



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0393

Appeal by October Management Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 29th day of August, 2017 by Fingal County Council to refuse permission.

Proposed Development: Construction of a service building (655 square metres gross floor area) containing net retail area of 100 square metres (including off-licence of 7.6 square metres), four number food offers (60 square metres, 23 square metres, 19 square metres and 15.6 square metres) along with associated communal seating area (205 square metres), storage (15.6 square metres), back of house (18.8 square metres) and toilets (42.6 square metres), and ATM (3.7 square metres). The largest food offer will include a drive-thru hatch facility and will involve hot food for consumption off the premises. The service building will have a storage yard to the rear and will contain four number signs (two on front façade, one on north façade and one on south façade), along with four number logos (two on front façade, one on north façade and one on south façade). Also, six number pump islands with branded canopy over (signage to four number sides). All associated site works including landscaping, outdoor seating, jet wash, brush wash, valet area, recycle building, car parking spaces, boundary treatment around the perimeter of the site, informal play features, refuelling point, vents, underground tank farm, Main ID sign, two number

free-standing signs, and provision of one number vehicular entry point and one number exit, all on site on lands to the south of the R125 (near roundabout junction) in townland of Marshallstown, Swords, County Dublin. Note: This application is being lodged concurrent with an application for a new roundabout junction and road along the southern boundary of the site.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

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 drive-through restaurant, extensive food offerings and communal dining, it is considered that these proposed uses would be the primary use, with the petrol filling station representing a subsidiary use, and would provide a restaurant/café which would extend substantially 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.

