



An  
Bord  
Pleanála

## Inspector's Report PL06F.248338.

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<b>Development</b>	Construction of 427-bedroom hotel, including leisure facilities, meeting / conference rooms, café and all associated site works.
<b>Location</b>	Site west of Stockhole Lane / Clonshaugh Road, Clonshaugh, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F16A/0579.
<b>Applicant(s)</b>	Carra Shore Hotel (Dublin) Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Lorna – Jane McAlevey and Gerard McLeod Jnr.</li><li>2. Gerard McLeod.</li><li>3. John McLeod.</li><li>4. Christina Fitzsimons.</li><li>5. Gregory and Philomena Fitzsimons.</li></ol>
<b>Observer(s)</b>	Dublin Airport Authority.
<b>Date of Site Inspection</b>	30 <sup>th</sup> June 2017.

**Inspector**

Karen Kenny.

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## 1.0 Site Location and Description

- 1.1. The site is situated in the south Fingal area immediately north east of the intersection of the M50 and M1 Motorways, north of the R139 and west of Stockhole Lane. The site is c. 1.5 kilometres to the south east of Dublin Airport, on the opposite side of the M1 Motorway.
- 1.2. The site has a stated area of 1.35 hectares and comprises a grassed field that is bounded by a low post and rail fence. It is adjoined to the north and west by agricultural lands, to the east by a Topaz filling station and to the south by the Clayton Hotel. To the south east of the site there are a number of residential properties with frontage onto Stockhole Lane / Clonshaugh Road, the closest of which is located approximately 124 metres from the eastern boundary of the appeal site. Surrounding lands to the north of the R139 are generally in agricultural / horticultural use.
- 1.3. The site is part of a larger block of land to the east and west of Stockhole Lane and north of the R139 that is zoned for high technology employment uses. The site is accessed from a roundabout on Stockhole Lane which runs in a north south axis, east of the site and connects to the R139 to the south via a second roundabout.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a part 10-storey and part 7-storey, 427-bedroom hotel with a stated gross floor area of 18,940 square metres. The hotel incorporates a fitness area, conference rooms, café/restaurant/bar facilities, surface and decked car parking and associated landscaping and infrastructure provision.
- 2.2. The hotel comprises a large ground floor area with plinth over and two separate rectangular bedroom blocks sitting above the plinth. The 10-storey block has an overall height of 32 metres, while the 7-storey block has an overall height of 23 metres.
- 2.3. There is a proposed car parking deck to the rear of the hotel. It is rectangular in shape with parking on three levels and a green walls surrounding on all sides. The applicant sought permission for 461 no. car parking spaces, two coach parking

spaces and 84 no. bicycle spaces. The development as permitted would incorporate 439 car parking spaces.

- 2.4. The application states that the hotel is designed with the option of accommodating one or two hotel operators. There are independent reception areas and lift / stair cores at ground level providing access to the separate bedroom blocks above. There is also a standalone café/restaurant proposed at ground level.

The application is accompanied by:

- Planning Report.
- Inward Noise Impact Statement.
- Mobility Management Plan.
- Traffic and Transport Impact Assessment.
- Engineering Assessment Report.
- Landscape Design Report.
- Design Development Statement.
- Visual Impact Assessment.
- Appropriate Assessment (AA) screening report.
- Flood Risk Assessment.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Grant permission subject to conditions. Conditions of note include the following:

- Condition no. 3 (a) states that the maximum number of car parking spaces will be 439.
- Condition no. 3 (b) requires the developer to submit a Mobility Management Plan (including details of a proposed shuttle bus service from Clongriffin DART Station to Dublin Airport) for written agreement.

- Condition no. 3 (c) states that all car parking spaces within the red line of the application site shall only be used for hotel-related parking and shall not be used for short and long term parking by persons not using hotel facilities.
- Condition no. 8 states that the use of cranes during construction shall be agreed in advance with the planning authority, following consultation with the Irish Aviation Authority and the Dublin Airport Authority.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's Report reflects the decision to grant permission. The proposed development was initially assessed against the policies and objectives of the 2011-2017 Development Plan as this Plan was in force at time of the initial assessment. Subsequent to further information being submitted the Planning Officer's Report notes that the PA has reviewed the new Development Plan for the period 2017-2023 which came into effect on 16<sup>th</sup> March 2017 and is satisfied that no significant changes have occurred in the development objectives, such that the development would no longer be consistent with the proper planning and sustainable development of the area.

#### 3.2.2. Other Technical Reports

**Parks Planning Section:** No objection.

**Transport Planning Section:** No objection.

**Water Services Section:** No objection.

**Environmental Health Officer:** No objection.

### 3.3. Prescribed Bodies

**Irish Water:** No objection.

**Dublin Airport Authority:** No objection. Recommends conditions in relation to implementation of noise attenuation, agreement with DAA and IAA prior to use of cranes and that car parking is limited to hotel related parking.

**TII:** No objection.

### 3.4. **Third Party Observations**

5 no. submissions received. The issues raised are similar to those raised in the grounds of appeal set out below.

## 4.0 **Planning History**

### Appeal Site

**ABP PL06F.232704 (F08A/1305):** Permission granted on the appeal site for a 10 storey 325-bedroom hotel with associated spa and leisure facilities, meeting and conference rooms, restaurant, bar and function facilities and associated facilities, including the provision of 650 underground and surface car parking spaces. Fingal County Council's decision to grant permission was the subject of a 1<sup>st</sup> party appeal relating to the application of the Section 48 Development Contribution Scheme. Permission extended for 5 years under PA Ref. F08A/1305/E1 to 3<sup>rd</sup> September 2019.

**ABP PL06F.212020 (F04A/1684):** Planning permission granted on substantially the same site as the appeal site for a 239 bedroom and 13 suite hotel comprising 16 floors over basement with plant at roof level.

### Sites to West / South

**Ref. PL06F.247665 (F16A/0397):** Permission refused for 3 no. 5 storey office blocks with office space of 23,970 square metres and 474 car parking spaces on the adjoining site to the west of the appeal site. The reason for refusal states inter alia that having regard to the nature and scale of the development, the location in close proximity to the strategic junction of the M1 and M50 motorways, the distance from high capacity public transport nodes and limited potential for public transport use, walking and cycling; and the large quantum of similar zoned lands in the vicinity, it is considered that the development would adversely affect the strategic and local road network, would be premature pending a strategic review of transport and land use integration in the South Fingal area (as required by the Development Plan) and

would set an undesirable precedent for large scale office space on similarly zoned lands in the area.

Ref. F07A/0766: Permission granted for three office buildings of 31,600 square metres on a site to the south, with access off Stockhole Lane.

### **Clayton (Bewleys) Hotel Site**

**Ref. F16A/0437:** Permission granted for the redevelopment of the existing Clayton hotel to convert existing business and function areas into bedrooms and add additional floors to accommodate a total of 141 no. bedrooms, an extension to restaurant and storage areas, new restaurant, bar, café and associated facilities. The application documents state that the applicant no longer wishes to progress the development granted permission under Ref. PL06F.245362 (F14A/0465). Condition no. 5 of the permission requires the developer submit a Mobility Management Plan to the PA for agreement and states that car parking spaces within the red-line and blue line boundaries shall be used for hotel related uses only and not for airport related parking.

**Ref. PL06F.245362 (F14A/0465):** Permission granted for new buildings and alterations to Bewleys Hotel Dublin Airport. The total area of new buildings is 26,455 square metres, including 367 new bedrooms over two blocks over five to seven floors, conference centre and seminar rooms of 3,150 square metres, change of use of existing business centre into leisure centre, a total of 432 new car spaces and all associated works. Condition no. 2 of the permission requires the developer submit a Mobility Management Plan to the PA for agreement. Condition no. 3 states that car parking spaces within the red-line and blue line boundaries shall be used for hotel related uses only and not for airport related parking.

**Reg. Ref. F05A/0972:** Permission granted for alterations and additions to Hotel that included the omission of the Leisure Centre and the inclusion of a Business Centre with 14 no. Meeting Rooms over ground and first floor levels, and the addition of 17 no. bedrooms at first floor level bringing total no. of bedrooms to 467.

**Ref. F03A/0660:** Permission granted for a 5 – 9 storey 450-bedroom hotel (total area: 29,295m<sup>2</sup>), including conference centre, leisure centre, restaurant/dining room and bar on a site measuring 5.1 hectares approximately. The proposed development included the provision of 914 no. car parking spaces. An application for road widening, construction of a new roundabout and entrance road at the N32 (now



R139) Clonshaugh Road North junction was submitted separately to Dublin City Council.

Permission granted under **Ref. F05A/1489, Ref. F05A/1592 and Ref. F06A/0231** for alterations to the hotel.

### **Adjoining Site to East - Topaz Petrol Filling Station**

**Ref. F13A/0221:** Permission granted for a service station with a gross floor area of 584 square metres, incorporating a net convenience retail area of 100 square metres, a café/restaurant seating area of 164 square metres and hot food deli and a drive through facility.

**Ref. PL06F.245112 (F15A/0182):** Permission granted for extension to the opening hours permitted under application ref: F13A/0221 to allow 24 hour opening of the service station.

## **5.0 Policy Context**

### **5.1. National and Regional Policy**

The following Policy Documents are considered relevant given the site location:

#### **Spatial Planning and National Road Guidelines for Planning Authorities (2012)**

The guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions. Chapter 2, Section 2.7 addresses Development at National Road Interchanges or Junctions. Chapter 3 of the Guidelines deal with Development Management and Roads.

#### **Transport Strategy for the Greater Dublin Area 2016-2035**

This strategy provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA) to 2035. The Strategy presents the transport requirements for the GDA based on principles of effective, efficient and sustainable travel. Chapter 7 deals with Land Use Integration and Behavioural Change. The Principles of Land Use and Transport Integration outlined in Section 7.1.2 are to reduce the need to travel, reduce the distance travelled,

reduce time taken to travel, promote walking and cycling and promote public transport use.

## 5.2. Development Plan

The Fingal County Development Plan 2017-2023 came into effect on 16<sup>th</sup> March 2017 and is the relevant statutory plan for the area.

- The site is zoned 'HT' – High Technology with an objective to 'provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment'. The zoning vision is to facilitate opportunities for high technology, high technology and advanced manufacturing, major office and research and development based employment within high quality, highly accessible campus style settings.
- Section 6.13 of the Development Plan states that 'the HT zoning is one of the most important economic development zonings in Fingal located principally in Blanchardstown and Swords, supplemented with significant zonings at Dublin Airport and along the southern boundary of the County with Dublin City'. Objective ED95 seeks to encourage the development of corporate offices and knowledge based enterprise in the County on HT lands and work with key stakeholders, relevant agencies and sectoral representatives to achieve such development'.
- Objective ED94 is to 'prepare LAP's and Masterplans within the lifetime of the Development Plan for strategically important High Technology zoned lands in collaboration with key stakeholders, relevant agencies and sectoral representatives'. Objective ED90 refers specifically to the preparation of Masterplans for the HT zoned lands at Clonshaugh - "MP11.C – Clonshaugh West" and "MP11.D – Clonshaugh East".
- Section 11.3 deals specifically with the preparation of Masterplans and states that masterplans will be subject to a public consultation process and presented to the Elected Members of the Planning Authority for agreement. Objective Z03 refers.

- Economic Objectives ED 10, 11, 12 and 13 seek to maximise the economic potential of Fingal arising from its location in the Dublin City Region, the Eastern and Midlands Regional Assembly area, the presence of key infrastructural assets including Dublin Airport and the motorway network and benefits associated with the Dublin-Belfast Economic Corridor in a sustainable way and in accordance with the settlement strategy.
- Objective ED58 promotes and facilitates tourism as a key economic pillar and supports the provision of necessary significant increase in facilities including hotels and aparthotels. Objective ED61 seeks to direct tourist related facilities into town and village locations to support and strengthen the existing economic infrastructure of such centres.
- Chapter 7 deals with movement and Infrastructure. Objective MT07 is to 'Carry out a comprehensive feasibility study of the South Fingal area to produce a strategic 'vision' and overall strategy for the proper planning and sustainable development of the study area, based on a sustainable transport and smarter travel approach, planning for all transport modes and needs, whilst also being reflective of road network capacity and modal split assumptions. This will be carried out within two years of adoption of the Development Plan and will be used to inform the preparation of statutory Local Area Plans and Masterplans in the area. The preparation of the study will include implementation recommendations and involve consultation with key statutory stakeholders including TII and the NTA, public consultation and engagement with relevant statutory bodies.
- There is an indicative road proposal to the north of the lands.
- The site is located within the Outer Airport Noise Zone and the northern part of the sites falls within the Outer Public Safety zone for Dublin Airport.
- Table 12.8 provides the car parking standards with hotels requiring 1 car parking space per bedroom. Table 12.9 provides the bicycle parking standards with hotels requiring 0.1 spaces per bedroom.

## **The Clonshaugh ST1 Local Area Plan 2002**

This LAP was prepared under the Fingal County Development Plan 1999 and adopted by Fingal County Council on 14<sup>th</sup> October 2002. The LAP relates to 21.8 hectares of land that were zoned ST1 – To facilitate opportunities for science and technology based employment and associated and complementary uses in a campus style environment in accordance with approved action area plans and subject to the provision of the necessary physical infrastructure. The appeal site is situated on the ‘Phase 2’ lands and is identified as a location for a landmark building. The lands were considered to be particularly appropriate for specified uses that include hotel/motel.

### **5.3. Natural Heritage Designations**

None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

5 third party appeals have been submitted. The grounds of appeal can be summarised as follows:

- Noise level increase during construction and operational phases.
- Negative traffic impact and capacity of the road network to accommodate development.
- Capacity of local infrastructure to accommodate development.
- Hours of operation of businesses.
- Negative impact to existing residential amenity of the area.
- Loss of privacy.
- Impact upon security.
- Impact on character of the area. Reference to quiet country environment.
- Flooding.

## 6.2. Applicant Response

- The development represents a reduction in scale relative to the extant permission on site F08A/1305. Reference to reduced number of car parking spaces and reductions to height and scale of structure.

### Principle of Development

- Site is zoned and the area is commonly referred to as the South Fringe in respect of its proximity to Dublin City (admin area) and nearby urban / light industrial development.
- The hotel use will provide an appropriate and complementary land use within the HT zone. The site is proximate to the airport would provide a mix of uses to a commercially zoned development area. Principle of a hotel has been established on a number of occasions. The hotel use is compatible with the zoning objective and vision for the subject lands.
- There is a shortage of hotel rooms in Dublin and the proposed co-located hotel rooms would add a significant quantum. The shuttle service will ensure good links to public transport and the airport.
- The zoning map identifies that the subject site and adjacent lands as being subject to a Masterplan. Application Ref. F16A/0397 included a masterplan which was submitted to the council and deemed to be acceptable. The Masterplan identified the subject site as a hotel.

### Residential Amenities

- The proposed use is not usually associated with disruption to residential amenities. There is substantial separation distance between the proposed hotel and the appellants' properties (c. 180 metres), therefore no material disruption to the amenities of the surrounding area through noise or light is envisaged. Reference to other land uses in the vicinity that operate on a 24-hour basis and to the proximity to the M1/M50.
- The site's location in the Outer Airport Noise Zone and proximate to a motorway is indicative of the noise in the area. The concerns of the appellants are addressed by conditions of the permission in relation to noise.

Taking this and the substantial separation distance into consideration, no significant negative noise impact is anticipated.

- The height and massing of the development is reduced towards the residential properties. The potential visual impact was assessed by the PA and extracts of the report are included.
- The separation distance from the closest dwelling is in excess of 180 metres with a petrol filling station between. There would be no significant overlooking of surrounding dwellings and this has been thoroughly assessed by the PA.
- It is submitted that concerns in relation to security are unfounded.

### **Access and Transport**

- A Traffic & Transport Assessment and a Mobility Management Plan were submitted with the application.
- Detailed traffic impact assessments were completed and submitted as part of the application documentation, the methodology and conclusions of which were accepted by the PA and not objected to by TII. The development will generate 110 two way trips in the am peak and 104 two way trips in the pm peak. The impact of additional traffic on the existing R139 / Clonshaugh road junction is less than 2%. The impact on the Stockhole Lane/ Clonshaugh road junction was proven to be negligible.
- It is noted that the appellants have not provided any technical evidence to support the contention that the proposed development would have an adverse traffic impact.
- The carrying capacity of the existing road network is considered and has been demonstrated to be adequate for the proposed hotel scheme.

### **Surface Water / Flooding**

- A detailed Flood Risk Assessment in relation to pluvial and fluvial flooding and drainage proposals was submitted as part of the application, including a detailed response to further information. There is considered to be no significant impact in relation to flooding. The subject site is located in Flood Zone C (Flood Risk Management Guidelines). Development in this zone is

appropriate from a flood risk perspective. The proposal contains attenuation measures to maintain a discharge rate of a greenfield site.

### **Construction Phase**

- A Construction and Waste Management Plan submitted with the application was considered by the planning authority to be sufficient to maintain residential amenity. The Plan sets out dust and dirt control measures to minimise adverse nuisance effects to neighbouring properties. Conditions of the planning authorities decision to grant permission set out controls for the construction phase. The applicant fully intends to comply with conditions included in a grant of permission.

### **6.3. Planning Authority Response**

The planning authority remains of the opinion that the concerns in the appeal have been considered in the Planner's Report and that the proposed development is in keeping with the pattern of new development in the area, that it is appropriately designed to avoid flooding and that it will not detract from adjoining residential amenity, subject to compliance with the conditions.

### **6.4. Observations**

**DDA:** No new issues raised.

### **6.5. Further Responses**

None

## **7.0 Assessment**

7.1. I consider that the main issues in this case are as follows:

- Principle of Development and Compliance with Policy
- Visual Impact
- Impact on Residential Amenity
- Transportation Impacts

- Water Services and Flood Risk
- Dublin Airport Public Safety and Noise Zones
- Appropriate Assessment (AA) Screening

I would note that there is an extant permission on the appeal site for a 325-bedroom hotel. The approved hotel consists of a single 10 storey block with a total floor area of 31.757 square metres and 571 car parking spaces. This development was assessed against the policies and objectives of the 2005-2011 Development Plan, which is two plan periods ago, and the former ST1 zoning objective 'to facilitate opportunities for science and technology based employment and associated and complementary uses'. The permission was extended for a period of 5 years in 2014 and will expire on 3<sup>rd</sup> September 2019. The appeal submission argues that the principle of a hotel use has previously been accepted on the appeal site by reference to the extant permission.

## **7.2. Principle of Development and Compliance with Policy**

- 7.2.1. The Fingal County Development 2017-2023 is the relevant statutory plan. The appeal site is zoned for High Technology 'HT' purposes in the current Fingal Development Plan and was zoned for High Technology 'HT' in the previous Plan. The current zoning objective is to 'provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment'. The zoning vision is to 'facilitate opportunities for high technology, high technology and advanced manufacturing, major office and research and development based employment within high quality, highly accessible campus style settings'.
- 7.2.2. Hotels are neither 'permitted in principle' nor 'not permitted' within the zoning objective. In such cases the use is assessed in terms of its contribution to the achievement of the zoning objective and vision and compliance and consistency with the policies and objectives of the Development Plan. The 'permitted' use classes set out in the Plan are considered to generally reflect the zoning vision for high value employment at this location. Conversely, hotels are 'permitted in principle' under the Major Town Centre, Town and District Centre, Metro Economic Corridor and the Airport land use zoning objectives. It is also an objective of the Plan to direct the



provision of tourist related facilities into town and village locations, although I note that hotels are not specifically mentioned in the objective (ED61).

- 7.2.3. The appeal submission also argues that the development will complement the adjacent hotel, provide much needed hotel stock in the Dublin area and that it will be aimed principally towards short stay guests linked with trips to and from the airport. The application also highlights the strategic location of the appeal site in the context of Dublin City, Fingal County, the GDA City Region and the Dublin Belfast Corridor and its proximity to national and international transport networks, including Dublin Airport.
- 7.2.4. The planning authority assessed the principle of the proposed development against the 2011-2017 Development Plan as this was the plan in force at time of initial assessment in February 2017. The Planning Officers Report notes a strategic aim of the 2011-2017 Development Plan which seeks economic development within the South Fringe (of Fingal) and within the Dublin – Belfast corridor. The report also notes Local Objective No. 423 of the 2011-2017 Plan to ‘provide in the Masterplan, office based, research and development, and high technology type employment, and facilitate hotel with ancillary dancehall and public house uses, education, petrol station, and uses to support the significant local employment base such as restaurant, cafes and childcare uses’. The decision to grant permission was made in March 2017 after the new 2017-2023 Development Plan came into effect on 16<sup>th</sup> March 2017. The planning authority concluded that there were no significant changes in the new County Development Plan, such that the development would no longer be consistent with the proper planning and sustainable development of the area.
- 7.2.5. I am of the opinion that there are a number of changes in the 2017-2023 Development Plan that are relevant. The removal of Local Objective 423 which makes specific reference to a hotel at this location is considered to be significant, given that a hotel is not a ‘permitted’ use within the zoning category. Objective ED94 is to prepare LAP’s and Masterplans for strategically important High Technology zoned lands in collaboration with key stakeholders and relevant agencies. Objective ED95 is to encourage the development of corporate offices and knowledge based enterprise on such lands.

In addition to the zoning policy pertaining on the lands, a number of objectives support the preparation of studies and plans to provide a more detailed land use and transportation strategy for the area.

- 7.2.6. Objective MT07 is to carry out a comprehensive feasibility study for the South Fingal area to produce a strategic vision and overall strategy for the proper planning and sustainable development of the area, based on a sustainable transport and smarter travel approach, planning for all transport modes and needs, whilst also being reflective of road network capacity and modal split assumptions. The objective states that this study will be carried out within two years of adoption of the Development Plan and will be used to inform the preparation of statutory Local Area Plans and Masterplans in the area. The objective also states that the preparation of the study will involve consultation with key statutory stakeholders including TII and the NTA, public consultation and engagement with relevant statutory bodies. It is also an objective of the Development Plan (ED90) to prepare a Masterplan for the HT zoned lands at this location (MP 11.C Clonshaugh West). Section 11.3 states that masterplans will be subject to a public consultation process and presented to the Elected Members of the PA for agreement.
- 7.2.7. While I would note the 2002 Local Area Plan for the area, the zoning objective for the area has changed since the adoption of this LAP and there have been wider policy changes in relation to land use and transportation integration, including the publication of the Transport Strategy for the Greater Dublin Area 2016-2035. The appeal response notes that a masterplan for the Clonshaugh West lands was submitted with a recent planning application relating to the adjoining lands to the west (PL06F.247665 / Ref. F16A/0397) and shows a hotel at the location of the appeal site. I would note that this Masterplan does not benefit from collaboration with relevant agencies such as the NTA and TII, from public consultation or the agreement of Elected Members, as envisaged by the Development Plan. Given the strategic context and acknowledged importance of the HT zoning in the Development Plan, I would suggest that such a process would be beneficial to inform the future land-use and transportation strategy for this location.
- 7.2.8. On the basis of the foregoing and in the absence of the more detailed policy framework envisaged by the Development Plan, I am not satisfied that the proposed

development is consistent with the wider economic development policies and objectives of the Development Plan.

- 7.2.9. I would note that the appeal response argues that the development will complement the office and technology land uses planned for this area and provide commercial synergy with the adjacent Clayton hotel. However, it is considered having regard to the level of existing and approved hotel provision that already exists in this area, that the need for further hotel facilities to support the HT zoning has not been established.
- 7.2.10. Having regard to the zoning objective and the broader policies and objectives of the Development Plan, I am not satisfied that the proposed development is consistent with the policy context set out in the 2017-2023 Development Plan and that it would be in accordance with the proper planning and sustainable development of the area. It is considered that the local, regional and national policy context has altered significantly since the previous grant of permission and that it would be premature to permit further hotel development at this location, pending the preparation of an overall strategy for the proper planning and sustainable development of this area. I am also concerned that the development if permitted would set an undesirable precedent for similar uses on strategically located economic development lands, that would undermine the long-term potential of such lands for economic development.

### 7.3. **Visual Impact**

- 7.3.1. The appeal site is located at the urban fringe adjacent to a number of recent commercial developments, including a large-scale hotel directly to the south and a Topaz petrol station to the east. The wider area to north of the R139 is characterised by residential properties and agricultural / horticultural operations.
- 7.3.2. The development comprises a hotel with a separate car parking deck to the rear. The hotel comprises a large ground floor area with plinth over, and two separate bedroom blocks above. The plinth / ground floor area is approximately 47 metres by 67 metres (extending to 75 metres along the southern elevation). The 10 storey block is 9 storeys above the plinth and measures approximately 16.5 metres by 75 metres with an overall height of 32 metres above ground level. The 7 storey block is 6 storeys above the plinth and measures approximately 15 metres by 68 metres with an overall height of 23 metres above ground level. There is a proposed car parking

deck to the rear of the hotel. It is rectangular in shape measuring approximately 142 metres by 28 metres, with parking on three levels and a green walls surrounding on all sides.

- 7.3.3. The application states that the hotel is designed with the option of accommodating one or two hotel operators. There are independent reception areas and lift / stair cores at ground level providing access to the bedroom blocks on the southern side (317 bedrooms, a fitness room and 205 square metres of conference floor space) and the northern side (110 bedrooms including 34 one bed studios). There is also a standalone café/restaurant proposed at ground level.
- 7.3.4. The proposed hotel addresses the internal service road off the Stockhole Lane/ Clonshaugh roundabout, with service areas and parking primarily to the rear. It is considered that the development incorporates high quality architectural treatments and finishes and that the scale and mass of the hotel is in keeping with the emerging context for higher buildings at this location. The architectural language of the scheme is also considered to be consistent with the zoning vision for the site, which envisages exemplar design and aesthetic quality in a campus style setting. While the development would be visible in the local area and from the motorway, I consider that the proposal would not cause any discernible impact on the wider landscape.
- 7.3.5. The planning authority requested further information in relation to plant enclosures at roof level to accommodate telecommunications structures, antennas, satellite dishes etc. I consider that the revised details did not fully detail the finish and design of the roof enclosures and that such features would have the potential to be visually significant given the height of the hotel and its prominent location along the national motorway network. If the Board are minded to grant permission for the proposal, I would suggest that a condition is attached to address this concern.

#### **7.4. Impact on Residential Amenity**

The grounds of appeal express concern regarding the impact on the residential amenity of a number of properties located within the area. I note that the planning authorities report and the applicants appeal submission refer to the submission of a Construction and Waste Management Plan for the development, which is not on the file. Notwithstanding this, I am satisfied that impacts arising principally from the construction phase of the proposal, it is considered that issues relating to hours of

construction, traffic management, noise impacts and air quality can be adequately mitigated through best practice construction management and a suitable condition prior to the commencement of development. Concern that construction hours will not be adhered to is a matter which, if permission is granted, should be addressed to the planning authority. In terms of loss of privacy and security, it is considered that the development is sufficiently separated from the nearest residential properties such that there would be no undue impact on privacy.

## **7.5. Transportation Impacts**

- 7.5.1. The appeal site is situated outside of the established settlements of Fingal at a location that is not currently served by existing or committed public transport services or by high quality pedestrian or cycle connections.
- 7.5.2. The application is accompanied by a Traffic and Transport Assessment (TAA) and by a Mobility Management Plan (MMP). The applicant proposes to undertake a number of mobility management measures to encourage the use of non-car based modes including the appointment of a mobility coordinator and the provision of a shuttle bus from the hotel to Dublin Airport and to Clongriffin DART Station that would cater for hotel staff initially. While the provision of a shuttle bus is to be welcomed, there is a concern that its impact on modal split will be limited given the distance of the site from Clongriffin DART Station which is 7km away and Dublin Airport. I would suggest that the attractiveness of transfers, particularly for employees and domestic customers, will be limited given the remote location of the site from high capacity transport connections and its ease of access by car due to its strategic position on the national road network.
- 7.5.3. The TAA assesses the impact of a 427 bed hotel on the Stockhole Lane / Clonshaugh Road and Clonshaugh Road / R139 junctions for a future design year of 2033. Forecasts are based on traffic surveys undertaken at the Stockhole Lane / Clonshaugh Road and Clonshaugh Road / R139 junctions during the am / pm peaks on 15<sup>th</sup> November 2016. Trip rates from the proposed hotel are based on a traffic survey carried out on the adjacent hotel. The TTA forecasts that the impact of the additional traffic on the existing R139/Clonshaugh road junction is less than 2% of the existing traffic volumes and on the Stockhole Lane / Clonshaugh road junction would be negligible. While I would note that the forecasts set out in the TAA would

not be likely to have a significant impact on the local or wider strategic road network during peak times, it is considered that the assessment would benefit from more wide ranging baseline data, including traffic surveys undertaken over a longer period and more robust detail in relation to trip generation rates.

- 7.5.4. Notwithstanding the above, as already noted in Section 7.1 above, it is an objective of the Development Plan to undertake a land-use and transport study of the South Fingal (MT07) area in consultation with key statutory stakeholders including the TII and the NTA. While I am satisfied that the proposed development would not impact unduly on the surrounding road network, the car based nature of the development is of concern and it is considered that any significant further development on the Clonshaugh East and West lands would benefit from the completion of the integrated land-use and transportation study and masterplans that would provide a more framework for these strategic employment lands.
- 7.5.5. The initial proposal incorporated 461 no. car parking spaces. This was reduced in response to the request for further information. Condition no. 3 further reduced the numbers to 439, omitting 6 no. spaces adjacent to the western boundary. The report of the transportation section dated March 2017 recommends a maximum of 427 car parking spaces, which accords with the Development Plan standard of one space per hotel room. The observation from the DAA requested that a condition be attached to any grant of permission similar to Condition no. 13 (i) of the extant permission (F08A/1305) and Condition no. 5(b) of the recent permission on the Clayton Site (Ref. F16A/0437) requiring measures to discourage the use of car parking for long term airport related parking.
- 7.5.6. Having regard to the fact that 'car parking' is not a permitted use within the HT zone and given the precedent established by previous permissions in the area it is considered appropriate to limit car parking to 427 spaces in accordance with the Development Plan and to limit the use of the proposed car parking to hotel related uses. If the Board are minded to grant permission for the proposal, I would suggest that a condition is attached to address this.

#### 7.6. **Water Services and Flood Risk**

- 7.6.1. The Engineering Assessment Report and the drawings and details submitted with the application and in response to the request for additional information, are considered to satisfactorily address surface water drainage, foul drainage and water supply.
- 7.6.2. The grounds of appeal argue that the lands at this location have been unnecessarily elevated and that this is causing flooding to adjoining properties. A Flood Risk Assessment was included with the application. The site is located within Flood Zone C and as such, is at low risk of flooding and would not require a justification test in accordance with the Flood Risk Management Guidelines. In addition, it is considered that the measures proposed in respect of surface water management on the site and in response to the request for further information, are appropriate in the context of the site and the nature of the proposal.

#### **7.7. Dublin Airport Public Safety and Noise Zones**

- 7.7.1. The appeal site is located within the Outer Airport Noise Zone and the northern part of the sites falls within the Outer Public Safety zone for Dublin Airport.
- 7.7.2. The application is accompanied by an Inward Noise Impact Assessment, which identifies high ambient noise levels at this location, due to the influence of road traffic and airport movements. The noise assessment recommends that an acoustically rated glazing system is installed at the hotel to ensure that the internal noise levels meet recommended residential standards.
- 7.7.3. An observation received from the DAA requests that in event of permission being granted that the Board attach a condition requiring that noise mitigation measures contained in the Inward Noise Impact Assessment submitted with the application be implemented. If the Board are minded to grant permission for the proposal, I would suggest that a condition is attached to address compliance with the recommendations of the Inward Noise Impact Assessment.
- 7.7.4. The observation from the DAA also expresses concern regarding the operation of cranes during construction which it is stated may cause concern in relation to air safety and which it is stated requires further detailed assessment in relation to flight procedures. It is requested that proposals for crane operations are required to be agreed with the DAA and IAA in advance of construction. If the Board are minded to

grant permission for the proposal, I would suggest that a condition is attached to address this concern.

**7.8. Appropriate Assessment (AA) Screening**

7.9. There are a large number of Natura 2000 sites within 15kms of the site. They are as follows:

- Baldoyle Bay SAC (000199) & SPA (004016)
- Malahide Estuary SAC (000205) & SPA (004025);
- Ireland's Eye SAC (002193);
- North Dublin Bay SAC (000206);
- North Bull Island SPA (04006);
- Ireland's Eye SPA (004117);
- Rockabill to Dalkey Islands SAC (003000);
- South Dublin Bay and River Tolka Estuary SPA (04024);
- South Dublin Bay SAC (000210);
- Rogerstown Estuary SAC (000208) & SPA (004015);
- Howth Head SAC (000202) & Howth Head Coast SPA (004113);
- Lambay Island SAC (000204) & SPA (004069).

There are limited relevant pathways between the development and the majority of the aforementioned sites.

7.10. A report for Appropriate Assessment screening of the appeal site was submitted with the Planning Application (dated December 2016).

7.11. The only sites where there is any potential for hydrological connectivity, as detailed in the screening report are the Baldoyle Bay SAC (000199) & Baldoyle Bay SPA (004016). The site is hydrologically linked to Baldoyle Bay SAC and SPA via a stream located to the south of the overall lands which flows to the River Mayne which discharges to Baldoyle Bay.

7.12. I would suggest that in terms of potential impacts direct loss of land/habitat and surface water and domestic wastewater impacts are considered most relevant.



- 7.13. The site itself is improved grassland and therefore there is no loss of significant habitat. The site is located over 5 km from Baldoyle Bay SAC and SPA. I consider that significant attenuation is proposed within the site and therefore the potential for impact on the water quality within the designated sites is remote. In addition, given the distance from the Natura sites and the proposed connection to the public foul network the proposal would not have any adverse effect on the conservation objectives of these sites.
- 7.14. In respect of the sites mentioned above, I consider that due to the limited value of the vegetation on site, the separation distances of the appeal site from the designated sites and the nature of the proposed development that it is reasonable to conclude, on the basis of the information on the file which I consider to be adequate, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), Malahide Estuary SAC (000205), Malahide Estuary SPA (004025), North Dublin Bay SAC (000206), North Bull Island SPA (04006), Ireland's Eye SAC (002193), Ireland's Eye SPA (004117), Howth Head SAC (000202), Howth Head Coast SPA (004113), Rockabill to Dalkey Islands, SAC (003000), South Dublin Bay and River Tolka Estuary SPA (04024), South Dublin Bay SAC (000210), Rogerstown Estuary SAC (000208) and Rogerstown Estuary SPA (004015) in light of the site's Conservation Objectives and a Stage 2 Appropriate Assessment and the submission of an NIS is not therefore required.

## 8.0 Recommendation

I recommend that permission for the proposed development is refused for the reasons and considerations outlined below.

## 9.0 Reasons and Considerations

1. The site is zoned for High Technology uses in the Fingal County Development Plan 2017-2023, with an objective to provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment, and is also subject to an objective to carry out a strategic land use and transportation study (MT07) and an objective to prepare a masterplan for the area (ED90). Hotel uses are not permitted in principle within this zone but are encouraged under the Major Town Centre, Town and District Centre, Metro Economic Corridor and the Airport land use zoning objectives of the Development Plan. These objectives are considered reasonable. The extant permission for a hotel at this location under Reg. Ref. PL.06F.232704 / F08A/1305 was granted under the Science and Technology zoning of the 2005-2011 County Development Plan. The decision to extend the duration of the permission under Reg. Ref. F08A/1305/E1 was made under the High Technology zoning of the 2011-2017 County Development Plan and local objective no. 423 which allowed for a hotel at this location. The zoning of the site is High Technology under the current County Development Plan and objective 423 of the 2011-2017 County Development Plan has been removed. Furthermore, the site is located in an isolated area that does not have the benefit of high capacity public transport. It is considered, therefore, that the proposed hotel use does not accord with the overall zoning objective and policies relevant to the area as set out in the Fingal County Development Plan 2017-2023 and that the proposed development would be contrary to the proper planning and sustainable development of the area.

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Karen Kenny  
Planning Inspectorate

14<sup>th</sup> July 2017