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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: 19/202**

**Appeal** by Charles O'Reilly Hyland care of Downey Planning of Westland Square, Pearse Street, Dublin against the decision made on the 14<sup>th</sup> day of January, 2020 by Monaghan County Council to grant subject to conditions a permission to Petrogas Group Limited care of JA Gorman Consulting Engineers Limited of Forest Park, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of internal fit out works to include the amalgamation of two retail units to form one retail unit and internal modifications/changes to the ancillary staff and public areas 294 square metres, retention of elevational changes to include new shop front glazing and associated signage additions/changes, retention of modifications to the forecourt canopy and associated signage additions/changes, and retention of modifications and alterations to the main identification sign, all at Applegreen Service Station, Clones Road, Monaghan, County Monaghan. The proposed development was revised by further public notices received by the planning authority on the 9th day of December, 2019

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the nature and scale of the development proposed to be retained, the planning history and scale of development previously permitted on the site, and the policies and objectives of the current development plan for the area, it is considered that, subject to compliance with the conditions set out below, the retention of 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 retention of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 9<sup>th</sup> 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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 the 7<sup>th</sup> day of April, 2001 under planning register reference number M.U. 58/00, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The development shall be provided with three number additional on-site car parking spaces. Revised layout plans in this regard shall be submitted to the planning authority for written agreement within three months of the date of this Order.

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.

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.

**Reason:** In the interests of road safety and orderly development.

4. The seating area outlined in orange on plans submitted to the planning authority on the 2<sup>nd</sup> day of May 2019 shall not be used for the display of goods for sale.

**Reason:** In the interest of orderly development.

5. No goods or raw materials for sale shall be placed or stored between the front of the building and the road.

**Reason:** In the interest of orderly development and the visual amenities of the area.

6. 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.

**Reason:** In the interest of visual amenity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid with three months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**