



An
Bord
Pleanála

Board Order
ABP-316695-23

Planning and Development Acts 2000 to 2022

Planning Authority: Monaghan County Council

Planning Register Reference Number: 22/159.

Appeal by Eugene Hanratty care of Stephen Ward Town Planning and Development Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 3rd day of April, 2023 by Monaghan County Council to refuse a permission for the proposed development.

Proposed Development: Permission for a development consisting of (a) the extension and elevational changes to the existing retail unit, and (b) the construction of a new welfare facility building for staff. Retention is also sought for (1) the erection of commercial signage, (2) the erection of site boundary treatments, (3) the removal of an unauthorised mobile home, and (4) the operation of a car wash business; all at the former Oriel Filling Station, Dublin Road, Gahanna, Monaghan, County Monaghan.

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.

Reasons and Considerations

Having regard to the established commercial use of the site, to the “Existing Commercial” zoning objective of the site as set out within the Monaghan County Development Plan 2019-2025, which seeks *“to provide for established commercial development and facilitate appropriate expansion”*, to the modest nature of the expansion to established uses on site within a serviced urban area and within the 50 kilometre per hour speed limit zone, to the existing access/egress arrangements, and to the nature and form of the proposed layout which provides for an acceptable quantum of parking and internal movement and circulation space for vehicles, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development for which retention permission is sought, would be acceptable in terms of the pedestrian and traffic safety, would not constitute a traffic hazard, would constitute an acceptable form of development at this location and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted to the planning authority on the 7th day of March, 2023 and by the further plans received by An Bord Pleanála on the 28th day of April, 2023 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.

Reason: In the interest of clarity.

2. The proposed development shall be provided in accordance with the following details:
 - (a) the proposed oil tanker parking area shall be sited in accordance with the details illustrated on drawing number 02124-002-A received by the planning authority on the 7th day of March, 2023, unless otherwise agreed with the planning authority,
 - (b) staff car parking shall be provided in accordance with the details illustrated on Drawing no. 02124-002-B received by An Bord Pleanála on the 28th day of April 2023, unless otherwise agreed with the planning authority.

Reason: In the interest of traffic safety.

3. Prior to the commencement of development, the developer shall liaise with Monaghan County Council, with a view to confirming the provision of any road marking/lane revisions on the adjoining road network, to facilitate the development. Any such agreed works shall be implemented at the applicant's expense.

Reason: In the interest of orderly development.

4. The existing container unit and mobile home on site as illustrated on drawing number 02124-003 Existing Site Plan submitted to the planning authority on the 7th day of March, 2023 shall be removed prior to the commencement of development on site.

Reason: In the interest of orderly development.

5. 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 permission from the planning authority.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interest of public health.

7. The applicant shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.



9. 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 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.



Chris McGarry

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

Dated this 13th day of April 2024.