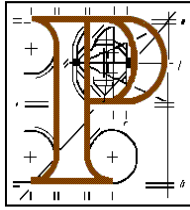


## An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL06F.246662

**Development:** Retention of 2no. car parks with 92(52 and 40) car parking spaces to lands to the south of Organon Complex at Drynam Road, Swords, Co. Dublin.

### Planning Application

Planning Authority: Fingal County Council  
Planning Authority Reg. Ref.: F16A/0097  
Applicant: Organon Ireland Ltd.  
Planning Authority Decision: Retention Permission

### Planning Appeal

Appellant(s): Organon Ireland Ltd.  
Type of Appeal: First Party against Condition  
Observers: None  
Date of Site Inspection: 30<sup>th</sup> of August 2016  
**Inspector:** Angela Brereton

## **1.0 SITE LOCATION AND DESCRIPTION**

The subject site is located within and to the south of the buildings in the Organon Ireland Ltd. complex. This complex is located to the south of the Drynam Road, west of the M1 motorway and north of Holywell, all to the southeast of Swords, Co. Dublin. The link road Mountgory Way is to east. The plant manufactures pharmaceutical products and has gated access on either of its entrances i.e the main entrance from the Drynam Road and the southern entrance from Holywell View. This is a 13.5ha site with an entrance from Holywell Link Road (leading directly to M1 motorway, Swords and Dublin Airport) and a link to the Drynam Road, Swords.

The two no. car parks proposed for retention lie in areas of open space to the south of the site in proximity to an access off the existing roundabout at Holywell Avenue. These car parks are on either side of the access road to the south of the site. There are two other car parks on site to serve the complex these are shown on the Site Layout Plan as the Northern Carpark and the Western Carpark. The latter were well parked on the day of the site visit but there was little parking on the two car parks proposed for retention.

There is extensive housing development within the vicinity of the site, particularly to the north and northwest and to the south. Light industrial development and the Lissenhall section of the M1 is to the east of the site.

## **2.0 PROPOSED DEVELOPMENT**

Retention permission is sought for 2 no. car parks with 92 (52 and 40) car parking spaces on lands to the south of the site at Drynam Road, Swords, Co. Dublin.

A Site Layout Plan has been submitted showing the location and layouts of these existing car parks A and B. These are shown included within the red line boundary of the greater site area for Organon Ireland Ltd. As shown on the plans submitted Car Park A has 40no. spaces and Car Park B 52no. spaces.

## **3.0 PLANNING HISTORY**

The Planner's Report provides details of the planning history. There is an extensive history relative to the pharmaceutical manufacturing plant and it is noted that permission was originally granted in Reg.Ref.88A/0999. More recent permissions referred to include:

- F08A/1257 – Permission granted subject conditions by the Council for extension to the northern side of the main building on the site. A copy of this application is included in the History Appendix to this Report.

They also refer to 3no. more recent applications relevant to the buildings on site but none of which refers to the car parking areas.

## **4.0 PLANNING AUTHORITY APPLICATION**

### **Planning and Technical Reports**

### The Planning and Strategic Infrastructure Department – Water Services Section

They made a number of recommendations relative to surface water drainage and are concerned that insufficient information has been submitted and that the development must incorporate SUDS in surface water design.

### Irish Water

They do not object subject to a number of recommended conditions.

### Transportation Section

They note that the proposed development is located in a 50km/h speed limit. They have regard to the Parking Standards in the Fingal CDP and to reduction in parking due to the New Metro North and note that the current parking quantum exceeds these standards therefore they do not consider that the retention of the additional 92 parking spaces should be recommended.

### Planner's Report

This has regard to the locational context of the site, planning history and policy and to the interdepartmental reports submitted including the concerns of the Transportation Section. They noted that the retention of these parking areas will have no impact on the general or the visual amenity of the area. Considering the location of the development and the overall scale of the complex, they considered it appropriate to recommend a temporary permission of two years for retention of these parking areas.

## **5.0 PLANNING AUTHORITY DECISION**

On the 4<sup>th</sup> of May 2016 Fingal County Council recommended that retention permission be granted subject to 3no. conditions. These are summarised as follows:

- Condition no.1 – Retention permission granted subject to the plans and particulars submitted.
- Condition no.2 – Temporary 2 year permission only and car parking to be associated solely with the operation of the site.
- Condition no.3 – Surface water drainage including adoption of SUDS.

## **6.0 GROUNDS OF APPEAL**

JCD Group has submitted a First Party Appeal on behalf of the applicants Organon Ireland Ltd. This appeal is against Condition no.2 of the Council's permission. They have regard to the locational context of the site and to the land use zoning. In summary they consider that the development would not be excessive to the FCP 2011-2017 standards as the restrictions implied as a result of being located with a Metro North catchment area only restrict and injure the overall operating and future viability of this manufacturing site. They provide that Condition no.2 should be revoked as it unduly and unnecessarily restricts the operations of the site as result of the applied rationale of a public transportation system which will not be in operation for a decade. Their grounds of appeal include the following:

- Condition no.2 unnecessarily restricts the future use of the site with no substantial justification for same.
- They have regard to Table T03b: Commercial Car Parking Standards and provide details of floor area relative to parking spaces provided.

- They note that FCC has applied a 50% reduction in parking spaces for being located within the catchment for New Metro North.
- They also note that the Mobility Management Plan (MMP) has taken a snapshot of current activities on the site and not the future or past in relation to overall staffing numbers.
- They provide that it makes no sense to restrict the car parking arrangements for this site based on a public transport system which is not in place.
- Limiting parking at this facility is only detrimental to the future viability of the site especially considering the lack of alternative modes of transport available.
- They provide that there is an overall Masterplan for the site as a whole which has been discussed with the Council and that the current carparking sought for retention will be removed in time (not long term) to accommodate future expansion for the manufacturing and cartoning facilities for the site.
- They note that there is limited public transport serving the site and provide details of wide location of employees origin of destination and shift times.
- They refer to Policy T058 relative to balancing parking requirements against provision of available public transport.
- The car parking does not impact on residential or visual amenity and is maintained to high standards on site.
- Applying Metro North restrictions to this site when there is not a clear timetable for its implementation to operational stage is overly restrictive.
- They provide that the applicants shall implement condition no.3 of this permission.

## 7.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

### Planning Authority response

The Planning Authority has not responded to the grounds of appeal.

## 8.0 PLANNING POLICY

### Fingal County Development Plan 2011-2017

This is the pertinent plan and the site of the development is located in an area designated with the zoning objective 'GE' *Provide opportunities for general enterprise and employment.*

Chapter 4 deals with Physical Infrastructure including Transport. This supports integrated landuse and transportation and also promotes sustainable transport and support for modal choice including public transport, walking and cycling. Objectives T01, T03 – T04 refer. Reference is also made to the delivery of Metro North.

Objective T024 seeks to: *Require mobility management plans, where appropriate, for new developments and implement traffic and parking management measures.*

Objective T028 seeks to Support and develop the Council's long-term vision contained within the document 'Your Swords- An Emerging City – Strategic Vision 2035'.

Support for Mobility Management Plans provides: *Mobility planning for uses with a high number of employees is a way of reducing traffic congestion and a way of promoting a more sustainable means of access.* Objectives T041-T043 refer.

In relation to car parking it is provided: *Council policy in relation to car parking provision will be to manage and control it at a level appropriate to its location.*

Objective T058 seeks to: *Balance the car parking requirements required under Tables T03a and T03b against the provision of accessible public transport.*

Objective T061 seeks to ensure a high standard of design in parking layouts.

Car parking standards provide a guide to the maximum number of required off street parking spaces acceptable for new developments. The car parking standards for both residential and non-residential land uses are set out in Tables T03a and T03b.

## **9.0 ASSESSMENT**

### **9.1 Principle of Development and Planning Policy**

The issue for consideration having regard to the retention of the car parks proposed in this application is whether the development would be sustainable and permission would have been granted in the first instance in accordance with planning policies and taking into account the character and amenities of the area, if the unauthorised development had not taken place.

The site contains an existing pharmaceutical manufacturing plant that was originally granted permission in 1988 and has been extended over the years. The usage of the site complies with the 'GE' zoning objective of the DCDP 2011-2017 i.e. *To provide opportunities for general enterprise and employment.* Objective EE29 relates i.e. *Encourage high quality sustainable design, permeability and pedestrian/cyclist friendly environments within General Employment (GE) areas.* It is of note that as shown within the red line boundaries this is a sizeable site area of 13.5ha and has room for expansion. Therefore the principle of development i.e. the need for carparking provision relative and ancillary to the existing permitted and established industrial use within the greater Organon complex is not at issue. This is provided that the level of carparking onsite is not seen as excessive relative to the development and no. of employees. Also that it would not conflict with policy relative to mobility management and modal split and is not seen as detrimental to the character or proper planning and sustainable development of the area.

### **9.2 Design and Layout**

There is a large carpark to the front of the building complex relative to the use which includes administration units, laboratories, manufacturing areas, delivery area, warehousing and conference facilities, storage areas and ancillary areas. A 2.0m high fence and a service yard enclose the primary buildings. This carpark is on either side of the access from the Drynam Road to the fore of the gated access to the complex and is shown on the plans as the 'Northern carpark'. It is divided into separate areas for staff and visitor parking. It has c.270 spaces.

There is a separate carpark to the west of the buildings shown as the 'Western carpark' accessed via the access road within the site. It has c.171 spaces. Both the Northern and Western carparks were well parked on the day of the site visit.

The carparks proposed for retention are shown as two separate carparks A and B. Carpark A has 40 spaces and is located to the rear of the buildings and on the northern side of the access road. Carpark B is further to the west located on the southern side of the complex access road and closer to the gated access from Holywell View. These carparks are surfaced and the spaces are marked out. It was noted on the day of the site visit that they appear little used in that there were few cars parked on carpark B which is closer to the southern access to the site and no cars parked on carpark A.

### 9.3 Consideration of Condition no.2

The First Party Appeal is solely concerned with Condition no. 2 of the Council's permission i.e:

*The developer shall comply in full with the following:*

- a) *This permission shall be for a period of two years only from the date of the Final Grant of permission. The two car parking areas including all 92 spaces shall be removed at the end of this two year period and the area reinstated and suitably landscaped similar to the adjacent land unless permission for an extended period of use is received from the Planning Authority or from ABP following an appeal.*
- b) *The car parking areas shall only be used for any non-car parking use.*

*Reason: To enable the impact of the development to be assessed over the intervening period. In this regard, the overall car parking provisions would appear to be excessive relative to overall floor area and employee numbers and with reference to FCDP 2011-2017 standards. A temporary permission would allow a sufficiency of time to enable the owners/occupiers to engage with the P.A to secure arrangements for the removal of excess carparking areas.*

The First Party provides that appellants (Organon Ireland Ltd) have owned the application property since 1988 and during the ownership up to 800 persons may have been employed on site through the manufacture of pharmaceutical products. The site is currently being wound down to close in 2017 but is actively for sale and they provide is being pursued by a number of Pharma companies. They consider that inclusion of Condition no.2 is illogical in the absence of the need to apply the 50% reduction relative to the Metro North provision and will mitigate against future applications on the site.

In this case it is noted that there is no Third Party Appeal or Observations. Section 139 of the Planning and Development Act 2000 as amended would apply as this relates only to appeals against conditions. Section 139 (c) provides that where: *the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted.* Therefore it is considered that taking into

account the particulars of this case and the documentation submitted that the application does not need to be considered de novo.

#### **9.4 Consideration of the need for parking provision**

As has been noted the total number of onsite carparking spaces provided (including the two carparks proposed for retention is c.533. Table T03b provides the Commercial car parking standards (maximum) and for industrial use it is 1 space per 35sq.m g.f.a. As given on the application form the g.f.a of existing buildings on the site is 22,000sq.m. Therefore based on these maximum carparking standards, the parking requirement relative to 22,000sq.m would be 629 spaces.

The First Party Appeal provides that the g.f.a figure is higher and it is given as 35,845sq.m. which at 1 space per 35sq.m standard would require 1024 spaces. They note that Fingal County Council has applied a 50% reduction in same for being located within the 'catchment area for the *New Metro North*. It is noted that following recent developments that as an update the information on the Fingal County Council website provides: Fingal County Council at its meeting held on 13th June 2016, ADOPTED the following Resolution: *"That this Council resolves to cease the existing Section 49 Supplementary Development Contribution Scheme for Metro North. All contributions collected and retained under the Scheme will be refunded to those that paid them. A new Scheme will be brought forward before the Council at an appropriate point in the development of the new Metro North project."* Therefore it is considered that reliance on the Metro North Scheme is unsustainable in the present context.

They refer to a Mobility Management Plan dated 16<sup>th</sup> of March 2016, which was submitted with the application. This includes in Section 8 targets for modal splits which show the predominance of the car. This has outlined higher staff numbers and notes that the site will be winding down over the next 12 months. In this respect it is noted that the Council's Transportation Planning Section has concerns that the MMP refers to a lesser no. of employees than there are currently parking spaces available. They considered that as the current parking quantum exceeds Development Plan Standards, that the retention of the additional 92 parking spaces would not be recommended.

The First Party provide that the MMP has taken a snap shot of current activities of the site and not the future nor the past in relation to overall head count. They provide that limiting car parking spaces to this facility is only detrimental to the future viability of this site especially considering the lack of public transport options available. They include a list of bus numbers in the area, none of which specifically serves the site. They note that the workers work shifts and provide a list of outlying areas such as counties Meath, Louth, and other parts of Dublin and Fingal where the workers come from. While there is limited public transport in the area, none specifically provides access to the site. They provide that they and any future perspective owners of the site will be and are dependant on providing employees with site based carparking facilities.

In this case in view of circumstances as outlined by the First Party the site is currently over provided with parking. However as provided in the information submitted, if the facility were at full capacity this would not be the case. Objective T058 needs to be taken further into consideration i.e: *Balance the car parking requirements required under Tables T03a and T03b against the provision of accessible public transport.* In line with planning policy it is considered important that a Mobility Management Plan is developed to cater for alternative transport to the private car including bus, cycling and walking and that this is capable of implementation to cater for any future development of the site.

### **9.5 Impact on Character and Amenities of the Area**

Having regard to the visual impact of carparking it is of note that Objective T061 of the FCDP 2011-2017 seeks to: *Ensure that a high standard of design, layout and landscaping accompanies any proposal for surface car parking. Planning permission will be granted only where all the following criteria are met:*

*(a) respects the character of the streetscape/landscape*

*(b) will not adversely affect visual amenity, and*

*(c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.*

There is residential development to the north and south of the site. However the site is self-contained with controlled access, so it will not be used for residential parking. The parking areas proposed for retention are therefore seen in the context of the overall site layout and it is not considered that they have an impact on the character and amenities of the area. They have been surfaced and the spaces marked out. However no landscaping has been provided. In the longer term it has to be questioned as to whether the amount of carparking provided in 4no. surface carparks adds to the attractiveness and overall sustainable usage of space on the site.

### **9.6 Appropriate Assessment**

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

## **10.0 CONCLUSIONS AND RECOMMENDATION**

Regard has been had to the documentation submitted, planning history and policy, to the First Party grounds of appeal and to the site visit made. Having regard to the sustainability issue, and the state of flux of the current operations I would recommend that Condition no.2 be modified, rather than omitted, so that the retention of these parking areas is for 5 years only from the date of the Final Grant of permission. This would allow for more consideration of the implementation of a workable Mobility Management Plan that would provide for a greater modal split rather than the over reliance on usage of the private car that is currently an issue on this site.

In view of the above it is recommended that retention permission be granted subject to the modifications to Condition no.2 as noted above.



## 11.0 REASONS AND CONSIDERATIONS

Having regard to the General Employment land use and the GE zoning objective for the area, it is considered that, subject to compliance with the conditions as per Register Reference: F16A/0097, including amendments to Condition no.2 below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of its impact on the existing site and on the character and amenity of this urban area. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 CONDITION NO.2

The Developer shall comply in full with the following:

- a) This retention permission shall be for a period of five years only from the date of this order. The two car parking areas including all 92 spaces shall be removed at the end of this five year period and the area reinstated and suitably landscaped similar to the adjacent land unless permission for an extended period of use is received from the Planning Authority or from An Bord Pleanála following an appeal.
- b) The car parking areas shall only be used for car parking associated with the operation and use of the site of which they form part and shall not be rented, leased or sold to a third party or used for any non-car parking use.

**Reason:** To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.

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Angela Brereton,  
Planning Inspector  
Date: 2<sup>nd</sup> of September 2016