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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW18A/0130**

**APPEAL** by WDCY Trading Limited care of O'Connor Whelan of 222-224 Harold's Cross Road, Dublin against the decision made on the 13<sup>th</sup> day of March, 2019 by Fingal County Council to refuse permission.

**Proposed Development:** A single storey petrol filling station of 486 square metres (with an overall height of circa 6.95 metres), including a shop and restaurant (with a 'drive-thru' element), play area to the front; 12 vehicular petrol pumps, with a circa six metres high canopy over; 2 number HGV petrol pumps, with a circa 6.6 metres high canopy over; a car wash; a single storey wash room of circa 9.5 square metres associated with the car wash; 51 number car parking spaces; four number HGV/coach parking spaces; eight number bicycle spaces; a single storey ESB substation and switch room of circa 23.5 square metres; a double sided totem sign with a total height of nine metres, all on a site of 0.923 hectares (2.28 acres) in the townlands of Killamonan, Spricklestown and Cherryhound, The Ward, 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 restaurants/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 the proposed ancillary uses would compete with the principle use as a petrol station, and would provide restaurants/cafés which would extend substantially beyond the local working population. The proposed development would, therefore, materially contravene the land use zoning objective of the site and would not be in accordance with the proper planning and sustainable development of the area.
2. Objective MT42 of the Fingal Development Plan 2017-2023 and the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in January 2012 requires that the capacity of national roads and their junctions, provided primarily for major interurban and inter-regional strategic traffic, is protected. The proposed development, by creating a destination which could potentially compromise the capacity and efficiency of the national road and the adjacent Cherryhound

Interchange and lead to the premature and unacceptable reduction in the level of service available to national road users, would contravene the guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. By reason of its design, location, scale and form, the proposed building does not give sufficient definition to the roundabout or achieve a development of sufficiently high quality at this key site to constitute a landmark building, as required by its location at a node as set out in the Cherryhound Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
4. Having regard to the scale and form of the proposed development, which includes substantial food offerings, communal seating and a drive-through restaurant, it is considered that the proposed development would undermine the role, function and viability of future development at the primary service node identified in the Cherryhound Local Area Plan at the lower roundabout south-west of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**