



An
Bord
Pleanála

Inspector's Report

ABP-307955-20

Development	Erection of secure fencing and gates to the perimeter of the site, including all associated site development works, landscaping and planting.
Location	4027 & 4029, Citywest Avenue, Citywest Business Park, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0123
Applicant(s)	B.T. Communications Ltd
Type of Application	Permission
Planning Authority Decision	REFUSAL:
Type of Appeal	First Party
Appellant(s)	B.T. Communications Ltd
Observer(s)	None
Date of Site Inspection	10 th of February 2021
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1 The site of the proposed development which has a stated area of 1.659 ha. is located on a prominent corner site (adjoining a roundabout) at the junction of Citywest Avenue and Kingswood Road in Citywest Business Park.
- 1.2. The site contains an existing two-storey light industrial building occupied by BT Communications Ireland Ltd. The overall development of Citywest Business Park is on-going. The appeal site, in common with many other units at Citywest, is an attractive modern building set in an attractively landscaped setting that combines semi-mature trees and areas of artificial mounding.
- 1.3 To the immediate north of the site is an open green space. To the immediate west there is another two-storey building with a large carparking area, which is enclosed by security fencing as can be seen in the accompanying photographs taken during my site inspection. The southern site boundary is Citywest Avenue, and the eastern site boundary is Kingswood Road.

2.0 Proposed Development

The proposed development is described in the submitted public notices as planning permission for new secure fencing and gates to perimeter of site plus associated site development works, landscaping and planting. There is associated landscaping and planting. In addition there is a new sliding gate proposed off Kingswood Road.

3.0 Planning Authority Decision

3.1. Decision

South Dublin Co. Co. refused the proposed development by Manager's Order on 20th of July 2020 on one reason:

The South Dublin County Development Plan 2016 – 2022 sets out 'Key principles for development within enterprise and employment zones' and cites issues as they relate to Open Space and Landscape, namely:

- Developments within Business Parks maintain and promote a parkland like setting with high Quality Landscaping.

- Natural buffer zones and defensive planting are used to define private open space and the use of fencing to the front of the building minimised. Where fences interface with the public domain they should be of a high quality and incorporate elements of landscaping for screening.

The context of the application site and Citywest Business Park is of units set in attractive open parkland with extensive landscaping and unfenced enclosures. The proposed fencing is extensive rather than minimised and not of high quality and does not incorporate elements of landscaping for screening.

Having regard to this, and the key principles above, the proposed fencing would (a) contravene Council policy relating to the key principles, (b) be a visual aberration in the context of the surrounding area and (c) be obtrusive and set an undesirable precedent for the area. Thus, the proposed development would seriously injure the amenities of property in the vicinity and be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The main relevant points of the planning report can be summarised as follows:

- The subject site is zoned EE – to provide for enterprise and employment related uses.
- 11.18 of the development plan sets out key principles for the development of enterprise and employment, which include to maintain and promote a parkland setting with high quality landscaping and to minimise the use of fencing.
- The proposal is not in line with objectives ET3, G2 Objective 2, G2 Objective 9, G6 Objective 1 and HCL15 Objective 3.
- The development was previously refused by the Council and the Board. The proposal to reduce the fence from 2.4m to 2.1m and provide a screen hedge does not address the previous refusal.
- The proposed fencing would be set within a business park that has open parkland between the units, extensive landscaping and unfenced enclosures.

The proposed fencing would be a visual aberration and would be obtrusive and set an undesirable precedent.

- The site is visually prominent within the City West complex.
- Refusal recommended.

3.2.2. **Other Technical Reports**

Parks – No significant change from previous proposal.

Roads: No objections

Water Services: No objections

3.3. **Prescribed Bodies**

Parks and Landscape

No objections to the proposed development, a tree survey should be submitted, a landscape and visual assessment.

3.4. **Third Party Observations**

None

4.0 **Planning History**

4.1 **Subject Site:**

Reg. Ref. S00A/0357 - Planning permission granted by the planning authority for a development consisting of an advanced facility including two-storey offices for industrial and related uses, with provision for sub-division into two units, ESB sub-station and associated site development works with access from new interchange.

Reg. Ref. S00A/0730 – Planning permission granted by the planning authority for the construction of a mezzanine floor over the production warehouse area, amendments to facades, construction of service yard, wall and gates, plant and equipment.

Reg. Ref: SD19A/0215 (ABP – 305447)

Planning permission refused by South Dublin Co. Co. and An Bord Pleanala upheld the decision to refuse for a security fence around the perimeter of the site (similar to the current proposal). The Board refused it for one reason on 20th of January 2020 because it considered the fence would create a significant visual impact at a prominent location within Citywest.

Having regard to the visually prominent location of the site and the context of the design concept and landscape setting throughout the Citywest Business Park, which is of units set in attractive open parkland with extensive landscaping and unfenced enclosures, it is considered that the proposed development, by reason of its nature and design would be contrary to Policy ET3 Objective 5 of the South Dublin County Council Development Plan 2016-2022 and to the Key Principles for Development within Enterprise and Employment zones as set out in Table 11.18 , would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

South Dublin County Council Development Plan 2016-2022 (‘the Development Plan’)

The site of the proposed development is zoned ‘EE’ in the Development Plan. The stated objective of this zoning is ‘To provide for enterprise and employment related uses’.

Policy ET3 Objective 5 seeks:

To ensure that all Business Parks and Industrial areas are designed to the highest architectural and landscaping standards and that natural site features, such as watercourses, trees and hedgerows are retained and enhanced as an integral part of the scheme.

Policy G2 Objective 2 seeks:

To protect and enhance the biodiversity value and ecological function of Green Infrastructure network.

Policy G2 Objective 2 seeks:

To preserve, protect and augment trees, groups of trees, woodlands and hedgerows within the County.

Section 11.2.5 states that a Design Statement accompanying development proposals in Enterprise and Employment ('EE') zones should address the criteria set out in Table 11.18

Table 11.18 lists a schedule of criteria under headings including 'Access & Movement', 'Open Space & Landscape' and 'Built Form and Corporate Identity' geared towards providing for a high standard of design, finish and landscaping for new industrial area and for the upgrading of existing industrial areas.

5.2. Natural Heritage Designations

Glenasmole Valley Special Area of Conservation (SAC) (Site Code 001209) is c. 8km south of the site.

Wicklow Mountain SAC (Site Code 002122) is c. 10 km south-east of the site.

Wicklow Mountain SPA (Site Code 004040) is c. 10 km south-east of the site.

South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) is c. 16 km. to the east of the site.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Having considered the previous application on the subject site the following matters were considered under the current proposal:- Visual impact, high standard of design, natural features of the site, buffer zones, location of site and provision of satisfactory

fencing and screening. The appeal submission is repetitive, therefore the relevant points are summarised as follows:

- The proposed fence has been lowered to 2.1metres and it will be placed behind the existing mounding, reducing the perceived visual impact. Outside of the proposed fence and directly abutting same there will be significant native hedging (hawthorn) to screen the fence.
- The planning report paid little regard to the proposed landscaping, in particular 300m of native hedgerow is to be planted to screen the proposed fence.
- Since 1992 Citywest has set international landscaping standards and has won awards. The same landscaping team has been employed by the applicant to ensure continuity and aesthetic integration so that the award winning parkland is respected.
- The proposed fence type has been selected for its minimal visual intrusion, in terms of colour, mesh size and vertical supports. The proposed fencing is significantly reduced to the front of the existing data centre and the public domain increased.
- The focus of the planning authority's assessment appears to be the fence itself. The proposed hawthorn hedge links three adjacent sites, creating a healthy and vibrant ecology.
- The application includes sections through the site and an arboricultural assessment that concludes the proposed fencing will not impact on the existing trees.
- At the corner of the site when viewed from the roundabout Section B-B illustrates existing carpark level is 0.85metre lower than the City West Avenue. The fence will be placed behind the mounding, abutting the existing car parking area on site, therefore the 2m hawthorn hedge will screen the fence and the fence will barely be seen behind existing mounding. There will be supplementary tree planting, which overall will improve this vista of the site from the roundabout.

- Section C-C illustrates the Kingswood Road whereby the proposal has been revised to run the fence and hedging alongside the carparking area and the internal road away from the interface with Kingswood Road.
- The proposed fencing and hedging will continue along the northern boundary of the application site to tie into the western boundary adjoining the Keppel Data Centre fencing which has the benefit of planning permission under reference SD17A/0441.
- The new sliding gate at the Kingswood Road entrance will be setback and not readily visible from the public realm.
- It is put forward that the proposed height of the fencing, native hawthorn hedge screening, the positioning of the fence, and the setback from the road and behind the mounding and additional planting. When assessed in its entirety it is clear the permission sought for addresses the concerns of the previous refusal.
- The nature of the applicant's BT data centre requires security, as data breached are of genuine concern.
- The fencing and entrance gates are in keeping with the EE zoning objective on the site in particular objective ET3 Objective 5 to ensure all business parks and industrial areas are designed to the highest standards and that natural features are an integral part of the scheme. The proposed development will not detract from the existing parkland setting because the hedgerow is setback into the site and will assimilate with already successful planting throughout Citywest.
- The proposed development will have no impact on the existing status or future achievement of the Citywest Business Campus.
- The wording of the reason for refusal is identical to the refusal under SD19A/0215. Despite the efforts of the applicant to address the reason for refusal by the Board, the planning authority simply used the exact same wording again from its previous refusal. The Board is asked to examine the proposal De Novo. The Board should grant the proposed development because of the reduced fence, the location away from the public realm and

extensive screening. The proposal complies with the key principles set out in Table 11.18 in relation to open space and landscaping.

- The proposal does not impact on the open space hierarchy, the site is an existing data centre and permission is been sought to provide necessary security. There is no removal of trees to provide the fence, in fact additional trees and a hedge is proposed, it is designed and maintained by the City West landscape Martin Hallinan.

6.2. Planning Authority Response

There was no response to the appeal from the planning authority.

7.0 Assessment

- 7.1 The subject site is an existing data centre located within the Citywest Business Campus and the junction of Citywest Avenue and Kingswood Road. The applicant had previously applied for a security fence and gates along the perimeter of the site in 2019 under planning references SD19A/215 and ABP 305447, which were both refused planning permission, the details of same are outlined in the planning history section above. The reason for refusal by the Board was:

Having regard to the visually prominent location of the site and the context of the design concept and landscape setting throughout the Citywest Business Park, which is of units set in attractive open parkland with extensive landscaping and unfenced enclosures, it is considered that the proposed development, by reason of its nature and design would be contrary to Policy ET3 Objective 5 of the South Dublin County Council Development Plan 2016-2022 and to the Key Principles for Development within Enterprise and Employment zones as set out in Table 11.18 , would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

The applicant states the current proposal includes a number of new material alterations that address the previous reason for refusal which I intend to examine in greater detail.

7.2 The following alterations have been incorporated into the current development proposal:

- *The proposed fence is now 2.1metres (it was previously 2.4metres)*
- *A native hawthorn hedge will be planted for a length of 300metres of varying 1-2metres in height*
- *There will be additional tree planting*
- *The fence line is setback deeper into the site behind the existing mounding and abutting the carpark.*

The applicant has submitted the visual impact of the proposed fence is fully addressed under the revised proposals in particular when viewed from the public realm. It is also submitted the proposal complies with Policy ET3 Objective 5 of the South Dublin County Development Plan 2016-2022 and to the Key Principles set out in Table 11.18 of the Plan.

7.3 The overall Citywest landscape has an open plan landscaping arrangement that has won many awards and it aesthetically pleasing a consistent as one drives around the large business park. A key feature of Citywest Business park is the landscaping. The philosophy has been to develop the landscape environment ahead of the buildings and to create amenity spaces to the highest standard. The applicants claim the proposed development is needed for security reasons because the building on site is a data center. However, Citywest Business Campus provides a safe and secure environment for businesses to operate. The campus is fully managed with 24/7 security personnel and high resolution CCTV cameras throughout. According to its website, Citywest distinguishes itself on continually improving its security network and making all occupiers comfortable in their environment. The Board should note the additional justification for the proposed development is the fact the neighboring site to the west (Keppel Data Centre site) has a 2.1metres perimeter security fence which was granted planning permission in 2017, under planning reference SD17A/0441.

7.4 The line of the new fence follows the outlines of the carpark along the northern site boundary to the rear of a mound and trees along Citywest Avenue. The fence line continues along the eastern site boundary inside of the mound again behind existing

mature planting and alongside the park at the south-eastern portion of the site. Sections D and E illustrate the constant and the proportions of the proposed fence, proposed hedge and existing mounds and planting. It is submitted the hedge line will be independent of the fence line and follow the natural contours of the site, therefore, it will be impossible to see the fence from most vantage points.

7.5 In terms of the current development plan it is **South Dublin County Council Development Plan 2016-2022** that is relevant to the current proposal, whereby the subject site is zoned 'EE' in the Development Plan. The stated objective of this zoning is '*To provide for enterprise and employment related uses*'. The relevant Policy Objective is **Policy ET3 Objective 5** which seeks:

To ensure that all Business Parks and Industrial areas are designed to the highest architectural and landscaping standards and that natural site features, such as watercourses, trees and hedgerows are retained and enhanced as an integral part of the scheme. The applicant's have employed the same landscape architect that designed and manages the overall City West landscape. It is submitted the hawthorn hedge is in keeping with other sections of landscaping in the area, and that the proposal will natural blend into the overall scheme of Citywest. This is a subjective issue, and I disagree with the applicant in this regard. The 1-2metre hedgerow may act to screen the 2.1metre mesh fence, but it creates a dense and formidable boundary for a distance of 300metre along the perimeter of the site, creating a distinct enclosure perception at an important junction along Citywest Avenue. The openness of the greenfield area to the south of the subject site, and the overall parkland design, open landscaping/ mounding, connectivity and accessibility is contradicted by the sense of enclosure/ screening created by the proposed development. On balance, I consider the proposed hedge makes the current proposal more conspicuous than the previous proposal. I note from the accompanying photomontages that the hawthorn hedging presented is newly planted and there are no leaves on same. A more representative photomontage would be the hedge in 6-10years time in full leaf, as this is a robust hedge that can grow to 5metres in height. I would agree the fence will not be visible due to the screening form the hedge, but the hedge creates a greater visual impact in terms of its volume and size than the proposed mesh fence. It will completely erode the open plan nature of the overall landscaping in the vicinity of the site. The problem

with the proposal is the creation of an enclosure which is contrary to the site and landscaping features of Citywest Business Park. Citywest Business Park is still a work in progress with the ongoing development of sites. However unlike a number of other large business parks located on the opposite side of the motorway in Kildare, Citywest has a unique quality and a renowned reputation for its amenity/ landscape qualities. On balance, I consider granting of enclosing individual plots throughout the business park will undermine it's unique qualities and would be contrary to Policy ET3 Objective 5.

The existence of hawthorn hedging elsewhere in the City west Business Park does represent a consistency in planting schemes and species. However, there is no direct physical connection between the subject site and the locations of existing hawthorn hedging. Therefore apart from consistency in planting species, the other hedging within the parkland setting bares no relationship to the current site or setting along Citywest Avenue.

7.6 Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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. I recommend the planning authority's decision to refuse the proposed development be upheld by the Board for the following reason.

9.0 Reasons and Considerations

Having regard to the visually prominent location of the site and the context of the design concept and landscape setting throughout the Citywest Business Park, which is of units set in attractive open parkland with extensive landscaping and unfenced enclosures, it is considered that the proposed development, by reason of its nature and design would be contrary to Policy ET3 Objective 5 of the South Dublin County Council Development Plan 2016-2022 and to the Key Principles for Development within Enterprise and Employment zones as set out in Table 11.18 , would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

2nd of March 2021