



An
Bord
Pleanála

Inspector's Report ABP-300107-17

Development	Permission for internal alterations to provide office space and staff support facilities including an additional mezzanine level of office space. Changes to the elevations including fenestration and screening on the southern and western elevations at existing manufacturing facility.
Location	Amgen Technology, Pottery Road, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.	D17A/0580
Applicant(s)	Amgen Technology (Ireland) Unlimited Company
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Grange Close Management Company
Observer(s)	No observers
Date of Site Inspection	9 th February 2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site has an area of c. 9.76 hectares and is located on Pottery Road in Dun Laoghaire. The site currently accommodates the Amgen pharmaceutical production facility.
- 1.2. The site accommodates a number of industrial/warehouse buildings. To the front of the site, facing onto Pottery Road, is the large Production Module Building 1. This is linked to a smaller building accommodating the Personnel Support Facility. To the rear, are a series of four industrial buildings including the Production Module Buildings 2 and 3, an Ambient Warehouse and a Cold Chain Warehouse. There is a separate Central Utilities Building located further north and a stand alone substation adjacent to the northern boundary. There is a large area of surface car parking to the west of the site. The principal vehicular access is via a security controlled access point from Pottery Road. All of the buildings are located within a fenced secure perimeter. There are a number of temporary buildings on the site accommodating office space.
- 1.3. To the north of the site is the National Rehabilitation Hospital. To the east, is a garden centre, sports ground and residential development. To the west, is Pottery Road and a large residential estate – Hillview Lawns. To the south, the site adjoins a small residential estate of suburban two storey housing – Grange Close and undeveloped lands.

2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:
 - Extension to provide new single storey main entrance (45 sq. m.) at ground floor of Production Module 1 Building.
 - Two storey staircase from ground to first floor together with link corridor (170 sq. m.) to rear of existing Personnel Support Facility Building.
 - Staff changing extension (126 sq. m.) at first floor of Production Module 2 Building.

- Alteration and extension (1,330 sq. m.) of existing internal mezzanine of Production Module 1 Building to provide for office/laboratory and other ancillary use.
- Alterations to elevations including new cladding, glazing, visual and solar screening and roof lights.
- Demolition of existing projecting staircase on south elevation together with associated alterations to existing hard and soft landscape areas.
- Removal of some existing temporary office accommodation.

2.2 It is detailed in the planning application documentation that the purpose of the development is to improve the overall campus facilities. It is stated that the project will include the major reduction of existing temporary cabin office accommodation with existing staff and contractors to be accommodated within the permanent campus buildings. The development will, therefore, not result in any increase in employees on the site.

2.3 Some modifications to the design of the development were made at Further Information stage including an increase in the height of the proposed opaque glazing from 1.5 m to 1.8 m on the southern elevation and revised landscape proposals to include a double staggered row of 29 birch trees along the party boundary with adjacent residential development to the south.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 4: The applicant shall appoint and retain the services of a qualified Landscape Architect (or qualified landscape designer) as a Landscape Consultant for the duration of development works.

3.2. Planning Authority Reports

3.2.1. Planning Reports (18.08.2017 and 09.10.2017)

- The proposed works which generally relate to a consolidation of existing uses on the site and revisions to existing building layouts and elevations, are considered acceptable in principle at this location.
- Taking into account the screening measures as proposed and the set backs available between the PM1 Building and the party boundary with adjacent residential property and also noting that the offices are likely to be in use only during normal working hours, it is considered that the proposed development would not result in any significant overlooking of adjacent residential property.
- The revision to the southern elevation of the building, while introducing significant glazing, also however, results in a softer visual impact than the existing more industrial type façade. The revisions, both internally and to the façade, together with the cessation of the manufacturing use within the PM1 Building, also establish this area of the site for non-production activities, which subject to appropriate screening measures, should be more compatible in this transitional zone area adjacent to residential property.
- The revisions as proposed to the Pottery Road facing facades will provide for a more animated and visually enhanced street front presentation.

3.2.2. Other Technical Reports

Transportation Planning (14.08.2017): No objection subject to conditions.

Drainage Planning (09.08.2017): No objection.

3.3. Prescribed Bodies

- No reports received.

3.4. Third Party Observations

3.4.1 4 no. third party observations received. Key issues raised include:

- Consider that the proposed office accommodation could be located elsewhere on the site where it would have a lesser impact on adjacent residential amenities. Concerns regarding potential loss of property values.
- The development does not accord with the objectives for transitional zones as set out in the Development Plan.
- The development will result in overlooking resulting in loss of privacy. It will thus have a significant adverse impact on the residential amenities of adjacent properties.
- The proposed shutters are insufficient mitigation to reduce overlooking. If the development is permitted, no external windows should be allowed.
- Proposed landscaping measures are inadequate.
- Object to potential noise impacts, light pollution and visual impact of signage.
- Concern that additional car parking may be developed in the areas where the portacabins are to be removed.

4.0 Planning History

4.1 There have been a significant number of planning applications on the site which are set out in detail in the Planning Report submitted with the application. None of these are particularly relevant to the current proposal. Applications granted in the past 5 years include:

D15A/0786: Permission granted in May 2016 for removal of existing cabins and installation of new potable water tank and booster pump.

D14A/0152: Permission granted in August 2014 for relocation of permitted 130 car parking spaces.

D13A/0470: Permission granted in November 2013 for additional ventilator terminals and single storey extension of 28 sq. m. to PM1 Building.

D13A/0327: Permission granted in August 2013 for extension of warehouse yard by 600 sq. m., construction of a retaining wall and lowering of existing landscaped berm by 1.5 metres for a length of 100 metres.

D12A/0381: Permission granted in November 2012 for amendments to the previously permitted facility including 94 sq. m. extension and new internal mezzanine of 604 sq. m. to PM3 building.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the 2016-2022 Dun Laoghaire Rathdown County Development Plan. The site is zoned objective E: *To provide for economic development and employment.*

5.1.2 Relevant policies and objectives include:

Specific Local Objective 124: *“Any future development proposals contained within lands zoned objective E and which immediately abut residentially zoned land shall clearly demonstrate that the residential amenities of the neighbouring properties will be respected and protected through sensitive design with reference to height, scale and setback and will include the provision of appropriate high quality landscaping and boundary treatments.”*

Specific Local Objective 125: *“That a green buffer zone will be provided on the inside of the new boundary along Pottery Road on lands zoned E and MH. This green buffer zone will be extensively landscaped with trees and shrubs and will be 5 metres wide opposite E zoned lands and 9 metres wide opposite A zoned lands.”*

5.1.3 It is noted that lands to the south of the site are zoned Objective A: *To protect and/or improve residential amenity.* With regard to **Transitional Zones**, section 8.3.2 of the plan states:

“The maps of the County Development Plan show the boundaries between zones. While the zoning objectives and development management standards indicate the different uses and densities, etc. permitted in each zone, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid development which would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting ‘residential areas’ or abutting residential development within mixed use

zones, particular attention must be paid to the use, scale and density of development proposal in order to protect the amenities of these residential properties.”

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC located c. 2.4 km to the north of the site and the Rockabill to Dalkey Island SAC and Dalkey Islands SPA located c. 3.8 km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

- Concern that the development will seriously affect the residential amenities enjoyed by the residents of Grange Close. The applicants have chosen to develop the facility on the only boundary that is contiguous to an existing residential estate.
- Consider that the development is a material contravention of the statutory Development Plan and contrary to the proper planning and sustainable development of the area.
- State that the development does not comply with the various policies and objectives regarding transitional zones as set out in the plan. Submit that the design and mitigation measures proposed are not sufficient or adequate to protect the amenities of adjacent properties. As the residential estate is surrounded by commercial sites and being the more environmentally sensitive zone, it needs to be given proper protection from the externalities of the adjoining commercial developments.
- Principal concerns relate to the changed design and function of Production Module 1 Building to provide for office/laboratory and other ancillary uses and alterations to the elevations to include new cladding, glazing, visual and solar screening and roof lights.

- It is considered that the development will result in gross overlooking of adjacent properties and in particular to house no.s 8 to 11.
- Object to the planting of deciduous trees along the party boundary as these would provide little screening during the winter months.
- Concern that the removal of existing temporary portacabin office space will result in further car parking spaces being created close to their boundaries.
- The proposed new entrance to the PM1 Building, close to the rear of Grange Close will result in increased levels of noise and activity with consequent impacts to the residential amenities of the rear gardens of no. 8 to 11 Grange Close.
- Concerns regarding signage, construction activity and that the development will impact negatively on property values.
- Consider that if permission is granted, than a condition should be imposed requiring the removal of all first floor glazing on the southern elevation as far as the entrance into the building.

6.2. Applicant Response

- Particular visual screening measures are included in the design to address and prevent direct views. The proposed design responds to its context.
- It is considered that the development is in compliance with the Development Plan and Local Objectives 124 and 125. It is a relatively modest development at a long established and successful manufacturing facility which provides substantial employment within the Dublin area.
- The development is substantially internal, providing improved personnel support facilities and amenities. Where it has an external impact, particularly on adjoining neighbouring properties, this has been identified, publicly stated and mitigated through design.
- Further mitigation such as the removal of all first floor glazing on the southern elevation is not considered practical or necessary. The extent of glazing relative

to floorspace is limited. The removal of the external glazing on one floor will eliminate its proposed ancillary office use potential.

6.3. **Planning Authority Response**

- The Planning Authority, during the assessment of this application, took particular care to ensure that the proposed screening measures being proposed by the applicant, were adequate to safeguard the privacy of Grange Close.
- Having regard to the screening mechanisms and level of opaque fenestration proposed for the building façade and taking into account the set back of the building from Grange Close and also noting the tree planting proposed along the boundary, the Planning Authority is satisfied that the proposed development will not unduly impact on the amenities of Grange Close.
- It should be noted that the provision of office accommodation within the corner of the site will remove the more industrial type activities of this location. The Planning Authority would also highlight that the proposed works to the building façade will improve the visual and streetscape amenities of the area.

6.4. **Observations**

- No observations.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development.
- Impact on Residential Amenity.
- Appropriate Assessment.

7.2. Principle of Development

- 7.2.1 The proposed development generally comprises internal alterations to existing buildings within an established pharmaceutical manufacturing facility to provide additional office space and staff support facilities. The principal increase in accommodation will be the provision of a new mezzanine level within the PM1 Building to provide for office/laboratory floorspace with associated amendments to the existing elevations including new fenestration on the southern and western elevations. The total volume of additional floorspace amounts to c. 1,671 sq. metres.
- 7.2.2 The purpose of the development is to provide for the improvement of the existing campus facilities. It is noted that at present there are a number of temporary portacabins located on the site which provide office accommodation for staff and contractors. The proposed development will provide for enhanced permanent accommodation and associated staff facilities within the existing buildings. It is noted that the former manufacturing use within the PM1 Building has ceased and hence there is the opportunity to convert this space. The new improved facility will provide open plan and cellular offices, collaborative works areas, meeting rooms, fitness centre and laboratory refurbishment. Other minor extensions and elevational amendments are also proposed to the PM2 Building and the Personnel Support Facility Building.
- 7.2.3 It is noted that the proposed development will allow for the removal of a number the temporary portacabin structures on the site. There will be no increase in the number of personnel employed on the site and thus no significant intensification of the existing use.
- 7.2.4 The subject site is zoned Objective E: *To provide economic development and employment*. I consider that the proposed development represents the appropriate consolidation of the existing industrial and employment functions on the site. The development will result in the change of use of a currently underutilised building within the complex for appropriate related ancillary office and laboratory accommodation. The other amendments proposed will improve the functional and aesthetic appearance of the facility and also provide additional support facilities and amenities. I am satisfied that the development accords with the zoning objectives for the area and is acceptable in principle from a planning perspective.

- 7.2.5 Concerns have been raised by the appellants that the subject development does not accord with the policies set out in the current County Plan regarding Transitional Zones. It is noted that lands to the south of the site are zoned Objective A: *To protect and/or improve residential amenity*. It is stated in the plan that in dealing with proposals in these contiguous areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. It notes that in zones adjacent to residential development, particular care must be paid to the use, scale and density of the development proposals.
- 7.2.6 In this instance, the applicant is proposing to alter and extend the existing internal mezzanine of the Production Module 1 Building to provide for office/laboratory and other ancillary uses. This building abuts the boundary with Grange Close, the residential estate within which the appellants reside. I consider the proposed office/laboratory use to be consistent with the E zoning objective pertaining to the site. I also consider this to be a land use that is generally compatible with residential use and certainly preferable to the former manufacturing and industrial use that occupied this building.
- 7.2.7 It is noted that during the assessment of the planning application, the Planning Authority gave detailed consideration to the potential impacts of the development on the residential amenities of the area. Whilst this issue is assessed further below, it is noted that a number of mitigation measures have been incorporated into the design response to prevent potential adverse impacts to the residential amenities of adjacent properties. In this regard, I am satisfied that adequate consideration was given to the transition zone and the policies and objective set out in the current County Development Plan.
- 7.2.8 Whilst the appellants comments that the proposed office accommodation should be located elsewhere on the site, I consider the proposed use to be an appropriate and sustainable use for the building where the former manufacturing use has ceased. I am satisfied that the quality of the adjacent residential environment will not be materially impacted by the proposal and that the proposed development is consistent with the transitional zone within which it is located.

7.3. Impact on Residential Amenity

7.3.1 Concerns have been raised that the subject development will result in significant adverse overlooking to adjacent properties and will result in noise pollution. It is also submitted by the appellants that the development will result in light pollution and have a negative impact on property values. Concerns are also raised that the removal of the temporary portacabin accommodation will facilitate the development of additional car parking.

7.3.2 It is noted that the design of the development from the outset considered the potential impact of the development on the residential amenities of properties to the south. As noted in the Planning Report submitted with the application, the design of the south façade incorporates visual screening to prevent direct views from inside the proposed office areas at first and second floors. This restricts potential overlooking into the rear gardens and windows of the adjacent residential properties. In addition translucent glazing is provided to a height of 1.8 metres on the fenestration proposed at first and second floor at the western end of the southern elevation of the PM1 Building. I am satisfied that this combination of mitigation measures will obviate any potential overlooking impacts. I do not consider the appellant's suggestion to remove the glazing and fenestration from the southern elevation practical or feasible. This would reduce the level of amenity to the proposed office accommodation to an unacceptable degree.

7.3.3 Furthermore, it is also noted that enhanced landscape proposals are proposed along the southern boundary adjacent to Grange Close. The existing boundary comprises a block wall, palisade fence and some sparse tree planting. At Further Information Stage, revised landscape proposals including 29 no. new birch trees was submitted to the Planning Authority. This will substantially improve the quality of the boundary treatment. Whilst the appellants concerns regarding the planting of deciduous trees is noted, it is considered that the betula pendula species (silver birch) proposed is a native Irish species and is appropriate at this location.

7.3.4 Regard must also be had to the separation distances between the existing building and residential properties to the south. The existing dwellings are set back between 30.8 metres and 33.6 metres from the Production Module 1 Building. Having regard to these significant set backs, in addition to the proposed enhanced planting, I am

satisfied that no undue impacts to existing residential amenities will occur. Nor is any adverse light pollution likely to occur.

7.3.5 With regard to potential noise impacts, it is noted that the main entrance to the PM 1 building is proposed to be centrally located on the Pottery Road façade. In this context, it is not considered that any adverse noise impacts will occur. Furthermore, the proposed development will result in the removal of a number of temporary portacabins currently located close to the boundaries of the properties on Grange Close. Their removal will this reduce pedestrian throughput in this area.

7.3.6 Concerns have been raised by the appellants that the removal of the existing portcabins may facilitate additional car parking adjacent to their boundaries. However, it is noted that such additional parking would necessitate planning permission and would be assessed as part of a future planning application should it arise.

7.3.7 No new additional signage is proposed as part of the current application. There is no existing or proposed signage on the southern elevation. An existing corporate sign is located on the western elevation which remains unaltered in the current application proposal. No evidence has been submitted to support the claim that the proposed development would result in devaluation of property. As noted above, I am satisfied that the development will have no adverse impact on the residential amenities of existing properties. Concerns regarding potential construction impacts can be addressed by way of appropriate condition.

7.4 **Appropriate Assessment**

7.4.1 Having regard to the nature and scale of the proposed development, comprising extensions and alterations to an existing industrial facility within an established urban area on zoned and serviced land, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1 Having regard to the E zoning pertaining to the appeal site, the objective of which is to provide for economic development and employment, to the design of the development and the specific mitigation measures proposed to prevent overlooking including louvred screens, opaque glazing and enhanced landscaping, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 18th September 2017 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Details of the materials, colours and textures of all the external finishes to the revised elevations shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. The landscaping scheme shown on drg. no. 300, as submitted to the planning authority on the 18th day of September, 2017 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Erika Casey
Senior Planning Inspector

12th February 2018