



An
Bord
Pleanála

Inspector's Report ABP-310937-21

Development	Demolition of house and single storey unit and the construction of four apartments and two office units with all associated works.
Location	Henry Street, Castleblayney, Co. Monaghan.
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	20259
Applicant(s)	GD Ceilings.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Philomena Hudson.
Observer(s)	No Observers.
Date of Site Inspection	6 th December 2021.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.0405ha, (405m²), and is located on the western side of Henry Street within the town of Castleblaney. The site currently comprises a flat-roof two storey building and includes a house at the northern end and a storage facility to the south. The storage area is of the same height and appearance as the house but has a single internal volume. The building has a plain, pebble-dashed façade which is different in appearance to the adjoining two storey, pitched roof houses. A side access gate is located on the southern side of the site and opens directly onto Henry Street.
- 1.2. Henry Street is a narrow street two-way street with on-street parking on northern and eastern sides of the street. It slopes northward towards Market Square and is within close proximity to the town centre and to Lake Muckno. The streetscape is formed by terraces of two storey houses with some three storey buildings which respond to the sloping topography. There is a vacant site directly across from the subject site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of an existing two storey house and adjoining single storey storage unit and the construction of a three-storey development comprising two ground floor office units and 4 no. 2 bedroom apartments. Private terraces would be attached to each of the apartments, one at ground floor level and the remaining three at roof level.
- 2.2. The design of the proposal was significantly altered under further information. The original development had a flat roof profile with contemporary finishes which included large scale window openings, perforated metal panels and oak timber louvres in front of the windows at ground floor level and on the upper levels.
- 2.3. The amended design altered the external appearance to a more traditional form with standard size windows and a pitched slate roof. A break in the roof slope to the front of the building would accommodate the private roof terraces for each apartment. The amended development comprises two ground floor office unit, (42.7m² and 39.8m²), and 4 no. 2 bedroom apartments ranging in size from 81 – 116m², with

private amenity space in the form of a ground floor terrace and three roof terraces at the second -floor level.

- 2.4. Parking is not included in the development for either the office or residential elements.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the PA subject to 9 planning conditions which are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by two reports which were prepared during the assessment of the proposed development.

The report of the Planning Officer dated the 26th August 2021 requested further information with regard to 6 points and the report of the 28th June 2021 assessed the response submitted by the applicant.

The report of the PO dated the 26th August 2021 includes the following:

- The proposal accords with the Town Centre zoning.
- In principle the proposed density is considered to be acceptable.
- A Concept/Design Statement has not been submitted in support of the architectural proposal as per Sections 15.2 & 15.7.1 of the CDP.
- Proposed external finishes are not made clear.
- It is considered that the development will not unduly overlook, overshadow and/or overbear
- All residential units fall short in terms of storage space and the ground floor unit does not meet the requirement for minimum bedroom floor area.
- The layout of the ground floor amenity space is inadequate.

- Further information is requested with regard to the following:
 - A Design Concept Statement is requested,
 - Revised drawings are requested to ensure that the fenestration, materials, and proposed streetscape comply with the relevant sections of the Development Plan, (15.2.11 & 15.7.1),
 - Drawings to show compliance with the Sustainable Urban Housing: Design Standards for New Apartments 2020, (Apartment Guidelines),
 - Compliance with the standards for private amenity space as per 15.8.1 of the Development Plan,
 - The applicant is also invited to respond to the third-party objection.

A response to the further information request was submitted by the applicant on the 2nd June 2021. The response included revised plans which altered the internal layout, external appearance and roof profile of the proposed development.

The second report of the PO dated the 28th June 2021 noted that the revised plans and elevations were in accordance with Sections 15.2.11, 15.2.12 and 15.7.1 of the Development Plan. The proposed apartments were generally in accordance with the Apartment Guidelines 2020.

With regard to points raised in third party submissions, it is considered that the proposal would not result in any undue overlooking of adjoining properties or have an adverse impact on residential amenity in general. The potential for overlooking from the second-floor apartments is sufficiently mitigated in the revised drawings, notwithstanding the increase in height of the overall building. Having regard to existing and proposed uses a credit of 6 car parking spaces, (4 x commercial and 2 x residential), can be attributed to the site. The proposed development will require 10 car parking spaces in total, (4 x commercial and 6 x residential). As per policy CP 6, a financial contribution in lieu of the shortfall of 4 no. car parking spaces shall be applied. A grant of permission is recommended.

3.2.2. Other Technical Reports

- Water Services Department – No objections. There is an existing service to the existing dwelling. Planning conditions are recommended.

- Environmental Services – The site is located in a generally unproductive aquifer and on an area of extreme groundwater vulnerability. The receiving waters are located within waterbodies XB-006-12, which is currently classified as ‘poor’ status and has a Water Framework Directive of Restore 2021. There is no objection subject to planning conditions.
- Road Condition Report – No objection subject to planning conditions including a deposit to ensure the satisfactory completion of all surface pavement work and to ensure that no damage is done to the public road.
- Monaghan Fire & Civil Protection – No objection subject to planning conditions.

3.3. Prescribed Bodies

- No responses on file.

3.4. Third Party Observations

- One observation was received during the public consultation phase. The concerns raised in the observation relate to impact on existing residential amenity in terms of overlooking, overshadowing, overbearing impact and noise from the rooftop terraces. Concerns were also raised with regard to the suitability of the contemporary design within the streetscape.
- An additional observation was lodged on the 7th August 2021 in response to the response to the further information request. The observation noted that the concerns raised had not been resolved and that the overall height of the development had been increased and includes extra windows on the front elevation.

4.0 Planning History

No recent planning history for the site.

PA Ref. 19/330 – was lodged on the 17th July 2019 and was withdrawn following a request for further information. The development proposed was the demolition of

existing two storey dwelling house and single storey unit and the construction of five new apartments and one office unit.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site is located within the administrative boundary of Monaghan County Council. The Monaghan County Development Plan 2019-2025 is the operative Development Plan.
- 5.1.2. The following sections of the Monaghan County Development Plan, (CDP), are relevant to the proposed development:

Settlement Hierarchy

The site is located within the development boundary of Castleblaney, which is identified as a Tier 2 – Strategic Towns. The emphasis for Castleblaney is to maintain and support urban development by way of consolidating the town centre and expanding the services to meet the needs of the local community.

Within the Castleblaney Settlement Plan 2019-2025 objective CBO 2 seeks *‘To encourage new developments which refurbish existing buildings in order to regenerate the town centre and to eliminate dereliction’*.

9.2 Land Use Zoning Objectives

The subject site is zoned ‘Town Centre’, the objective of which is *‘To provide, protect and enhance town centre facilities and promote town centre strengthening. zoning objective’*.

Both residential and office use are listed as ‘Permitted Uses’ within the TC zoning.

9.8 – Housing

UDO 10 - To encourage and support proposals for new residential development that will result in the regeneration/renewal of town centre areas and/or a reduction in vacancy/dereliction in the context of the proposed planning and sustainable development of the area.

9.9 – Town Centres

TC01 - Promote and develop the town centres as the principal location for retail, office, leisure, entertainment, cultural and service uses and to encourage the refurbishment, renewal and re-use of existing buildings and derelict sites within it.

TC07 - Encourage the principal of living over the shop within the town centres.

9.12 – Infrastructure & Services

RPO 4 - Regulate and manage car-parking facilities throughout the towns in accordance with Development Management Guidelines, Monaghan County Development Plan 2019- 2025 and ensure that adequate off-street, car parking and servicing space is provided in all new developments.

9.13 Natural & Built Heritage

SNO 10 - Encourage new developments to refurbish existing buildings and back lands to eliminate dereliction and reinforce the town centre where possible.

SNO 11 - Ensure that new developments enhance, respect and compliment the form and scale of the existing town streetscape and architecture.

Chapter 15 - Development Management

15.2.3 Infill Sites - Development within infill sites must consider the context of the surrounding area. Development proposals on sites along streetscapes shall comprise an active frontage and shall continue the established building line.

15.2.6 Scale & Mass - The size of a building should be relative to its surroundings and scale and is a key element in the design consideration for new buildings. If a building's design is incongruous or excessively large when compared to adjoining buildings within the streetscape, then the proposal will be resisted.

15.2.9 Roofline - The older and more traditional buildings within a streetscape generally have slated pitch roofs which contain features such as chimneys that can add to the visual interest and character of the building...Roof design should have regard to the scale and roof form of the street frontage and use materials which are chosen to complement the existing roof within the streetscape.

15.2.10 Building Heights & Overshadowing - The height of new or extended developments shall not be determined solely by the height of adjoining properties. In general, heights should respect the local streetscape.

All proposals must minimise overlooking, overbearing and overshadowing to ensure no significant adverse impact on adjoining properties. Proposals which impact negatively on the residential amenity of adjoining properties by reason of overlooking or overshadowing will be resisted...Shadow projection drawings in accordance with 'Site Layout Planning for Daylight and Sunlight; A guide to good practice (1991)' or 'Lighting for Buildings Part 2; A code of practice for day lighting (1992)' may be required.

The publication 'Quality Housing for Sustainable Communities'...should be applied to all housing designs. Housing design should aim to achieve the standards set out in Table 5.1 of these guidelines (Appendix 21) as a minimum.

15.7 – Multi-Unit Residential Developments

15.7.1 – Layout – Lists components to be considered when designing layouts for new developments.

15.7.5 Layout & Design of Apartments - The 'Sustainable Urban Housing; Design Standard for New Apartments' (2020) identify minimum standards for floor areas of apartments including storage space and individual room areas. Apartment design should aim to achieve higher standards than those prescribed for in the guidelines.

Table 15.3 – Sets out the minimum private open space requirement for residential units. A 2-bed apartment requires 10m² private amenity space.

15.12 – Waste Storage

15.13.7 – Residential Amenity

RDP 24 - Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted.

15.28 – Car Parking Standards

Table 15.6 – Sets out the car parking standards for development. (Apt 1-2 bed = 1.5 per unit. Office/Financial & Professional Services – 1 per 25m² GFA).

CP 5 - To provide for a reduction of up to 50% of the standards as required in Table 15.9 of the Monaghan County Development Plan 2019-2025 for developments or

redevelopment of infill/brownfield/derelict sites located within the designated town centres, where appropriate.

CP 6 - To permit a reduction in the car parking standards set out where the developer cannot provide the required car parking spaces and to accept a financial contribution in lieu of the provision of car parking, where appropriate.

5.2. **Project Ireland 2040 - National Planning Framework (NPF)**

The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

The National Planning Framework has a number of policy objectives that articulate delivering on a compact urban growth programme. These include:

- NPO 3(a) & (c) relating to brownfield redevelopment targets & delivering housing within existing settlements;
- NPO 6 relating to the rejuvenation of towns & cities to provide increased residential population and employment in urban areas;
- NPO13 relating to a move away from blanket standards for building height and car parking etc. and instead basing it on performance criteria.

5.3. **Design Standards for New Apartments, (2020).** – Supports the use of infill sites in urban locations to provide higher density apartment developments.

SPPR3 – Sets out the standards for minimum apartment floor areas.

SPPR5 – Specifies floor to ceiling heights.

Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.

Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options are located in close proximity.

5.4. Natural Heritage Designations

No designations apply to the subject site.

5.5. EIA Screening

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.5.3. It is proposed to demolish the existing building and to construct a three-storey mixed use development of 2 x office units and 4 x 2-bed apartments. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of c0.0405ha and is located within an existing built-up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The site is located within the town of Castleblaney area and currently comprises a two-storey building which contains a house and a storage facility. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses, which include residential development. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below and

there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Monaghan County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for 'Residential' uses under the provisions of the Monaghan County Development Plan, and the results of the strategic environmental assessment of the Monaghan County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal include the following:

- The three-storey height is out of character with the adjoining streetscape and is out of scale with the existing two-storey development.
- Lack of parking is already a problem on the narrow street.
- The proposed development would cause overshadowing of the existing two storey houses and restrict light to these houses.

6.2. Applicant Response

A response was received from the applicant on the 18th August 2021 and includes the following:

- There are three-storey historical buildings on both sides of Henry Street and in the adjoining area. Some of which has windows on the front façade at second storey level.
- The proposed development has a two-storey façade with a third storey set-back from the front building line, thereby mitigating against any overlooking concerns.
- The subject site is zoned 'Town Centre'. Section 9.9 of the Monaghan County Development Plan sets out the objectives for this zoning. The proposed development fulfils the criteria set out in the Development Plan and is compatible with the zoning objective.

6.3. Planning Authority Response

- No response on file.

6.4. Observations

- No third-party observations received.

7.0 Assessment

- Principle of development
- Design & Scale
- Residential amenity
- Car Parking
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The subject proposal for a mixed-use development comprising office and residential use is in accordance with the 'Town Centre' zoning objective for the site. The existing use on the site is part residential and part warehousing/storage facility. I note that 'warehousing' is listed as a use that is not permitted within the Town Centre zoning objective, (Table 9.2, Land Use Zoning Objectives).
- 7.1.2. National and local policy supports the consolidation of urban centres. The National Planning Framework, (NPF), contains targets for the delivery of new housing within existing settlements. One of the overarching objectives, (CBO 2), of the Castleblaney Settlement Plan 2019-2025 is to encourage new developments which refurbish existing buildings in order to regenerate the town centre and to eliminate dereliction.
- 7.1.3. The existing buildings are not derelict, but they are underutilised and contain an incompatible use within the town centre zoning objective. On the occasion of the site inspection, traffic on Henry Street was blocked as a large articulated truck delivered building materials to the storage facility.
- 7.1.4. I am satisfied that the principle of the development is in accordance with the land use zoning and that it can be assessed against the policies and objectives of the

Monaghan County Development Plan 2019-2025, and against national guidance and Ministerial Guidelines.

7.2. Design & Scale

- 7.2.1. Concerns were raised in the grounds of appeal regarding the scale of the proposed development and the impact it would have on the existing streetscape. The original design was significantly altered on foot of a request from the PA for further information and the flat roof contemporary building was replaced with a more traditional built form with standard window openings and a pitched roof profile. The stepped building reflects the existing urban grain on the street and reads as three separate buildings. Having reviewed both design options, I am satisfied that the revised design is an acceptable response to the surrounding streetscape which is traditional and low-rise.
- 7.2.2. In my opinion the three-storey development would not be out of scale with the existing streetscape. The positioning of the site on a hill that slopes downwards to the north and towards the market square allows for a mix of building heights without the taller buildings being out of scale within the streetscape. There are a number of three storey buildings in place on the street. However, these are characterised by the top level extending into the roof and thus providing smaller windows and lower eaves at this level. Floor to ceiling heights on the top floor of these buildings appear to be compromised by the design. The proposed development would follow this development style but provide the required 2.4m floor to ceiling height.
- 7.2.3. The proposed development would be the tallest building on the street, but it would not be excessively tall. At the northernmost extent of the building and at the lower point of the hill, the ridge height would be c. 2.5m higher than the ridge of the adjoining two storey house/building. However, given the deep floor plan of the proposed development, the ridge would be set further back from the street and behind the existing ridge. Therefore, the increased height would be less pronounced within the streetscape.
- 7.2.4. At the southern end of the development there would be a difference of c. 2.3m between the proposed and existing ridge heights. As with the northern end, the proposed roof ridge would be set back behind the existing ridge which would lessen

the visible difference. There would also be a separation distance of 5m between the gable ends of both buildings which allows for a visual break and mitigates against a direct contrast in height.

- 7.2.5. Having visited the site and reviewed the information at hand, I am satisfied that the proposed development would not result in an overbearing impact by virtue of its design and scale. Whilst the proposal would have a taller ridge height than the adjoining properties, the mass of the building is broken up by the set-back at roof level and by the break in the pitched roof profile. Therefore, the building would read as a two-storey building from the street, which is commensurate with the prevailing pattern of development.
- 7.2.6. I note that national guidance as set out in the NPF and in the Apartment Guidelines promote and support the reuse and reuse & intensification of brownfield sites within town centres. The CDP also contains specific policies, (Ref. UDO 10, TC 01 & TC07) that encourage the reuse and refurbishment of vacant or underused sites within the town centres.

7.3. Residential amenity

Proposed Residential Amenity

- 7.3.1. I am satisfied that the proposed apartments will deliver a sufficient level of residential amenity for future residents. All of the units have own-door access and comply with the standards as set out in the Design Standards for New Apartments 2020, (Apartment Guidelines). The 2-bedroom apartments range in size from 81.8 - 116.9m², which is in excess of the 63 – 73m² minimum requirement for 2-bedroom units. All of the aggregate floor areas such as the living areas and bedrooms are in excess of the minimum standards as set out in the Guidelines.
- 7.3.2. Dedicated storage areas for each of the units fall short of the 5 & 6m² requirement. The storage area for the ground floor unit, Unit 1, is just below the 5m² requirement for a 2-bed, 3-person unit, which is acceptable. The private amenity space for this unit is fully covered which also allows for some flexibility of use. However, the remaining three units fall short of the 6m² requirement. Hot presses and bedroom furniture have been included in the storage allocation, which is not recommended in

the Guidelines. The units have been provided with a dedicated storage area of 4m² and they have floor areas of 110-116m², which is in excess of the 73m² minimum requirement. On balance, and in consideration of the infill nature of the development, I consider the storage allocation to be adequate in this instance.

- 7.3.3. Each of the apartments would have private open space in the form of terraces. At ground floor level, Unit 1 would have a recessed terrace of 18.9m² accessed from the main living area. The remainder of the apartments would have roof top terraces. The roof top terraces are generous at 12.7-13.5m² which is in excess of the 10m² required by the CDP and the 7m² required by the Apartment Guidelines. Although these areas are not accessed directly from the main living areas, they do have a separate access from the circulation area.
- 7.3.4. Although the ground floor terrace area is generous in size, I am not convinced that it functions well as an amenity space given its fully covered nature. The quality of this amenity space was raised by the PA in their request for further information, but the concern related mainly to safety and accessibility from the communal space. The applicant's response was to provide a railing and gate to the covered area. They also noted that an equivalent area of the communal open space could be incorporated within the ground floor apartment area.
- 7.3.5. The ground floor unit is directly adjacent to the communal open space, which is an added amenity for future residents. However, there should also be a section of dedicated open space that is uncovered and open to the elements for sitting out or general amenity. As noted by the applicant, there is an opportunity to provide some additional open space for this apartment within the communal open space. The allocation of this space might best be provided by marking out a section of the shared space in the northernmost corner of the site. As the width of the communal space directly adjoining Unit 1 is c. 5m, (as per Drawing No. 001 submitted on the 6th July 2020), it would be reasonable to provide an additional allocation of 10-15m² private open space at this location. Should the Board be minded to grant permission for the development, I recommend that an additional area of private open space be demarcated for the use of Unit No. 1 directly adjoining the covered open space.
- 7.3.6. It is the policy of the CDP, (RDP 1), to ensure that all multi-unit residential developments are consistent with the guidelines and manuals issued by the DECLG.

I note that the Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020, states that 'Planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision'. The Apartment Guidelines also note that where units cannot meet the minimum standards required that compensatory measures should be taken. Cognisance should also be had to design constraints associated with the site and the achievement of overall objectives such as securing urban regeneration.

- 7.3.7. A daylight and sunlight assessment to demonstrate compliance with the standards in the BRE and BS guidance documents has not been submitted with the application. However, in the absence of any quantitative measurements, I have assessed the apartments on the basis of their design and orientation based on the information and guidance contained in both the BRE and BS guidance.
- 7.3.8. All of the units are dual aspect and have natural light to all of the main living and bedroom areas. The main living and kitchen areas are combined spaces. As the kitchen area is approximately 6m from the main window to the room it would have restricted daylight. However, as per BRE advice, the kitchen is linked to a well-lit living area which has two east-facing windows. I note that the kitchen to the ground floor unit would have more restricted daylight given its location, but this space also has double doors which allow for the maximum amount of daylight possible.
- 7.3.9. At first floor level the bedrooms to the rear would have west facing windows. The first-floor bedroom to Unit No. 2 would be c. 6m from the site boundary and there would be some obstruction from the existing buildings on the adjoining site to the west. However, I note the infill nature of the town centre site and that the BRE Guidelines, give priority to living areas and kitchens over bedrooms for access to daylight, (i.e. 1% ADF for bedrooms, 1.5% for living areas & 2% for kitchens). In consideration of the nature and location of the development, I am satisfied that the residential units will achieve adequate levels of daylight and sunlight for future residents.

Existing Residential Amenity

- 7.3.10. Concerns were raised in the grounds of appeal regarding the impact of the proposal on the residential development on the opposite side of the street in terms of overlooking and loss of daylight. Having reviewed the information at hand and having visited the site, I am satisfied that the proposed development would not result in any undue overlooking of existing properties in the vicinity.
- 7.3.11. The proposed development mainly overlooks a vacant site on the opposite side of the road. At the northern section of the site, an existing house would directly oppose the development. This house appears to have had a commercial or retail use at ground floor level, which is currently not in use. To the south of the site, there is a two-storey house in place on the opposite side of the street. This house faces onto the side access of the current site which would also be the side access to the proposed development. Therefore it would not directly oppose the proposed residential units.
- 7.3.12. Site plan drawings submitted with the application, (Drawing No. 001), are not at the scale stated on the drawing and as such accurate measurements cannot be obtained from them. From the approximate measurements taken, it would appear that directly opposing first floor windows, would be c. 10-12m apart on either side of the street. However, given the position of the existing houses and the layout of the proposed development, windows would not directly face each other. I note that the development revised under further information has standard size windows which are more commensurate with the prevailing pattern of development and would result in a reduced perception of overlooking. In consideration of the scale of the first-floor windows, the town centre location of the site and the separation distances between the development and the existing houses, I am satisfied that the first-floor windows will not result in overlooking of neighbouring properties.
- 7.3.13. In terms of overlooking from the roof top terraces, I am also satisfied that the existing residential development will not experience direct overlooking from these spaces. The terraces are set back from the front façade of the building by c. 2m and are recessed behind a cut-out in the pitched roof. Whilst it would be possible to obtain views of the properties on the opposite side of the road, the angles would be oblique and would restrict direct overlooking. Furthermore, I note the town centre location of the site and the existing residential development on either side of the street. The historical pattern of development allows for directly opposing residential development

on either side of the road and the proposed development continues this established pattern of development.

- 7.3.14. In terms of assessing the impact of the proposal on the existing residential development, BRE Guidance sets out a number of preliminary tests which aid in assessing the potential impact of a new development on the loss of light to existing buildings. Figure 20 of the BRE Guidelines provides a 'Decision Chart' or flow chart for considering diffuse daylight in existing buildings and the impact of proposed developments. The first test in this instance is to check if the distance of the new development is three or more times its height above the centre of the existing ground floor window. The ridge height of the proposed development is shown as 9.9m. Whilst it was difficult to get an accurate measurement of the distance between opposing properties, the separation distance between the proposed development and the existing houses would be less than three times its height above the centre of the existing window. Therefore, a secondary test is applied.
- 7.3.15. The second test is to measure the level of skylight received by the existing building and it involves measuring the angle to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25° for the whole of the development, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building and no further tests are required. If not, an additional test should be carried out to measure the Vertical Sky Component, (VSC).
- 7.3.16. Drawings submitted with the application are not of a sufficient scale or detail to obtain an accurate measurement of the angle of the horizontal plane. However, with the tools available to me I undertook an assessment and calculation using the drawings submitted. In order to assess the VSC, it is recommended in BRE guidance, to calculate from the centre point of the ground floor window of the existing buildings, which is taken as 1.5m above the adjoining ground level. When I extrapolated the location of the existing building from the drawings, this measurement indicated that the angle of obstruction is between 23 & 25 degrees when a separation distance of 10m is assumed. This would indicate that the development is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building and no further tests are required.

- 7.3.17. The application documents note that an extensive shadow analysis was prepared for the original contemporary design. This analysis was not included in the planning file and is incomplete in the scanned drawings available online. Whilst the results of this study cannot be directly transferred to the revised proposal, it is useful as an indication of potential impacts for a three storey building. The results of the analysis show that the houses on the opposite side of the street would not experience any significant overshadowing from the original proposal.
- 7.3.18. The original building read as three storeys to the street given the semi-solid treatment to the front of the roof terrace. When this element was measured, the front elevation of the building was 7.9m tall. The revised development has a front façade that measures 5.5m to the eaves with a roof ridge of 9.9m. This substantially breaks up the mass of the structure and would reduce the level of shadows cast.
- 7.3.19. The existing houses on the opposite side of the street are to the east of the subject site. Therefore, the most potential for overshadowing is during the evening hours and from the low-lying winter sun. Given the orientation of the site and the character of the two-storey development directly adjoining the site, I am satisfied the buildings on the opposite side of the road would not experience any undue overshadowing or loss of light from the proposed development. The town centre location of the site and the pattern of terraced development in its proximity is also noted.

7.4. Car Parking

- 7.4.1. The existing uses on the subject site do not have access to dedicated car parking spaces. Whilst the proposed uses would generate 10 no. car parking spaces under Table 15.6 of the Monaghan CDP, (1.5 car spaces for 1-2 bed unit & 1 space per 25m² office use), policy CP5 of the CDP allows for a reduction of up to 50% for development or redevelopment of infill, brownfield or derelict sites. Furthermore, the Apartment Guidelines note that in areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated.
- 7.4.2. Given the town centre location of the site and its infill nature, I am satisfied that the provision of dedicated car parking spaces is not required in this instance. I note that the Development Contribution Scheme, (Appendix 3, Category 1), allows for a

contribution for the provision of car parking spaces in lieu of shortfall. Condition 1(a) of the PA's grant of permission refers.

7.5. Appropriate Assessment

- 7.5.1. A Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.5.2. The proposed development is for the demolition of an existing building comprising a house and a storage unit and the construction of a development comprising two ground floor office units and 4 apartments. The new building would be constructed over the existing footprint and would be connected to the mains water and wastewater services.
- 7.5.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.5.4. The closest European sites are the Dundalk Bay SAC & SPA, (Site codes, 000455 & 004026), which is approximately River Boyne and River Blackwater SPA & SAC, (Ref. 004232 & 002299), and the Slieve Beagh SPA, (Site code 004167), which is approximately 31.9km to the north-west of the site as the crow flies. There is no direct or indirect hydrological link between the subject site and the European sites.
- 7.5.5. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the nature and scale of the proposed

development within a serviced site, and the separation distances to the nearest European site, no Appropriate Assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the development.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed mixed-use development of 2 office units and 4 apartments, within a Town Centre zoning objective, it is considered that the proposed development is in accordance with the provisions of the Monaghan County Development Plan 2019 – 2025 and with the Design Standards for New Apartments, (2020). It is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6th day of July 2020 and as amended by the further plans and particulars submitted on the 2nd day of June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area</p>
4.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
5.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and, for the ongoing operation of these facilities, for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>

6.	<p>Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
7.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
8.	<p>The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the residential amenities of adjacent dwellings.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in lieu of car parking provision in accordance with the terms of the Development Contribution Scheme made under section 48,(2),(c) of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Elaine Sullivan
Planning Inspector

20th December 2021.