Nor am I convinced that it demonstrates that it would not give rise to any diminishment of

amenity either within the private realm of the proposed scheme through to the public realm of 'Church Walk'.

- 7.6.9. Furthermore, I do not consider that the additional storage proposed by way of this appeal ensures that this provision is integrated in an appropriate manner with the buildings on site.
- 7.6.10. Based on the above considerations I am of the view that the proposed development, if permitted, would be contrary to Section 15.12 of the Development Plan as well as policies contained within the Development Plan for Waste Storage. That is Policy RDP 14 of the Development Plan, which seeks in part to ensure that the design achieves integration with the associated users; and, Policy RDP 15 that seeks adequate waste storage provision is made within new developments.
- 7.6.11. Notwithstanding this concern I am of the view that there are sufficient more robust and substantive grounds on which to base a refusal of planning permission rather than on waste storage which could arguably be amended by way of an appropriately worded condition.
- 7.6.12. My final comment in relation to the sixth reason for refusal is that I reiterate my comments in relation to Section 37(2)(a) of the Planning & Development Act, 2000, whilst there is a lack of clarity and inconsistencies with the Development Plan provision as said these arguably could be addressed by way of condition should the Board be minded to grant planning permission. I am therefore not of the view that the proposed development as revised, which is not of strategic and/or national importance, would, if permitted, subject to safeguards give rise to any material contravention of the Development Plan in relation to waste storage matters.

7.7. Standard of Office Space

- 7.7.1. The fifth reason for refusal set out in the Planning Authority's decision notification relates to the limited lightwell serving the larger office unit which has a stated 424m² floor area. It is unclear whether or not there is an end user of this office space that would require such limited access to natural daylighting and ventilation.
- 7.7.2. I am also cognisant that building control standards are a matter that is outside of the Boards expertise and jurisdiction.

- 7.7.3. Notwithstanding, a more qualitative provision of light and natural ventilation for such a large footprint within a town centre would in my view result in this space being more adaptable and flexible to changing demands and circumstances that may include its future subdivision.
- 7.7.4. In addition, further clarification would be needed in my view as to what legacy this lack of natural daylighting and ventilation would have in terms of the built form of the built proposed. Particularly in terms of artificial ventilation, cooling and the like which can often result in additional plant and other types of service infrastructure being attached to the exterior and/or roof level of the building. I do not consider that the information submitted on file provides sufficient detail on this matter and the sustainability of the proposed large office space.
- 7.7.5. Despite this concern, I consider that there are substantive reasons given in this report that more than substantiates the refusal of the proposed development sought under this application and should the Board be minded to grant planning permission they may be of the view that this matter could be dealt with by way of appropriately worded condition.

7.8. Other Matters Arising

- 7.8.1. **Tenure:** The proposed mix of dwellings includes twenty-one number two-bedroom units and four number one-bedroom units within the residential component of the development sought for this appeal site.

Whilst I acknowledge that for this size of site that this mix does not conflict with any standards for dwelling mix I note that Section 15.7.4 of the Development Plan advocates for a development to be considered inclusive that new residential developments should make provision for housing of different types, sizes and tenures.

The Development Plan further acknowledges that this provides choice and helps to create a balanced, sustainable community as well as the provision of a variety of different house types will create visual variety and social dynamic, thereby preventing residential development being homogenous in character.

In particular, the Development Plan seeks to encourage developers to provide suitable dwelling units for the elderly, those with impaired mobility, and to facilitate downsizing

within the dwelling mix being proposed in all developments alongside families. It also encourages in suitable settings the provision of combined home and work capabilities.

I therefore raise a concern in the context of sustainably, increasing housing supply and the recognised need to encourage living in urban centres for a mixture of household types, as part of their renewal as well as revitalisation that there is a need for a greater flexibility and more diverse range of apartment mixes within redevelopment schemes.

I am not satisfied that the applicant in this case has demonstrated a sufficient mixture of tenures in that there is limited mix of apartment unit type proposed, i.e. there is a prevalence of two-bedroom units within this scheme. Albeit the modest scale of the scheme, I raise a concern that the mixture of unit types has not been supported by a housing need and demand assessment. It is however encouraging to see that some units are provided with home office rooms as part of their internal space provisions.

Based on the above concern I consider that there is a missed opportunity to provide units with above two bedrooms, which I note is a type of tenure that is often poorly provided for within central urban areas. This concern potentially could be addressed by way of condition should the Board be minded to grant planning permission for the proposed development.

7.8.2. **Open Space Provision:** The proposed open space provision meets the required local planning standards and it equates to 30% of the total open space of the site (Note: the site area given in the application form is 0.1522ha and open space is given as 449.8m² of the site area).

The main open space provision which has a given area of 357.4m² takes the form of a central courtyard located between Block A and Block B. As an amenity provision it would be somewhat diminished by overshadowing and it also contains a waste/recycling ground level compound as well as a ventilation stack and light well. It does include positive attributes like passive surveillance, a good layout of pathways through to soft landscaping and varied surface treatments.

The constraints of the site and the provision of limited basement level unfortunately results two above ground areas being used for the location of waste storage facilities with the southern area of open space which is cut off from Block A towards the northern end of the site by the proposed 'Church Walk'.

This is not in my view a desirable location to provide a waste storage provision for future users of the proposed development, if it were to be permitted. It is also as stated previously located alongside a new permeable walkway, i.e. 'Church Walk', that is as such the key pedestrian thoroughfare through the centre of the Dublin Regeneration Scheme Plan area and at the entry point to the smaller pocket of open space proposed.

Whilst I consider that the proposed open space meets the required quantitative standards set out in the Development Plan. I consider that in the absence of any coherent and robust masterplan being in place that seeks to achieve the coordinated redevelopment of the Dublin Street Regeneration Plan area. Including the design and level of the routes and spaces that are envisaged. It is difficult to see how the building to space provisions within the proposed development could sit harmoniously with development of adjoining and neighbouring land within this plan area.

Alongside there is merit to whether implementation of the buildings and associated spaces proposed under this application could prejudice against the seamless provision of the public realm outcomes that are sought for this land alongside whether this development would dictate the outcome of development within the plan area when the finalisation of through links, road levels and whether a one co-ordinated block or multiple site development approach will be the accepted route by the Planning Authority to achieving the plans vision in realising the new urban quarter within Monaghan town.

- 7.8.3. **Water and Drainage:** There appears to be no capacity issues in terms of accommodating water and foul drainage requirements of the proposed development subject to standard safeguards including best practice in terms of surface water drainage. I therefore raise no serious concerns on these particular matters.
- 7.8.4. **Children's Play Area Provision:** The proposed development is not of a scale which would require the provision of a dedicated children's play area.
- 7.8.5. **Boundaries:** Should the Board be minded to grant permission for the development sought under this application I recommend that not only is the specific design and material treatment of new boundaries be conditioned for written agreement with the Planning Authority I also consider that as a precaution an advisory note is attached reiterating Section 34(13) of the Planning and Development Act 2000 (as amended).

This section of the Act reads: *“a person shall not be entitled solely by reason of a permission under this section to carry out development”*, as a precaution. As it is unclear, in my view, if the existing site boundaries are in shared ownership or not. The Board may also consider that due to the presence of historic stone walls along parts of the existing site boundaries that these should be examined as part of an overall archaeological appraisal of the site and the potential for impact on built heritage.

8.0 **Appropriate Assessment**

- 8.1.1. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, as set out in Section 5.4.1 of this report above, 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.

9.0 **Recommendation**

- 9.1. I recommend that planning permission be **refused** for the reasons and considerations set out below.

10.0 **Reasons and Considerations**

1. The proposed development is situated within the plan boundary of the Dublin Street Regeneration Plan, on ‘town centre’ zoned land to the south east of the Monaghan’s historic town centre. Policy MPO 2 of the Monaghan County Development Plan, 2019-2025, seeks to ensure that development proposals within the Dublin Street Regeneration Plan area have regard to it and the objectives this plan contains.

Section 3 of the Dublin Street Regeneration Plan, which sets out the regeneration vision for the plan area, seeks to consolidate the urban structure of the plan area, create new streets and public spaces that integrate in a seamless manner with the existing historic town whilst at the same time providing a new backland quarter. This quarter is referred to as the Dublin Street quarter.

In the short term the vision for the Dublin Street quarter consists of achieving the upgrading of existing public spaces, streets, spaces and footpaths alongside the creation of new connections with streets and spaces which enhance the urban structure as well as the public realm of the new backland quarter.

This includes the creation of a 'Church Walk', a pedestrian laneway that would bisect the appeal site towards its northern end; and, 'The Mall' a new boulevard that would be located in a similar location to that of present day Castle Road which bounds the southern boundary of the site but with 'The Mall' having a varying alignment, design parameters and the like.

In the absence of an adopted design for 'Church Walk' and 'The Mall', including its final finished ground levels, as part of the creation of new streets and public spaces; and, having regard to: (a) the changing ground levels of the site and the surrounding Dublin Street Regeneration Plan lands; (b) the lack of a public north south pedestrian linkage from Church Walk to 'The Mall' within the proposed scheme; (c) an adopted consensus on whether or not the building approach for this new quarter would be by fine grained developments reflecting the multiple owners of land within the plan area or by way of consolidation of the fine grained plots of land; (d) the poor street activation of the proposed scheme at ground floor level; (e) the lack of qualitative provision of private open space within the scheme for future occupants; and, (f) the poorly placed additional waste storage provisions within open space serving future occupants, it is considered that the proposed development would represent a piecemeal approach to the sustainable development of the area, would result in a substandard residential amenity for future occupiers, and would, thereby, conflict with the stated policies of the planning authority as set out in the Monaghan County Development Plan, 2019 to 2025, which seek the creation of the Dublin Street quarter and is the overarching plan that ultimately seeks coordinated development and the adherence with the objectives set out in the Dublin Street Regeneration Plan.

Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the non-provision of car parking for the proposed development is inadequate and falls far short of the standards set out under Section 15.28 and Table 15.6 of the Monaghan County Development Plan, 2019 to 2025. The proposed development would, therefore, contravene policy CP 1 and CP 4 of the Monaghan County Development Plan, 2019 to 2025, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the archaeological significance of the site is such that any development of the site in advance of a comprehensive archaeological assessment, carried out to the requirements of the appropriate authorities, would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the amenity value of spaces proposed within this scheme to serve future occupants, it is considered that a number of the apartment units would be served by substandard in terms of quality and limited in quantity private amenity space. It is therefore considered that the proposed development would give rise to a substandard residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

29th day of July, 2020.