



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306814-20

---

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Demolition of the existing single storey building (1,100 sq.m) last used as a motor business and its replacement with the construction of a 6 storey over basement hotel |
| <b>Location</b>                     | 30 Old Kilmainham, Kearns Place, Kilmainham, Dublin 8  |
| <b>Planning Authority</b>           | Dublin City Council South  |
| <b>Planning Authority Reg. Ref.</b> | 4623/19  |
| <b>Applicant(s)</b>                 | Ladas Property Company Unlimited Company (as part of Comer Group)  |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refuse   |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant(s)</b>                 | Ladas Property Company Unlimited Company (as part of Comer Group)  |
| <b>Observer(s)</b>                  | 1. Adrian Muldoon<br>2. E. Lawlor<br>3. P. Lawlor  |

4. W & M Kinsella

**Date of Site Inspection**

25<sup>th</sup> May 2020

**Inspector**

Irené McCormack

## 1.0 Site Location and Description

- 1.1. The site is a corner site situated on the north side of Old Kilmainham Road. The site comprises a single storey industrial/warehouse building with a single storey reception/office to the front. There is surface car parking to the front and west of the site. The site was previously used as a garage and car sales but is now vacant.
- 1.2. The area is characterised by a mixed form of urban development. The site is bound to the west by Kearns Place, which comprises two-storey terraced artisan type dwellings along its west side with a three storey Georgian type building on its western corner (with Old Kilmainham Road) opposite the site. Opposite the site on the south side of Old Kilmainham Road is an existing three-storey building office and warehouse. The site is bounded to the north by the southern bank of the river Camac, beyond which is a three to four storey apartment building Camac Way and to the east by an existing two storey plus mansard level building occupied by offices and a wholesale unit, which comprises a surface carpark fronting to Old Kilmainham Road.
- 1.3. A bridge over the river to the north of the site links Kearns Place with Rowserstown Lane to form a T-shaped cul-de-sac, with Kilmainham Lane being accessible on foot to the north of this, although at a higher level. The Kilmainham Lane/Rowserstown Lane area includes some recent infill development which are predominantly three to four storeys while the side gable of Kilmainham Garda Station, a protected structure accessed from Kilmainham Lane, is clearly visible above a high wall at the end of the cul-de-sac.
- 1.4. The site is approximately 0.18 hectares in area.

## 2.0 Proposed Development

- 2.1. The development comprises:
  - the demolition of the existing single storey building (1,100 sq.m) last used as a motor business
  - construction of a 6 storey over basement hotel.

- The new building (with a total floor area of 4,498,9 sq.m) will contain 80 bedrooms in total, parking for 8 cars plus services for the hotel at basement level, a reception area, hotel restaurant, common area and a commercial unit of 152.52 sq.m, bicycle parking and waste collection point all at ground floor level, 22 bedrooms, at first, second and third floor level, 7 bedrooms and a roof top cafe and landscaped roof terrace accessible to hotel guests at fourth floor level and 7 further bedrooms at fifth floor level.
- There will be a semiprivate amenity walk alongside the river Camac and ESB substation at ground floor level.
- The proposed development will contain SuDS measures including green roof, permeable paving and attenuation tank, food compensation storage and flood defences at basement level and all other ancillary works and plant to service the hotel.

2.1.1. The design reflects a four and six storey over basement contemporary design hotel. The building form is curved to address the street frontage along Kearns Place. The rear of the building is recessed from the River Camac and a semi-private boardwalk and an external seating area are provided overlooking the river. It is proposed to finish the hotel with Anglesey weathered buff yellow brick with yellow mortar.

2.1.2. The planning application was accompanied by a Planning Report, a Daylight Sunlight report, Civil Engineering Infrastructure Report (incorporating Flood Risk Assessment) and a Construction Management Plan.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

By order dated, 6<sup>th</sup> February 2020 the planning authority decided to refuse permission on the basis of the following reason:

1. Having regard to the Z6 zoning objective and the form, scale and mass of the proposed development and the proximity to existing two storey residential development, it is considered that the proposal does not provide an appropriate transition in scale or have due regard the sensitive nature of the surrounding urban morphology. The proposal is considered overly dominant,

would appear overbearing and incongruous on the streetscape. The proposed development would therefore seriously injure the amenities of property in the vicinity and character of the area, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to Appendix 3 of Volume 7 of the City Development Plan 2016-2022, Site: 17. Lower Camac: South Circular Road to Liffey Estuary and the location of the site in Flood Zone A and which is undefended, it is considered that a development of this scale on this site is premature pending the outcome of the Camac River Flood Alleviation Scheme, which is currently at preliminary design stage. The proposed development is in an area which is at risk of flooding and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The planning officer notes the following:

- Having regard to the character of Kearns Place and the surrounding urban morphology the proposed building does not provide an appropriate transition between the two storey dwellings and the three storey buildings along Old Kilmainham Road. Furthermore, it is not considered that the curved form of the proposed development is an appropriate response to the urban structure of the area and the overall form, scale and mass, the proposed structure would have an overbearing impact on adjacent property and would appear visually incongruous along the streetscape.
- The site that the application is in Flood Zone A and is undefended and the proposal is not included in those listed as permitted. The Drainage Division states that a determination on a proposed development of this scale at this site is premature pending the outcome of the Camac River Flood Alleviation Scheme, which is currently at preliminary design stage. In addition, the Division notes that 'The proposed riparian corridor is insufficient' for the

Camac River under the Water Framework Directive.’ The proposed development is in an area which is at risk of flooding and should be refused.

### 3.2.2. Other Technical Reports

**Drainage Division:** Report dated 29th January 2020 notes that the site is located in Flood Zone A and is undefended. Recommends refusal.

**Roads & Traffic Planning Division:** Report dated 28th January 2019. Recommends additional information.

**City Archaeologist:** Report dated 21st January 2020. No objection subject to conditions

### 3.3. Prescribed Bodies

**Irish Water** – Report dated 28<sup>th</sup> January 2020 sets out that the development is located over IW infrastructure. Proposals to address same shall be submitted and agreed with IW.

### 3.4. Third Party Observations

A total of 20 of submissions were received by the planning authority. The concerns raised can be summarised as follows:

- The development will have a negative impact on residential amenity and result in an overconcentration of hotels in the area.
- The site is the subject of the proposal to vary the zoning of the site for housing.
- The operator of the hotel has not been identified.
- Hotel does not have basic facilities such as bar, commercial kitchen concerns that the hotel will operate as a hostel.
- Operation and opening hours have not been identified.
- No information has been provided for the rooftop café ie. layout, capacity, opening hours, extraction access to roof garden.
- The proposal will have a negative impact on the development potential of the adjoining site.
- Impact on established residential amenity.

- Overshadowing, overlooking and overbearing impact.
- The proposed development has a plot ratio in the region of 70% which exceeds the permitted plot ratio.
- The scale and height of the development is disproportionate and would will significant
- loss of sunlight, daylight, and aspect for adjoining residential development.
- The street is too narrow to accommodate a hotel.
- sightlines have not been provided; the development would therefore endanger public safety.
- Insufficient car parking
- The development will increase traffic congestion.
- There was significant flooding in the area in 2011 at Bow Bridge, adjacent to subject site. The proposed development may pose a flood risk.
- The current drainage and sewerage system is old and does not have capacity to accommodate a hotel.
- sustainable development principles

#### 4.0 Planning History

##### Site

**DCC Reg. Ref. 3241/09** - Permission granted for demolition of the existing buildings on the site, and construction of a mixed-use development in two blocks, with block A to be three-storey and block B to be four-to five-storey over basement, with a total floor area of 5,151m<sup>2</sup>.

**Extension of duration** granted under DCC Reg. Ref. 3241/09/x1 until 27<sup>th</sup> June 2020.

**DCC Reg. Ref. 4048/08** - Permission refused for demolition of existing car showroom and associated offices and construction of mixed-use development of five to six storeys over basement.

**DCC Reg. Ref. 0028/01:** Permission refused for retention of sign and light system

## ***Surrounding***

**ABP 300976-18 /DCC Reg. Ref. 3188/147** – Permission granted in 2018 for the demolition of buildings & construction of a 26-no. unit apartment development in two blocks over basement car park, 5 and 4 storeys in height respectively with landscaped courtyard and associated site works.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The subject site has the Land Use Zoning Objective Z6 *‘To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.’*

A Hotel is identified as a permissible use on Z6 zoned lands

**\*\***The site was identified in a proposed variation to Dublin City Development Plan 2016-2022. Proposed Variation No.19 – Old Kilmainham Road/South Circular Road seeks to rezone the subject site from Z6 to Z1 and Z9.

**\*\***Variation No. 19 was adopted on 10<sup>th</sup> March 2020. The variation adopted excludes the appeal site. I have attached a copy of Variation No. 19 for clarity.

5.1.2. The subject site is also located within the boundary of SDRA 7 Heuston and Environs, which contains a number of guiding principles. In terms of ensuring best practice urban design principles the SDRA requires a ‘successful interconnection between the development site and adjacent urban structure.’

5.1.3. Relevant Policy from Development Plan 2016-2022

SC26: To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city’s acknowledged culture of enterprise and innovation, and which mitigates and is resilient to, the impacts of climate change.

*CEE12:*

(i) To promote and facilitate tourism as one of the key economic pillars of the city’s economy and a major generator of employment and to support the provision of necessary significant increase in facilities such as hotels, apart hotels, tourist hostels, cafes, and restaurants, visitor attractions, including those for children

(ii) To promote and enhance Dublin as a world class tourist destination for leisure, culture, business, and student visitors.

*MTO15*: To provide Sheffield Stand type parking near the entrance to all publicly accessible buildings such as schools, hotels, libraries, theatres, churches etc.

*RD15*: To require a high quality of design and finish for new and replacement shopfronts, signage, and advertising. Dublin City Council will actively promote and seek the principles of good shopfront design as set out in Dublin City Council's Shopfront Design Guidelines.

Council policy in respect of signage is set out in the City Development Plan Section 16.24.3

Section 16.5 – Plot Ratio Z6 - 2.0-3.0

Section 16.6 – Site Coverage Z6 – 60%

Section 16.7 - Building Height in a Sustainable City – General height limit up to 28m

#### 5.1.4. **Section 28 Guidelines**

5.1.5. The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development.

- Urban Development and Building Heights Guidelines (2018)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009).
- Development Management Guidelines (2007)

#### 5.2. **Natural Heritage Designations**

There are two designed sites within 6.5Km of the site.

- South Dublin Bay SAC (site code 00210) is located 4.5km northeast of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 6.26km southeast of the site

### 5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal seeks to address the reasons for refusal issued by the planning authority.

#### Response to refusal reason 1

- The applicant has submitted revised drawings which omit the roof top surrounding feature enclosing the roof top space thereby reducing the height to 14m
- It is set out that the reduction in height means that the building is no longer overbearing.
- It is set out that the proposal is a suitable structure for the site noting the rezoning of neighbouring lands and the potential future development of these lands for apartments of equal or greater height.
- It is set out that the development will add to the useful amenities of the area on close proximity to St. James Hospital.

#### Response to refusal reason 2

- It is set out that the proposed development is better than the permitted scheme DCC Reg. Ref. 3241/09 in respect of providing flood compensation and better than the existing situation due to the building being set back from the river.
- In response to the appeal the appellant details the plan to provide compensatory storage

- It is set out that a survey has been carried out to verify the exact volume of compensation storage required and proposals maintain the current flood storage volume. Drawings demonstrating how that system will work have been included in the submission.
- It is set out that the compensation storage is accessible before the flood levels top the riverbank and provide a safe route for the receding flood waters to get back into the river without entering the public sewer.
- It is set out that the applicant will engage with DCC in terms of space to implement the potential flood defence measures on the riverbank.
- It is set out that the outcome of the flood defence scheme may be many years away from completion and it is deemed counter to the development plan objectives to sterilise the flood zone from development in the meantime.
- It is set out that in a city centre location the only possible flood defence will be hard barriers on the river and as such the proposal provides for ample scope to implement such works in the future.
- In relation to the Water Framework Directive it is set out that there is no existing riparian corridor on the site, or this stretch of the river either up or downstream. The proposed development is better than the existing which has a building right up to the riverbank.

### Transportation Issues

- The appeal notes the concerns raised by the Transportation Department. In this regard it is set out that pedestrian priority will be provided with a ramped entry treatment and pedestrian crossing in accordance with DMURS. A stop sign will be provided for vehicles entering the basement. Revised drawings accompanied the appeal to the Board. It is suggested that all other items raised can be addressed by condition.

### **6.2. Planning Authority Response**

None

### **6.3. Observations**

6.3.1. Four observations were received.

1. Adrian Muldoon, Property Manger on behalf of Camac Way Management Company 28-32 Pembroke Street Upper, Dublin 2. A brief summary of the issues raised in the submission are set out below:
  - Overlooking and associated impact of privacy and amenity
  - The development will have a significant impact on light and method use to demonstrate compliance is not recommended by the BRE as a tool to show impact on existing development
  - The scale and mass of developemt is overbearing and inappropriate
  - Impact on already limited car parking and traffic safety
2. E. Lawlor, 18 Kearns Place, Kilmainham, Dublin 8. A brief summary of the issues raised in the submission are set out below:
  - Scale of development
  - Flooding
  - Traffic impact
3. P. Lawlor, 6 The Old Chocolate Factory, Kilmainham Square, Dublin 8. A brief summary of the issues raised in the submission are set out below:
  - Traffic impact owing to cul de sac
  - Reduction in daylight
  - Construction impact and loss of amenity
  - Existing drainage and sewerage system very old
  - Height of the development in context of adjoining development
  - Flooding
  - Community impact
4. W & M Kinsella, 15 Camac Wy, Kearns Place, Kilmainham, Dublin 8. A brief summary of the issues raised in the submission are set out below:
  - It is set out that the local residents would be poorly served by the development
  - Overlooking and associated impact of privacy and amenity

- Scale of development
- Road Safety

#### 6.4. **Further Responses**

None

#### 6.5. **Further Submission**

**Inland Fisheries Ireland** – Submission dated 15<sup>th</sup> June 2020 notes the location Within the catchment of the Camac River, a salmonid system under ecological pressure as a result of urbanisation. Submission recommends measures to protect the River during the construction and operational stages of the development.

### 7.0 **Assessment**

7.1.1. The applicant has submitted revised drawings to the Board for consideration. The revisions can be summarised as follows:

- The omission of the enclosed roof terrace facing Kearns Place which has the effect of reducing this elevation to four floors high.

The following assessment has regard to the revised drawings submitted

7.1.2. The assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design, layout, and Residential Amenity
- Flood Risk
- Other Matters
- Appropriate Assessment

#### 7.2. **Principle of Development**

7.2.1. This application consists of demolition of the existing single storey building last used as a motor business and the construction of an 80-bedroom hotel ranging from four storeys to six storeys over basement, hotel restaurant and a ground floor commercial unit.

7.2.2. The site is located in the city centre on lands zoned Z6 which seeks to provide for the creation and protection of enterprise and facilitate opportunities for employment. A hotel is 'permitted in principle' within this land use zoning.

7.2.3. The provision of a modern hotel use will clearly improve the overall vibrancy and vitality of this area and provide for critical mass of employment generating uses. I consider that in terms of the principle of development, there is policy support for this development.

### 7.3. Design, layout and Residential Amenity

7.3.1. The planning authority refused the development for two reasons. The planning authority consider the form, scale and mass of the proposed development does not provide an appropriate transition in scale due the sensitive nature of the surrounding urban morphology and the proximity to existing two storey residential development opposite the site on Kearns Place. The planning authority consider that the proposal would be overly dominant, would appear overbearing and incongruous on the streetscape, would seriously injure the amenities of property in the vicinity and character of the area, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

7.3.2. The site has a stated area of approximately 0.18 hectares in area and the total floor area proposed is 4498.9sqm. The indicative site coverage and plot ratio standards are set out in the Dublin City Development Plan 2016-2022. Site coverage standards are 60% for Z6 and plot ratio standards are 2.0-3.0 for Z6. The site coverage for the proposed development is stated as 65%. The stated plot ratio for the development is 2.51. The Development Plan provides for increased plot ratio and higher site coverage in particular circumstances. In assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design, open amenity space provision, and standards of public realm.

7.3.3. The proposed hotel ranges in height from 14.94m (four storeys) rising to 21.525m (six storeys) fronting the Camac River. The development plan establishes a building height of 28m is acceptable for the site. I note the concerns raised within the observations to the appeal with regard to the scale and height of the proposed building. Clearly additional building height over and above prevailing height can have a considerable impact in the context of adjoining buildings. The prevailing **building**

**height** in the immediate vicinity of the site is mixed ranging in height from two, three and four storeys, I note however, that planning permission was granted in 2018 (ABP 300976-18) for a five and four storey apartment complex 28m east of the site fronting old Kilmainham Road backing onto the River Camac similar to the subject site. I further note that the topography of the adjoining landscape rises to the north and south of the site either side of the River Camac resulting in increased building height in the wider site context. Accordingly, I am satisfied that the site has capacity to accommodate increased building height.

- 7.3.4. The planning authority and observers consider that proposed building would be **overbearing** in the context of the site, in particular, the two-storey dwellings and apartments to the immediate west on the site along Kearns Place. The four and six storey hotel as proposed projects above the eaves height of immediately adjoining structures and would represent a prominent feature in the streetscape. Section 16.10.10 of the Development Plan and section 3.2 of the Urban Development and Building Heights Guidelines refer to new proposals successfully integrating with the existing character of the street including building line, building height and proportions.
- 7.3.5. In the context of the site and the architectural expression and materials proposed, I note the innovative contemporary character of the design and as regards the curved form, I consider the stepped building approach from four storeys to six storeys and the curved design softens the building's impact and significantly reduces the scale and bulk of the development and, in conjunction with the building line recess both from the River Camac and the streetscape and the separation distance of 10 to 17 metres between the hotel and residential development opposite the site, in combination with the omission of the roof terrace, I am satisfied that the design approach is acceptable and negates any overbearing concerns. I consider the design will activate the street and in my view this approach is acceptable and will appropriately bookend this section of Old Kilmainham Road.
- 7.3.6. Concern has been expressed with regard to the impact of the development on access to **daylight and sunlight**. The Daylight/Sunlight Report submitted measures the levels of internal daylight and the sunlight levels of private amenity spaces in accordance with the requirements of 'Site Layout Planning for Daylight and Sunlight'. The study concludes that all amenity spaces within surrounding houses and apartments will meet the BRE guidelines recommendations that at least half of a

garden or amenity area should receive at least 2 hours of sunlight on March 21st. It is noted that ADF levels have also been measured for a selected number of dwellings on Kearns Place and Camac Way. In this regard, No. 10 Kearns's Place has been selected as a worst-case scenario. The planning authority suggests further information is required in relation to ADF levels for adjoining residential development. However, I note that any potential impact in terms of the impact of sunlight/daylight and overshadowing on the existing residential development immediate to the site must be balanced against the wider strategic objectives for the city. I am satisfied that the changes in terms of daylight and sunlight as outlined in the Daylight Sunlight report submitted with the planning application would be negligible and any potential adverse impact in terms of overshadowing within the city centre must be balanced against the need to provide a quantum of development which seeks to provide a more compact urban form. The overall impacts are considered minor and appropriate in an urban context, this is aided also by the site orientation.

- 7.3.7. Furthermore, any potential **overlooking** of the adjoining development and associated noise concerns as a result of the roof level terrace have been eliminated by the omission of the terrace as per the revised drawings submitted to the Board.
- 7.3.8. I agree with the planning authority that the overall scale of the proposed scheme is undoubtedly large however the use of setbacks, curved building form and stepped building heights and the palette of materials serve to reduce the scale of the building, whilst enhancing the architectural character. I consider this an acceptable approach in the context of the urban setting and the policy objectives for the site as set out in Dublin City Development Plan 2016-2022,

#### 7.4. **Flood Risk**

- 7.4.1. The second reason for refusal states that having regard to Appendix 3 of Volume 7 of the City Development Plan 2016-2022, Site: 17. Lower Camac: South Circular Road to Liffey Estuary and the location of the site in Flood Zone A which is undefended, it is considered that a development of this scale on this site is premature pending the outcome of the Camac River Flood Alleviation Scheme, which is currently at preliminary design stage and would be contrary to the proper planning and sustainable development of the area.

- 7.4.2. The Planning System and Flood Risk Management Guidelines, 2009 outline in Table 3.1 the ‘vulnerability of different types of development’. I am satisfied that the proposed hotel is considered a “vulnerable” development in terms of the sensitivity to flooding in so far as it does provide for sleeping accommodation.
- 7.4.3. A Flood Risk Assessment accompanied the planning application. The report concludes that there is a high risk of flooding affecting the site from fluvial and pluvial sources. It is set out that mitigation measures incorporated in the design will ensure that that development is flood resilient and does not increase flood risk in other area.
- 7.4.4. Section 5.2.2 of the report states that the risk of pluvial flooding is negligible as all rain falling on the site will be collected in the new surface water drainage system and diverted back to the public network, discharging to the River Camac at a controlled rate. The system is designed without flooding for a 100-year storm + 20% climate change.
- 7.4.5. The Eastern CFRAMS fluvial flood maps show flood risk across the entire site including:
- 10% AEP: 0.25 -1.0m deep relating to a floor level circa. 8.5mOD,
  - 1% AEP: 0.5-1.5m deep relating to a floor level circa. 9.2mOD,
  - 0.5% AEP:1.0-2.0m deep relating to a flood level circa. 10.0m OD.
- 7.4.6. Section 5.3.4.1 of the report argues that in terms of fluvial flooding that the development is justified, consistent with the development plan and the wider planning objectives for the area. The reasons for justification are set out as follows:
- Design Flood Level ( 1/1000 years or 0.1% event) = +10.0mOD
  - Ground Floor Level = 10.2mOD
  - All areas below this level will be protected using demountable flood barriers.
- 7.4.7. The assessment does not include any further analysis or technical studies noting the comprehensive nature of existing information available regarding flooding in the area.
- 7.4.8. It is proposed to provide flood compensation storage on site, the volume has been calculated based on the volume of flood within the site boundary and the outside of the existing buildings. The existing flood volume which it is proposed to build in with

the new structure has been measured using the topography of the site, and a design flood level of 10.0m OD and equates to 350m<sup>3</sup>. It is proposed to provide flood compensation at basement level in a closed reinforced concrete tank which is directly connected to the River Camac at invert.

- 7.4.9. National planning policy supports the consideration of flood risk management as an important part of achieving proper planning and sustainable development. However, the Planning System and Flood Risk Management Guidelines, 2009 sets out that a precautionary approach should be applied to reflect uncertainties in flooding datasets and risk assessment techniques and the ability to predict the future climate and performance of existing flood defences. Development should be designed with careful consideration to possible future changes in flood risk, including the effects of climate change and / or coastal erosion so that future occupants are not subject to unacceptable risks. The guidelines further state that flood risk to, and arising from, new development should be managed through location, layout and design incorporating Sustainable Drainage Systems and compensation for any loss of floodplain as a precautionary response to the potential incremental impacts in the catchment.
- 7.4.10. Section 2.1.2 of the Appendix 7:Strategic Flood Risk Assessment of the Dublin City Development Plan states that there are three main rivers in Dublin City, the Tolka, the Liffey and the Dodder. There are also many smaller rivers including the Camac. Flooding from the rivers arises when the capacity of the channel is exceeded, and water flows out over the riverbanks. This is normally linked to prolonged rainfall and storm (surface) water runoff entering the channel. Flooding from the rivers can also occur if the channel or the inlet to a culvert becomes blocked. The Camac Flood Alleviation Study is now underway and is at preliminary design stage. It is recognised that there are a large number of buildings within the Camac Catchment identified as being at significant flooding risk, including the appeal site and for this reason this study has been given a high priority. This is a full catchment study which includes the Camac River itself, its tributaries and the pipes that feed them. The Camac River flows from its source near Saggart Hill to the outfall to the River Liffey at Heuston Station. The Camac is a heavily urbanised watercourse, which brings particular challenges both for flood risk management and environmentally, especially in the light of climate change. Furthermore, I have reviewed the Camac - Eastern CFRAM

study which sets out that Kearns Bridge to the immediate northwest of the site is identified as a flow constriction impacting flood risk in the area.

- 7.4.11. The site is a brownfield site located in an urban area and whilst I recognise the applicant has provided compensation flood storage on site, the flood storage is calculated based on the volume of flood within the site boundary and the outside of the existing buildings based on information contained within the Eastern CFRAMS fluvial flood maps. The site is now the subject of a more comprehensive “Flood Cell” assessment - The Camac Flood Alleviation Scheme which will revisit this study and to look at individual flood cells for possible local flood management measures and provide a more detailed analysis and flood risk for the site and wider area. This has the potential to impact any flood relief measures and compensatory storage associated with the proposed development of the site and adjoining lands. In this regard, the development is premature pending the outcome of the Camac River Flood Alleviation Scheme.
- 7.4.12. Therefore, having regard to the location of the site in Flood Zone A, which is undefended, the recent history of flooding on the site in 2011, I am not satisfied that the development appropriately mitigates the risk of flooding on the site and the wider area in the absence of the completed Camac River Flood Alleviation Scheme. I would agree with the planning authority that the development is premature pending the Camac River Flood Alleviation Scheme.
- 7.4.13. I note the Drainage Division states the developments within Flood Zone A should be limited to extensions onto existing buildings, or some changes of use.’ The Drainage Division states that a determination on a proposed development of this scale at this site is premature pending the outcome of the Camac River Flood Alleviation Scheme. In addition, the Division notes that ‘The proposed riparian corridor is insufficient’ for the Camac. In this regard, I note the site is in a heavily urbanised area with limited riparian corridor. However, I note that certain river rehabilitation measures can be incorporated into the development e.g. enhance or extend riparian corridors, green infrastructure, or in some cases simply that land adjacent to the river is preserved in a wild state.

## 7.5. **Other Matters**

Traffic and Transportation

- 7.5.1. The planning report notes the concerns raised in the Transportation Planning report in relation to the failure to submit a mobility management plan, adequate car parking provision, servicing arrangements, adequate footpaths, sightlines and the requirement for a Stage 1 Road Safety Audit. I note the Transportation Planning Department did not object to the proposed development but recommended the concerns raised be addressed by way of further information.
- 7.5.2. I note the site is located in Area 2 of Map J of the Dublin City Development Plan 2016 – 2022 and Table 16.1 of the development plan outlines a requirement of 1 no. car space per 3 hotel bedrooms resulting in a requirement to provide 27 car parking space. The applicant has proposed 8 no. car spaces including 1 no. accessible parking space. It is acknowledged that the site is located in proximity to a good quality bus service and in close proximity to the city centre. However, the Transportation Planning Department recommend that applicant address additional car parking provision by means of details of any agreement or proposed agreement between the developer/hotel management and any nearby parking facility for use of any customers using the hotel. I would agree.
- 7.5.3. In response to the appeal the applicant has submitted sightlines drawing indicated sightlines of 29.4m and 34.4m respectively stating that DMURS requires a sightlines of 23m within a 30kmph speed limit zone
- 7.5.4. I am satisfied that the concerns raised by the Transportation Planning Department can be addressed by way of condition should the Bord be minded to grant planning permission or the development.

## 7.6. **Appropriate Assessment**

The site is not located within or directly adjacent to any Natura 2000 sites. South Dublin Bay SAC (site code 00210) is located 4.5km northeast of the site and South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 6.26km southeast of the site. The Camac River connects to the River Liffey and then Dublin Bay.

- 7.6.1. Having regard to the nature and scale of the proposed development, impact pathways would be restricted to hydrological pathways.

7.6.2. There is a potential link via the water environment (the impact ‘pathway’), with the Natura 2000 site (the ‘receptor’), the Dublin Bay SAC (site code 00210) and South Dublin Bay and River Tolka Estuary SPA (site code 004024).

7.6.3. **Conservation Objectives:** to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC and SPA’S have been selected.

| <i>European Site</i>                         | <i>Site Code</i> | <i>Relevant QI’s and CI’s</i>  | <i>Distance</i> |
|--|------------------|--|-----------------|
| South Dublin Bay SAC                         | 000210           | Mudflats and sandflats not covered by seawater at low tide   | 4.51km          |
| South Dublin Bay and River Tolka Estuary SPA | 004024           | Light-bellied Brent, Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern, Wetland and Water birds | 6.26km          |

7.6.4. There is a potential link via the water environment (the impact ‘pathway’), with the Natura 2000 sites(the ‘receptor’), the Dublin Bay SAC (site code 00210) and South Dublin Bay and River Tolka Estuary SPA (site code 004024). Therefore there is potential for indirect effects on surface water quality during site preparation and earthworks. However, given the separation distance from the Natura 2000 sites and the separation distance of 6.5m between the building works and the Camac River, the brownfield nature of the site in a serviced urban area and the scale of the development, it is not considered that there is any likelihood of significant negative effects on the SAC.

7.6.5. I consider it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the

proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site, Dublin Bay SAC (site code 00210) and South Dublin Bay and River Tolka Estuary SPA (site code 004024) a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required

## 7.7. Recommendation

- 7.7.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

## 8.0 Reasons and Considerations

1. Having regard to the location of the site in Flood Zone A, which is undefended and the recent history of flooding in October 2011, the Board is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal that the development appropriately mitigates the risk of flooding on the site and the development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. It is considered that a development of this scale on this site is premature pending the outcome of the Camac River Flood Alleviation Scheme. Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that the proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

---

Irené McCormack  
Planning Inspector

6<sup>th</sup> July 2020