



An
Bord
Pleanála

Inspector's Report

ABP-321306-24

Development	Change of use from warehouse/office to event facility and associated works.
Location	Unit 39, Boeing Road, Airways Industrial Estate, Dublin 17, D17 A728
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0790E
Applicant(s)	KC Delivery Services Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party against refusal
Appellant(s)	KC Delivery Services Limited
Observer(s)	None
Date of Site Inspection	6/3/25
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site is located within an industrial estate known as Airways Industrial Estate which is located to the east of the R132 and to the south of the M50/M1 interchange in Santry, c. 7km to the north-east of Dublin City Centre.
- 1.2. The appeal site is located on the eastern side of Boeing Road and the surrounding area is industrial in character with a variety of industrial style buildings with the overall industrial estate.
- 1.3. The appeal site has a stated area of 0.374ha and comprises of a large rectangular shaped building which is currently in use as a depot for a parcel delivery company. There is car parking to the rear of the building.
- 1.4. The appeal site is bounded to the north and south by industrial buildings, to the east by the M50 and to the west by Boeing Road.

2.0 Proposed Development

- 2.1. The development comprises of the change of use part of the first-floor office space and warehouse / distribution space to a licensed corporate and private event facility.
- 2.2. The area to which the proposed change of use relates is c.291m² which would include associated washroom facilities.
- 2.3. The proposal also includes the addition of 1 No. sign to the southern elevation of the building.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 The planning authority decided on 25th October 2024 to refuse planning permission for the following reason:

1. *The supporting vision for the 'GE' General Employment zoning objective seeks to 'Facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses,*

logistics and warehousing activity...'.The development is considered to be incompatible with existing and adjoining land uses and employment activities it is considered a non-conforming use of a licenced event facility within an existing warehouse/distribution unit, would set an undesirable precedent and cumulatively result in the unsustainable and uneconomical use of the land and adversely impact on employment activities and would contravene materially the GE 'General Employment' Zoning Objective which seeks to 'provide opportunities for general enterprise and employment' and as such would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There is one planning report on file dated 25th October 2024. The planning report outlines that the development would be equivalent to a licensed premises function room as associated with hotels, pubs, and other similar hospitality operators and that the nature of the proposed use would attract visiting member of the public to an established industrial area. The planning report states that, given the nature of the use that, the proposal would not be compatible with the surrounding development.

The planners report also highlights that the provision of the proposed use on these lands would adversely affect the viability of these GE lands to function as a location for major employment generating uses and would have the effect of undermining the overall vision for these lands. To set a precedent for such would irrevocably change the character of the area to its detriment.

3.2.2. Other Technical Reports

Ecology: Report dated 11/9/24. No objection, no conditions.

Parks Department: Report dated 30/9/24. No objection, no conditions.

Waste Services: Report dated 2/10/24. No objection, no conditions
Environment/ Climate Action/ Active Travel and Sports Department.
Report dated 4/10/24. No objection subject to condition relating to adequate storage of waste.

Transportation: Report dated 7/10/24. No objection, no conditions.

Environment/ Air/ Noise Department: Report dated 7/10/24. No objection, no conditions.

3.3. **Prescribed Bodies**

Uisce Eireann: Report dated 20/9/24 outlining no objection, subject to conditions.

4.0 **Planning History**

Subject site

F97A/0010: Application for change of use from warehouse to offices, alterations to elevations, addition of canopy, additional car-parking, relocation of oil tank and larger loading yard. Permission granted, subject to conditions.

F97A/1000: Application for warehouse extension and additional internal offices and associated site development works to be built on a phased basis. Permission granted, subject to conditions.

F01A/ 0038: Application for the increase in building height from 8.6m to 11.2m externally, with associated elevational changes incorporating additional windows and relocated loading door to previously approved warehouse extension. Permission granted, subject to conditions.

F02A/0802: Application for retention of signs erected on building and at entrance with 3 no. flagpoles. Retention planning permission granted.

F20A/0802: Application for the partial change of use, extension, and internal alteration of the existing warehouse with ancillary office building and retention planning permission for window opes to be filled in with cladding and installation of 3 no. double

height loading doors at ground floor level on the south elevation. Planning Permission and retention planning permission granted, subject to conditions.

Site to the south

F24A/1040E. Application for the partial demolition (comprising 1,480 sq.m) of the existing warehouse / light industrial unit (Unit 39*), and all associated site works. Permission granted, subject to conditions.

*I make the Board aware that while the address of this application is similar to the appeal site, they are separate sites.

Within Airways Industrial Estate

F23A/0659 (ABP-318883-24). Application for permission for continuation of use for indoor sports activities. Temporary permission was granted for 5 years under Reg. Ref. F13A/0439 and further extended for 5 years under F19A/0009. Fingal County Council granted planning permission subject to conditions, including condition 2 which required that that the permission be for a temporary period of three years. This decision was the subject of a first party appeal to An Bord Pleanála against condition 2. The Board decided to remove condition 2.

5.0 Policy Context

5.1. Development Plan

5.1.1 Local Planning Policy is set out in the *Fingal County Development Plan 2023-2029*.

5.1.2 The site is zoned 'GE' General Employment to '*Provide opportunities for general enterprise and employment*', with the associated vision: 'Facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable, and legible.'

5.1.3 The proposed licensed corporate and private event facility use is not listed as being either permitted or not permitted. Developments that are neither 'Permitted in Principle' or 'Not Permitted' will be assessed on their contribution towards the achievement of the zoning objective and vision and their compliance and consistency with the policies and objectives of the Development Plan.

5.1.4 The subject site is located within the Dublin Airport Noise Zone C.

5.1.5 Relevant objectives and sections under the Development Plan include the following:

- **EEO1** – concerning the implementation of land use management plans, existing local area plans and masterplans for strategically important general employment lands.
- **EEP2** – concerning maximising the potential of general employment lands for intensive employment uses where appropriate.
- **EEO14** – encouraging sustainable design, permeability, and pedestrian/cyclist friendly environments in general employment zoned areas.
- **DMS089**- Concerning the design and siting of any new Business Parks and Industrial areas conforms to the principles of Table 14.15.1.
- **DMSO12** – Concerning evaluation of Signage Proposals in relation to the surroundings and features of the buildings and structures on which signs are to be displayed.

5.2. **Natural Heritage Designations**

The subject site is located over 6km to the west of Baldoyle Bay SAC (000199) and SPA (004016) and North Dublin Bay Special Area of Conservation (000206) and the North Bull Island SPA (004006). There is no connection to any European (Natura 2000) sites and no pathways.

5.3. **EIA Screening**

The proposed change of use does not come within the definition of a 'project' for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party Hughes Planning and Development Consultants on behalf of KC Delivery Services Limited against the decision of Fingal County Council to refuse planning permission. The grounds are summarised below:

- The use of the site is compatible with the GE zoning and surrounding land uses.
- The use is for a corporate event facility and does not relate to a public house.
- There is precedent for similar uses in industrial / business parks including gyms, play centres and climbing walls.
- The balance of the building will remain in office and warehouse use.
- The use of part of the building is ancillary and promotes maximisation of a building which would otherwise be underutilised.

6.2. Planning Authority Response

6.2.1 Response dated 16/12/24, a summary is set out below:

- The Planning Authority remain of the view that the proposed development is contrary to the GE Zoning Objective and the vision for the area.
- Having regard to the incompatibility with the adjoining industrial uses, the non-employment intensive nature of the use and the unsustainable and uneconomic use of land would be detrimental to the GE Zoning Objective and therefore contrary to the proper planning and sustainable development of the area.
- An Bord Pleanála are requested to uphold the decision of the planning Authority.
- In the event that this appeal is successful, provision should be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

6.3. Observations

- No observations on file.

6.4. Further Responses

- No further responses on file.

7.0 Assessment

7.1. Having inspected the site and reviewed the documents on the file, I consider that the appeal can be addressed under the following headings:

- Principle of development
- Signage
- Appropriate Assessment

7.2. Principle of development

7.2.1 The subject site is zoned 'GE' General Employment with the objective '*Provide opportunities for general enterprise and employment*'. The vision for GE lands is to 'Facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable, and legible.'

7.2.2 I draw the Bords attention to the fact that in their reason for refusal, the Planning Authority has stated that the proposal would contravene materially the GE 'General Employment' Zoning Objective which seeks to 'provide opportunities for general enterprise and employment'.

7.2.3 In considering whether the proposed development would materially contravene the stated policies and objectives of the GE Zoning Objective, I note that the Development states that where uses are neither permitted or not permitted, they will be assessed in terms of their contribution to towards the achievement of the zoning objective and vision and compliance with objectives/policies under the Development Plan. In my opinion the proposed use is neither permitted or not permitted and therefore the proposal can be considered in terms of their contribution to towards the achievement of the zoning objective and vision and compliance with objectives/policies under the Development Plan. Therefore, I consider that the Planning Authority has erred, and that no material contravention of the development plan arises in this instance.

- 7.2.4 The reason for refusal states that (inter alia) the proposal would be incompatible with existing and adjoining land uses and employment activities and that the proposal would be a non-conforming use of a licenced event facility within an existing warehouse/distribution unit.
- 7.2.5 In assessing the application, the area planner outlines concerns that that the proposal would be akin to a function room in a pub or hotel (or similar hospitality venues) within an industrial area and would affect the ongoing viability of the Airways Industrial estate as a location for major employment and would undermine the overall vision for these lands.
- 7.2.6 The first party states that the proposal would proposal would cater for corporate events and private parties and would not be open to the public. The appellants further state that the proposal would not impact on the traditional use of the industrial park.
- 7.2.7 Firstly, I turn my attention to the nature of the proposed use. I acknowledge the concerns of the area planner. However, the proposed event facility use would operate in a slightly different manner to a function room attached to a pub or hotel. The proposed use would be only for pre booked events whereas a function room in a hotel could have a full-time hospitality function, if required.
- 7.2.7 Secondly, regarding the vision for GE zoned land I believe the proposal would be compatible with the GE zoning. The proposal would provide employment opportunity and does relate to an enterprise use, being a business that supports employment.
- 7.2.8 Finally, regarding the vitality of the Airways Industrial Estate, I note the planning authorities concern relating to the proposal attracting members of the public into an established industrial area which would impact on the operations of the industrial estate.
- 7.2.9 The existing building has a stated floor area of 2,077m², the proposal seeks to change the use of 291m² of this building which is a total of c.14%. This is a small area of the existing building. The remaining 86% of the building would continue as the existing warehouse / distribution use.
- 7.2.10 In addition to this, there are a number of non-industrial uses within the Airways Industrial Park, including a Gymnastic Club and a Trampoline Centre. There is also an indoor soccer facility within this industrial area. These non-industrial uses have not

impacted on the operation of the industrial estate. However, considering the concerns of the planning authority, a condition which limits the duration of the permission to three (3) years could be included. This would allow for any impacts that the proposed use may have on the vitality of the surrounding industrial estate to be assessed in advance of any further applications.

7.2.10 In addition to this, should the Board be of a mind to grant planning permission then I would recommend a condition which limits the operation of the event facility use to times outside of normal business hours. This would ensure that patrons attending a function would not interfere with the ongoing operations of surrounding development.

7.2.11 With regard to car parking, the proposal would not provide any additional car parking to that currently provided. The proposed use would generate the need for 9 car parking spaces. The Transportation Planning Section of Fingal County Council outlined no objection to the zero provision of parking. I would concur with this. Given the nature of the use, its opening times, and the location of the site within an industrial area, zero parking provision is acceptable.

7.3.1 Signage

7.3.1 The proposed development includes a sign on the southern elevation of the building. The proposed signage would be 2.42m x 0.9. However, there are no detailed plans relating to the proposed signage on file.

7.3.2 Section 14.4.6 of the *Fingal County Development Plan 2023-2029* notes that the presence and location of signage can have a major impact on the visual amenity of an area and that poorly positioned and unnecessary signage can reduce the overall visual quality of an area. Objective DMSO12 generally seeks that proposals for signage relates in a positive manner to its surroundings and features of the buildings and structures on which signs are to be displayed.

7.3.3 Should the Board be of a mind to grant planning permission then a condition which requires that the developer agree signage with the Planning Authority prior to occupation of the event facility use is recommended.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an industrial estate in Santry, Dublin 17. The proposal comprises of the change of use of 291m² of existing warehouse / office space to an event facility.
- 8.2. The subject site is located over 6km to the west of Baldoyle Bay SAC (000199) and SPA (004016) and North Dublin Bay Special Area of Conservation (000206) and the North Bull Island SPA (004006). There is no connection to any European (Natura 2000) sites and no pathways.
- 8.1 Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The small scale of the proposal; and
 - The absence of connectivity to any European site and the existing nature of the building within an industrial area.
- 8.2 I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

- 9.1 I recommend that planning permission be granted, subject to conditions.

10.0 Reasons and Considerations

- 10.1 Having regard to the zoning of the site under 'GE' General Employment to '*Provide opportunities for general enterprise and employment*', planning policies and objectives under the *Fingal County Development Plan 2023- 2029* and the existing pattern of development in the vicinity and the scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously, or disproportionately, injure the amenities of the

area or of property in the vicinity, and therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, 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. The event facility use hereby permitted shall cease within 3 years of the date of this order save where permission for a further period shall have been granted by the planning authority or by An Bord Pleanála on appeal.

Reason: To allow for a review of the development having regard to the circumstances then pertaining.

3. The development shall operate between the following hours:

- a) 17.30 to 23.30 Monday to Friday; and
- b) 11.30 to 23.30 Saturday, Sunday, and Bank Holidays

Reason: To protect the operation of the surrounding industrial units.

4. Details of the signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The signage shall not be non-illuminated or internally lit and shall comply with all requirements specified by the planning authority.

Reason: In the interest of visual amenity

5. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation, and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

6. 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.

7. The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater

collection network and adhere to the standards and conditions set out in that agreement.

All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice.

Reason: To provide adequate water and wastewater facilities.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ronan Murphy
Planning Inspector

28 March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321306-24		
Proposed Development Summary	Change of use from warehouse/office to event facility and associated works.		
Development Address	Unit 39, Boeing Road, Airways Industrial Estate, Dublin 17, D17 A728		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ **Date:** _____

