



An
Bord
Pleanála

Board Direction
BD-002234-19
ABP-301445-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 23rd 2019.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. The subject site is situated on land zoned for General Employment in the Fingal County Development Plan 2017-2023. Such zoning permits, in principle, petrol stations and restaurant/cafes to serve the local working population. Having regard to the scale and form of the proposed development, which includes the provision of a restaurant/café with food offerings and communal dining, and offices uses, it is considered that these proposed uses would be the primary use, with the petrol filling station representing a subsidiary use, and in particular would provide a restaurant/café which would extend beyond the local working population. The proposed development, would, therefore, contravene materially the land use zoning objective for the site and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development is situated on a site at a prominent location at the entrance to Swords town from Kinsealy, Feltrim and parts of Malahide, and

immediately adjoining an important distributor road serving a wide catchment to the east. Having regard to its scale and form which includes food offerings, communal seating and office uses, it is considered that the proposed development would undermine the role and function of the nearby Local Centres and detract from the role and function of Swords Town as the primary retail centre. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to its location in close proximity to the Holywell Distributor road/Feltrim road roundabout junction, the alignment of the distributor road and the restricted nature of the proposed access and egress arrangements, combined with the likely level of traffic that would be generated by the envisaged non-motor fuel sales uses, it is considered that the proposed development would endanger public safety by reason of traffic hazard through obstruction of road users and the potential for conflicts between vehicular and pedestrian movements along the site frontage and in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. It is an objective of the planning authority, as set out in the Fingal Development Plan under Objective Z04, to have regard to development in adjoining zones in particular more environmentally sensitive zones, in assessing development proposals in the vicinity of zoning boundaries. The scale and nature of the development proposed, including the significant level of food offering would result in a significant intensity of development on site, which when coupled with the hours of operation of the facility would give rise to significant levels of disamenity for nearby residential development. The proposed development would, therefore, seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not consider that the proposed development was in accordance with the zoning objective, which permits uses such as those proposed only where they serve the local working population, particularly as there are no direct pedestrian links to nearby employment areas, and, having regard to the extent of floorspace proposed which is not related to motor fuel sales, was of the view that the development would be likely to become a destination in its own right, with deleterious impacts on local centres in the vicinity and on the residential amenities of nearby established residential areas. Furthermore, having regard to its location in close proximity to a roundabout, and the restricted nature of the access and egress arrangements, the Board was not satisfied that the development was appropriate from the point of view of pedestrian and traffic safety. In addition, the Board did not consider that the issues relating to traffic safety could be adequately remedied by the imposition of conditions, as had been suggested by the Inspector.

Board Member

Date: 28th January 2019

Philip Jones