



An
Bord
Pleanála

Inspector's Report

ABP-313517-22

Development	Retention of a wholesalers/warehouse building for use as a shop, elevational changes and car parking. Permission to erect replacement signage and all associated site works. Significant information submitted includes environmental and traffic reports.
Location	North Road, Kilnacloy, Monaghan, Co Monaghan.
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	21586
Applicant(s)	Corajio Trading as Mr Price.
Type of Application	Permission
Planning Authority Decision	To grant
Type of Appeal	First Party
Appellant(s)	Corajio Trading as Mr Price.
Observer(s)	None.
Date of Site Inspection	5 th October 2022
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1 The 0.505ha appeal site is situated on the northern side of Monaghan Town, in the townland of Kilnacloy, County Monaghan. It is situated immediately north of North Road, west of Monaghan bus station and immediately rear of the former Monaghan Train Station. North Road runs to the north of and parallel to the N54, the national primary road that is routed through Monaghan Town. Pedestrian access to the building is from Rope Walk (LT55141), a minor road off North Road, to the west of the building.
- 1.2 The site comprises an existing building in use as a Mr Price retail store. On the western side of the building and to the rear of the building is unmarked car parking space.

2.0 Proposed Development

2.1 The proposed development, as revised by way of significant further information (submitted on the 21st March 2022) comprises:

- Permission to retain use of a former wholesalers/warehouse building for use as a shop including elevational changes to the unit and car parking. Gross floorspace of the existing building is 2,258sqm, gross floorspace to be retained is 1,352sqm.
- Permission to remove existing signage and erect replacement signage.
- Associated site works.

2.2 The revised Site Layout Map, submitted with FI on the 21st March 2022, indicates **38 no. car parking spaces** provided to the rear of the site, including 3 no. disabled spaces to the immediate rear of the subject building. A pedestrian footpath links the parking spaces to the pedestrian entrance to the front of the building on Rope Walk.

2.3 The planning application includes a Traffic Report and Stage 1 & 2 Road Safety Audit (revised March 2022), Retail Impact Statement, CCTV report (drainage) and Water Protection Plan checklist.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 On the 14th April 2022 the PA decided to grant permission for the development subject to 5 no. conditions, including the following:

- C1(a) - Requires that all issues from the Stage 1 and Stage 2 Road Safety Audit be addressed within 3 months of the date of the final grant of permission.
- C1(b) Requires that parking on the verge of the LT55141 (Rope Walk) be removed and bollards installed to prevent parking at this location.
- C4 - Requires payment of a development contribution of €79,360 in lieu of car parking provision.

3.2. Planning Authority Reports

Planning Reports

- 3rd December 2021 – Refers to the planning history of the site and internal reports. It assesses the merits of the development under Planning Assessment and recommends FI in respect of Stage 1 and 2 Road Safety Audit, footpaths within the site, revisions to car parking (removal of spaces from front/Rope Walk side of site), means to address defects in drainage network (arising from CCTV report), compliance with design guidance for advertising and Development Plan car parking standards, including provision of 35 additional no. car parking spaces.
- 11th April 2022 – Refers to the response to FI and recommends a grant of retention/permission subject to conditions, including a development contribution in lieu of parking provision.

Other Technical Reports

- Road Condition - District Engineer (Roads) (18th November 2021) – Recommends:

- A Stage 1/2 Road Safety Audit to include assessment of junctions/roads/footpaths LT55141(Rope Walk) and N54, and junction onto North Road (LT55141, LS5514 & N54).

Revised parking layout to remove parking from front line of building (Rope Walk, LT-55141).

- Detailed design of footpath that is abutting the LT-55141 and details of pedestrian walking route from proposed car park to the footpath/entrance to Mr Price.

Subsequent report (6th April 2022), no objections subject to conditions.

- Fire Safety (24th November 2021) – No objections subject to conditions.
- Environmental Services (24th November 2021) – Recommends further information in respect of drainage infrastructure and upgrading of sewer network in accordance with CCTV report.

3.3. Prescribed Bodies and Third Party Observations

- None.

4.0 Planning History

4.1 The planning history of the site is set out in the appeal documentation. In summary, the following planning applications have been made in respect of the site:

- PA ref. 6530002 – Permission granted for grocery store and buildings (implemented).
- PA ref. 7130073 – Permission refused to erect cash and carry grocery store.
- PA ref. 7230020 – Outline permission granted to erect cash and carry grocery store.
- PA ref. 7630015 – Permission granted for extension to existing cash and carry store (implemented).

- PA ref. 8230021 – Permission granted for extension to existing warehouse (implemented).
- PA ref. 9030042 – Permission granted for erection of sign (implemented).
- PA ref. 0230079 – Permission granted to remove damaged flat roof and replaced with new flat roof and associated water outlets etc. (not implemented).
- PA ref. 19528 – Permission sought to retain change of use from former wholesalers/warehouse building for use as a shop, including elevational changes and car parking. FI sought and no response received.

5.0 Policy Context

5.1. Monaghan County Development Plan 2019 – 2025 (MCDP)

5.1.1 The appeal site lies in Monaghan Town, the designated Principal Town in the County. Policy objective SHO 1 facilitates the development of the town to maintain this position in the County at the top of the settlement hierarchy and to ensure that its expansion takes place in an orderly manner which will not detract from the vitality and viability of the town centre.

5.1.2 Section 15 of the Plan sets out development management standards. Policy CP 5 which deals with car parking and provides for a reduction in car parking requirements for developments or redevelopment of infill/brownfield or derelict sites within designated town centres.

‘To provide for a reduction of up to 50% of the standards as required in Table 15.9 of the Monaghan County Development Plan 2019-2025 for developments or redevelopment of infill/brownfield/derelict sites located within the designated town centres, where appropriate’.

5.1.3 Car parking standards are set out in Table 15.6 of the Plan (*sic*). These set out a requirement for 1 space per 15sqm gross floor area for retail uses.

5.2. Monaghan County Council Development Contribution Scheme (MDCS)

5.2.3 Development contribution levels are set out in Appendix 3 of the County Monaghan Development Contribution Scheme 2013-2019 (May 2018 Revision). These include a contribution of €2,410, per space or part thereof, in lieu of car parking space provision.

5.2.4 In Section 12, the Scheme states that a credit for the existing use and floorspace will be given when calculating the appropriate development contributions in respect of redevelopment/replacement development and '*In these instances development contributions will only be levied in respect of net additional floorspace / foot print or where new development placed a demand for new, upgraded or additional infrastructure and services*'.

5.2.5 Section 19 provides for full or partial exemptions of development contributions. However, in Section 18 it is stated that, in respect of retention permission, the exemptions set out in section 19 will not be applicable.

5.3. Natural Heritage Designations

5.2.6 The appeal site is more than 10km from any site of natural heritage interest (see attachments).

5.4. EIA Screening

5.2.7 Having regard to the location of the proposed development within a settlement structure, the nature of the proposed development (change of use) and distance of the development from any sensitive sites, there is no real likelihood of significant effects on the environment. 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

6.1.1 The first party appellant contests the Development Contribution Scheme has been improperly applied to the proposed development. Grounds of appeal are:

- The subject site was vacant, with an almost derelict structure on an unkempt site, when it was purchased. It is located in the town centre and the 50% reduction in parking provision is relevant to the site (CP 5 MCDP).
- Also applicable are Section 12 (replacement development) of the Monaghan County DCS, Section 18 (applications for retention) and Appendix 3 (levy in respect of shortfall of parking provision).

Condition no. 4

- The area used to calculate the number of car parking spaces is incorrect.
- Gross floor space of existing structures on the site is 2,258sqm, but only 1,353sqm has necessitated a change of use to retail and is included in the application. The remainder of the space is either derelict & vacant/existing warehousing and is not for retail use.
- Requirement for parking spaces (1 space per 15sqm) = $1353/15 = 90$ (rounded down from 90.2).
- Existing spaces associated with the site = 12.
- Requirement reduced by 12 i.e. $90-12 = 78$.
- Application of CP 5 (50% reduction), **39 spaces now required.**
- Shortfall in spaces after compliance with condition no. 1(b) = 4 [i.e. removal of 8 no. spaces from front of store, from the 43 spaces shown in the Site Layout Map 2019-104-03, dated 20/10/19, submitted with the planning application].
- No reduction for retention applications (section 18 and 19 of DCS), therefore spaces required = 4.

Condition no. 1

- In order to comply with condition no. 1(b), removal of 8 no. parking spaces from Rope Walk (nos. 36-43), **43 no. spaces** have been provided in the proposed car park (**Drawing 2019-104-02, submitted with appeal**).
- If the PA had conditioned the provision of 8 no. spaces within the existing car park to replace those removed by this condition, the applicants would have had the opportunity to facilitate the spaces on site and no car parking shortfall would have occurred.
- If the Board do not agree with the foregoing, the appellant contends that the rate charged should be for the **shortfall of 4** no. spaces i.e. €9,920.

6.2. Planning Authority Response

6.2.1 The PA make the following response to the appeal:

- Applicable floor area is 2,258sqm.
- Proposed use (retail) requires 151 spaces (1x15sqm of gross floor space).
- Last permitted use (cash and carry) provides a credit of 12 spaces (1x200sqm gross floor area).
- Rationally it is considered that 139 spaces are now required, 151 minus 12.
- Policy CP 5 of CDP allows for a 50% town centre reduction to **70 spaces** (69.5 rounded up).
- Additionally, 43 spaces provided on site, with 8 of same to be removed as per Municipal District Engineer's report.
- Accordingly, it is calculated that **35 additional car parking spaces are required**.
- Applicant was requested to comply with same in response to FI.
- Revised plans (38 spaces) leave a requirement for 32 additional spaces.

6.3. Observations/Further Responses

- None.

7.0 Assessment

7.1 Having examined the policy context of the development, application details and all other documentation on file, and inspected the site, I consider that the appeal relates to the proper application of the Monaghan County Development Contribution Scheme (MDCS). Further, the main issue is the applicable floor area, with the parties taking different approaches to calculate the requirement for parking spaces.

7.2 Table 15.6 of the County Development Plan requires provision of 1 no. parking space per 15sqm of gross floor area. Policy CP 5 provides for a reduction in 50% of parking standards set out in this Table for developments or redevelopment of brownfield/derelict sites in town centres. Section 12 of the MDCS provides a credit for the existing use and floor space of a development, with development contributions levied only *'in respect of net additional floorspace/ foot print or where the new development places a demand for new, upgraded or additional infrastructure or services'*.

7.3 The planning application for the proposed development states, in response to question 10 (a) that the gross floorspace of buildings on the site is 2,258sqm and that under 10 (b), that permission is sought for the retention of 1,352sqm gross floorspace. This distinction is maintained throughout the plans and drawings of the development where the overall building is outline in yellow and the building area for retention is in green.

7.4 The PA has not articulated why the applicable floor area is 2,258sqm i.e. the floorspace of the overall buildings on site.

7.5 The proposed development provides for the retention of the use of the former warehouse/warehouse building to use as a shop. There is no additional floorspace arising from the development, but the change of use from warehouse to shop has implications for the number of visitors and therefore parking spaces. In this regard I note that the MDCS requires 1 parking space per 200sqm GFA for warehouse uses. I would contend that the number of visitors to the subject shop would be a function of the type of goods sold (as indicated by the different parking requirements for different uses) and floor area. In this instance, it is the 1,352sqm of retail floorspace that drives the change in parking requirements, not

the larger area of the building. Plans for the development indicate that this existing space, for which no change of use is proposed, is 'empty storage space' or 'proposed storage' (alongside the retail floor area). This was confirmed at site inspection, in particular, with the 'empty storage space' empty.

7.6 Given these factors and the applicants clear planning application for a change of use of a smaller area than the entire building, and the absence of any corrective action taken by the planning authority in the course of the planning application, I consider that the applicable floor area is 1,352sqm.

7.7 If the policies of the MCDP and MDSCS are applied to this figure, car parking requirements are:

- Applicable area 1,352sqm.
- Proposed use (retail) requires c.90 spaces (1x15sqm of gross floor space).
- Last permitted use (cash and carry) provides a credit of 7 spaces (as the area for change of use is reduced).
- 90 spaces required minus 7 = 83.
- Policy CP 5 of CDP allows for a 50% town centre reduction to 41.5 spaces.
- Revised plans, submitted with the appeal, provide 43 no. car parking spaces.

7.8 I would conclude from the foregoing that there is no shortfall in parking provision or need for a development charge in respect of any shortfall. I also note that this level of provision is in excess of surveyed peak parking levels (section 2.10, Traffic Report).

8.0 **Appropriate Assessment**

8.1 Having regard to the modest nature of the proposed development and its distance from European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1 I recommend that the Board (a) omit condition no. 4 of the permission and (b) amend condition no. 5 of the permission as set out below, to refer to the revised plans submitted as part of the appeal.

5. 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 21st day of March 2022 and by the further plans and particulars received by An Bord Pleanála on the 9th day of May 2022, 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

10.0 Reasons and Considerations

Having regard to:

- The planning application made, which refers to retention of a change in use of 1352.59sq of retail floorspace,
- The policies of the Monaghan County Development Plan 2019-2025 which provide for a reduction in car parking provision for redevelopment of brownfield/derelict sites within designated town centres,
- The location of the development in Monaghan Town, the Principal Town in the County,
- The provisions and the Monaghan County Council General Development Contributions Scheme 2013-2019 (May 2018 Revision) which provides a credit for the existing use and floorspace when calculating appropriate development contributions in respect of redevelopment/replacement development,

- The revised details submitted by the applicant on the 9th May 2022 (Site Layout Plan, rev. B, drawing no. 2019-104-02) which provide 43 no. car parking spaces,

It is considered that there is no shortfall in car parking provision. The proposed development is therefore in accordance with the proper planning and sustainable development of the area.

Deirdre MacGabhann

Planning Inspector

14th October 2022