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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: 20/15**

**Appeal** by Vincent and Philomena Stuart of Mall Road, Monaghan against the decision made on the 26<sup>th</sup> day of February, 2021 by Monaghan County Council to grant subject to conditions a permission to Lissan Coal Company (Ireland) Limited care of Taggart Design of 133a Coolreagh Road, Cookstown, County Tyrone in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission for redevelopment of existing filling station forecourt for an unattended '24-Hour' operating filling station incorporating the following upgrades: Retention of: (1) Illuminated signage on canopy, (2) low welcome signage at entrance/exits, (3) large totem replaced, new small totem, (4) new offset fill to accommodate current regulations, (5) new HGV pump to replace two existing HGV pumps, (6) brick paving around offset fill area, Totem 1 and Totem 2 areas, (7) kerbing at entrances and exits widened slightly and (8) new Aco drainage channel at Broad Road entrance. Permission for: (1) Raising wall along section of Mall Road boundary to two metres high to accommodate current petroleum licence regulations, (2) brick paving to replace overgrown planting at LHS of Mall Road entrance/exit and

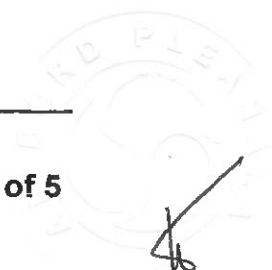
(3) nine number car parking spaces along west and north boundary. All at Go Monaghan Town, Mall Road, Monaghan. Further public notices were received by the planning authority on the 2<sup>nd</sup> day of February, 2021 which included the following: 4. The development now includes a two-metre high acoustic wall with timber cladding along the southern boundary of the site. This is in addition to the permission sought for the two-metre wall above which was specific to the petroleum licence regulations.

## **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.



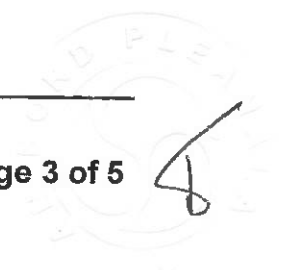
## Reasons and Considerations

Having regard to the 'Town Centre' zoning of the site within the Monaghan County Development Plan 2019-2025, the planning history of the site and the pattern of existing development in the area and the nature and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and that it would be acceptable in terms of the safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received on the 27<sup>th</sup> of January, 2021 and the 2<sup>nd</sup> of February, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out, completed and retained in accordance with the agreed particulars.

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



2. Totem sign 2 shall be removed from the site within one month of the date of this Order.

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

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional sign(s), flag(s), logo(s) or other advertising material (or illumination) shall be erected or displayed on or adjacent to the premises without a prior grant of planning permission.

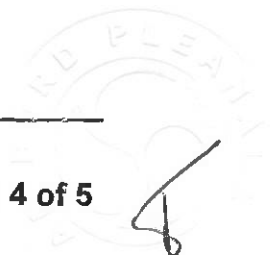
**Reason:** In the interest of visual amenity.

4. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

5. Parking areas shall not be used for storage of goods, materials, containers, or for the setting down of goods awaiting collection.

**Reason:** In the interests of orderly development and visual amenity.



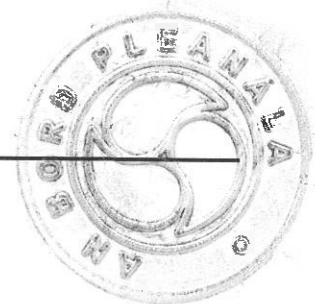
6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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

**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.



Terry Ó Niadh

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



Dated this 27<sup>th</sup> day of September 2021.