



An
Bord
Pleanála

Inspector's Report ABP-312027-21

Development	Construction of 15 units residential development.
Location	Mullantimore, Tydavnet, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	20/564
Applicant(s)	Kevin & Marie McNally
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Kevin & Marie McNally
Observer(s)	None
Date of Site Inspection	27 th January 2022
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
4.0 Planning History.....	8
5.0 Policy and Context.....	9
5.1. National Planning Guidelines	9
5.2. Development Plan.....	9
5.3. Natural Heritage Designations	11
5.4. EIA Screening	11
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Planning Authority Response	15
6.3. Observations	15
6.4. Further Responses.....	15
7.0 Assessment.....	15
8.0 Recommendation.....	29
9.0 Reasons and Considerations.....	29

1.0 Site Location and Description

- 1.1. The site is located in undulating countryside, 5.8 km north north-west of Monaghan town centre. It lies on the outskirts of Tydavnet Village, the functioning centre of which lies 0.3 km to the north in a cluster of uses comprising a hairdresser's, two public houses, a parish church, and a National school. The wider village is composed of a variety of old and new dwelling houses, the majority of which are detached, sited within their own grounds, and orientated towards their road frontages. A small housing scheme comprising six pairs of two-storey semi-detached dwelling houses has been constructed on a site adjacent to the south-eastern corner of the functioning centre. This scheme comprises two rows of dwelling houses, the more northerly of which faces onto the L5190, and the more southerly of which is accessed off the R186 and is clustered around a short cul-de-sac.
- 1.2. The site lies on the southern approaches to the functioning centre of Tydavnet Village in a position sandwiched between the R186 and the L1020. The former road runs northwards from Monaghan Town and the latter road runs eastwards from Scotstown. Both roads are subject to a 50 kmph speed limit as they pass the site. Both road frontages contain agricultural gates, which afford access to the site.
- 1.3. The site itself is of regular shape and it extends over an area of 0.61 hectares. This site comprises one entire field and part of an adjoining field, which forms an appendage to the southernmost corner of the main field. The eastern portion of the site is relatively level, while the central and western portions descend at moderate gradients in a north westerly direction towards the L1020. The site tapers in width towards the north, where it adjoins the grounds of Tydavnet Community Centre. The junction between the R186 and the L1020 lies to the north of this Community Centre.
- 1.4. The site is bound by hedgerows, except for its north-western boundary, which is denoted by means of a timber post and rail fence, and the southern boundary of the appendage, which is undefined "on the ground". To the south-east and to the south-west of the site lie single storey dwelling houses.

2.0 Proposed Development

2.1. The proposal would entail the construction of a 15-unit residential development (1593 sqm), a means of access from the L1020, and the provision of communal amenity spaces. The site would be laid out to provide a terrace of 7 dwelling houses, in its eastern portion, which would face onto the R186, a terrace of 4 dwelling houses in its southernmost portion, which would face northwards onto the proposed access road, and two pairs of semi-detached dwelling houses in its westernmost portion, which would face north-east onto the proposed access road. The proposed means of access would entail an access point on the road frontage of the L1020, which would be sited to the north-east of its mid-point, and it would rise through the site to serve the access needs of all the dwelling houses. The communal amenity spaces would be provided in the northernmost portion of the site, where children's play equipment would be sited, and in smaller pockets to the north-west of the shorter terrace and to the south-east of the pair of semis.

2.2. As originally proposed, the dwelling houses would have comprised the following:

- 4 three-bed semi-detached two-storey dwellings,
- 4 two-bed terraced two-storey dwellings, and
- 7 three-bed terraced two-storey dwellings.

As revised, the longer terrace was reduced in number by 2 units and respecified as a row of 5 three-bed detached two-storey dwelling houses. Associated with this revision, too, was a reworking of car parking provision for these dwelling houses, whereby residents' spaces would be laid out in pairs of perpendicular spaces at the foot of rear gardens, while visitors' spaces would be laid out as parallel spaces adjoining the on-site access road. The overall number of parking spaces contracted by 4, from 33 to 29.

2.3. The proposal would be served by water provided by the Tydavnet Group Water Scheme Co-Op Ltd and by the public foul water sewerage system. The connection points to the Group Water supply and the public sewer would be under the R186. Due to the fall in the site, a pumping station would be sited in its lowest point, i.e. the western corner, and foul water would be pumped to the said connection point from there.

- 2.4. The proposal would be served by a stormwater drainage system, which would entail surface water run-off from hard surfaces passing into an attenuation tank, which would be sited under the main communal amenity space in the northern portion of the site. This tank would be accompanied by a hydro-brake and a hydrocarbon interceptor, and it would discharge by means of a pipe, which would be laid underneath the L1020, to an open channel, which would essentially skirt a field to an existing open channel further to the north-west, which flows into a stream, which is a tributary of the Blackwater River.
- 2.5. At the appeal stage, the applicants submitted further revisions to their proposal by way of response to the Planning Authority's critique set out in the reasons given for its refusal. Attention is thereby given to elucidating the stormwater drainage arrangements and to the submission of a more detailed design of on-site access arrangements for pedestrians.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was refused on the following grounds:

- 1. The applicant proposes constructing a new drainage outlet to an existing drainage ditch on third party lands outside of the applicant's control. The applicant has not submitted a design, drawings or calculations to confirm that the receiving drainage ditch can adequately cater for the additional discharge. The applicant has not demonstrated sufficient legal control or consent for the discharge outlet onto third party lands. To permit the proposed development would contravene the provisions of Policy SDP5 of the Monaghan County Development Plan 2019 – 2025.*
- 2. The footpaths throughout the development do not adequately cater for vulnerable users. Significant sections of footpath within the proposed development have gradients greater than 8%. In addition, no mitigation measures have been incorporated to accommodate vulnerable users. To permit the proposed development would therefore lead to an unsatisfactory standard of development.*
- 3. The site is located within the settlement of Tydavnet which is designated a Tier 5 "Rural Community Settlement" within the Monaghan County Development Plan 2019 –*

2025. Policy RSO2 of the County Development Plan seeks “To permit small scale residential development reflective of the character of the existing settlement in accordance with the relevant criteria set out in Section 2.7.1”. The proposed development, by reason of its density, design, layout, form and the arrangement of open space is not in keeping with the established pattern of development in the settlement and is not in accordance with the guidance set out in “Sustainable Residential Development in Urban Areas Guidelines 2009” or the guidance set out within Section 15.7.1 of the Monaghan County Development Plan 2019 – 2025 or Policies CSP5, RD2, RSO2 of the Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following further information was requested:

- The Planning Authority considers that the site is removed/detached from Tydavnet, a Tier 5 settlement under the CDP. The applicants are invited to demonstrate how their proposal would accord with Objective RS02 and Policy RSP1 of the CDP. They are also invited to comment on the demand for dwellings in the settlement in view of outstanding extant housing permissions, unfinished housing, and vacant housing.
- The Planning Authority considers that the proposal would be too suburban in form and character. The applicants are invited to revise their proposal in accordance with Policies CSP5 & RDP5 of the CDP, which seek to ensure that new development complements the existing village character. Additionally, they are invited to review the visibility of rear gardens from the public road.
- Minimum rear garden widths of 11m to be achieved.
- Clarity needed with respect to boundary treatments and retained and removed/replaced landscaping to be distinguished.
- Applicant invited to respond to third party observations.
- The following engineering requirements:

- Stage 1/2 Road Safety Audit (RSA), including consideration of the pedestrian crossing point where the L1020 and R186 intersect.
- Stage 1/2 RSA recommendations to be depicted in plans.
- A Quality Audit, including connectivity to existing infrastructure.
- Provision of a 200m footpath link between the site entrance and the existing footpath on the L1020.
- Longitudinal sections of the proposed road network, including compliance with the recommended range of gradients between 0.5 and 5%.
- Comprehensive report on the proposed surface water drainage arrangements, including the adequacy of the identified route to the discharge point to handle projected flows.
- Demonstrate that the applicants have sufficient control over the lands through which the said route would pass.
- Longitudinal sections of the proposed attenuation tank.
- Cross-sections through the proposed permeable paving stone system and calculations to substantiate that an additional storage volume of 36 cubic metres would be available therein.
- Detailed resourced scheduled maintenance programme for the attenuation tank.
- Plan showing the requisite visibility splays of 2.4m x 49m.
- Obstacles and/or encroachment onto lands outside the applicants' control to be the subject of legal agreements.
- Plan showing means of enclosure to the rear of the visibility splays.
- Consult the Roads Authority in advance of responding to the above.

3.2.2. Other Technical Reports

Monaghan County Council

- Water Services: No objection, subject to conditions.
- Fire & Civil Protection: No objection, subject to conditions.

- Area Engineer: Further information requested.
- Roads: Following receipt of further information, commentary provided, including concern that the open channel on adjacent land would be used to drain the adjoining field and yet such drainage has not been addressed.
- Environment: No objection, subject to conditions.

4.0 Planning History

- Site

None

- Adjacent site to the north-east

20/473: 12 dwellings and vehicular entrance and access road: Permitted at appeal ABP-309786-21.

- Site further to the north north-east

00/1202: 25 dwellings and access road: Permitted,

03/1063: Change house designs (3-bed to 4-bed) and layouts for plots 1 – 6 and 8 – 23: Permitted,

08/328: Revisions to site layout and changes in house types on plots 12 – 17 (inclusive): Permitted,

08/1292: Consequential changes in layout and design prompted by 08/328 for plots 18 – 25 (inclusive) to ensure continuity: Permitted, and

21/452: 12 semi-detached dwellings: Permitted – Final grant 10th January 2022.

Summary: Of the 25 dwellings originally permitted, 12 have been constructed and completed on the northern portion of the site. Recently, permission has been granted for 12 dwellings on the southern portion of the site.

5.0 Policy and Context

5.1. National Planning Guidelines

Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Guidelines

5.2. Development Plan

Under the Monaghan County Development Plan 2019 – 2025 (CDP), Tydavnet is identified as a Tier 5 rural community settlement, which is located outside the rural area under strong urban influence around Monaghan Town (Map 2.2).

Objective SH05 undertakes “To support and encourage the development of Tier 5 settlements, to ensure that local services are sustained in rural community settlements.” Section 2.3.10 further states that “Residential development...is only suitable at a small scale, reflective of the character of the existing settlement and will be promoted to alleviate the pressures for one-off housing in the open countryside.”

Policy CSP5 aims to “preserve the character of Tier 5...rural settlements by restricting the scale of development permitted within them and to ensure integration with the rural character of the area and the satisfactory provision of infrastructure services.” Objective RSO2 states “To permit small scale residential development reflective of the character of the existing settlement in accordance with the relevant criteria set out in section 2.7.1.” These criteria are as follows:

Applications for residential development within the Tier 5 and 6 settlements will be considered where the following has been demonstrated:

- The developer has provided evidence to the satisfaction of the planning authority that there is a demand for the proposed residential development taking account of the extent, nature and status of extant permissions for residential development, unfinished housing developments and vacant residential properties in the settlement.

- The proposal contributes to the sequential development of the settlement from the centre outwards and/or represents an infilling of the existing settlement footprint.*

** Infilling constitutes the development of a small gap within a substantially built up frontage or where the development of a gap within existing development would represent the sustainable development of the settlement.*

Policy RSP1 addresses rural settlement policies – Tier 5 & 6 settlements as follows:

- a) To require applications for development within the rural settlements to submit an assessment of the development site relative to the location, visual impact and other normal planning considerations including the ability to consolidate the settlement, enhance the existing character and strengthen a sense of identity and distinctiveness for the settlement.*
- b) To only permit residential development and local level services such as small convenience shops, schools, post offices which are appropriate in scale and nature to these settlements.*
- c) To consider applications for serviced sites in accordance with Policy RDP 5 as outlined in Development Management Chapter in those Tier 5 and 6 settlements which have capacity within existing public foul drainage systems. In all other instances, the application site must be 0.2ha and be served by an individual waste water treatment system which can be installed in accordance with EPA Code of Practice.*
- d) Identified rural settlements within the rural areas under strong urban influence shall not be required to demonstrate a rural generated housing need.*

Policy RDP5 addresses Tier 5 & 6 settlements as follows:

To permit small scale multi-unit residential developments where infrastructure can be provided in accordance with the criteria set out by Section 15.7.8 of Chapter 15 of the Monaghan County Development Plan 2019-2025. Applications that result in the unsustainable expansion of a settlement, the loss of areas of amenity, important biodiversity areas, community facilities or playing fields will be resisted.

Section 15.7.8 sets out the following criteria for assessing low density residential development on serviced sites:

- a) The development reflects the nature, scale and form of existing residential development in the settlement.*
- b) The development will represent sustainable and efficient use of existing infrastructure and services.*
- c) The arrangement of the development is complementary to the setting and character of the settlement.*
- d) Where it is proposed to develop serviced sites, the developer shall be required to submit a design brief for the entirety of the development, to ensure a continuity of design throughout. The brief shall specify details in relation to a maximum building to plot ratio,*

the form of dwellings, finishes, materials and boundary treatments, ensuring that they are complementary for the entirety of the development. The design brief should also confirm the sequencing arrangements for the release of sites to ensure that the development takes place in a suitable and co-ordinated manner. A condition shall be attached to any subsequent grant of permission ensuring that all dwellings within the development comply with this brief.

e) It is demonstrated that the required infrastructure can be provided for at the developer's expense.

5.3. Natural Heritage Designations

Sliabh Beagh SPA (004167)

5.4. EIA Screening

Under Item 10(b)(i) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed the need for a mandatory EIA arises. The proposal is for the development of, variously, 15 or 13 dwellings. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

First reason

- Under the proposal a new open drain would be formed between the site and an existing open drain 300m to the north-west. This new drain and its discharge point would be in lands under the applicant's control (cf. copy of Folio No. MN15950).
- The site lies within the catchment for the existing open drain (cf. Figure 2 of the applicant's consulting engineer's submission dated 12th November 2021).

At present the greenfield run-off rate is 2.73 l/s for 1 in 2-year storm events. The hydro-brake on the proposed attenuation tank would be set at this rate and so for greater than 1 in 2-year storm events run-off from the site would be reduced under the proposal.

- In the light of the above, the Planning Authority's concerns under the first reason for refusal are unfounded.
- The applicants express the view that possible misunderstandings may have arisen in the Planning Authority's formulation of its further information request. Thus,
 - With respect to drawing no. 20-162-P002, an existing drainage channel (piped and unpiped) is referred to on adjacent lands to the north-west, whereas this drainage channel is proposed.
 - With respect to drawing no. 20-162-P007, notation refers to restricted and unrestricted flows of 2.73 l/s and 49.5 l/s. The former refers to the greenfield run-off rate, which would be duplicated by the proposed hydro-brake to the proposed attenuation tank. The latter refers only to a hypothetical rate that would apply should the hydro-brake fail. Even so the proposed drainage channel would have the capacity to cope with this rate.
- The applicants have depicted the proposed drainage channel in detail in their submitted plans. Between this channel's proposed discharge point and the stream, which runs to the west, lies an existing drainage channel. As this channel passes through lands that are not under their control, they have not been able to survey it.
- The proposed drainage channel would be sited perpendicularly to the contours of the lands in question rather than parallel to them. Consequently, it would not drain these lands. Instead, they would continue to drain to the existing drainage channel to the north.
- Any wayleaves and land agreements that may be needed can be entered into at the post rather than pre-planning decision stage.

Second reason

- The topography of the site is such that relatively steep road and footpath gradients are required. Section 4.4.4 of the Design Manual for Urban Roads and Streets (DMURS) states that 8.3% or 1 in 12 is the maximum gradient that wheelchair users can negotiate and that this gradient is acceptable provided it occurs over shorter lengths. Drawing no. 20-162-P012, submitted at the appeal stage, depicts the gradients of each stretch of footpath within the proposal. It also depicts that they would be punctuated by level platforms. Consequently, the applicants contest the Planning Authority's critique that the proposed footpaths would not adequately cater for vulnerable users.

Commentary on the first and second reasons

- The applicants draw attention to the apparent absence of a final engineering report and yet the Planning Authority drafted these two reasons for refusal, which deal with technical matters of an engineering nature.
- The applicant also draw attention to the citation of Policy SDP5 of the CDP in the first reason and yet the proposal would comply with this Policy, i.e. greenfield run-off rates would be reproduced under the proposal.
- The applicant considers that the unsolicited further information, which they submitted, addressed the Planning Authority's confusion over issues raised in the first reason, and the issues raised in the second reason could have been made the subject of a condition.

Third reason

- Existing building typologies in Tydavnet encompass bungalows and two-storey detached and semi-detached dwellings, which incorporate brick and render finishes. The proposal would reflect this variety of dwellings and finishes.
- Similar to the residential development site elsewhere in Tydavnet, the proposal would entail a site layout wherein dwellings would address the R186 and communal amenity areas. Landscaping would lessen the visual impact of car parking spaces.

- Tydavnet is of linear form along the R186. The site adjoins the village community centre to the north, a local focal point. Given this building and existing dwellings to the south, the site would be a proposed infill development. Its development would also entail the sequential expansion of the village. An alternative to one-off rural dwellings would thereby be provided.
- Tydavnet presently has no vacant properties, and none are for sale. Six dwellings were recently completed and are now occupied by local authority tenants.
- Precedent for the proposal is provided by 19/210 wherein a comparable development of 14 dwellings was permitted for Emyvale.
- The following national and local planning policies are highlighted:
 - The proposal would be consistent with the National Planning Framework's and the Regional Social and Economic Strategy's emphasis on the renewal and development of villages.
 - The proposal would be consistent with Policies RSO2 and CSP5 of the CDP.
 - Section 6.12 of the Sustainable Residential Development in Urban Areas Guidelines, which identifies low density housing, e.g. 15 – 20 dwellings per hectare, in villages as an alternative to one-off rural dwellings.
 - Section 3.2.2 of the CDP recognises that the County's topography can militate against the provision of higher density development and so a pragmatic approach to density is required. As revised the proposal is for 13 dwellings, which would represent a density of 21.2 dwellings per hectare.
 - Under Policy RSP1 of the CDP, the nature and scale of the proposal would be appropriate to Tydavnet and the site is capable of being fully serviced.
 - The proposal would further the CDP's housing strategy of a plan-led approach to residential development.

- Under the proposal, 19% of the site would be laid out as open space with 15% comprised in a communal amenity area. Private open space provision would comply with the standards set out in Table 15.3 of the CDP and direct overlooking of existing residential properties would not arise.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the Sustainable Residential Development in Urban areas Guidelines, the Monaghan County Development Plan 2019 – 2025, relevant planning history from Tydavnet, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Settlement policy,
- (ii) Design approach,
- (iii) Development standards,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Settlement policy

- 7.2. The Monaghan Socio-Economic Profile provides a breakdown of the County's population by District Electoral Division (DED). The DED known as Tydavnet, which includes within it the village of Tydavnet, had populations of 860 and 871 as recorded by the 2006 and 2011 Censuses. While the DED population figures are the lowest units available, the population of the village itself is clearly considerably less than this figure.
- 7.3. The Sustainable Residential Development in Urban Areas Guidelines address small towns and villages, which are defined as coming within the population range of 400 – 5000 people. They state that for settlements with populations of less than 2000 people, development must be plan led, and they envisage planning authorities typically preparing supplementary local development frameworks to guide any new development proposals. Section 6.5 of the Guidelines states that “Such frameworks must conform with the core settlement and housing elements of the overall county development plan with respect to projected population and development land...” Village Design Statements are cited as a specific example of such local development frameworks.
- 7.4. Section 6.3 of the Guidelines provides other general advice, for example, it acknowledges the role that serviced sites in villages may have in offering an alternative to the development of dwellings in unserviced rural areas, and it envisages that local development frameworks will “make recommendations regarding the appropriate scale of overall development and any individual new housing schemes and match the scale and grain of existing development within an overall development boundary.” It further anticipates that, for villages of under 400 in population, “any individual scheme for new housing should not be larger than about 10 – 12 units due to an absence of a sufficiently developed local infrastructure such as schools and community facilities to cater for development.”
- 7.5. The CDP identifies Tydavnet as a Tier 5 rural community settlement, which is located outside the rural area under strong urban influence around Monaghan Town (Map 2.2). Significantly, the CDP reserves the term “village” for Tier 4 settlements and so Tier 5 ones are not categorised as being “urban”, but “rural” settlements within its settlement hierarchy. While I recognise this distinction, for ease of

reference I will retain the term “village” when referring to Tydavnet in my assessment. Objective SH05 undertakes “To support and encourage the development of Tier 5 settlements, to ensure that local services are sustained in rural community settlements.” Section 2.3.10 further states that “Residential development...is only suitable at a small scale, reflective of the character of the existing settlement and will be promoted to alleviate the pressures for one-off housing in the open countryside.”

- 7.6. Policy CSP5 aims to “preserve the character of Tier 5...rural settlements by restricting the scale of development permitted within them and to ensure integration with the rural character of the area and the satisfactory provision of infrastructure services.” Objective RSO2 states “To permit small scale residential development reflective of the character of the existing settlement in accordance with the relevant criteria set out in section 2.7.1.” These criteria are as follows:

Applications for residential development within the Tier 5 and 6 settlements will be considered where the following has been demonstrated:

- *The developer has provided evidence to the satisfaction of the planning authority that there is a demand for the proposed residential development taking account of the extent, nature and status of extant permissions for residential development, unfinished housing developments and vacant residential properties in the settlement.*
- *The proposal contributes to the sequential development of the settlement from the centre outwards and/or represents an infilling* of the existing settlement footprint.*

** Infilling constitutes the development of a small gap within a substantially built up frontage or where the development of a gap within existing development would represent the sustainable development of the settlement.*

- 7.7. Under further information, the applicants were asked to engage with Objective RSO2 and, in particular, to address “The demand for the proposed residential development taking account of the extent, nature and status of extant permissions for residential development, unfinished housing developments and vacant residential properties in the settlement. The applicants’ response can be summarised as follows:

- A survey of the village recorded no vacant habitable residential properties,

- Six dwelling houses were constructed and completed on a site adjacent to the south-east corner of the village centre. These dwelling houses have been occupied by local authority tenants,
- An estate agent's letter confirms the absence of residential properties on the market in the village,
- Population growth in the village, and
- In the light of the above factors, demand for new dwellings exists and it should be met, especially as such supply would be more sustainable than one-off rural dwellings.

7.8. The Planning Authority appears to have accepted the applicant's response, insofar as its third reason for refusal relates to the design approach exhibited by the proposal rather than the question as to whether further development in principle is appropriate in Tydavnet under the CDP's settlement strategy.

7.9. I would make the following comments on the applicant's response.

- During my site visit, I observed that there did not appear to be any residential properties for sale in the village,
- The tenanting of six new dwellings by local authority tenants does not demonstrate that there is a market demand for housing in the village,
- The estate agent's letter does not indicate if he has received enquiries concerning the availability of residential properties in the village,
- Available population growth statistics for the Tydavnet DED between 2006 and 2011 was minimal, and
- I am not persuaded that any positive demand has been demonstrated.

7.10. Since the applicant's above response was submitted, two planning decisions of significance to the supply of dwelling houses in the village have been made. Details of these cases are set out below:

- On the opposite (eastern) side of the R186 from Tydavnet Community Centre, which adjoins the northern boundary of the current application site, is a site, which was the subject of 20/473 for 12 dwellings and a vehicular entrance and access road from the R186. The decision on this application was the subject

of a third-party appeal (ABP-309786-21). It was granted planning permission by the Board on 28th September 2021.

- A site to the north of the aforementioned site and to the south-east of the village centre was originally the subject of 00/1202 for 25 dwellings and an access road from the R186. Of these dwellings, 12 have been constructed, completed, and occupied, including the 6 local authority dwellings referred to above. These dwellings are collectively known as Cnoc Na Greine. The northern portion of the site has thereby been developed. The southern portion of the site was the subject of 21/452 for 12 dwellings. A final grant of this application was made by the Planning Authority on 10th January 2022.

I note that since 2000, 12 new dwellings have been constructed in a single housing development, which was originally granted permission for 25 dwellings. I note, too, that in the last several months two permissions have been granted for a total of 24 dwellings, including 12, which are effectively a renewal of the residual element of the original permission for 25 dwellings. Clearly, the period since 2000 include years of rapid economic growth, contraction, and renewed growth. During this period, 6 new dwellings were sold on the open market. Presently, extant permissions exist for 24 dwellings, which represents an ample supply of dwellings for the foreseeable future of Tydavnet as a Tier 5 settlement.

- 7.11. In the light of the foregoing paragraph, I consider that the proposal for 15 dwellings, which has been revised to 13 dwellings, would represent an oversupply of dwellings for Tydavnet, and so it would be premature. In the light of the advice cited above from the Sustainable Residential Developments in Urban Areas Guidelines, I consider that the need for the village to be the subject of a local development framework, such as a Village Design Statement, should be considered to be a prerequisite for the preparation of any future residential development proposals.
- 7.12. The applicants in their grounds of appeal express the view that their site is an infill one and its development would entail the sequential development of the village.
- 7.13. The criteria set under Section 2.7.1 define infill sites as occurring where there is a small gap within a substantially built-up frontage or simply a gap within the existing settlement, the development of which would represent the sustainable development of that settlement.

- 7.14. The subject site occupies a position between Tydavnet Community Centre to the north and dwelling houses in their own grounds to the south along the R186 and the L1020. This site maintains frontages to these two roads of 210m and 152m, respectively. Within the context of the village, these frontages are not “small gaps”. The Community Centre occupies a corner site beside the junction between the R186 and the L1020 and so it is highly visible from the roadside. The nearest dwelling house to the south-east is largely concealed behind a hedgerow along the regional road. The nearest dwelling house to the south-west is set back from the local road and sited on higher ground. Consequently, it is visible from this road. Nevertheless, these frontages to the south of the site are not “substantially built up”.
- 7.15. Notwithstanding the foregoing paragraph, if the proposal would represent the sustainable development of the settlement, then the site could still be considered to be a gap site, which constitutes an infill site. Insofar as I am concerned that the proposal would be premature, the risk arises that were it to be permitted in addition to the extant permissions cited above, one or more of these sites may be started and not completed, as exemplified by the site permitted under 00/1202 to date. Such a scenario would not represent sustainable development.
- 7.16. Turning to the subject of the sequential development of the village, the two extant permissions are for sites on the relatively under-developed eastern side of the R186. The site of 21/452 is the southern portion of the site developed under 00/1202. The site of 20/473 lies to the south of this site, beyond an existing residential property. Consequently, insofar as 00/1202 is adjacent to the village centre, 21/452 and 20/473 would represent the sequential development of the village along the eastern side of the R186.
- 7.17. The current application site lies in an offset position to the south-west of the site of 20/473. Under a scenario within which the dwellings under 21/452 and 20/473 are constructed/completed the sequential development of the village could entail the development of the application site. However, in advance of such construction/completion, its development would again be premature.
- 7.18. The site is located in Tydavnet, which is a Tier 5 rural community settlement. Under Objective RSO2, small scale residential development may be acceptable provided there is a demonstrable demand for new housing, the site is an infill one, and the

proposal would represent sequential development. I conclude that, against the backdrop of the planning history of the village, the applicants have failed to demonstrate that such demand exists. I conclude, too, that, against the backdrop of recent extant permissions for housing which would represent sequential development, the proposal would be premature, it would not represent sequential development, and so the subject site is incapable of being regarded as an infill one.

(ii) Design approach

- 7.19. As originally submitted, the proposal would entail the provision of 15 two-storey dwelling houses, which would be either semi-detached or terraced. These dwelling houses would be accessed from the L1020 by means of an on-site access road, which would rise through the site from the northern quadrant of the main field to the southern quadrant. It would be accompanied by an active community amenity space in its northern quadrant and further passive ones elsewhere in the site. While the dwelling houses would vary in size, they would all be of two-storey form with a “signature” feature on their front elevations, i.e. a projecting, either half-gabled or full gabled, two storey, brick finished element. The gable ends of these dwelling houses would be finished in brick, too, and elsewhere elevations would be finished in render under tiled roofs.
- 7.20. The topography of the site is such that the eastern portion is relatively level, while the central and western portions descend at moderate gradients in a north westerly direction towards the L1020. The dwelling houses in the eastern portion would have finished floor levels of 97.30m and 97.70m OD, while the ones in the central and western portion would have finished floor levels of 92.69m and 92.92m OD. (Contextual elevations submitted at the appeal stage show a step in the levels both between and within each pair of semis and so the finished floor level cited as 92.69m would be 92.125m and 91.350m OD and the finished floor level cited as 92.92m would be 93.550m and 92.875m OD). The former dwelling houses would, variously, face the R186 and the end of the proposed on-site access road and the latter dwelling houses would, likewise, face this access road and the active community amenity space beyond it.
- 7.21. The proposal would thus exhibit considerable uniformity in its design and variety in its layout.

7.22. The applicants have submitted a Design and Access Statement, which comments on the design approach that they have adopted to the development of their site. Under further information, the Planning Authority asked the applicants to revise their proposal to ensure that it complements the existing village character. They responded by reducing the number of proposed dwelling houses by 2 from 15 to 13. This reduction would be achieved on the eastern portion of the site, by respecifying the 7 terraced dwelling houses facing the R186 as 5 detached dwelling houses. Nevertheless, the Planning Authority remained dissatisfied with the proposal and so in its third reason for refusal it cites the following critique: The proposal would, due to its density, design, layout, form and the arrangement of open space, not be in keeping with the established pattern of the settlement.

7.23. The applicants have responded to the Planning Authority's critique as follows:

- Existing dwelling houses in Tydavnet are finished in brick and render,
- Other residential developments in the village have dwelling houses which face either public roads or community amenity spaces,
- The Sustainable Residential Development in Urban Areas Guidelines identifies low density housing, e.g. 15 – 20 dwellings per hectare, as being appropriate for villages. The CDP recognises that the County's topography can militate against the provision of higher density development and so a pragmatic approach to density is required. As revised, the proposal is for 13 dwellings, which would represent a density of 21.2 dwellings per hectare, and
- Under the proposal, 19% of the site would be laid out as open space with 15% comprised in a communal amenity area. Private open space provision would comply with the standards set out in Table 15.3 of the CDP.

7.24. CDP Policy CSP5 and Objective SH05 for Tier 5 settlements emphasis the importance of small-scale development only and its integration with/need to be reflective of the character of the existing settlement. Policy RSP1 elaborates on this emphasis by citing the need for development "to consolidate the settlement, enhance the existing character and strengthen a sense of identity and distinctiveness for the settlement." Section 15.7.8 addresses low density residential development on serviced sites.

- 7.25. In the absence of a local development framework, such as a Village Design Statement, the character of the existing village has not been articulated. During my site visit, I observed that existing dwelling houses typically exhibit a variety of individual designs from different periods. They face the adjacent public road and render is the predominant finishing material. The new dwelling houses on the site by the south-east corner of the village centre, known as Cnoc Na Greine, face either the L5190 or a short cul-de-sac, beyond which is an area of community amenity space. These dwelling houses exhibit a greater proportion of brick than is normal for the village.
- 7.26. Cnoc Na Greine represents a departure from the character of the village in the design and layout of its dwelling houses. Insofar as the current proposal would reflect aspects of the design approach adopted in Cnoc Na Greine, it, too, would represent a departure, which would fail to fulfil the policy objectives of the CDP cited above. Greater congruence with the character of the village would be achieved if dwelling houses consistently faced public roads, with vehicular access provided communally to the rear of house plots, and if they exhibited greater variety in their design.
- 7.27. Turning to density, the applicants refer to the Sustainable Residential Development in Urban Areas Guidelines and the CDP. The advice of the Guidelines on density envisages villages that are larger than Tydavnet and the advice of the CDP introduces a note of realism borne of the County's drumlin topography. In the light of my comments in the foregoing paragraph, I consider that a design approach to the development of the site, which would be in character with the village, would probably entail a lower density than that which is presently proposed.
- 7.28. I will address open space provision under the following heading of my assessment.
- 7.29. I conclude that the design approach exhibited by the proposal would fail to reflect sufficiently the character of the existing village.

(iii) Development standards

- 7.30. Under the revised proposal, 13 two-storey dwelling houses would be constructed. These dwelling houses would be of the following types and sizes:
- On plots nos. 1 – 5, three-bed/five-person detached,

- On plots nos. 6 – 9, two-bed/four-person terraced, and
- On plots 10 – 13, three-bed/five-person semi-detached.

Accordingly, the ensuing housing mix would comprise 4 (30%) two-bed and 9 (70%) three-bed dwelling houses. This would be a reasonable mix of sizes.

- 7.31. Drawing no. 201 entitled “site layout plan” includes within it a chart which shows that the proposal would comply with the space provisions set out in Table 5.1 of the Quality Housing for Sustainable Communities Best Practice Guidelines.
- 7.32. The dwelling houses on plots nos. 1 – 5 would be orientated east/west, those on plots 6 – 9 north/south, and those on plots 10 – 13 north-east/south-west.
- 7.33. Turning to open space provision, private open space would vary in the size of its provision: On plots nos. 1 – 5, each rear garden would be 83 sqm, on plots nos. 6 – 9, each rear garden would be either 50 or 63 sqm, and on plots 10 – 13, rear gardens would range between 102 and 118 sqm. The usability of the rear gardens to plots nos. 1 – 5 would be limited by their sloped form. Under a different site layout, the size and/or views available from these gardens could be improved to compensate for this form. The remaining rear gardens would have either southerly or south-westerly aspects.
- 7.34. Areas of communal amenity space would run through the centre of the site from north south. These areas would extend over a total of 1134 sqm of 19% of the site. The largest of them would be in the northern quadrant of the site and it would have children’s play equipment sited within it. The central and southern areas would have footpaths winding their way through them. The former would be the subject of tree planting, under the comprehensive landscaping scheme for the site, and the latter would benefit from the retention of existing trees.
- 7.35. I conclude that quantitatively the proposal would accord with development standards and that qualitatively, while the proposed site layout would not be optimum, it would not warrant objection.

(iv) Traffic, access, and parking

- 7.36. The proposal would generate vehicular traffic during its construction and operational phases. The site is presently accessed by means of farm gates from the R186 and the L1020. Under the proposal, the former gate would be replaced with a footpath

connection from the site to the existing footpath that runs northwards along the nearside of the regional road past Tydanvnet Community Centre. The latter gate would be replaced with a new access for vehicles and pedestrians to the site, which would be sited to the south-west of this gate. This access would connect with the proposed on-site communal access arrangements for vehicles and pedestrians.

- 7.37. The proposed access point to the site would be accompanied by sightlines of 2.4m x 49m. These dimensions are from the Design Manual for Urban Roads and Streets and their specification reflects the categorisation of the L1020 as an “urban road” as it passes the site. Under the first heading of my assessment, I note that Tydavnet is not categorised as “urban” in the CDP’s settlement hierarchy, and I also note that the roadside frontages within the context of the site are not substantially built-up. Under Section 15.27.1 of the CDP, “urban road” is defined as one “which is in a built-up area with a speed limit of 60 kmph or less.”
- 7.38. During my site visit, I observed that the L1020 is of straight alignment as it passes the site and it is subject to a 50 kmph speed limit, which commences at a point to the south-west adjacent to one of two dwelling houses that precede the site on approach to the village. Beyond this point to the south-west the speed limit is 80 kmph.
- 7.39. In the light of the foregoing factors, I am concerned at the application of DMURS standards to the proposed site access. Under Table 15.5 of the CDP, standards for non-urban roads are cited. Depending on the whether the L1020 is classified as a class 1 or 2 local road and depending on its design speed, i.e. 60 or 50 kmph, a “y” distance of 90 or 70m would be appropriate. This longer “y” dimension may require the agreement of adjoining landowners to achieve.
- 7.40. Under further information, the applicants submitted a Road Safety Audit (Stage 1 & 2). Under this RSA, the proposed vehicle and pedestrian access arrangements for the site were independently reviewed. The resulting recommendations were accepted by the applicants and incorporated in their revised plans. Nevertheless, the Planning Authority’s second reason for refusal critiques these arrangements insofar as the sections of the proposed footpaths would have gradients that are greater than 8%. Section 4.4.4 of DMURS states that 8.3% or 1 in 12 is the maximum gradient that wheelchair users can negotiate and that this gradient is acceptable provided it occurs over shorter lengths.

- 7.41. The applicants have responded to the Planning Authority's critique by submitting drawing no. 20-162-P012, which shows the gradients of each stretch of footpath within the proposal, and which now shows how they would be punctuated by level platforms. Compliance with the DMURS standard would be achieved.
- 7.42. Under further information the applicants revised aspects of the parking arrangements for the site. The overall number of parking spaces was reduced by 4, from 33 to 29, and with the re-specification of plots nos. 1 – 7, from 7 terraced dwelling houses to 5 detached dwelling houses, the accompanying parking spaces at the foot of their rear gardens was switched from parallel to pairs of perpendicular parking spaces. Under the revised plans, the 13 dwelling houses would each be served by a pair of off-street parking spaces and a further 3 parking spaces would be laid out as parallel ones for use by visitors. Relevant CDP standards would thereby be met.
- 7.43. I conclude that, subject to the lengthening of the "y" dimension at the proposed site access point, the proposed vehicle and pedestrian access arrangements would be satisfactory. Likewise, the proposed parking arrangements would be satisfactory.

(v) Water

- 7.44. Under the proposal, the developed site would be served by means of a connection to the water main under the R186. The Tydavnet Group Water Scheme Co-Op Ltd has confirmed that it has the necessary capacity in its networks to supply the site.
- 7.45. Under the proposal, the developed site would be served by means of a connection to the public foul water sewer under the R186. This connection would entail the need to lay an outfall sewer under the regional road to the connection point with the existing public sewer some 114m to the north of the site. A pumping station would be sited in the western corner of the site to serve the 4 dwelling houses that would be sited at lower levels in the western and central portions of the site. The Council's Water Services have raised no objection and flagged the need for the developer to enter into an agreement with Irish Water over the proposed connection to the public sewer.
- 7.46. Under the proposal, the developed site would be served by a stormwater drainage system, which would entail the installation of an attenuation tank with a hydro-brake and a hydro-carbon interceptor. This tank would be sized to cope with a 1 in 100-year storm event plus an allowance of 20% for climate change. This hydro-brake would be set at the existing greenfield run-off rate of 2.73 litres per second. SuDS

measures, such as permeable paved surfaces, would be incorporated in drive-ins, parking spaces, and patios throughout the development.

- 7.47. Surface water discharge from the site would flow through a pipe under the L1020 to a new drainage network comprising an open channel, a piped section, and a further open channel. These channels would run around the perimeter of a field to the north-west of the local road and they would ultimately discharge into an existing open channel, which is linked to a stream, to the west, which is a tributary of the River Blackwater.
- 7.48. The OPW's flood maps do not identify either the site or the field to its north-west as being the subject of any identified flood risk.
- 7.49. The Planning Authority's first reason for refusal states that the applicants have not demonstrated that they have sufficient legal control or consent for the discharge outlet into third party lands and they have not submitted information to allow the capacity of the receiving existing open channel to be verified.
- 7.50. The applicants have responded to the first of the Planning Authority's concerns by drawing attention to the Land Registry Folio No. 15950, which states that they are the owners of the field that lies to the north-west of the site. They also state that any wayleaves and land agreements that may be needed to discharge to the above cited existing open channel can be entered into at the post rather than pre-planning decision stage.
- 7.51. The applicants have responded to the second of the Planning Authority's concerns by drawing attention to the following points:
- The flow of surface water from the site would be restricted to the greenfield run-off rate,
 - The drainage network in the field to the north-west of the site would be a new one. The open channels would run initially along the far side of the L1020 from the site before descending at right angles to the gradient to the field. They would not therefore drain this field, too, and
 - The site and the field lie within the catchment of the existing open channel, which surface water run-off from the site would ultimately discharge to.

- 7.52. The applicants also address the capacity question of the new drainage network. They state that, in the unlikely event that the hydro-brake was inoperative, it would be sized to cope with an unrestricted flow from the attenuation tank. In this respect they draw attention to drawing no. 20-162 P007, entitled "Proposed outfall plan and long section", which sets out the specifications for this drainage network. They state that they are not in a position to survey and report on the existing open channel that it would discharge into.
- 7.53. I note the applicants' response. I note, too, that the site has poor infiltration properties and so the surface water run-off from it to the north-west is greater than would otherwise be the case. This site lies within the catchment for the existing open channel to the north-west. Under the proposal, run-off from it would be attenuated to the rate experienced under 1 in 2-year storm events. The prospect, therefore, exists of surface water run-off from the site being managed in a manner that would ease the pressure in the existing open channel during storm events of greater magnitude than 1 in 2-year ones.
- 7.54. I conclude that the proposal would be capable of being supplied by water and drained for foul and surface water purposes in a satisfactory manner.

(vi) Appropriate Assessment

- 7.55. The site is neither in nor near to a European site. The nearest such site is Slieve Beagh SPA (001467), which is continuous with Slieve Beagh – Mullaghfad – Lisnaskea SPA (UK902302) on the other side of the Border. This SPA lies c. 4.5 to the north-west of the application site. Its qualifying interest is the Hen Harrier, and its Conservation Objective is "To maintain or restore the favourable conservation condition of the bird species". Typically, the Hen Harrier's habitat is that of heather moorland and young forestry plantations.
- 7.56. Under the proposal, essentially an existing field would be developed to provide housing. This field is presently in use for agricultural grazing, and it lies on the edge of Tydavnet Village. As such, it does not contribute to the habitat of the Hen harrier and so its development as proposed would not have a significant effect upon this species.

- 7.57. Under the proposal, the site would be linked hydrologically to the River Blackwater. This River is not however a Natura 2000 site and so no source/pathway/receptor route would be established thereby.
- 7.58. Having regard to the nature, scale, and location of the proposal and the nature of the receiving environment and the proximity of the nearest European site, it is concluded that no appropriate Assessment issues arise as the proposal 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

That permission be refused.

9.0 Reasons and Considerations

1. Having regard to:

- Chapter 6 of the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Guidelines,
- Objective RSO2 of the Monaghan County Development Plan 2019 – 2025, and
- the planning history of small housing developments in Tydavnet,

It is considered that the development of Tydavnet, a Tier 5 rural community settlement, under the proposal, would be premature, due to:

- the absence of a local development framework to ensure that new housing developments in Tydavnet are plan-led as advised by the Sustainable Residential Development in Urban Areas Guidelines,
- the applicant's failure to demonstrate positive demand for new housing,
- the low rate of new housing completions in this settlement, and
- the existence of extant permissions for new housing for it.

As premature development, the proposal would not constitute sustainable development. Additionally, it would not represent the sequential development of the settlement outwards from its functional centre further to the north of the site and so it would not come within the Development Plan's definition of an infill site for Tier 5 sites.

Consequently, to permit the proposal would contravene the advice of the Guidelines and Objective RSO2 of the Development Plan and, as such, it would be contrary to the proper planning and sustainable development of the area.

2. Having regard to Policies CSP5 and RSP1 and Objective SH05 of the Monaghan County Development Plan 2019 – 2025, it is considered that the proposal would, due to its substantial uniformity of house design and its suburban layout, fail to integrate with the character of Tydavnet, a Tier 5 settlement, and so it would contravene the above cited Policies and Objective of the Development Plan, which seek to ensure that new residential development reflects the character of its host settlement. Accordingly, the proposal would be an incongruous addition to this rural community settlement and so seriously injurious to its visual amenities. As such it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

8th March 2022