



An
Bord
Pleanála

Inspector's Report

ABP-303879-19

Development

Construction of a single storey standalone café building within the car park of a previously permitted hotel (P.A. Reg. Ref. No. F17A/0748) together with 12 no. car parking spaces, illuminated backlit signage, an outdoor seating area, bin store, landscaping together with all associated site works and services.

Location

Site west of Stockhole Lane/Clonshaugh Road, Clonshaugh, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F18A/0705.

Applicant

Carra Shore Hotel Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party

Appellant

Carra Shore Hotel Ltd.

Observers

None.

Date of Site Inspection

18th June 2019.

Inspector

Patricia-Marie Young.

Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development.....	4
3.0 Planning Authority Decision	5
3.1. Decision.....	5
3.2. Planning Authority Reports.....	5
3.3. Prescribed Bodies.....	6
3.4. Third Party Observations.....	6
4.0 Planning History.....	6
5.0 Policy Context.....	9
5.2. Natural Heritage Designations.....	11
5.3. EIA Screening	11
6.0 The Appeal.....	11
6.1. Grounds of Appeal.....	11
6.2. Planning Authority Response	13
7.0 Assessment.....	13
8.0 Recommendation.....	20
9.0 Reasons and Considerations	20

1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 0.19ha area and is situated c0.5km to the north east of Junction 13 where the M50 and M1 intersect; c0.2km to the north of the M50, R139 and Stockhole Lane roundabout; and, c2km as the bird would fly from Dublin Airports entrance onto the R139 (Swords Road). In addition, the south eastern corner of the site is situated 100m from a roundabout that serves the Clayton Hotel, the Circle K Petrol Filling Station/Supermac's drive through and Stockhole Lane.
- 1.2. The site forms part of larger parcel lands that are in the applicant's interest and that are currently being developed on foot of a grant of permission for a hotel by the Planning Authority, Fingal County Council, under P.A. Reg. Ref. No. F17A/0748 and it is bound by the aforementioned petrol filling station along the entirety of its eastern boundary. The northern boundary of the site and the land to the north west consists predominantly of agricultural land. The Clonshaugh Business and Technology Park is located off the Clonshaugh Road to the south and the Airways Industrial Estate/Dublin Airport Business Park is located to the south west. To the east and south-east of the site there are several one-off dwelling houses of various styles and date. Further to the north on Stockhole Lane I also observed semi-detached dwellings and Farmsteads.
- 1.3. The site forms part of a larger block of land to the east and west of Stockhole Lane and north of the R139 that is zoned 'HT' - High Technology Employment Uses under the Fingal County Development Plan, 2017 to 2023.

2.0 Proposed Development

- 2.1. By way of this planning application planning permission is sought for a development comprising of the construction of a single storey standalone contemporary in architectural style flat roofed café with a stated floor area of 170m². It is proposed to locate the café structure within the south-eastern most corner of a car park that forms part of a larger car parking area that will serve a hotel complex permitted under P.A. Reg. Ref. No. F17A/0748. In addition to this planning permission is also sought for 12 no. car parking spaces, illuminated backlit signage, an outdoor seating area, bin store, landscaping together with all associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** permission for the following single stated reason:

“The subject site is situated on land zoned for ‘HT’ – The objective of which is to ‘Provide for office, research and development in high technology/high technology manufacturing type employment in a high quality built and landscaped environment’ in the Fingal County Development Plan 2017-2023. Such zoning permits, in principle, restaurant/cafes to serve the local working population. Having regard to the floor area, overprovision of car parking and the external searing area, along with existing food offerings in the vicinity, the lack of development on surrounding employment zoned lands and the lack of pedestrian connections to employment zoning in the Dublin City Council Area to the south, it is considered that the restaurant/café which would extend beyond the local working population. The proposed development, would, therefore, contravene materially the land use zoning objective for the site 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’s Report** is the basis of the Planning Authority’s decision.

3.2.2. Other Technical Reports

Water Services: No objection subject to landscape specifications previously approved under P.A. Reg. Ref. No. F17A/0748 being implemented within the first planting season following the completion of construction. In addition to this a concern was raised that the proposed boundary indicated was different to that permitted under the aforementioned grant of permission and it was requested that the new boundary consist of a black mesh panel fence in the interests of visual amenity.

Transportation: Clarification on how many car parking spaces are being provided as part of the proposed development is sought.

Parks & Green Infrastructure: No objection.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection.

3.3.2. **Dublin Airport Authority:** No comment.

3.3.3. **Transport Infrastructure Ireland:** No observations to make.

3.3.4. **Irish Aviation Authority:** No observations to make.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. The Appeal Site

ABP Ref. No. PL06F.212020 (P.A. Reg. Ref. No. F04A/1684): On appeal to the Board permission was **granted** for a 239 bedroom and 13-suite hotel comprising 16 floors over basement with plant at roof level.

ABP Ref. No. PL06F.232704 (P.A. Reg. Ref. No. 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 1st 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 3rd September 2019.

P.A. Reg. Ref. No. F17A/0478: Planning permission was **granted** for revisions to a 10-storey over basement 325-bedroom hotel with a stated gross floor area of 31,757m² with associated spa and leisure facilities. This application included a total of 571 car parking spaces at basement and surface levels and was permitted under on appeal to the Board under ABP Ref. No. PL06F.232704 (Note: P.A. Reg. Ref. No. F08A/1305). The revised proposal consisted of the construction of a 10-storey hotel with 421 bedrooms with the main reductions including but not limited to a reduction in

the gross floor area of the hotel by 16,059m; omission of the basement; revision of access arrangements from the existing link road to Stockhole roundabout; and, of relevance to this application a reduction of car parking spaces to 417 and provided at a decked and surface level.

ABP Ref. No. PL06F.248338 (P.A. Reg. Ref. No. F16A/0579): On appeal to the Board planning permission was **refused** for a development consisting of the construction of 427-bedroom hotel, including leisure facilities, meeting / conference rooms, café and all associated site works.

“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). These objectives are considered reasonable. Hotel uses are not permitted in principle within this zone but are encouraged under other land use zoning objectives of the Development Plan. 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”.

In relation to this decision the Board Direction included a note which reads as follows:

“In reaching its decision, the Board had regard to the provisions of the adopted Fingal County Development Plan 2017-2023, which came into force prior to the date of the Planning Authority’s decision but after the lodgement of the planning application. The Board noted that 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 that 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 Board noted that the local objective no. 423 from the 2011-2017 County Development Plan was not continued in the 2017-2023

Development Plan, and accordingly was of the view that there is now no statutory basis for the provision of a hotel at this location. Furthermore, the Board noted that the current Development Plan specifically provides, under Objectives ED94, ED95 and Section 11.3, that Masterplans, including for the area including the subject site, require engagement with 'key stakeholders, relevant agencies and sectoral representatives' and further require that masterplans will be subject to a public consultation process, and accordingly considered that a masterplan prepared independently by an applicant (as in the case of the masterplan prepared as part of the planning application for an office development under file register reference number F16A/0397, which indicated a hotel on the subject site) would not qualify as a Masterplan under the terms of the current Development Plan, and would not, therefore, have any status under Objective ED90 of the Plan."

Clayton Hotel Site

P.A. Reg. 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. This application indicates that the applicant no longer wishes to progress the development granted under ABP Reg. Ref. No. PL06F.245362 (P.A. Reg. Ref. No. PL06F.245362).

ABP Reg. Ref. No. PL06F.245362 (P.A. Reg. Ref. No. F14A/0465): Permission **granted** for new buildings and alterations to Bewley's 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.

P.A. Reg. Ref. No. 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.

P.A. Reg. Ref. No. Ref. F03A/0660: Permission **granted** for a 5–9 storey 450-bedroom hotel (total area: 29,295m²), including conference centre, leisure centre, restaurant/dining room and bar on a site measuring 5.1ha 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 also granted under **Ref. F05A/1489, Ref. F05A/1592 and Ref. F06A/0231** for alterations to the hotel.

Adjoining Site to East – Circle K Petrol Filling Station

P.A. Reg. 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.

ABP Ref No. PL06F.245112 (P.A. Reg. Ref. 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. Development Plan

- 5.1.1. The Fingal Development Plan 2017-2023 is the applicable development plan for the area. The site is in an area zoned 'HT' – High Technology, the objective for which is to *“provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment”* and the stated purpose of the 'HT' zoning is stated to *“facilitate opportunities for major office, science and technology, and research and development based employment within high quality, highly accessible, campus style settings. The HT zoning is one of the most important economic development zonings in Fingal with just over 685 ha of HT zoned lands located principally in Blanchardstown and Swords, supplemented with*

significant zonings at Dublin Airport and along the southern boundary of the County with Dublin City".

- 5.1.2. In addition, the Development Plan indicates that the vision for 'HT' land 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. The HT zoning is aimed at providing a location for high end, high quality, value added businesses and corporate headquarters. An emphasis on exemplar sustainable design and aesthetic quality will be promoted to enhance corporate image and identity*".
- 5.1.3. 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".
- 5.1.4. 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 Clonsaugh - "*MP11.C – Clonsaugh West*" and "*MP11.D – Clonsaugh East*".
- 5.1.5. 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 to this requirement.
- 5.1.6. Economic Objectives ED 10, ED 11, ED 12 and ED 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.
- 5.1.7. There is an indicative road proposal to the north of the lands.

5.1.8. 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.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within or immediately adjacent to any site with a natural heritage designation. The closest such sites are the Baldoyle Bay Special Area of Conservation (Site Code: 000199) and the Baldoyle Bay Special Protection Areas (Site Code: 004016), which are located c5km and 5.5km to the east respectively.

5.3. EIA Screening

5.3.1. Having regard to the nature, scale and scope of the proposed development, the nature of the receiving environment, the serviced nature of the site and its setting, the separation distance between the site to the nearest sensitive location, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. I therefore consider that the need for Environmental Impact Assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- This proposal complies with Objective ED115 of the Development Plan which seeks to encourage the provision of local support facilities to serve the needs of the employees within major employment areas.
- The Planning Authority in this case have demonstrated a material contravention of the Development Plan.
- The Planning Authority incorrectly indicate that this proposal seeks permission for 32 car parking spaces when only 12 are applied for.
- The proposed café is modest in its size and the size reflects its localised catchment.

- The proposed café would primarily serve the needs of the customers and employees of the significant employment and business parks located to the south.
- The Clonshaugh area has a significant working population in the Clonshaugh Business and Technology Park. In addition, the existing and under construction hotel developments will further increase the working population in this area.
- Café type land uses is listed as a permissible land use on 'HT' zoned lands.
- The scale of lands zoned for High Technology to the east and west of the site will result in further increases in the working population in the short to medium term.
- In the footnotes attached to the list of uses permissible on 'HT' zoned land, Footnote 5 does not state or require that the local working population should be pedestrian, or cyclist based.
- Reference is made Chapter 6, Objective ED114 and ED115 of the Development Plan.
- A café of this size and scale would not impact on the viability of local centres in the wider area.
- There is just one café in the area, Butlers Café, which is in the Clonshaugh Business and Technology Park.
- This development will complement the differing types of food offering for local employees who do not want to use a hotel and who do not want to use a petrol station.
- The Transportation Planning Section's calculations which includes the outdoor seating area giving a total floor area of 196m² would require 13 car parking spaces.
- The reason for refusal has not included any specific objective to which the proposed development is allegedly contravened.
- The principle of the proposed development is supported under the provisions of the Development Plan. It is therefore considered that the Planning Authority's reasons for refusal are fundamentally flawed and unsupportable in this case.
- The Board is requested to overturn the decision of the Planning Authority.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- The site is in proximity to an existing café and hotel restaurants in an area close to the national road network as well as is surrounded by largely underdeveloped employment zoned lands.
- The site is not easily accessible on foot by an existing employment area. Accordingly, the café would have a greater draw than the very limited employment uses in the immediate vicinity and would provide a restaurant/café which would extend beyond the local working population.
- Having regard to the 'HT' land use zoning objective and the requirement that restaurants/café's may only be permitted where they serve the local working population, it is considered that, the proposed development would contravene materially the land use zoning objective of the site as well as would be contrary to the proper planning and sustainable development of the area.
- The Board is requested to uphold its decision; however, should they be minded to grant permission it is requested that a Section 48 contribution condition be imposed.

7.0 Assessment

7.1. Introduction

I consider that the main planning issues that arise in this appeal case are:

- Principle of the Proposed Development.
- Material Contravention.
- Car Parking.
- Visual Amenity Impact.
- Residential Amenity Impact.
- Access.
- Permeability/Connectivity.
- Appropriate Assessment.

I propose to assess these in turn in my assessment below.

7.2. Principle of the Proposed Development

- 7.2.1. As set out in Section 5 of this report, the appeal site is located on land zoned 'HT- High Technology under the Fingal Development Plan, 2017 to 2023. The Development Plan objective for such lands is to *“provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment”*. It also indicates that the stated purpose of the 'HT' zoning is to *“facilitate opportunities for major office, science and technology, and research and development based employment within high quality, highly accessible, campus style settings”*; and, that *“the HT zoning is one of the most important economic development zonings in Fingal”*.
- 7.2.2. Chapter 11 of the Development Plan sets out that café type land uses are permitted in principle under the 'HT' land use zoning, however, they are subject to the caveat that they *“serve the local working population only”*.
- 7.2.3. In addition, Chapter 6 of the Development Plan indicates that it is appropriate for small scale support facilities to be located within employment areas, with these providing accessible services and facilities for employees within the immediate area. It further indicates that such facilities should be of an excessive size or scale nor should they be a type of use that would impact adversely on the viability of existing local centres. In relation to the types of land uses that are deemed to fall under the bracket of consideration as local support facilities is cafés.
- 7.2.4. The proposed development sought under this application comprises of, but is not limited to, a single storey standalone café building with a stated 170m² gross floor area with associated outdoor seating area. Internally, the submitted drawings indicate that it would have a standard coffee shop layout with a limited store and an open service area with a variety of seating formats, customer and staff toilets. Externally, provision is made on the western side of the proposed building for 16 no. seats, a landscaped buffer, a pedestrian crossing over the adjoining hotel car park access roads, a single loading bay and bin storage. I consider that the scale of the proposed development is limited and with the lack of commercial kitchens it is unlikely that the food offer would be anything above what one would expect in an average coffee shop with much of the catering expertise carried out remote from the premises.

- 7.2.5. Notwithstanding, under the land use zoning provision of the site café type land uses when deemed to be permissible are limited to those that serve a local working population. There is no definition set out in the Development Plan for the term “*local working population*” but it would be reasonable to assume that it relates to the working population within the ‘*HT*’ zoned land itself alongside other employment related land uses/zoning in this location alongside those who may live within an accessible distance to the proposed development.
- 7.2.6. Having inspected the site and the immediate surrounding lands it is my view that outside of the adjoining Circle K Petrol Filling Station, which I note includes a Supermac’s sit in area and associated drive-thru, a Papa Johns, a large deli/food counter with a wide offer; and, an extensive retail area associated with the sale of food, beverages through to take out coffees; the Clayton Hotel, which I note includes a restaurant/café and bar; and, the linear one-off residential development that bounds the roadside edge particularly along Stockhole. In addition, the hotel that is being constructed on the larger parcel of lands that the appeal site forms part of when operational will also include a restaurant/café and bar. Having regard to the drawings accompanying these permitted developments they also include staff areas. It is therefore the case that the existing local working population is amply catered for within this locality at present and it is also very evident that the Circle K Petrol Filling Station is one that draws custom from road users of the M1, M50, the R139 and wider a field. Moreover, these existing commercial operations appear to provide a similar food to what would be provided in the proposed café and the applicant has not demonstrated that this would not be the case by way of the documentation submitted with this application.
- 7.2.7. I also consider that the appeal site is remote from significant centres of employment, i.e. the Clonsaugh Business & Technology Park which is located c3.1km to the south by road, the Airways Industrial Estate which is located c2.4km by road to the south west, Dublin Airport Business Park which is located c2.3km by road to the south west; and, the IDA Industrial Estate which is located c3.1km to the south of the site by road. With these distances; having regard to the heavily trafficked public road network and the limited provisions made for quality pedestrian and cyclists movement, I consider that access would be to the proposed café for the majority of customers would be by

car. I therefore share the view of the Planning Authority that having regard to the existing environment and where the existing concentration of employees work relative to the site that the site would not be highly accessible.

- 7.2.8. In addition to this, the more concentrated in density residential developments are located mainly to the south east of the site with the nearest accessed off the R139 Clonshaugh Road and Clonshaugh Avenue which is located c1.3km by road and further south east on the R139 there are pockets of residential development in the form of detached houses and a halting site in the vicinity of Cara Park, Tara Lawns and Northern Close. The nearest of these is located c1.2km by road.
- 7.2.9. The public road network between the site of the proposed development and these residential areas is not particularly attractive or friendly for pedestrians or cyclists largely due to the limited level of thought given to these types of movements within this area that is subject to heavy flows of vehicle traffic particularly along the M50 and M1 intersection with the R139. The latter makes this intersection difficult for pedestrians and cyclist to traverse as this is an unsignalized roundabout/intersection with the road carriageway accommodating two lanes of traffic on either side.
- 7.2.10. Further, the roundabout serving Circle K, the Clayton Hotel, Stockhole Lane and the site is also heavily trafficked with significant caution needed when crossing due to the lack of a road appropriate posted speed limit.
- 7.2.11. I therefore consider that in this instance the Planning Authority is correct in their conclusions that the proposed development is one that does not benefit from good quality pedestrian or cycle links to the working population either in the immediate or wider surrounding locality.
- 7.2.12. In addition, I consider that this type of development, if permitted, is not likely to serve the local working and residential population predominantly. In my view even if these two were considered to overlap such a commercial venture as that proposed is unlikely to survive based on such an evidently low working and residential population within easy reach by various modes of transport. I am therefore of the view that like the existing Clayton Hotel and the Circle K petrol filling Station that, if permitted, the proposed café would likely become a destination in its own right and a destination that is highly dependent on customers journeying to it by car.

- 7.2.13. Based on the above it is not unreasonable to conclude that the proposed development, if permitted, would have some negative impact on local centres in its wider vicinity; notwithstanding, this would in my opinion be difficult to fully quantify, but it would result in additional capacity issues on the M50, M1, the R139, Clonshaugh Road and Stockhole Lane. This in turn would add to the potential difficulties and hazards for road users.
- 7.2.14. Moreover, I consider that in the absence of significant increase in the employment levels in the locality of the proposed development and improved connectivity as well as permeability for pedestrians and cyclist it is my view that to grant planning permission would be premature and would represent uncoordinated/piecemeal development.

7.3. Material Contravention of the Fingal Development Plan, 2017 to 2013.

- 7.3.1. The Planning Authority's single reason to refuse planning permission for the development sought under this application states that it would contravene materially the land use zoning objective for the site which seeks to permit this type of development subject to the safeguard that it would serve the local working population.
- 7.3.2. The applicant by way of their appeal submission to the Board contend that the Planning Authority has failed to demonstrate that this would be the case. Notwithstanding, should the Board be minded to grant permission for the proposed development sought under this application, I advise that they have regard to Section 37(2) of the Planning and Development Act, 2000, as amended. Section 37(2) sets out that if the Planning Authority decided to refuse planning permission on the grounds that a proposed development materially contravenes the Development Plan, the Board may only grant permission in certain circumstances.
- 7.3.3. In relation to the proposed development and based on my assessment set out in the previous section of this report, I do not concur with Planning Authority on this matter in that I consider that the development, if permitted, would not materially contravene the Development Plan. The land use zoning referenced in the reason for refusal and the types of development listed under the said Development Plan indicates that café type land uses are permissible subject to certain safeguards at this location i.e. that they demonstrate that they would serve the local working population, that they would be of a limited scale and that they would not have a negative impact on local centres

in their vicinity. Therefore, if the applicant had demonstrated compliance with these safeguards, I do not consider that the proposed development, if permitted, would materially contravene the land use zoning of the site as set out in the Development Plan.

7.4. Car Parking

- 7.4.1. Table 12.8 of the Development Plan sets out the car parking requirements for different land uses. In relation to cafés the requirement is 1 space per 15m² of the gross floor area proposed and it also indicates that complementary uses will be encouraged, and, in this regard, I consider in this instance with the precautionary principle in mind that the Planning Authority's inclusion of the outdoor seating area in their car parking calculations and assessment to be appropriate.
- 7.4.2. However, of concern the proposed development as set out in the documentation includes conflicting details in relation to what is the actual car parking provision as the drawings submitted do not match the development description provided.
- 7.4.3. For example, the submitted drawings indicate that the red line area of the site extends in a westerly direction over a section of an internal access road that runs alongside the rear of the proposed hotel building to where there are three designated bus and one van parking spaces. In this regard the red line extends on to part of the aforementioned van parking space. This would appear to suggest that access to this van parking space and the principal or dedicated user of this space would be the café premises.
- 7.4.4. In addition to this the red line area of the site extends in a northerly direction to encompass part of another internal access road that provides connection to the access to the deck car park alongside 26 car parking spaces within the proposed hotel car parking area.
- 7.4.5. Alongside this the main area of the site contains 6 car parking space, 2 disabled spaces and a separate loading bay in addition to the aforementioned 26 car parking spaces.
- 7.4.6. It is in my view clear that whatever way you interrupt the description of the proposed development and the submitted drawings that there is a significant mismatch in the parking provision. This in my view needs to be clarified at a rate of 1 space per 15m²

of the gross floor area, i.e. 13 car parking spaces, should permission be granted. In addition, a more robust description on how the car parking provision would be provided without conflict with the hotel car parking and road movements associated with the hotel use which is the principle use permitted on the subject lands.

- 7.4.7. Based on the above the Board may wish to deal with this matter by a request for further information or an appropriately worded condition.

7.5. Visual Amenity Impact.

- 7.5.1. Should the Board be minded to grant permission for the proposed development I consider that improvements are required to both the north and east elevations which consist largely of monolithic white render panel walls that in themselves lack texture, expression nor could be considered to positively contribute to their immediate setting. This could be achieved by way of an appropriately worded condition and in my view such improvements are required as this building despite its single storey structure is a building that would be visible in the round from many vantage points within its setting.

7.6. Residential Amenity Impact.

- 7.6.1. I am satisfied that the development would not result in unacceptable residential amenity impacts on residential properties in its vicinity due to the significant separation distance between them and the proposed site subject to standard safeguards in the event of a grant of permission. I therefore consider that the proposed development would be in accordance with the proper planning and sustainable development of the area.

7.7. Access

- 7.7.1. In relation to the proposed access arrangements serving the proposed development I raise a concern that there is potential for conflict between road users within the immediate vicinity of the café. Of concern is the proximity of the pedestrian crossing to one of the two dedicated internal vehicle entrances serving the proposed café i.e. the entrance located on the western side of the main site area; and, also the proximity of this entrance to a main internal T-junction intersection within the permitted hotels car parking. I also raise a concern in relation to the proximity of the proposed pedestrian crossing, the vehicle entrance on the main western boundary of the site

and the public road entrance that would serve the under construction hotel and the proposed development, if permitted.

- 7.7.2. This I note is a new issue and is one that the Planning Authority's Planning Section raised any specific concern on. Notwithstanding, should the Board be minded to grant permission for the proposed development it may wish to improve this access layout arrangement by way of condition in the interests of road and traffic safety. I consider that such an amendment should include but not be limited to omitting the vehicle entrance on the western side of the main site area and repositioning the pedestrian crossing.

7.8. **Permeability and Connectivity**

- 7.8.1. I concur with the Planning Authority that at present the subject site does not appear to be located at a location that would be highly permeable and connected to yet to be developed and developed 'HT' zoned land alongside other employment zoned land in its vicinity.

7.9. **Appropriate Assessment.**

- 7.9.1. Having regard to the nature and scale of the proposed development for which permission is sought, the serviced nature of the site and the significant separation distances to Natura 2000 sites, I am satisfied that no appropriate assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission should be **refused**.

9.0 **Reasons and Considerations**

1. The subject site is situated on land zoned 'HT' – High Technology in the Fingal County Development Plan 2017-2023. Such zoning permits, in principle, cafés to serve the local working population. Having regard to the scale and form of the proposed development, the remote distance between the subject site and existing

alongside permitted areas of major employment it is considered that the proposed café use would extend substantially beyond the local working population. The proposed development would therefore conflict with the land use zoning objective of the site and the circumstances where this type of land use is deemed to be permissible. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.

Patricia-Marie Young

Planning Inspector

19th June 2019.