



An
Bord
Pleanála

Inspector's Report

ABP-309791-21

Development	Redevelopment of existing Filling Station
Location	Go Monaghan Town, Mall Road, Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	2015
Applicant(s)	Lissan Coal Company (Ireland) Ltd.
Type of Application	Permission and Retention.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Vincent and Philomena Stuart.
Observer(s)	N/A.
Date of Site Inspection	21 st of July 2021.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of Monaghan Town Centre and is currently in use as a Go petrol filling station. The N54 (Broad Road) forms the northern boundary of the site and Mall Road is located to the south of the site. Castle road forms the site western boundary. Access to the filling station is currently provided from Board Road and access/egress is provided from Castle Road.
- 1.2. The site has a stated area of 0.14ha and is currently occupied by 2 no. petrol filling pumps and canopy and an unoccupied retail unit. A HGV fuelling pump is provided along the southern boundary of the site. Signage is provided at the site entrance from Broad Road, at the exit from Castle Road and at the north western site boundary.

2.0 Proposed Development

- 2.1. The proposal comprises retention permission and permission for works at the existing petrol filling station at Mall Road, Monaghan. The planning notices refer to the redevelopment of an existing filling station forecourt for an unattended “24 hour” operating filling station.

Retention permission is applied for the following:

- Illuminated signage on the canopy
- Signage at entrance/exit
- Replacement of totem sign
- New offset fill
- New HGV pump to replace 2 existing HGV pumps
- Brick paving around offset fill area, Totem 1 and 2 areas
- Kerbing at entrances and exits widened slightly
- New Aco drainage channel at Broad Road entrance

Permission is applied for the following:

- Increase in height of wall along Mall Road to 2m

- Brick paving at Mall Road entrance/exit
- 9 no. car parking spaces along west and north boundary

2.2. The applicant's response to MCC's request for further information outlines that the application relates to the reuse of an established petrol station. The former Topaz station has been rebranded to "Go" fuels.

3.0 Planning Authority Decision

3.1. Decision

Monaghan County Council issued a notification of decision to grant permission and retention permission for the development subject to 6 no. conditions. The following conditions are of note.

Condition no. 2: Totem sign 2 shall be removed from the site within 1 month from the date of final grant of planning permission.

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

Condition no. 5: Parking areas shall not be used for the storage of goods, materials, containers, or for the setting down of goods awaiting collection.

Reason: In the interest of orderly development and visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planners Report (11/03/2020)

The initial planners report recommends a request for further information. The following provides a summary of the points raised.

- Proposal complies with the town centre zoning objective.
- The quantum of signage proposed is considered excessive.
- A request for further information is recommended in relation to information deficiencies in relation to traffic/road safety, environmental protection, design and site drainage.

- A response to the grounds of objection is also requested. The FI request specifically refers to potential for a reduction of the proposed 24 opening hours given the proximity of the site to residential properties.

FI Planner's Report (24/02/2021)

A grant of permission is recommended.

- On review, regarding the technical requests for FI it is reasonable to accept that some exceeded the scope of the application. The application relates to a long established site/facility and new technical conditions/restrictions cannot be retrospectively applied.
- No condition relating to the hours of operation was applied to historical permissions.
- The proposal will not detrimentally impact on the residential amenity of properties in the vicinity.
- Recommends the removal of Totem sign 2 in the interests of visual amenity.

3.2.2. Other Technical Reports

Environmental Report (26th of February 2020): Further information recommended in relation to details of the oil interceptor, completed Water Protection Plan checklist and certification that fuel storage tanks fulfil the requirements of the Dangerous Substances.

Environmental Report (23rd of February 2021): Recommends a grant of permission subject to 11 no. conditions.

Environmental Health Officers Report: (3rd March 2020). Recommends a grant of permission subject to condition relating to noise levels.

Road Section Review (24/02/2020): Recommends a request for further information.

Road Section Review (17/02/2021): No objection to the proposal subject to condition.

Road Section (5th of February 2020) Further information recommended in relation to stormwater drainage details to include provision to prevent surface water from flowing onto public road.

Road Condition Report (12th of February 2020) – Recommends refusal on the basis of inadequate information. Reference is made to the points raised within a previous request for further information under PA Ref 19-170.

Road Condition Report (10/02/2021): Recommends a refusal of permission based on inadequate information.

Monaghan Fire and Civil Protection (19/01/2020): No objection subject to condition.

Flooding Section (Memo 28/02/2020) – outlines that the site is vulnerable to fluvial flooding 1:100 and 1:1000 events. The site is already developed and the proposed development would not have any impact in terms of flood risk. No objection.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland: No observations.

Inland Fisheries Ireland: No objection provided that there is no discharge to nearby watercourses from the development.

3.4. **Third Party Observations**

1 no. observation was lodged within the initial consultation period from Philomena and Vincent Stuart, Mall Road:

The following provides a summary of the points raised.

- The observers reside at Mall Road opposite the petrol station
- Noise impact- operation of a 24 hour filling station will introduce significant new noise sources including anti-social behaviour.
- Light spillage from the proposal – light from vehicles.
- Smells – no safeguards for vehicles transporting live animals, animal waste and farm effluent.
- Public and Personal Safety – vehicles parking on the footpath/cycle lane.
- Amenities- Impact of the proposal on the cycle way/greenway and the proposal jeopardises the safety of both pedestrians and cyclists.
- Insufficient rationale for the proposal.

A further submission from Philomena and Vincent Stuart was received on receipt of the applicant's response to further information. It is stated that the FI does not address the concerns raised within the original submission. The following points are raised:

- The Acoustic Report has several defects – point source for the HGV pump is not included within the analysis;
- Light impacts from HGV's entering/exiting the forecourt has not been addressed;

4.0 **Planning History**

The following planning history relates to the appeal site.

PA Reference 19/170: application lodged for redevelopment of existing petrol filling station forecourt lodged in April 2019. A request for further information was issued by MCC in relation to foul and surface water drainage details, stormwater drainage details and condition report of storage tanks, traffic and transportation details, revised signage proposals and confirmation of use of the kiosk and proposal for canopy area. No response to the request for further information was received and the application was deemed withdrawn in December 2019.

PA Reference 11/30019: application submitted in October 2011 to provide new vehicular entrance from the Mall Road. MCC issued a request for further information in respect of the proposal and no response was received. The application was deemed withdrawn.

PA Ref. 99/30046: Permission granted in August 1999 for signage.

PA Ref 97/30035: Permission granted in September 1997 for change of drawings for approved redevelopment of existing Mall Road service Station and comprising fuel pumps, canopy and shop together with screen to mall road/canal street and new entrance. The following conditions attached to this permission are of note

- Condition no. 1: Proposed entrance to the site from the by-pass road to be for access only. All exit from the site to be from Mall Road and slip road to the west. Suitable signposting to be erected within the site area to so direct traffic.

PA Ref 96/30009: permission granted in August 1996 to alter and reconstruct garage and forecourt at existing service station.

PA Ref 95/30047– Permission refused in January 1996 to demolish existing workshop, stores, sales area and toilets and replace same with a new building, relocate pump stand beside existing diesel pump, create new access only from the inner relief road. The reason for refusal outlined that the proposal would result in multiplicity of entrances from the N2 at a busy junction and would prejudice the investments incurred to improve the national road.

PA Ref 94/30020, ABP Ref PL72.094034 - permission refused in November 1994 to replace existing building including new canopy and to realign pumps. Reasons for refusal related to impact of the proposed industrial type building and illuminated signage on the visual and residential amenities of the area and impact of proposed multiplicity of entrances on the N2.

PA Ref 92/30027, ABP REF PL 72.096956 – permission refused in February 1993 for alterations and reconstruction of garage forecourt. Reasons for refusal related to impact of the proposed industrial type building and illuminated signage on the visual and residential amenities of the area and impact of proposed multiplicity of entrances on the N2.

PA Ref 86/30057: permission granted in March 1987 for Car display area and sales office.

PA Ref: 67/30031: permission granted in May 1967 to construct service station.

5.0 Policy Context

5.1. Development Plan

Monaghan County Development Plan 2019-2025

The appeal site is located within the administrative boundary of Monaghan County Council. The Monaghan County Development Plan 2019-2025 is the operative plan for the area.

Zoning:

The appeal site is zoned for town centre purposes within the Monaghan County Development Plan with an objective *“To provide, protect and enhance town centre facilities and promote town centre strengthening”*.

The Development Plan outlines that: *“Principal permitted land use will be town centre related uses including retail, residential, commercial, social uses, cultural uses, medical/health uses, hotels, pubs, restaurants and other similar type uses”*.

Fuel filling station and advertising structures are listed as uses which are permitted on lands zoned for town centre purposes.

Development Management

Development Management Standards are set out within Chapter 15 of the County Development Plan. The following guidance is of relevance to the proposal.

15.5 Advertising, Signage & Lighting

Therefore, all advertising must be appropriate in terms of the building, town or setting in which they are located.

Policy ADVP 1: To require that advertising proposals comply with the assessment criteria, guidance and principles set out in Section 15.5 of Chapter 15 of the Monaghan County Development Plan 2019-2025.

The CDP outlines that the assessment of planning applications for signage shall be considered in accordance with a number of criteria. The following are of relevance:

- (a) In general, to resist the erection of advertising unless it is located on the same site to which the advert relates to or is in close proximity to a particular commercial activity.
- (b) The impact the advertisement will have on the general characteristics of the area including any special features of historic, archaeological, architectural, landscape, cultural or special interest. Large scale commercial advertisements will not be permitted on or near protected structures, within Architectural Conservation Areas, in parks, residential areas, in Areas of High Amenity value or where it is considered it would detract from the visual amenity of the area.

- (c) The size, scale and siting of the advertisement relative to the building and street in which it is to be located. Signs should not interfere with windows or other facade features at any level.
- (d) The design and materials of the advertisement and its impact on the appearance of the building on which it is to be attached, the site and adjoining buildings.
- (e) The concentration of existing advertising structures in the area and the cumulative effect of the proposal to result in visual clutter.
- (f) Signage will not be permitted at roundabouts, at traffic signalised junctions, at locations where they obstruct sight lines or compete with other traffic signs or would endanger traffic safety.
- (g) To ensure that the proposed advertising makes use of the original fascia where existing.
- (h) Signage above the first floor, at sub fascia level or across pillars or columns will not be permitted.
- (i) The use of Irish Language on shop front signage will be encouraged.
- (l) Advertising shall not be permitted where it interferes with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or where it obscures road signs.
- (m) Signage shall be of an appropriate size and sited and designed to harmonise with the shop front, the facade of the building and any detailing thereon.
- (n) If illuminated, the impact on the amenities of adjoining properties including its size, scale and levels of illumination and the potential for light pollution. Back lighting of individual letters is preferred to spotlighting and internal illumination. All external lighting shall be cowled and directed away from the public roadway.
- (o) External illumination on fascia signs shall be extended over the whole fascia and be integrated into the whole display.
- (p) Internally illuminated plastic fascia and neon signage shall be resisted.

- (r) Temporary permission for advertising hoarding, bill boards, tri-vision and three-dimensional signs shall only be permitted where they are replacing an authorised sign of similar type or where they are utilised to screen a building site.
- (s) Permanent advertising along the road network particularly on approach to towns and villages shall be resisted.

15.13.7 Residential Amenity

All developments must have regard to the potential impact upon the residential amenity of existing and permitted residential land uses in the vicinity of the development.

Policy RDP 24 outlines that: *“Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted”*.

15.14 Industrial & Commercial Developments

Policy ICP1 of the CDP outlines that proposals for industrial and commercial developments will be permitted subject to a number of criteria. The following are of relevance:

- (a) Industrial/commercial development shall be located in or adjacent to settlements where infrastructure has been provided in line with the principles of sustainable development.
- (c) New industrial/commercial uses or the expansion of existing industrial uses within settlements shall be permitted where;
 - The scale, design and materials are cognisant of the setting and are in keeping with the surrounding area and adjoining developments.
 - There is no adverse impact on the character or setting of the settlement or the amenity of residents.
- (d) The provision of a buffer zone up to 15m in width, or as otherwise determined by the Planning Authority according to the proposed operations, where industrial and other sensitive land uses adjoin, to ensure amenities of

adjacent properties are not adversely affected and that there is no significant amenity loss by way of noise, smell or other nuisance to immediate neighbours or the area in general as a result of the proposed development, lighting and the amount of traffic generated or the servicing arrangements.

Appendix 21 of the CDP includes a Noise Action Plan 2018-2023 for the County.

5.2. Natural Heritage Designations

The nearest sensitive location is the Wright's Wood pNHA, located c1.5km to the west of the appeal site.

5.3. EIA Screening

The nearest sensitive location is the Wright's Wood pNHA, located c1.5km to the west of the appeal site. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, a serviced urban location, and the proximity to the nearest 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

A third party appeal was received Vincent and Philomena Stuart. The following provides a summary of the grounds of appeal:

- The appellant's property is located at the opposite side of Mall Road.
- The operation of a 24 hour service on the site is causing a disruption to a noise sensitive zone.
- Refers to Policy RDP24 which outlines that "developments with the potential to detrimentally impact on the residential amenities in the vicinity, by reason of general disturbance, shall be resisted and that a reduction in the proposed 24 hour operation may need to be considered".

- Noise Impact of the operation of the proposal. Concerns are raised in relation to omissions/assumptions set out within the applicant's noise report submitted in response to MCC's request for further information. Reference is made to the omission of HGV pump and noise attenuation afforded by the wall (no specification is provided by the wall and it is questioned how the wall would change between night and day).
- Lighting impact from the proposal: specific concerns is raised in relation to HGV's entering the forecourt to refuel at night.
- Concerns are raised in relation to smells potential use of the site for vehicles transporting live animals, animal waste and farm effluent
- Public Safety – "No Exit" sign onto N2 is not complied with. The site continues to violate conditions attached under PA Ref 9730035 where access onto the N2 was prohibited.
- Traffic Impact of entrance from Link Road. Concerns raised within the Road Condition Report dated the 10th of February 2021 recommends a refusal of permission.
- Conditions detailed within the Environmental Report are not attached to the planning authority's decision.
- Cross reference is made to the concern's relation to amenity, personal safety and social impact as raised within the appellant's submissions on the planning application.
- No rationale is provided for the proposal within a residential area and is inconsistent with the Long Range Plan for Monaghan Town to redirect HGV traffic away from the town centre.

6.2. Applicant Response

TBP Planning and Development Consultants provided the following response to the grounds of appeal on behalf of the applicant. The following provides a summary of the response to the grounds of appeal:

- The nature and scope of the application related to the reuse of an existing, long established and permitted petrol filling station at Broad Road.
- Much of the grounds of appeal relates to matters which are not within the scope of the application. The Aco drain is a replacement/repair of existing drain, fuel storage tanks were not replaced, signage is largely replacement signage and there is a reduction in the number of HGV pumps from 2 to 1.
- The appeal site is located within the commercial town centre and surrounded by roads. The operation is an established petrol station location.
- Night time HGV filling was included in the noise impact assessment prepared by KRM. In response to the appellant concerns relating to noise impact reference is made to the town centre location of the site, there were previously 2 no. HGV pumps in this area and proposals for an acoustic wall to negate against noise impact.
- The petrol station can be used for 24 hour trading under the original planning permission.
- In relation to light spillage reference is made to the location of the site within Monaghan town where there is street lighting in the area. The proposed 2m wall will act as a barrier to light spill from HGV headlights.
- Reference is made to the recommendation for refusal as set out within the Road Section report. The issues raised were identified within MCC's request for further information. The applicant's response outlines that these were outside of the scope of the application and the planner's report which accompanied the decision of MCC to grant permission for the proposal agreed the applicant's stance.
- The conditions set out within the Environment Section's report also beyond the scope of the application.
- In terms of the impact of the proposal on the greenway and cycle route it is stated that there is an established entrance/exit at this location.
- CCTV monitoring and procedures will address concerns raised relating to anti-social behaviour.

- The application includes refreshed signage which is commonly allowed under exemption. The appellant has not appealed the condition for removal of signage.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Impact on Residential Amenity
- Traffic and Transportation
- Appropriate Assessment
- Other Issues

7.2. **Principle of Development**

7.2.1. The appeal site is zoned for 'Town Centre' purposes within the Monaghan County Development Plan 2019-2025 with an objective "*To provide, protect and enhance town centre facilities and promote town centre strengthening*". The proposal relates to amendments to the established and permitted use on the site. Fuel filling station and advertising structures are listed as uses which are permitted on lands zoned for town centre purposes. The proposed development is therefore acceptable in principle, subject to the detailed considerations below.

Hours of Operation

- 7.2.2. The public notices describe the proposal as comprising the "redevelopment of existing filling station forecourt for an unattended 24 hour operating filling station". The third party appeal raises objection to the 24 hour operation of the fuelling station services on grounds of disruption to a noise sensitive residential zone.
- 7.2.3. The issue of the hours of operation of the premises was raised by Monaghan County Council within the request for further information. Item 5 of the FI request included

reference to Policy RDP 24 of the MCDP which outlines that notwithstanding the town centre zoning objective pertaining to the site that: *“Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted”*. The FI request outlines that a reduction of the proposed 24 opening hours may be required given the proximity of the site to residential properties.

- 7.2.4. The applicant’s response to MCC’s request for further information outlines that no conditions restricting the hours of operation of the site are attached to the parent permission pertaining to the permitted use on site. On this basis it is stated that the established and permitted use of the site could be operated for a 24 hour period. This is accepted by the planning authority. On review of the planning history pertaining to the site, I note that no conditions are attached to restrict the opening hours of the premises, nor do I see any record of opening hours of the facility cited within the application documentation.
- 7.2.5. Notwithstanding the above, I note that the works described within the public notices refer to the “redevelopment of existing filling station forecourt for an unattended 24 hour operating filling station”. The application documentation confirms that the existing shop on site would not be open for 24 hours. Opening hours are cited as between 07:00 and 23:00. The 24 hour operation therefore relates exclusively to the unmanned fuel pumps. I consider it appropriate to assess the application on its merits in this regard, having regard to the policies and objectives of the Monaghan County Development Plan including Policy RDP24.

7.3. **Impact on Residential Amenity**

- 7.3.1. The appeal site is adjoined by existing residential development to the south at the opposite side of Mall Road including the appellant’s property. The subject matter of the appeal primarily relates to the impact of the proposal on the residential amenities of existing properties in the area. Concerns are raised in relation to the impact of noise from the operation of the proposal on a 24 hour basis, light spillage from the proposed signage and HGV vehicles, anti-social behaviour and potential odours. I consider the issues raised in turn as follows.

Noise Impact

- 7.3.2. Concerns relating to noise impact associated with the use of the HGV pump adjacent to the southern boundary of the site are raised within the 3rd party appeal. The appellant's residence is stated as being 17m from the HGV pump and it is stated that the proposal to operate on a 24 hour basis results in noise impact on the adjacent noise sensitive residential zone. Noise sources identified include vehicles pulling in, stopping and starting, doors slamming, groups gathering etc.
- 7.3.3. Drawing no. 002 "Existing Site Plan" illustrates the provision of 2 no. HGV fuelling points in the vicinity of the existing HGV pump for which retention permission is sought. The principle of refuelling from this location is established and as noted within the application documentation the proposal includes the reduction in the no. of HGV refuelling stations at this location from 2 to 1. While I acknowledge that the principle of fuelling points is established at this location, I note that the subject matter of the application relates to the "unattended 24 hour operating filling station".
- 7.3.4. A noise impact assessment prepared by KRM Acoustics was submitted in conjunction with the application. The noise report identifies that the baseline noise environment in the vicinity of the site is dominated by the adjoining road network including Broad Road and Mall Road and adjoining streets. The nearest noise sensitive receptors are identified in Figure 1 of the report as the existing row of houses to the south of the site at the opposite side of Mall Road (R1 to R10) and apartments to the northwest at European Union House (R11, R12). The appellant's property is identified as R2.
- 7.3.5. The study identifies that the front facades of noise sensitive receptors are classified as "not an area of low background noise". The noise levels from the proposed car use, fuel pump, deliveries, shop and air and water points are assessed within the study. Table 4 identifies the predicted noise levels from each source at the identified receptors. The HGV pump is identified as a noise source for all receptors. Tables 5 and 6 identified the cumulative levels at each receptor.
- 7.3.6. Having regard to the nature of the proposal which relates to an "unattended 24 hour operating filling station" and the grounds of appeal night-time noise levels are of significance. The predicted night-time model includes the use of the two car and one HGV pump and night-time shop plant noise. Under this scenario it is identified that the shop unit would be closed and no deliveries associated with the use of the

property are identified. Predicted night-time noise levels at the appellants property is identified as 41.8dB(A) at the appellants property and 26.8dB(A) through a partially opened window. Table 6 identifies that BS8233 internal night-time noise limit criterion of 30dBA is met for all noise sensitive receptors including the appellants property. The noise report concludes that *“The predicted noise levels do not exceed the internal BS8233 noise limits at the nearest residential receptors”*.

- 7.3.7. Concerns in relation to the scope and content of this assessment are raised within the 3rd party appeal. In this regard the appellants assert that the assessment does not have regard to the siting of the HGV pump and raise concern in relation to the assumptions relating to the acoustic qualities and lack of specifications for the proposed 2m boundary wall. It is furthermore stated that the proposed acoustic wall does not extend to the HGV pump and concerns relating to noise impact are raised in this regard.
- 7.3.8. In considering the grounds of appeal I refer to Table 4 of the study which identifies the HGV pump as a noise source at all sensitive noise receptors. I also refer to Figure 4 which identifies the HGV pump as a noise source. I am satisfied that the siting of the pump has been considered within the noise model in this regard. The specifications for the proposed boundary wall are detailed within the applicant’s response to the grounds of appeal and Drawing no. 003 Proposed Site Plan and Drawing no. 004 Proposed Elevations. Drawing no. 004 identifies that the existing brick wall at this location would be increased to 2m in height with new brick to match existing wall. Double plank timber cladding is also fixed to the inside of the wall.
- 7.3.9. I refer to the points raised within the grounds of appeal that the proposed wall does not extend to the HGV pump. In this regard I note that the boundary wall as illustrated on the elevation drawing 004 submitted on the 16th of January 2020 did not extend to include the area adjacent to the HGV fuel pump. Revised elevational drawings were submitted in conjunction with the FI response which extended the 2m boundary wall further southwest from that originally proposed adjacent to the HGV pump in line with the recommendations set out within Section 4 of the noise report. The noise report outlines that the extended wall would provide a “significant level of screening” and should be implemented.

7.3.10. The noise report demonstrates that noise levels at nearest noise sensitive receptors are within the relevant night time standards. On review of the contents of the noise report I am satisfied that the siting of the HGV pump, together with the proposal to increase the height of the boundary wall in the vicinity of the HGV pump, will not result in significant noise impact on adjacent residential properties.

Lighting

7.3.11. Concerns relating to the impact of light spillage on adjoining residential area are raised within the grounds of appeal. The appeal specifically refers to light spillage from HGV vehicles at night-time and light spill associated with the signage. At the outset I note that the site is located on town centre zoned lands within the commercial centre of Monaghan. Street lighting is provided along Mall Road in the vicinity of the site.

7.3.12. In relation to light spillage from the existing canopy signage I note that a light spill report and drawing were submitted in response to MCC's request for further information. This illustrates that light spill from the canopy signage extends c.10.6m to Canal Street to the south of the site and Broad Road to the north. Light spill from the canopy signage does not extend to the applicant's property or any properties in the vicinity.

7.3.13. The development includes a proposal to increase the height of the southern boundary wall to 2m to negate against light spillage from HGV vehicle lights to surrounding residential properties. I consider that the proposed increase in height of the boundary wall together with the distance from adjoining residential properties to negate against impact from adjoining residential areas.

7.3.14. In conclusion, having regard to the location of the site within the urban area of Monaghan town, the established nature of development on the site and the separation distance from adjoining residential properties I do not consider that light spillage from the development will have a negative impact on residential properties in the vicinity.

Use of the site

7.3.15. The third party appeal raises concern in relation of the unauthorised use of site including anti-social behaviour as a stopping point for vehicles transporting animals. I

note that no barriers to access are currently provided at the site access/egress points. In this regard there are no restrictions to the use of the site for anti-social or other activities during night time use.

- 7.3.16. In responding to the grounds of appeal the applicant has outlined that CCTV monitoring and procedures will address concerns raised relating to anti-social behaviour. I consider such measures to be sufficient in this regard.
- 7.3.17. I furthermore note the requirements of Condition no. 5 of Monaghan County Council's notification of decision to grant permission and retention permission for the development which stipulates that the parking areas shall not be used for "*storage of goods, materials, containers, or for the setting down of goods awaiting collection*". I consider the requirements of this condition to be appropriate in the instance of a grant of permission.
- 7.3.18. In conclusion, I do not consider that the provision of a 24 hour use on the site will result in an increase in anti-social or other unauthorised use. On the contrary I consider that the provision of an active use and associated CCTV monitoring would reduce instances of antisocial behaviour on the site.

7.4. Traffic and Transportation

- 7.4.1. A number of traffic and transportation related concerns are raised within the 3rd party appeal. The grounds of appeal raise concern in relation to the impact of the proposal on the greenway and traffic hazard associated with parking on the cycle route and unauthorised use of the entrance.

Access Arrangements

- 7.4.2. At the outset, I note that the permitted access arrangements remain unchanged as part of the subject application. The principle of access/egress arrangements to the site are established. Access to the service station is provided via Broad Road and access/egress is provided from Castle Road to the west. The development description refers to retention permission for increased width of the entrances. The extent of such works are illustrated within the Proposed Site Plan Drawing no.003. I consider the proposed revisions to the width of the entrances to be minimal and note that no objection to the proposed revisions have been raised by MCC.

7.4.3. The existing access to the site from Broad Road is restricted to access only. The 3rd party appeal refers to the use of this entrance for access and egress and photographic evidence is submitted in support of the appeal in this regard. In considering the points raised, I refer to the restrictions imposed by Condition no. 1 of the parent permission pertaining to the site in this regard PA Ref 97/30035 which outlines that the: *“proposed entrance to the site from the by-pass road to be for access only”*. Activities on site are governed by the parent permission pertaining to the development and non-compliance with the restrictions imposed is a matter for enforcement. I note that signage has been provided in proximity to the entrance to alert drivers that no egress is permitted from Broad Road.

Impact on Greenway

7.4.4. The existing cycle path along Mall Road to the south of the site forms part of the Ulster Canal Greenway. The appellant states that the proposal would jeopardise the safety of both pedestrians and cyclists. I note the concerns raised within the grounds of appeal relating to instances of vehicles parking on the footpath/cycle lane to the south of the site for refuelling purposes. I consider the provision of a 2m high wall at this location as proposed would further negate against such practices.

7.4.5. In considering the points raised I note that no significant revisions are proposed to the proposed access and egress arrangements of the established use on site. I do not consider that the development proposed would attract traffic flows over and above the established use to the extent that there would be overflow of parking on the footpath and cycle route adjacent to the site’s southern boundary.

Traffic Impact

7.4.6. The appellant states that there are information deficiencies within the application in relation to traffic impact associated with the proposal. Cross reference is made to the requirements of the Roads Section MCC as set out within Item 3 of Monaghan County Council’s request for further information. Points raised in this context related to the submission of a Traffic and Transport Assessment, Road Safety Audit, autotrack drawings etc.

7.4.7. The applicant’s response to the FI request outlined that the points raised related to the principle of the proposal to which the application related and were outside of the scope of the current application which related to amendments to a permitted and

established use on the site. The applicant's response was accepted by the planning authority and I accept that the points raised were outside of the scope of works of the current application in this regard.

- 7.4.8. In conclusion, having regard to the established use of the property and the nature and extent of the development for which permission and retention permission is sought I consider that the proposed use would be acceptable in terms of the safety and convenience of road users.

7.5. **Other**

Signage

- 7.5.1. The subject application seeks retention permission for 2 no. existing totem signs at Broad Road and at the north western corner of the site. Replacement illuminated signage is also proposed on the existing forecourt canopy. I note that both Totem signs have digital screens, used for advertising the premises and display of fuel costs. The application documentation outlines that the sign at Broad Road is a replacement sign (Totem sign 1) and Totem sign 2 at the north western corner of the site is new. A justification for Totem sign 2 is provided within the applicant's response to MCC's request for further information. In this regard a case is made that the Totem sign is used to advice customers that they can enter via Castle/Mall Road as an alternative to the Broad Road entrance and that cars entering from the Castle Road entrance cannot use the forecourt for refuelling.
- 7.5.2. Section 15.5 of the MCDP outlines that proposals for signage shall not result in visual clutter and will not be permitted at locations where they would endanger traffic/road safety. Policy ADVP 1 of the CDP seeks to ensure that advertising proposals comply with the assessment criteria, guidance and principles set out in Section 15.5 of Chapter 15 of the Monaghan County Development Plan 2019-2025.
- 7.5.3. The applicant submitted an assessment of the proposed signage against the relevant criteria set out within 15.5 of the County Development Plan in response to MCC's request for further information. A light spread assessment of the proposed illuminated canopy sign is also submitted which illustrates that light spread from the signage does not extend to existing residential properties to the south of the site. I consider the illuminated totem signs to be sufficiently distant from surrounding residential properties to negate against impact on residential amenity.

7.5.4. Condition no. 2 of Monaghan County Council's notification of decision to grant permission removes Totem sign no. 2 which is located to the northwestern site boundary on grounds of visual amenity. I agree with the conclusions of the planning authority in this regard and consider that the amount of signage within the site is excessive and Totem sign 2 and associated digital screen would result in visual clutter in the area. I furthermore note that no first party appeal has been submitted seeking the reinstatement of this sign. I consider the requirements of Condition no. 2 to be appropriate in the instance of a grant of permission.

7.6. **Appropriate Assessment**

- 7.6.1. The proposed development is not directly connected with or necessary to the management of any European site. The closest site is the Slieve Beagh SPA (004167) which is c.12km to the north-west of the site.
- 7.6.2. The River Shambles, which runs to the west of the site at the opposite side of Castle Road, feeds the River Blackwater, which in turns flows north to Lough Neagh, designated as an SPA in the UK. This river forms a potential pathway from the appeal site to Lough Neagh. However, Lough Neagh is located a 'straight-line' distance of approximately 40km from the appeal site. I consider that the distance to Lough Neagh from the appeal site, and the nature of the development rules out any significant effect on the Lough Neagh SPA. Any significant effect on the Slieve Beagh SPA can be ruled out due to the lack of pathway from the appeal site to the Slieve Beagh SPA, and having regard to the distance from the appeal site to the Slieve Beagh SPA. There are no other apparent pathways to the above named sites, nor to other Natura 2000 sites.
- 7.6.3. I note the urban location of the site, the lack of proximate, direct connections with regard to the source-pathway-receptor model and the nature of the development. I note the nature and extent of the proposal which relates to permission and retention permission for works at an existing petrol filling station within Monaghan Town. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in

view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that permission and retention permission is granted for the proposed development in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

9.1. 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.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 16th of January 2020 and as amended by further plans and particulars received on the 27th of January 2021 and the 2nd 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 and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Totem sign 2 shall be removed from the site within one month from the date of final grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>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 prior permission from the Planning Authority.</p> <p>Reason: In the interests of visual amenity.</p>
4.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
5.	<p>Parking areas shall not be used for storage of goods, materials, containers, or for the setting down of goods awaiting collection.</p> <p>Reason: In the interests of orderly development and visual amenity.</p>
6.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Stephanie Farrington
Senior Planning Inspector

11th of August 2021