



An
Bord
Pleanála

Inspector's Report 18.CD3034.

Nature of Application

Application for consent for compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990 as amended.

Location

1 Old Cross Square, Monaghan.

Planning Authority

Monaghan County Council.

Objector

P J Woods.

Interested Party

James Meagher and Adrian Trueick.

Date of Site Inspection

6 April 2014.

Inspector

Stephen Rhys Thomas.

1.0 Introduction

- 1.1. The file relates to a request by Monaghan County Council for the consent of An Bord Pleanála to the compulsory acquisition of the subject site (accommodating a two-storey end or terrace unit) in accordance with the provisions of the Derelict Sites Act, 1990 as amended.

2.0 Site Location and Description

- 2.1. The site is located at the end of a terrace of buildings at Old Cross Square in Monaghan Town. The structure comprises a single bay two storey building with a gable roof profile and a shopfront at ground floor level. There is a side passageway to the north of the building and an overgrown garden which extends down to the bank of the adjacent watercourse.
- 2.2. The external building finishes comprise a painted smooth render to the street and rear with exposed stone and brick to the north elevation. The pitched roof comprises fibre cement tiles and a rendered chimney with a single clay flue. Rainwater goods, where present are of steel manufacture. The subject building has been modified and extended to the rear, with flat roofed structures which appear to be in reasonable repair. A new door and window have been installed at ground floor level, facing Old Cross Square.
- 2.3. Old Cross Square is a large square which has been recently improved by high quality public realm improvements. The western side of the square, where the subject site is located, is characterised by well maintained, painted and rendered buildings with retail or office uses at ground floor level.

3.0 Proposal

- 3.1. Monaghan County Council has applied to the Board for consent to the compulsory acquisition of the site under Section 14 of the Derelict Sites Act 1990 as amended. The site was entered on the Council's Derelict Sites Register on 28 July 2016.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

Notice of intention to acquire this site was published in The Northern Standard on 15 December 2017

4.2. Objection to Acquisition

An objection to the proposed acquisition was submitted to Monaghan County Council by P J Woods, the stated owner, on 16 January 2017. The basis for objecting to the acquisition is stated as since the property is in the High Court for the last three years, no works are permitted until a court order is made.

4.3. Council's Application for Consent

By way of letter and a report entitled 'Derelict Site Report: 1 Old Cross Square, Monaghan' submitted to the Board on the 22 February 2017 and subsequent supporting material dated 27 March 2017, the Council requests the consent of the Board to the compulsory acquisition of the subject derelict site. The Council's submission may be summarised as follows:

- A report which includes a summary of the initial report, a chronology of notices served, a summary of comments made by the local authority in relation to submissions from interested parties.
- A report which states that the site was inspected on the 22 February 2016. A description of the site location and the condition of the building and clarity as to the extent of the premises. A recommendation that a Section 8(2) Notice under the Derelict Sites Act be served and a schedule of measures required.
- On the 16 June 2016 a notice as per section 8(2) of the Derelict Sites Act was sent to each of the owners; P J Woods and Knight Frank Dublin. Notifying the owners of the Council's intention to enter the property of the Derelict Sites Register.
- On the 28 July 2016 a notice as per section 8(7) of the Derelict Sites Act was sent to each of the owners; P J Woods and Knight Frank Dublin. Notifying the

owners that the site had been deemed a Derelict Site, had been entered on to the Derelict Sites Register and would be liable to an annual levy.

- On the 4 August 2016 a notice as per section 11(2) of the Derelict Sites Act was sent to each of the owners; P J Woods and Knight Frank Dublin. Directing the owners to undertake and complete measures to prevent the site from continuing to be a Derelict Site, within 12 weeks of the end of the period for making representations.
- On the 13 December 2016 a notice as per section 22 of the Derelict Sites Act was sent to each of the owners; P J Woods and Knight Frank Dublin, notifying them of the determined market value of the premises for the purpose of charging an annual levy.
- By Order dated the 13 December 2017 and correspondence dated 14 December 2016 notifying both landowners of the intention of the Council to commence to acquire the lands compulsory under the Derelict Sites Act within a period of one month and invited representations. Notice of the intention to acquire the site was published in the Northern Standard on the 15 December 2016.
- On the 16 January 2017 an **Objection** to the compulsory acquisition of the site was received by the planning authority from P J Woods, the owner. The objection stated that the property is in the High Court for the last three years, no works are permitted until a court order is made. P J Woods further stated that windows and doors had been purchased and stored with a view to renovation of the premises once the Court Order was made.
- On the 16 January 2017 a **Submission** to the compulsory acquisition of the site was received by the planning authority from O'Brien Lynan Solicitors acting on behalf of James Meagher and Adrian Trueick as Receivers and agent for the Borrower to the premises. The submission requested to be kept informed of all further developments.
- The Council submit to the Board that the site is a derelict site in accordance with section 3 of the Derelict Sites Act 1990. They state that they have afforded the owner the opportunity to address the dereliction and that no efforts have been made to comply with the section 11 notice of 4 August

2016. The property is situated in the town centre in a prominent location set in a square, adjacent to the First Presbyterian Church, a protected structure of Regional importance. In the 2016 census, Monaghan Urban area had a vacant dwellings rate of 20.6%, the acquisition would represent an opportunity to the local authority to renovate the property for social housing.

The report is accompanied by photographs, a site location map, copies of submissions/objections, original and full newspaper advertisement, Chief Executive's Order, and copies of various notices under the Derelict Sites Act.

4.4. Objector's Submission

None.

5.0 Planning History

No relevant planning history refers to the site.

6.0 Policy Context

6.1. Development Plan

The Monaghan County Development Plan 2013 – 2019, is the operative development plan for the area, Chapter 9 Monaghan Town Development Plan refers. The site is zoned Town Centre and is located with the Zone of Archaeological Importance of Monaghan Town. The First Presbyterian Church and graveyard are protected structures, located to the north of the site.

7.0 Assessment

7.1. Section 3 of the Derelict Sites Act, 1990 defines a derelict site as:

“Any land... which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of –

(a) The existence on the lands in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) The neglected, unsightly or objectionable condition of the land or any structures on the lands in question, or

(c) The presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.”

7.2. The subject site is an end of terrace building, comprising a former shop at ground floor with accommodation at first floor and two storey flat roofed extensions to the rear. There are six premises in the overall terrace facing Old Cross Square, which are predominantly commercial in terms of land use. Of the six premises, four are vacant and the remaining two are in use as a convenience shop and an office. Of the vacant units, number 8 has been recently renovated and appears ready for occupation and number 7 is in good condition. Number 2 is boarded up at ground floor level, in poor condition and is for sale. Number 1, the subject site terminates the terrace adjacent to the Shambles Bridge.

7.3. The terrace addresses a busy intersection known as Old Cross Square, which is a roundabout junction with Dublin Street (N54), Macartan Road and Rooskey Vale. The public realm of the northern portion of the Square area has been improved with high quality materials, providing parking and improved pedestrian facilities. The terrace forms an attractive view of the old part of the town as approached from the Dublin Road and it presents a strong urban edge to the square. The northern side of the Square is in very good condition with a mixture of renovated buildings and new apartments. The eastern side of the Square comprises a terrace of two storey residential buildings, generally in good condition, however number 25 is in disrepair.

- 7.4. I consider that Old Cross Square has considerable merit as an attractive gateway to Monaghan Town. The section north of the main roundabout, is of particular merit and is defined by an enclosed urban form and the recent public realm improvements. The neighbourhood of the square, therefore, has a good urban character and amenity which is sensitive to the failure of a building or structure to contribute to these qualities.
- 7.5. The subject site comprises an end of terrace building which is upstanding, the roof is intact and windows and doors are in place. From an outward appearance I cannot consider the building to be a ruin, derelict or in a dangerous condition.
- 7.6. The outward appearance of the building and its grounds are however, at odds with the appearance of land in the neighbourhood. This is due to the lack of maintenance which presents as missing or damaged rainwater goods, faded paintwork, cracked and peeling plasterwork, vegetation sprouting from the gable wall and chimney, ill-fitting doors and windows, boarded up side door and out of shape shop front fascia. I note that the gable wall of number 1 Old Cross Square comprises exposed stone and brickwork around the chimney flue. This is common to older buildings in the town and I do not consider that this feature detracts from the character of the area. I do however, consider that it is the neglected and therefore unsightly and objectionable condition of the structure that detracts to a material degree to the character and appearance of land in the neighbourhood.
- 7.7. The side passageway and garden of the property is accessed via an iron gateway approximately 1.2 metres in height. The side passageway is narrow and bound by a low boundary wall to the side garden which slopes down to the Shambles River. The side passageway accumulates litter and on the day of my site visit bottles and cans were evident. I consider that the current accumulation of litter was to such a degree so as to adversely impact upon the area. I note that the public realm was relatively free from litter and litter picking of the street was being carried out during my site visit.
- 7.8. Having regard to the above, I consider that the property falls within category (b) and (c) of Section 3 of the Derelict Sites Act. With regard to whether this renders it derelict, the Act requires that arising from same the property detracts materially from the amenity, character or appearance of land in the neighbourhood. I consider that

this is the case in relation to the subject site, given the visibility of the premises at a prominent location within Monaghan Town and adjacent to a protected structure. The premises as it currently stands is poorly maintained, portions of it are boarded up and litter has been allowed to accumulate.

- 7.9. The Objector's submission is noted, particularly with reference to the purchase of new windows and doors and their storage ready for fitting. I am not entirely sure if these works have been carried out to date. The ground floor street elevation window and door currently attached to the premises appear to be new and in good condition, but the installation appears to be haphazard and unfinished. It would appear that the owner may well be in the process of bringing the premises back to an acceptable condition, however, the bulk of the works necessary remain outstanding.
- 7.10. Arising from the above I conclude that the property is derelict insofar as it detracts materially from the character and appearance of land in the neighbourhood by reason of its neglected, unsightly, and objectionable condition and by the presence of litter on site.

8.0 Recommendation

- 8.1. I conclude that the site at Number 1 Old Cross Square, Monaghan is a derelict site within the definition of Section 3 (b) and (c) of the Derelict Sites Act, 1990, as amended, and that it is therefore reasonable and within the powers of the Local Authority to seek to compulsorily acquire the lands. I therefore recommend that the Board grants consent to Monaghan County Council to compulsorily acquire the site.

9.0 Reasons and Considerations

Having regard to:

- a) the submissions on file;
- b) the neglected, unsightly and objectionable condition of the site, and
- c) the overgrown and litter strewn nature of part of the site,

it is considered that the subject site detracts materially from the amenity, character and appearance of land in the neighbourhood, and therefore constitutes a derelict site within the meaning of Section 3 (b) and (c) of the Derelict Sites Act, 1990, as

amended, and that its acquisition by Monaghan County Council is necessary to prevent it continuing to be a derelict site.

Stephen Rhys Thomas
Planning Inspector

5 May 2017