



An
Bord
Pleanála

Inspector's Report ABP 309461-21

Development	Demolition of part single-storey, part 2-storey office building (1,732 m ²) and reconfiguration of car parking
Location	Former Georgia Pacific facility, McKee Avenue, Finglas, Dublin 11.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3329/20
Applicant(s)	Prime GP3 Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Decision
Appellant(s)	Paul Tighe and Cathy Summers
Observer(s)	None
Date of Site Inspection	19 th August 2021
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 28,315 m² and is located at the former Georgia Pacific facility, McKee Avenue, Finglas, Dublin 11. The site forms part of the Jamestown Business Park and is accessed via McKee Avenue, which adjoins the western site boundary. The development to which this application relates comprises a part single-storey, part two-storey office building with a stated floor area of 1,732 m². The single-storey component has a distinctive saw-tooth design fronting onto McKee Avenue and is characterised by painted pebble-dashed render. The two-storey element of the building has a flat roof and is finished in brown brick. Warehouse storage units are located to the rear of the building, within the application site.
- 1.2. The site is accessed off McKee Avenue via 2 no. vehicular entrances located at the north-western and south-western corners of the site. Two no. rows of parallel car parking are located to the front of the building at the north-western end of the site. The remainder of the site frontage onto McKee Avenue is characterised by an overgrown landscaped space, with a concrete post and rail fence marking the boundary with the public footpath. Individual mature trees are located within this landscaped space and extend along the boundary wall of the vehicular entrance at the south-western corner of the site.

2.0 Proposed Development

- 2.1. The proposed development will consist of the demolition of a c. 1,732 m² part single-storey, part 2-storey office building facing McKee Avenue which was formerly part of the Georgia Pacific facility.
- 2.2. The proposed development will also provide for a reconfiguration of car parking spaces at the entire former Georgia Pacific facility resulting in the revised provision of 44 car parking spaces overall. Permission is also sought for all ancillary site services and landscape works necessary to facilitate the proposed development.
- 2.3. The car parking to be reconfigured includes 12 no. of the existing parallel spaces located to the front of the office building, which will be relocated alongside the

existing spaces adjoining the site boundary with McKee Avenue. An additional 20 no. car parking spaces are proposed adjacent to the south-eastern site boundary.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 9 no. conditions issued on 21st January 2021.
- 3.1.2. All conditions are generally standard in nature.

3.2. Planning Authority Reports

- 3.2.1. **Planning Reports (30th October 2020 and 21st January 2021)**
- 3.2.2. Following their initial assessment of the proposed development, Dublin City Council's Planning Officer considered that Further Information was required in relation to: (1) the justification for the extent of demolition and the size of circulation area proposed, and (2) a comprehensive landscaping plan, including a tree survey, which provides for an appropriate boundary treatment along the McKee Avenue frontage of the site.
- 3.2.3. The applicant submitted a response to the Request for Further Information on 16th December 2020, which can be summarised as follows:
- 3.2.4. **Item No. 1:** The administrative building is required to be demolished to ensure appropriate circulation space for HGV parking and deliveries to loading bays at the facility. A swept path analysis has been prepared to demonstrate the space required and which allows for a reduction in the extent of landscaping to be removed. The aging administrative building is no longer required for present day uses and its demolition will ensure the former Georgia Pacific facility is in employment for the short to medium term.
- 3.2.5. **Item No. 2:** 5 no. semi-mature trees will be planted along the McKee Avenue frontage. A new verge with mixed-shrub planting will be provided along the boundary. The existing verge and trees to the south of the proposed demolition area will be retained, ensuring a further landscaped buffer.

3.2.6. Following their assessment of the submitted further information, Dublin City Council's Planning Officer was satisfied that the proposed development was acceptable and recommended that planning permission be granted.

3.2.7. **Other Technical Reports**

3.2.8. **Engineering Department Drainage Division:** No objection subject to conditions.

3.2.9. **Transportation Planning Division:** No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** None received.

3.3.2. **Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs:** None received.

3.4. **Third Party Observations**

3.4.1. A third-party observation was made on the application by Paul Tighe and Cathy Summers (appellants), No. 92 McKee Avenue, Finglas, Dublin 11. The points which are raised can be summarised as follows: (1) tree loss, (2) asbestos survey required, (3) emergency exit within the site should not be used for demolition and construction works.

4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 2973/10:** Planning permission granted on 10th September 2010 for the material change of use of 4,626 m² of the existing production area to warehousing, including the provision of 2 no. new fire escapes and all associated site works.

5.0 **Policy and Context**

5.1. **Dublin City Development Plan 2016-2022**

5.2. **Land Use Zoning**

5.2.1. The site is subject to land use zoning "Z6" (Employment/Enterprise) which has the objective "to provide for the creation and protection of enterprise and facilitate opportunities for employment creation".

- 5.2.2. Section 14.8.6 of the development plan states that Z6 lands constitute an important land bank for employment use in the city, which is strategically important to protect. The primary objective is to facilitate long-term economic development in the city region.
- 5.2.3. In addition to complying with the land use zoning, the following development principles, inter alia, will apply: (1) **Employment** – redevelopment proposals on Z6 lands should ensure that the employment element on site should be in excess of that on site prior to re-development in terms of the numbers employed and/or floor space; (2) **Built Environment** - to create a distinct identity for individual areas with a high quality, physical environment and coherent urban structure; (3) **Landscape** - proposed uses (e.g. civic amenity/ recycling centres) with the potential to create significant dis-amenity to adjoining properties/sites must demonstrate to the satisfaction of the planning authority that such dis-amenity will be controlled to an acceptable level. Mitigation measures such as perimeter landscape buffers or comprehensive boundary treatments may help control potential negative externalities.

5.3. **Industry, Warehousing and Business Park Development**

- 5.3.1. The development management criteria for this form of development are set out in Section 16.22 of the development plan. Those which are relevant in this instance include:
- (1) A high standard of design, finish, layout and landscaping will be required,
 - (2) It is essential that each industrial/ warehousing unit be provided with adequate space for the loading and unloading of goods (including fuels) in areas clear of the public road, and preferably behind the building line,
 - (3) Such developments should present a pleasant aspect, helped by tree planting, the careful design of signage, screening of open storage areas, and unobtrusive loading and parking space.

5.4. **Car Parking**

- 5.4.1. Table 16.1 of the development plan confirms a maximum car parking standard of 1 space per 100 m² gross floor area of Enterprise and Employment/Offices/ General Industry (incl. warehousing) is permissible in this area of the city (Area 3).

5.5. Natural Heritage Designations

5.5.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been lodged by Paul Tighe and Cathy Summers of No. 92 McKee Avenue, Finglas, Dublin 11, the grounds of which can be summarised as follows:

- The landscaping proposals should be reviewed to secure the retention of at least some of the existing mature trees scheduled to be felled as part of the development.
- The mature cherry tree at the front of the site must be retained and there is a duty of care to protect mature trees in urban settings.
- This represents an opportunity to protect our environment and mitigate the negative impacts of climate change.
- It is counter-intuitive to remove a mature tree to facilitate additional car parking when current transport policy discourages the use of cars. Planning policy encourages the retention and protection of mature trees in urban settings and the completed project retains a soft margin in the precise location of one of the existing trees.
- The development already has a significant amount of hard standing and this will increase significantly when the demolition works are completed.
- The reduced depth of the landscaped margin onto McKee Avenue is not in keeping with the existing arrangements on other factory sites on the avenue.
- The provision of appropriate margin depths and planting helps to mitigate the visual impact of industrial facilities on residential dwellings.
- The planning application tree survey report has not been made available.

6.2. Applicant Response

6.2.1. A response to the grounds of appeal was received from the applicant on 18th March 2021, which can be summarised as follows:

- A comprehensive landscaping plan for the McKee Avenue boundary of the property and an existing tree survey were submitted to the Planning Authority at Further Information stage.
- The proposed demolition and car parking works relate primarily to a relatively small area of the site and its frontage, and which will require 6 no. existing trees to be felled. 5 no. high quality semi-mature trees more suited to this location will be placed in their stead.
- While the existing cherry tree on the site may have been in situ for a number of years, the Tree Survey Schedule does not identify it as a particularly high-quality tree warranting retention (U category tree).
- While the depth of the landscaped buffer will decrease in width, its overall quality will vastly increase through quality tree selection and the introduction of hedge planting, mixed-shrub planting and other biodiversity measures.

6.3. Planning Authority Response

6.3.1. None received.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Principle of the Development
- Site Landscaping
- Car Parking Provision
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. **Principle of the Development**

7.3.1. The site is zoned for “Z6” (Enterprise/Employment) purposes under the development plan. The primary objective for such lands is to facilitate long term economic development within the city. The applicant submits that the existing structure has been vacant for a number of years following the relocation of the former occupier. Several prospective occupants have expressed an interest in leasing the facility in its established production and distribution facility use. Additional external space is required to facilitate the necessary circulation space to enable efficient work practices, which is proposed to be facilitated by the demolition of the vacant office building. The applicant submitted a swept path analysis at Further Information stage to demonstrate the extent of the space which is required.

7.3.2. I note that the development plan identifies a number of development principles for Z6 zoned lands, including the requirement for redevelopment proposals to ensure that the employment element on site exceeds that on site previously in terms of number of employees and/or floor space. However, in this instance, the building which is proposed to be demolished has been vacant for a number of years, and as identified by the applicant, its removal will enable the facility to be brought back into active use. Having regard to the circumstances pertaining in this instance, and the applicant’s rationale for the demolition of the building, I am satisfied that the proposed development would result in a positive employment benefit on the subject site. As such, I am satisfied that the principle of the proposed development is acceptable in this instance.

7.4. **Site Landscaping**

7.4.1. The appellants’ primary point of appeal relates to the loss of the existing mature trees on foot of the proposed development, in particular the mature cherry tree within the landscaped space to the front of the vacant office building. It is also submitted that the reduced depth of the landscaped margin onto McKee Avenue does not reflect the existing arrangements on other factory sites along the avenue and that appropriate landscaped buffers helps to mitigate the visual impact of industrial facilities on neighbouring residential dwellings.

- 7.4.2. Item no. 2 of Dublin City Council's Request for Further Information required the applicant to submit a landscaping plan which provided an appropriate boundary treatment onto McKee Avenue. A survey of the 5 no. existing site trees was also undertaken (cherry, crab apple, juniper and cedar) and the row of 6 no. cypress trees to the front of the site. The 2 no. cherry trees were assigned values of U and B2, with the category U cherry tree recommended for removal. The remainder of the trees were designated as B1 and C1 category specimens.
- 7.4.3. I acknowledge that the existing mature trees within the site contribute to the visual amenity of the area as identified by the appellants. However, I also note that the existing landscaped margin fronting onto McKee Avenue is not maintained, which combined with the vacant status of the existing office building, contributes to a dilapidated site appearance fronting onto the public road. In my opinion, the applicant has provided a reasonable rationale for the proposed development, which will require the removal of the existing trees. However, I am satisfied that the revised landscaping treatment which is proposed fronting onto McKee Avenue (Biodiversity and Planting Proposals Plan – Drawing No. 1467-5011 refers), will provide an appropriate compensatory buffer at this location, which will assist in screening the industrial uses within the site and enhancing the visual amenities of the area.

7.5. Car Parking

- 7.5.1. The proposed development includes the reconfiguration of 12 no. existing car parking spaces within the site and the provision of 20 no. additional spaces adjacent to the south-eastern boundary. The appellant submits that it is counter-intuitive to remove a mature tree to facilitate additional car parking when current transport policy discourages the use of cars.
- 7.5.2. The subject site is located within car parking area 3 of the city, within which, a maximum car parking standard of 1 space per 100 m² gross floor area of Enterprise and Employment/Offices/General Industry (incl. warehousing) applies. A total of 66 no. car parking spaces are currently provided on the site. It is proposed to relocate 12 no. of these space and provide an additional 20, resulting in 88 spaces overall.
- 7.5.3. The remaining buildings on the site have a stated floor area of 13,464 m², resulting in a maximum car parking provision of 135 no. spaces. Given that a total of 88 no. spaces would arise on foot of the proposed development, I am satisfied that the level

of car parking provision is acceptable. I note that the Transportation Planning Division of Dublin City Council also had no objection in this regard.

7.6. Conclusion

- 7.6.1. In conclusion, I am satisfied that the proposed development would be acceptable at this location and would be in accordance with the Z6 land use zoning objective which applies to the site. As such, I recommend that planning permission be granted in this instance.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development, comprising the demolition of an existing building, the reconfiguration of car parking and site landscaping works, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted in this instance.

9.0 Reasons and Considerations

- 9.1. Having regard to the “Z6” (Employment/Enterprise) land use zoning which applies to the site, which has the objective “to provide for the creation and protection of enterprise and facilitate opportunities for employment creation”, the vacant status of the existing office building and the proposal to demolish this building in order to bring the site back into active use, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area and would have no undue negative impact on the visual amenities of the area.

10.0 Conditions

1.	<p>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 16th day of December 2020, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The landscaping scheme shown on drawing no. 1467-5011, as submitted to the planning authority on the 16th day of December 2020, 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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
3.	<p>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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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Louise Treacy
Planning Inspector

26th August 2021