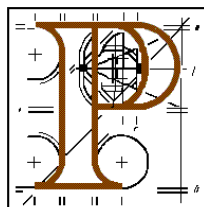


## An Bord Pleanála



## Inspector's Report

**Modifications to Registration No. SD15A/0138 in addition to Concurrent Application SD15A/0386 including extension to existing hotel, restaurant, change of use from hotel to gym to meeting rooms and all associated site works at Red Cow Complex, Naas Road, Dublin 22**

### Planning Application

Planning Authority:	South Dublin County Council
Planning Authority Reg.	SD16A/0047
Applicant:	Guestford Limited
Type of Application:	Permission
Planning Authority Decision:	Grant with Conditions

### Planning Appeal

Appellant(s):	Ryan Wallcovering LTD and Hipower LTD
Type of Appeal:	Third party V Decision
Observers:	None
<b>Date of Site Inspection:</b>	<b>11<sup>th</sup> of August 2016</b>

## **1.0 SITE LOCATION AND DESCRIPTION**

1.1 The subject site is located to the east of the Red Cow Interchange of the M50 motorway and the Naas Road. The site contains the four storeys complex Red Cow Hotel and associated site facilities and parking, which also includes a conference centre. The access to the site is from the Naas Road, and the Turnpike Road to the south west.

## **2.0 PROPOSED DEVELOPMENT**

2.1 The proposal is for modifications to a permitted development SD15A/0138 in addition to concurrent application SD15A/0386. The modifications comprise of the following:

- Extension to existing hotel restaurant and provision of a new entrance and lobby at ground floor. Total additional floor area c. 188sq.m.
- Change of use of permitted hotel gym to meeting rooms (c. 67sq.m.) and of 2No. permitted hotel bedrooms to gym (59sq.m.)
- All additional site development works, service provision, landscaping and works in addition to those permitted under SD15A/0138.

## **3.0 SUBMISSIONS RECIEVED**

A third party submission regarding ownership boundaries.

## **4.0 TECHNICAL REPORTS**

### **4.1 Planning Report:**

The proposed single storey extension would accord with the policy EE27 Tourist Accommodation and Facilities. The proposal is an intensification of an existing established use on the site.

Naas road Framework Plan , and the proposal would not compromise the overall future development of the site or conflict with any strategies in the plan.

The proposal is minor alterations to an overall development permitted under the two most recent planning histories on the site. The time limit of the current proposal should be in line with the two previous permissions granted.

The current proposal is only a minor alteration to the restaurant, all other works are internal.

The new floor area is 188sq.m. change of existing gym to meeting rooms is 67sq.m. and the change of the use of the hotel to a gym is 59sq.m. Total new

floor area is 188sq.m., the relevant development contributions and carparking area applicable.

#### 4.2 Roads Department:

There is no additional parking proposed. There are 25No. additional spaces required under the development plan requirements. This should be submitted.

The same access layout drawing has been submitted under SD15A/0386. On site visit it is noted the N7 access is still two way, and it is a concern the applicant is not completing the items on the layout despite been conditioned on previous applications. The following further information should be submitted:

- A complete parking schedule or existing and proposed uses
- A two way access route marked with roadmarkings and signage
- A two way access route not less than 5metres at any point
- Both entrances narrowed and the N7 entrance amended to allow for one way traffic only
- The delivery area separate and entrances from the Red Cow Business Park/ Robinhood access road be clearly marked
- The applicant should clarify the usage of the delivery area and the traffic form the Robinhood Road and red Cow Business Park accesses.

#### 6.0 PLANNING AUTHORITY'S DECISION

South County Dublin Co. Co. granted the proposed development subject to 11 No. conditions. Most of the conditions are standard planning condition except for the following site specific conditions:

2. The permission shall expire on 28<sup>th</sup> of August 2020,

**REASON** : As this is an amendment to a permitted development, it is reasonable it should expire on the date of the permitted development granted under SD15A/0138 and SD15A/0386

3. Within 3months of the date of the final grant the applicant shall submit and agree the following :

- A complete parking schedule or existing and proposed uses
- A two way access route marked with roadmarkings and signage
- A two way access route not less than 5metres at any point

- Both entrances narrowed and the N7 entrance amended to allow for one way traffic only
- The delivery area separate and entrances from the Red Cow Business Park/ Robinhood access road be clearly marked
- The applicant should clarify the usage of the delivery area and the traffic form the Robinhood Road and red Cow Business Park accesses.

## **7.0 APPEAL GROUNDS**

7.1 The appellant, Ryan Wallcovering Ltd and Hi Power Ltd have appealed the planning authority's decision to grant permission for the proposed development.

7.2 The layout drawings lodged with the application do not comply with permissions SD15A/0138 and SD15A/0386, which the current application modifies. It shows access between the hotel and the Red Cow Business Park. The Roads Report states it is concerned the applicant does not appear to be correcting the access layout despite been conditioned to on previous permissions.

7.3 The development works listed by applicant on application SD15A/0138 include the closure of secondary entrance to Red Cow Business Park access road. Condition No. 3 of the permission requests the applicant to submit certain details relating to the accesses, internal road layout, a delivery area separate to the entrances from the Red Cow Business Park/ Robinhood Access Road.

7.4 The main concern is that any traffic or parking from the extended hotel onto the industrial road could cause chaos and restrict access to the businesses in Red Cow Business Park. There have previously been occasional problems in the Business Park with traffic and parking form the hotel.

7.5 In order to avoid any traffic form the hotel been diverted into the business park it is necessary that a permanent fence be erected at the boundary between the hotel and the business park road. The Board is asked to include this permanent fence between the hotel site and the estate road of the Red Cow Business Park.

## **8.0 RESPONSES**

### **8.1 *Planning Authority***

The planning authority confirms its decision.

### **8.2 *Applicant***

The following points are made in response to the appeal:

1. There will be no development occurring outside of red line on the planning application. This is the site boundary.

2. The applicant has liaised with the appellants over the preceding weeks on the issue
3. The applicant has offered to erect an electronically controlled gate at the entrance of the hotel from the Business park. The applicant has a right of way through the Business Park and uses it for service and deliveries. The Naas and Turnpike entrances will remain the customer access points with minimal impact to other business users. The electronically controlled gate will ensure unintentional access/ egress by customer traffic is restricted.
4. It is incorrect the claim made by the appellant that the local access to the estate will be closed as granted under the original permission. An extract relating to the pavilion building illustrates the permitted access arrangements.
5. There is no customer traffic comes via the business Park The Business Park entrance to Robinhood Road is controlled by gates which are locked outside of office hours.

## **10.0 PLANNING HISTORY**

There is a very extensive planning history relating to the Red Cow Inn. The most relevant to the current appeal are as follows:

### **10.1 SD15A/0386**

Provision of 2 additional storeys above permitted 5storey extension, containing 52No. additional rooms, etc and all associated works permitted under planning registration No. SD15A/0138 (PL06S.245321). Granted 19/02/2016

### **10.2 SDA/0138**

Construction of a new hotel wing comprising of five storeys (5340sq.m.) with 104No. bedrooms, meeting rooms, lounge area etc, modification of hotel parking areas, to now provide a total of 420No. spaces, revisions to internal roads, set down areas, coach parking and delivery areas, closure of secondary entrance to Red Cow Business Park access road, granted by the planning authority with the development contribution condition appealed to the board by the applicant.

## **11.0 DEVELOPMENT PLAN**

### **11.1 South Dublin County Development Plan**

The site is located within a zoning objective EP2 – *To Facilitate opportunities for Manufacturing, Research and Development Facilities, light industry and employment and enterprise related uses in Industrial areas.*

11.2 **3.2.17.iii Policy EE27: Tourist Accommodation and Facilities**

It is the policy of the Council to encourage the provision of suitably designed hotels, hostels and tourism-related facilities in appropriate locations within the County. A landscape assessment and rationale must be submitted for any such development above the 120m contour or within Liffey Valley or high amenity zoned lands, or as shall be considered appropriate in other lands within the County.

11.3 **3.2.13.i Policy EE13: Appearance of Employment Priority Areas**

It is the policy of the Council that areas zoned as Enterprise Priority One, Enterprise Priority Two and Enterprise Priority Three, are required to be attractive areas for employers to locate to, employees to work in and should contribute positively to the sustainable economic development of the County.

11.4 **3.2.13.viii Policy EE20: Enterprise Priority Two Zoned lands**

It is the policy of the Council that business parks should generally be laid out in an open parkland setting with a high level of landscaping that uses predominantly native plant species and which retains existing natural features such as trees, hedgerows and streams wherever possible. Provision should also be made for pedestrian/cycle paths.

- In order to ensure an attractive open parkland layout the building line on all principal road frontages should generally not be less than 15m from the road and the site coverage behind this building line should not exceed 45%. There should be a minimum landscaped/planted strip to a width of 5m on all principal road frontages.

- Where a proposed development is located within convenient walking distance of a high quality public transport network, the above layout requirements may be varied so as to achieve a scale of development and density of employment appropriate to the proximity of the site to a high quality public transport network.

- Car parking should be provided in a discreet, landscaped and well-screened environment, preferably behind the building line with a view to minimising its visual impact, particularly

11.5 **2.2.34 Car Parking Standards**

The parking standards for cars and other vehicles outlined in Table 2.2.4 below will normally be applied.

**12.0 ASSESSMENT**

12.1 Having considered the recent planning history of the site, I believe the current application is a piecemeal development and afterthought and could have serious implications for the entire development and future enforcement

complications should they arise. The applicant was granted planning permission in 2015 for the construction of a new five storey hotel wing at the Red Cow Inn Complex alongside the M50/ M7 interchange. This permission also included new internal road layout and carparking and access arrangements etc. The development contribution condition was appealed to An Bord Pleanála by the applicant under PL06S.245321. Subsequently, the applicant applied for planning permission for an additional two floors onto the permitted five storey wing (SD15A/0386) which was granted planning permission in February 2016.

- 12.2 The current proposal is for an extension to the existing hotel restaurant and the provision of a new entrance lobby at ground floor, with a total area of 188sq.m. The other alterations associated with this current proposal are internal changes to the permitted scheme and these are acceptable in principle. However the new lobby and hotel entrance, although modest in scale, the proposal has implications for the dynamic of the overall hotel and implications for the access from Red Cow Business Park where the access road fronts the new proposed hotel entrance and lobby.
- 12.3 The third party appellant occupies a number of units in the Red Cow Business Park to the rear of the Red Cow Inn. There is a delivery access to the hotel via the Red Cow Business Park. Upon my inspection, I noted that the main customer access to the Red Cow Inn/ Hotel is via the N7 to the front of the hotel. However the internal routes on the site can provide patrons easy access to the rear of the hotel and to the exhibition/ conference centre on site. The hotel site is open plan at the rear, therefore hotel traffic can readily access the Red Cow Business Park access road from a number of positions within the hotel site.
- 12.4 It was clear during my inspection, there was a certain level of overspill parking from the hotel into the business park parking. Indeed I was unable to obtain a space within the hotel grounds on the day of my inspection, and drove around to the rear of the hotel and parked in the Business Park carpark. There is no distinction between the hotel site and the business park. There is the same road surface from the hotel carpark, the access road and the business park carpark. There is no signage, no boundary treatment, the entire interface between both landuses is open plan and unmarked or sign posted.
- 12.5 The Roads Department of the planning authority had concerns regarding a number of issues in terms of no additional carparking provided on site for the restaurant extension, no details of access arrangements as outlined above. It had request further information. I believe the issue of the new lobby and hotel entrance at this location was not addressed adequately in the planning report. If there is a new focus of a enhanced patron lobby/ entrance at this location adjacent and in front of the Red Cow Business Park entrance, this will encourage more traffic movements and parking beside the restaurant to the rear of the hotel and inevitably overspill parking into the Business park, as the applicant has not demonstrated sufficient onsite carparking to cater for the extended restaurant. According to development plan requirements there is an additional 25No. carparking spaces required.

- 12.6 The third party appellant has requested a permanent fence be erected between the hotel and the business park road. On appeal the applicant has responded by stating there has been discussions between both parties, and the applicant has offered to erect an electronically controlled gate at the entrance to the hotel from the Business park. The applicant has a right of way through the business park for deliveries. The applicant has stated an electrically controlled gate will ensure the unintentional access/ egress by customer traffic will be restricted. However, the applicant has not provided any drawings or proposal in compliance with the terms and conditions of SD15A/1038. I note that the new proposed double access & exit is off the Turnpike Road, and the Naas Road entrance will be access only. The main access road will front the proposed restaurant and new lobby extension contiguous to the delivery area and the emergency and delivery access off the Red Cow Business Park. This will not enhance the new entrance lobby to the hotel at this location. The applicant has not proposed any formal boundary arrangements. I would have expected the applicant to address the outstanding technical issues in response to the third party appeal. I note the content of the applicants proposals to appease the concerns of the third party regarding the Red Cow Business Park access. I also note the applicant had proposed to erect gates and a boundary fence before the end of May 2016. I did note a palisade fence along one tree lined section of the business park road, however I believe this is not the section the letter was referring to in the letter of 10<sup>th</sup> of May 2016 to the appellants and the fence may predate the planning application.
- 12.7 The applicant received planning permission for a major development on the site under planning reference SD15A/138, which included new access arrangements and internal road layouts. The applicant then applied for an intensification of the permitted development to raise the permitted five storey building to seven storeys which was granted planning permission under reference SD15A/0386 in February 2016. I note these works are currently under construction and in practical terms it is difficult to comply with the conditions imposed by the permission until the developments are completed. However the applicant has applied for another alteration and extension to the hotel with a new lobby which will impact on the carparking requirements and general traffic movements throughout the site as presented in the submission documents. The proposal will lead to egress by customer traffic into the Red Cow Business Park as it is occurring at the present time. There should be no further piecemeal development of the subject site until the concerns expressed in the Roads Report are addressed in full by the applicant and the third party's concerns regarding the access road and parking within the red Cow Business Park are satisfactorily addressed by the applicant. The current proposal as presented in the submission documents will lead to additional parking requirements which has not been provided under the current proposal, the patrons can readily park in the adjacent Red Cow Business park .



### **13.0 RECOMMENDATION**

I recommend the Board overturn the planning authority's decision to grant permission for the development proposal, and the permission be refused for the following reasons and considerations.

#### **REASONS AND CONSIDERATIONS**

Having regard to the piecemeal and haphazard approach to the development of the subject site, the absence of a complete carparking schedule to cater for existing, permitted and proposed developments on site, the lack of details regarding access and the separate delivery access to the rear of the hotel and its relationship to the proposed new lobby area adjacent to the Red Cow Business Park, and the absence of clear demarcation and segregation of the hotel site from the Red Cow Business Park/ Robinhood access, it is considered the proposed development will lead to conditions that would be prejudicial to public safety by reason of a traffic hazard and create serious traffic congestion along the Red Cow Business Park Road.

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**Caryn Coogan**

**Planning Inspector**

**18/05/2016**