



An
Bord
Pleanála

Inspector's Report

ABP-306609-20

Development	Retention of internal fit out works to include amalgamation of 2 retail units to form 1 retail unit and internal modifications/changes to the ancillary staff and public areas
Location	Applegreen Service Station, Clones Road, Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	19202
Applicant	Petrogas Group Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant permission (10 no. conditions)
Type of Appeal	Third Party
Appellant	Charles O'Reilly Hyland
Date of Site Inspection	26/05/2020
Inspector	Conor McGrath

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1.0 Site Location and Description

1.1. The site comprises a stated area of 0.19ha located on the N54, approx. 300m west of Monaghan town centre. The site is roughly triangular, being bounded by Park Road to the southeast. The site is occupied by a petrol filling station and associated retail unit, which use has been established on the site for some time. Existing buildings on the site have a stated floor area of 294-sq.m., including a retail outlet and delicatessen / take-away counter and associated seating area. Separate vehicular access and egress points from the N54 are delineated and there are 17 no. on-site car parking spaces provided on the site, including pump spaces. Ground levels in the area fall to the south and a lower-level garage and yard area are provided on the southern part of the site, accessed from Park Road, and also via a ramp from the forecourt area.

2.0 Proposed Development

2.1. The proposed development comprises retention of the following modifications to the existing petrol filling station:

- Internal works including the amalgamation of two retail units to form one unit
- Internal modifications/changes to the ancillary staff and public areas,
- Elevational changes including new shopfront glazing and associated signage,
- Modifications to the forecourt canopy and associated signage additions/changes,
- Retention of modifications and alterations to the main totem sign.

3.0 Planning Authority Decision.

3.1. Decision

In considering the application, the planning authority sought additional information in relation to a number of items, including a reduction in the retail floor area in line with the previously established floor area of 157-sq.m.

The planning authority subsequently decided to grant permission for the proposed development subject to 10 no. conditions, including the following:

2. (a) The developer shall pay to Monaghan County Council a sum of **€7,380.00** under Section 48 towards expenditure incurred or proposed to be incurred by the Council in the provision of car parking facilities in the area.
3. The internal circulation area outlined in magenta and the seating area outlined in orange on plans submitted to the Planning Authority on the 2nd May 2019 shall not be used for the sale or display of goods.
4. (c) All structural damage on the drainage systems identified in the CCTV report completed by Enva on the 23rd October 2019 shall be rectified within six months from the date of grant of planning permission.
9. The area indicated as vehicle parking on the plans submitted to the Planning Authority on the 9th December 2019 shall be reserved exclusively for the parking of vehicles and shall not be used for the storage of goods or materials.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The retail floor area exceeds 100-sq.m. The circulation area is currently being used for display of goods for sale. To alleviate the concerns of the planning authority with regard to net retail floorspace, conditions shall ensure the display and sale of goods within circulation areas are not carried out. The floorspace of the original retail unit equated to 157-sq.m. There is a deficit of 3 no. parking spaces on the site. A development contribution in lieu will be required in this regard.

3.2.2. Other Technical Reports

- Chief Fire Officer: No objection subject to conditions.
- Area Engineer: No objection subject to conditions.
- Roads: Following receipt of FI, no objection subject to conditions.

- Environment: Following receipt of FI, no objection subject to conditions.

3.3. Prescribed Bodies

TII: No observations on the application.

3.4. Third Party Observations

One submission was received which is generally reflected in the third-party appeal on this case.

4.0 Planning History

PA ref. 00/30058: Permission granted for redevelopment of the existing petrol service station to include the decommissioning of the existing tank farm and installation of a new tank farm, canopy glazing, interceptor, signage, new ATM machine and all ancillary works.

(Note: The original Monaghan Urban District Council application reference for this case was MU 58/00.)

5.0 Policy Context

5.1. Monaghan County Development Plan 2019-2025

The appeal site is zoned for *Existing Commercial* use: To provide for established commercial development and facilitate appropriate expansion. Principal permitted uses shall be related to the existing established commercial use on site.

Redevelopment and expansion of existing commercial uses may be permitted on these lands.

Fuel filling stations, Restaurant / Café and Retail (Convenience) uses are all open for consideration in such zones.

The core retail area of Monaghan Town is located approx. 200m west of the site. In relation to such areas, section 4.4.3 notes the objective of the Retail Planning Guidelines to ensure the retention of activity within the main retail centres or core areas at the expense of more peripheral edge of centre or out of centre locations. Core areas are the most suitable locations for high-order and comparison goods. Town centres are assumed as the core retail areas.

RTP 4: To direct retail development to serviced areas to reinforce the role and function of the core retail areas.

RTP 6: To promote and encourage the enhancement of retail floorspaces and town centre functions in order to reduce retail expenditure leakage out of the County and to sustain competitiveness of retail centres in the County.

SRO 2: Prohibit the location of retail development outside the town centres unless where it is compliant with the policies as laid out in the County Monaghan Retail Strategy 2016-2022 (and any subsequent strategy), and the DECLG Retail Planning Guidelines for Planning Authorities (and any subsequent guidelines).

5.2. **Guidelines for Planning Authorities, Retail Planning - April 2012**

Key policy objectives include ensuring that retail development is plan-led and promoting city/town centre vitality through a sequential approach to development.

Paragraph 2.4.3 identifies a floorspace cap of 100-m² for Petrol filling station shops net, irrespective of location. Paragraph 4.11.9 notes that convenience shops are part of the normal ancillary services provided within motor fuel stations. Such shops should, however, remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan.

Where permission is sought for a floorspace in excess of 100 M², the sequential approach to retail development shall apply.

Definitions:

- Net Retail Floorspace – the area within the shop or store which is visible to the public and to which the public has access including fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer service areas, and internal lobbies in which goods are displayed, but excluding storage areas, circulation space to which the public does not have access to, cafes, and customer toilets.
- Convenience Goods include food, alcoholic and non-alcoholic beverages
- Forecourt Retailing: Mini-supermarket linked to petrol filling stations.

5.3. Natural Heritage Designations

The appeal site is not designated for any nature conservation purposes. The closest European Site is Slieve Beagh SPA, located approx. 13km northeast of Monaghan town. Wright's Wood pNatural Heritage Areas is located approx. 1km west of the appeal site. There is no direct hydrological connection between the appeal site and any designated conservation site.

5.4. EIA Screening

The proposed development comprises minor amendments to an existing commercial outlet within the agglomeration of Monaghan town. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity / the absence of connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The third party make the following points in their appeal against the decision to grant permission for the proposed development:

- There is a risk that the proposal will detract from town centre retail services.
- The development is contrary to development plan retail policies.
- The proposal is contrary to the function of service stations to cater for travelling motorists.
- The scale and range of uses will function as a destination retail facility outside the retail core of the town.
- The intensification of uses would generate significant additional demand on services and infrastructure in the area and on the adjoining national routes.
- Despite the additional pedestrian and vehicular movements which will be generated, no Road Safety Audit was prepared.
- A need for the intensification of uses has not been demonstrated.

6.2. Applicant Response

The first party make the following response to the third-party appeal:

- The appeal is vexatious and should be dismissed or else an oral hearing held.
- The development accords with the zoning objective and the development plan.
- Such development on the edge of towns is commonplace and usually includes a 100-sq.m. retail use and 1-3 food / beverage outlets.
- The retail health of Monaghan town centre is good and the commercial offering is different to that in the town centre.
- The appellants have not identified the additional infrastructure pressures cited and there were no planning authority objections to the development.
- Assessments undertaken identified no issues in terms of the capacity of the access arrangements or the road network to cater for the development.
- TII raised no objection to the development.

- A road safety audit is not required as no alterations to access arrangement are proposed.

7.0 **Assessment**

7.1. Having regard to the nature and scale of development proposed for retention and having reviewed correspondence on the file, I consider that the relevant headings under which to consider this appeal are as follows:

- Retail Impact
- Access and Parking
- Visual Impacts

7.2. **Retail Impact**

7.2.1. I note that petrol filling station use is long established on the site. Permission was granted under PA ref. 00/30058, for the upgrading of the then existing facilities. The permitted development in that case provided for two retail units on the site, comprising 157-sq.m. and 45-sq.m. respectively. I note that these floor areas are not disputed by any party to the appeal.

7.2.2. Structures currently provided on the site are stated to comprise 294-sq.m., while the first party identify the following internal floor areas:

- Retail area 100-sq.m.
- Deli-food outlet 27-sq.m.
- Seating area 32-sq.m.
- Circulation area 44-sq.m.

7.2.3. The retail planning guidelines identify convenience shops as part of the normal ancillary services provided within motor fuel stations, subject to the floorspace cap of 100-sq.m. Such shops should be of a scale appropriate to the location and not seriously undermine the approach to retail development in the development plan. These policy guidelines are reflected in the local planning policies.

- 7.2.4. The guideline definition of net retail floorspace includes the area which is visible to the public and to which the public has access including checkouts and areas in front of checkouts, serving counters and the area behind used by serving staff and internal lobbies in which goods are displayed. It excludes storage areas, circulation space to which the public does not have access, cafes, and customer toilets. I note also that the definition of Shop, excludes restaurant and hot food take-away. The floor area of the ancillary deli and seating area should therefore be excluded from consideration of retail floorarea
- 7.2.5. With regard to the “circulation area”, I note that the circulation space outlined in Magenta on the submitted drawings is generally accessible by the public and is partly used for the display of goods for sale. This area should therefore be included in the retail floor area, although a distinction should be drawn between circulation space associated with the deli and retail uses. Notwithstanding that this would give rise to a retail floor area in excess of 100-sq.m., having regard to the previously permitted retail floorarea on the site of 157-sq.m., I do not regard this as unacceptable.
- 7.2.6. The appeal site is located approx. 200m outside the defined town centre / retail core of Monaghan town. I note the established uses on the site and having regard to the floor areas of development and nature of uses proposed in this case, I do not consider that it would have a material effect on the health or vitality of the town centre.

7.3. **Access and Car Parking**

- 7.4. Petrol filling station is an established use on this site, located off the N54 within the 50kph urban speed limit. The proposed development relates to internal modifications to the previously permitted development and external signage etc. There is no increase in pump capacity proposed as part of the development and there is no material increase in commercial floor area on the site. I note that TII had no observations to make on the application.
- 7.5. The application proposes no changes to the access arrangements or layout of the pump island on the site. I note that the development permitted under PA Ref. 00/30058, included the provision of a 600mm high wall along the inside of the public

footpath, which was specifically required as part of a request for additional information on the case. This wall is not currently in-situ.

- 7.6. The site layout and access arrangements are deficient in terms of pedestrian safety and this matter was not assessed as part of the application. The existing public footpath along the N54 frontage is dropped to road level and there is no physical separation between the footpath and vehicles accessing the petrol pumps. I note that the dropped kerb height encourages vehicles to use this as a pull-in area to access the retail units. This arrangement is existing and does not comprise part of the development to be retained on the site. Enforcement is a matter for the planning authority, however, I consider that conditions requiring compliance with the terms and conditions of 00/58 should otherwise be attached in the event of any decision to grant permission in this case.
- 7.7. The development plan requires parking provision at a rate of one space per 15-sq.m. of gross floorspace, equating to a planning authority requirement for 19.6 no. spaces in this case (294-sq.m. / 15). The planning application drawings identify 17 no. spaces on the site, including pump spaces, and the planning authority have charged a development contribution in lieu of the resulting shortfall in parking. I consider that some reorganisation of the site could provide additional parking spaces without significant interventions to the layout of development. In this regard, I consider that the option should be available for the developer to either provide such spaces on site to the satisfaction of the planning authority, or else pay a development contribution in lieu as provided for under the terms of the development contribution scheme.

The Monaghan Development Contribution Scheme states that it is indexed annually in January. It is not clear whether this scheme was further indexed in January 2020 or what rates now apply. I have therefore not specified the value of this parking contribution in lieu in the conditions recommended below.

7.8. Visual Impacts

- 7.8.1. The site is located within the built-up urban area and is not regarded as being of particular visual sensitivity. The alterations to the filling station canopy, signage and shopfront are considered to fall within the envelope of what might be expected in the upgrading of any filling station to modern standards. I do not consider that they give

rise to any material concerns from a visual or streetscape point of view and I note that there were no other local third-party submissions in this regard.

8.0 Appropriate Assessment Screening

- 8.1. The appeal site is not designated for any nature conservation purposes. The closest European Site is Slieve Beagh SPA, located approx. 13km northeast of Monaghan town. There is no connection between this European site and the SPA.
- 8.2. The development involves minor alterations to an existing development including amalgamation of two retail units. The site is served by mains water and drainage services. The Monaghan town wastewater treatment plant is subject to licencing by the EPA who undertook AA screening of its operation, concluding that significant effects on European Sites could be excluded.
- 8.3. It is reasonable therefore to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Slieve Beagh SPA, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

9.0 Recommendation

- 9.1. That permission be granted for the proposed development.

10.0 Reasons and Considerations

Having regard to the nature and scale of the development to be retained, the planning history and scale of development previously permitted on the site, and the policies and objectives of the development plan for the area, it is considered that subject to compliance with the conditions set out below the proposed development would not adversely impact on the amenities of the area, would not impact on the

vitality of the town centre and would not result in the creation of a traffic hazard. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 9th day of December 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 07/04/2001 under planning register reference number 00/58, and any agreements entered into thereunder.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>
3.	<p>The development shall be provided with 3 no. additional on-site car parking spaces. Revised layout plans in this regard shall be submitted to and agreed in writing with the planning authority.</p> <p>Alternatively, the developer may pay to the planning authority a financial contribution in lieu of the provision of one or all of these additional spaces in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.</p>

	<p>Details in this regard 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 for determination.</p> <p>Reason: In the interests of road safety and orderly development.</p>
4.	<p>The seating area outlined in orange on plans submitted to the Planning Authority on the 2nd May 2019 shall not be used for the display of goods for sale.</p> <p>Reason: In the interests of orderly development</p>
5.	<p>No goods or raw materials for sale shall be placed or stored between the front of the building and the road.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area</p>
6.	<p>No signage, advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the canopy, on the forecourt building or anywhere within the curtilage of the site) unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity</p>
7.	<p>The developer shall pay to the planning authority a financial contribution of €713 (seven hundred and thirteen euro) 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. 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. Reason: It is a requirement of the</p>

	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.
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Conor McGrath
Senior Planning Inspector

27th May 2020