

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0272

APPEAL by Jepview Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 21st day of December, 2020 by South Dublin County Council to refuse permission.

Proposed Development: Retention of change of use of approved ground floor warehouse/factory area (455 square metres) to a disaster recovery/business continuity centre and change of use of approved ancillary offices at ground and first floor (459 square metres) to office use, extension at first floor area (81 square metres) to provide staff toilets and server room, (iii) provision of an external generator plant enclosure and (iv) all associated ancillary works necessary to facilitate the development. All at Unit G, Baldonnell Business Park, Baldonnell, 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 application site is zoned EE with an objective 'To provide for enterprise and employment related uses', and is located in an area that is not proximate to or integrated with sustainable transport and other urban land uses, located a significant distance from closest town centre or regeneration lands and therefore, if granted, the development for which retention permission is sought and the proposed development would not support compact urban development and sustainable transport and would be contrary to policy objectives ETI-2 and ETI-6 of the South Dublin County Council Development Plan 2016-2020. The development for which retention permission is sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

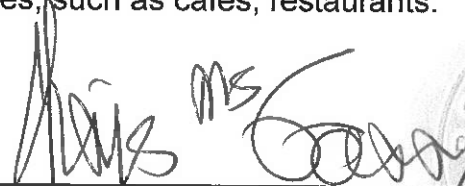


2. The development for which retention permission is sought, taken in conjunction with proposed change of use from ancillary office use to office use, which combined would comprise of 995 square metres gross floor office space would constitute an intensive office based employment use, at a location deficient in public transport or walking and cycling facilities and located a significant distance from existing residential areas and public transport services and would give rise to increased traffic movement to and from the site, especially at rush hour, that would contribute to traffic congestion close to a national road network, would set a precedent for similar type people intensive development. The development for which retention permission is sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the application site, within an industrial/Business Park, where no cafes, restaurants, shops are operating and taking into consideration the size of the proposed canteen (internal and without windows) within the proposed development, which size is considered to be small to cater for the number of people potentially working in the building, it is considered that the development for which retention permission is sought and the proposed development would be deficient in the provision of staff amenities to support the office based population on site. The development for which retention permission is sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The development for which retention permission is sought and the proposed development would set an undesirable precedent for other similar developments, which would by itself and cumulatively, be harmful to the growth of existing warehousing development in the area and would seriously injure the amenities of the area. The development for which retention permission is sought and the proposed development, 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 considered the totality of the documentation submitted with the planning application and the appeal including the submission from the applicant in response to a Section 132 request, received by the Board on the 23rd day of June, 2021 and which confirmed that the proposed development would include inter alia, a significant office based population on site, employed in relation to a full range of service operations run by the company EKCO, and not confined to the operation of the disaster recovery/business continuity centre on site. Furthermore, the applicant has confirmed that the site will serve as the Headquarters office for EKCO with a staff complement described variously as circa 30 and over 30 persons. Of these only two would actually be employed on services related to the disaster recovery/business continuity centre use. In addition, the Board is not satisfied from the description of the disaster recovery/business continuity centre that the overall number of persons on site at any one time would not be significant. In this regard, the Board shared the view of the planning authority that the proposed development would be in the manner of an intensive office-based employment use at a location poorly served by public transport, sustainable transport operations and associated services, such as cafes, restaurants.



Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *27th* day of *August* 2021.