



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0708

APPEAL by Applegreen PLC care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 21st day of March, 2018 by Fingal County Council to grant subject to conditions a permission to Christy Dowler care of McArdle Doyle of Second Floor, Exchange Building, The Long Walk, Dundalk, County Louth.

Proposed Development: A petrol filling station consisting of: (i) Construction of a two-storey amenity building (452 square metres) comprising retail area (100 square metres), two number hot food deli offers, internal seating area, ancillary food preparation area, customer w.c. area, storage, staff and plant areas, (ii) forecourt canopy, four number fuel dispensing islands, four number underground fuel storage tanks and associated pipework and overground fill points, (iii) 15 number on-site car parking spaces, three number bicycle parking spaces and services area, (iv) one number main identification totem sign, (v) company signage to building facades, canopy and site, (vi) vehicular entrance, exit and associated internal and external traffic calming measures, (vii) boundary treatment and (viii) all associated site, drainage, boundary, landscaping and development works, all at Holywell Distributor Road, Mountgorry, Swords, County Dublin.

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 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.

Philip Jones

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

Dated this day of 2019.