



An
Bord
Pleanála

Inspector's Report ABP307366-20

Development	Demolition of a single-storey building, in use as a retail unit and the construction of a 5, 6 and 7 storey hotel, as a separate room only hotel, at the Bonnington Hotel site together with underground car parking and all ancillary works.
Location	The Bonnington Hotel site, Swords Road, Whitehall, Dublin 9.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4198/19.
Applicant	Liffeyfield Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellant	Liffeyfield Limited.

Observers

- (i) Paul Filby
- (ii) Peter O'Kelly
- (iii) Eileen and Tom Tansey
- (iv) Mel Cronin
- (v) Gerard McDonald
- (vi) Mary Noone
- (vii) Josephine Brady
- (viii) Anthony Reilly
- (ix) Angela Hegarty

Date of Site Inspection

24th August, 2020.

Inspector

Paul Caprani.

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Development	6
4.0 Planning Authority's Decision	7
4.1. Decision	7
4.2. Documentation Submitted with the Planning Application	8
4.3. Observations	8
4.4. Internal Reports.....	9
4.5. Additional Information Request	9
4.6. Further Information Submission	10
4.7. Further Assessment by Planning Authority	13
5.0 Planning History.....	14
6.0 Grounds of Appeal.....	15
7.0 Appeal Responses.....	18
8.0 Observations	18
9.0 Development Plan Provision.....	22
10.0 EIA Screening Determination	22
11.0 Planning Assessment.....	23
12.0 Appropriate Assessment	34
13.0 Conclusions and Recommendation.....	35
14.0 Reasons and Considerations	36

1.0 Introduction

ABP307366-20 relates to a first party appeal against the decision of Dublin City Council to issue notification to refuse planning permission for the demolition of an existing convenience store to the front of the Bonnington (formerly Regency) Hotel and the construction of a five to seven storey hotel to be used as a room only hotel containing a reception area, coffee shop and workspace providing a total of 234 guest bedrooms together with 142 car parking spaces and 76 bicycle spaces. Dublin City Council issued notification to refuse planning permission for two reasons both of which related to access and traffic issues. A number of observations were also submitted supporting the decision of the Planning Authority.

2.0 Site Location and Description

- 2.1. The Bonnington Hotel (formerly known as the Regency Hotel) is located on the eastern side of the Swords Road, a major distributor route on the northside of the city and the hotel is located approximately 3.5 kilometres north of the city centre and less than a kilometre from Collins Avenue and the commencement of the M1 Motorway leading northwards out of the city. The site has a stated area of 1.37 hectares. It is roughly rectangular in shape and incorporates a depth of approximately 225 metres and a width of c.60 metres. The existing Bonnington Hotel occupies the rear portion of the site and the hotel building is set back approximately between 60 and 75 metres from the Swords Road. It is a long elongated structure which is, in the main, between five and six storeys in height although the entrance to the proposed hotel located on the southern elevation comprises of a single storey link element joining what appears to be the original late 19th century structure on site. The existing hotel incorporated numerous modifications particularly at roof level with newer five and six storey elements to the rear of the site.
- 2.2. An access road runs along the southern boundary of the site and a series of on-street surface car parking is provided between the access road and the main building. A Gym facility is located in the rear part of the building.

- 2.3. The area to the front of the site between the Bonnington Hotel and the Swords Road incorporates a single storey structure which is currently used as a Centra Convenience Store. A small restaurant is located at the western end of the convenience store facing onto the Swords Road. However, this restaurant appears to be closed at the time of site inspection¹. The single storey Centra store overlooks an area of surface car parking to the south. A small strip of green space separates the building and car parking area from the footpath that runs along the eastern side of the Swords Road.
- 2.4. In terms of surrounding land uses, Highfield Hospital - a private hospital, is located on grounds to the immediate north of the subject site. A small residential enclave comprising of approximately 40 houses set around two cul-de-sacs is located to the immediate south of the site. This residential development, Seven Oaks comprises of two-storey terraced dwellings. This cul de sac is accessed off the same access road that serves the hotel. Traffic to and from the Seven Oaks residential estate has priority over the access road. A small residential cul-de-sac, Griffith Downs Crescent is located to the south-east of the hospital. Lands on the opposite side of the Swords Road to the west of the subject site accommodate a series of football pitches. The Swords Road (R132) is a heavily trafficked road forming a major artery to the north of the city centre linking the city to the M1 Motorway and serving as the major thoroughfare linking the central suburban areas of the north city including Santry, Beaumont, Whitehall and Drumcondra with the city centre. It is a four-laned carriageway in the vicinity of the subject site comprising of two bus lanes and two inner lanes for ordinary vehicular traffic. The access road serving the hotel and its junction with the Swords Road is a signalised T-junction.
- 2.5. Lands to the rear of the site is currently used as a surface car park for patrons of the hotel. This parking area accommodates approximately 160 car spaces and 6-8 coach parking space. There is currently a planning application for a strategic housing development on this site (306721 – 124 apartments)

¹ It was not altogether clear if the restaurant was permanently closed or closed due to Covid restrictions.

3.0 Proposed Development

- 3.1. Planning permission is sought for the demolition of the existing single storey building accommodating the Centra convenience store and the vacant restaurant unit and to construct a five, six and seven storey hotel on the subject site. The hotel is to be configured around the central south facing courtyard in an inverted U shape.
- 3.2. At basement level it is proposed to provide 142 car parking spaces at two levels below ground. Access to the basement car park is to be provided via an access off the road that runs along the southern side of the site. A small internal roundabout within the confines of the site is to be located adjacent to the ramped area so as to provide segregation of traffic on entering and exiting the basement car park (see Drawing 19002-MA-XX-OO-DR-A-XX-0200 for details).
- 3.3. The ground floor of the hotel is to accommodate a reception and seating area, an entrance area to the hotel at the south-eastern corner, a café and business suite is to be located on the western side of the building adjacent to the Swords Road, an entrance to the café is to be located at the south-western corner of the building. Ancillary storage space together with a number of bedrooms are to also be located at ground floor level. An internal south facing landscaped courtyard is to be located within the centre of the layout. The remaining floors above comprise of bedroom accommodation with some ancillary storage area. Two stair cores are provided at each of the floors together with two lifts. The western elevation of the building facing onto the Swords Road rises to a height of five storeys - just over 20 metres in height. The remainder of the building to the east is seven storeys in height ranging from 23.9 metres to 26.1 metres in height. The external finishes include a mixture of buff coloured brick with anodised and bronze coloured aluminium cladding above the main reception area in the eastern portion of the building. It is proposed to place two vertical signs “Bonnington” on the upper portion of the building along its southern elevation (see proposed south elevation for details).

4.0 Planning Authority's Decision

4.1. Decision

4.1.1. Dublin City Council refused planning permission for two reasons which are set out in full below.

1. The subject site is located in an area with the zoning objective Z1 "sustainable residential neighbourhoods" with the land use objective "*to protect, provide and improve residential amenities*" under the Dublin City Development Plan 2016 – 2022. Hotel use is open for consideration under the Z1 zoning objective, subject to compliance with the overall zoning objective. The development as proposed, in conjunction with the existing hotel use on site, would result in a significant intensification of activity on the site, including late night activity, and by reason of noise and general disturbance would seriously injure neighbouring residential amenity and contravene materially a development objective indicated in the development plan for the zoning of land would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The subject site is located in an area with the zoning objective Z1 "sustainable residential neighbourhoods" with the land use objective "to protect, provide and improve residential amenities" under the Dublin City Development Plan 2016 – 2022. Hotel use is open for consideration under the Z1 zoning objective, subject to compliance with the overall zoning objective. Having regard to the design and layout of the proposed access arrangements for the site and the basement car park, the proposed development would result in potential vehicular and pedestrian conflict at the entrance of the site and the level of intensification of activity proposed would give rise to unacceptable levels of overspill parking on the adjoining access road and supporting roads in the vicinity. The proposed development would therefore seriously injure the amenities of the area and would endanger public safety by reason of a traffic hazard and obstruction to road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

This decision was dated 22nd May, 2020.

4.2. **Documentation Submitted with the Planning Application**

4.2.1. The application was accompanied by the following documentation:

- A Town Planning Statement including a screening for Appropriate Assessment.
- An Architectural Design Statement.
- A Daylight, Sunlight and Overshadowing Study.
- A Drainage Submission.
- A Civil and Structural Report.
- A Flood Risk Assessment.
- A Sustainability and Energy Report.
- A Traffic Assessment.
- A Construction Management Plan.
- A Preliminary Mobility Management Plan.
- A Visual Impact Assessment Report.
- A Landscaping Report.

4.2.2. All of these documents have been read and noted and will be referred to where appropriate in the course of this assessment.

4.3. **Observations**

4.3.1. A large number of observations were submitted on foot of the application expressing concerns in relation to wastewater infrastructure, parking, traffic issues, planning history and enforcement issues, impact on surrounding residential amenity etc. The contents of the observations have been read and noted.

4.4. Internal Reports

- 4.4.1. A report from the Transportation Planning Division recommends additional information on ten separate points.
- 4.4.2. A report from Transport Infrastructure Ireland notes that the current application does not propose works over the Port Tunnel that would require a development assessment as per the requirements of the Dublin City Development Plan. Transport Infrastructure Ireland will rely on the Planning Authority to abide by official policy in relation to development on/affecting national roads. The Authority also require that the proposed development be undertaken strictly in accordance with the recommendations of the transport (traffic impact) assessment submitted with the application.
- 4.4.3. A report from the City Archaeologist recommends that a condition be attached in the case of granting planning permission.
- 4.4.4. A report from the Engineering Department Drainage Division states that there is no objection subject to conditions.
- 4.4.5. The initial planner's report sets out details of development plan policy as it relates to the site and relevant site planning history. The report goes on to summarise the issues raised in the various observations submitted before assessing the proposed development. It concludes that additional information is required in relation to a number of issues.

4.5. Additional Information Request

- 4.5.1. The initial planner's report recommends that the following additional information be submitted.
 - Further details as to how the hotel will be operated Further information is required as to whether or not it is proposed to be operated as an independent establishment or it constitutes an extension to the existing hotel.
 - Further information is required as to whether or not the hotel will be operated under one management company or under separate management companies.

- Whether or not existing guests at the hotel will have access to the proposed basement car park and whether or not the car park will be available to non-overnight guests using the hotel facilities.
- Details as to how guests will move between buildings accessing shared facilities and amenities.
- Concerns are expressed in relation to the shortfall of parking provision on site which are lower than the requirements in the development plan.
- The applicant is requested to provide further details to address potential conflicts within the proposed set down areas.
- The applicant is requested to provide a comprehensive overall site plan in respect of the proposed development, the existing development and the proposed SHD development (ABP306721-20 located to the rear – east of the subject site).
- Further details addressing discrepancies in respect of drawings submitted.
- Further details in relation to the mobility management plan.
- Further details in relation to bus/coach turning areas.
- Further details in relation to bicycle parking and disabled access parking.
- Further details in relation to the construction of the proposed basement area including any potential impacts on groundwater land stability, ground movement and surface groundwater flow.

4.6. Further Information Submission

- 4.6.1. Further information was submitted on 16th March, 2020. It comprises of three separate reports.
- 4.6.2. In relation to the first major issue raised in relation to hotel ownership, operation and management issues the following response was submitted by Manahan Planners.
- It is confirmed that the proposed and existing hotel will be under the one management. The proposed hotel will remain in the hands of the current hotel operator (Liffeyfield Limited). It is the intention that both hotels will be operated by the same management and under the current ownership structure. The proposed

hotel will be operated on a bedroom only basis with very limited additional services. What is proposed in this instance is similar to the Crowne Plaza Hotel (4 star) and the Holiday Inn Express (3 star) at Northwood, Santry, Dublin 9. The owners believe it would neither be in the short or medium term interests to cede control of the hotel to a new owner as this would hamper their ability to trade successfully as the existing hotel is located to the rear of the proposed hotel.

It is not envisaged that basement car parking will be available to non-overnight guests of the hotel and the car park will operate on a first come first served basis. Access between buildings will be provided directly by a link via the current McGettigans bar on site and this is indicated in the revised drawings submitted.

- 4.6.3. In relation to transportation issues a separate report was submitted by NRB Consulting Engineers. It states that the proposed hotel and the existing hotel will be under a single management company and guests staying in the existing Bonnington Hotel will have full use of the proposed car park. It is stated that car parking within the proposed basement will also be available to non-overnight guests. However, it is anticipated that many guests will be arriving from and departing to the Airport and thus many guests will be arriving via public transport, taxi and Aircoach. Four car sharing spaces and blepper bikes will be included to reduce the need for car parking.
- 4.6.4. In relation to car parking provision, it is noted that the parking requirement for hotels in Zone 3 as set out in the Dublin City Development Plan relate to maximum standards (my emphasis). In this regard it is considered that the provision of 199 car parking spaces in total (inclusive of basement and surface car parking provision) for the development is more than adequate having regard to the site's proximity to a high-quality public transport corridor. Parking monitoring and enforcement will be rigorously managed in the immediate area. Also, a survey carried out at the existing car park indicated that, even during the period of highest demand, ample car parking was available. The reduced number and managed pay parking on site are considered to be consistent with demand management and sustainability principles. Thus, the provision of 199 spaces for the overall hotel development is more than adequate.
- 4.6.5. Revised drawings were submitted addressing potential conflicts between vehicular and pedestrian safety. Details of the proposed coach and bus arrangements

including turning areas are also set out in the drawings submitted. At the existing hotel buses will not set down or turn at the proposed set down area at the front of the new hotel.

- 4.6.6. A revised traffic impact assessment was submitted including all elements of the proposed development. It is estimated that the cumulative impact arising from the proposed development in conjunction with other developments in the area (existing hotel SHD application to the rear and existing residential development) would result in a 3.7% increase at the Swords Road junction during the a.m. peak hour and the p.m. peak hour.
- 4.6.7. In relation to the conference centre at the Bonnington Hotel, this is a permitted use and it is suggested that there is technically no requirement to assess the impact of the existing facility and the permitted use.
- 4.6.8. The additional information also includes an updated mobility management plan.
- 4.6.9. It is reiterated that there will be no dedicated bus/coach set down area within the hotel. Bus parking will no longer be facilitated, and buses will be required to drop off guests and organise parking off-site as commonly occurs elsewhere.
- 4.6.10. Finally, details of disabled car parking spaces are indicated in the drawings submitted.
- 4.6.11. Also submitted in response to the third item of additional information was an initial basement impact assessment report. It presents details of the ground conditions, hydrogeology and ground movement assessment. The analysis predicts that the proposed installation of the imbedded retaining walls and excavation of the proposed basement may generally result in a building damaged categorised as between negligible and slight which falls within the range of damage that is considered to be aesthetic and not structural. The installation of a retaining wall together with the excavations will take place over a number of weeks and as such will afford an opportunity to monitor the ground movement and plan accordingly.

4.7. Further Assessment by Planning Authority

Report from the Transportation and Planning Division

- The Division still have concerns in relation to the potential overspill of parking onto adjoining access roads and residential streets as the applicant failed to fully consider the range of ancillary uses associated with the hotel which will contribute to parking demand.
- The Division does not consider that the proposed measures to address significant safety concerns are adequate.
- The revised traffic and transport assessment has also been noted and it is considered that any new development proposal on site should be assessed with the permitted uses within the existing hotel and this would include conference facilities.
- A revised preliminary travel plan was submitted, and this constitutes a marked improvement on the original traffic management plan.
- The Division also has concerns regarding the safety of cyclists using the vehicular ramp in the absence of additional design and layout information.
- In conclusion the report considered that the proposed development will result in the potential for overspill of parking onto adjoining access roads and surrounding residential streets and will result in possible conflicts between vehicles and pedestrians at the site entrance and at the entrance to the basement car park together with set down areas. On this basis it is recommended that planning permission be refused for the proposed development.

4.7.1. A report from the Drainage Division states that there is no objection to the proposed development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works.

- 4.7.2. The planner's report assesses the further information submitted and notes the comments and conclusions contained in the Transportation Planning Division Report. With regard to the excavation of the basement it is noted that an email (dated 3rd April, 2020) from the Engineering Division was received stating satisfaction with the conditions as they stand. The conditions recommended in the Drainage Report originally prepared therefore should be attached in the event of a grant of planning permission.
- 4.7.3. The planner's report concludes that while hotel use is open for consideration in the Z1 zoning, this is subject to an overall compliance with the zoning objective, which is to protect, provide and improve residential amenities. The development as proposed would not be well integrated into the existing hotel use on site, would create a significant intensification of hotel use and as a result would be likely to lead to detrimental impacts on adjoining residential amenity by reason of late-night noise and disturbance. Additionally, there are concerns regarding pedestrian safety and overspill car parking as set out in the Transportation Planning Division Report.
- 4.7.4. On this basis Dublin City Council refused planning permission for the two reasons set out above.

5.0 Planning History

- 5.1. No history files are attached. However, a detailed planning history is set out in the original planning report dated 6th December, 2019 and details are also contained in the planning report submitted with the original application. The relevant planning history is set out below.

Under PL29N.117196 the Board upheld the decision of Dublin City Council and granted planning permission for a 14,552 square metre extension to the existing Regency Airport Hotel.

Under PL29N.239389 An Bord Pleanála upheld the decision of Dublin City Council and granted planning permission for amendments to previously approved application for conference rooms which permitted the use of the conference room to a venue where music and dancing would be permitted. The permission granted involved a temporary permission for use of the venue for music and dancing up until 30th May, 2012.

Under PL29N.244496 the Board permitted an extension of the use of the conference room for such a venue but only for one day per week.

Under ABP306721 a Strategic Housing Development application is currently before the Board for the construction of 124 apartments and all associated works on the surface car park to the rear of the hotel.

- 5.2. The planning report prepared on behalf of Dublin City Council makes reference to other planning applications from 1992 to the present which mainly related to applications for extensions and alterations and modifications to the existing hotel.

6.0 Grounds of Appeal

- 6.1. The grounds of appeal were submitted on behalf of the applicant by Manahan Planners which primarily dealt with the first reason for refusal and a separate report by NRB Consulting Engineers which dealt with the second reason for refusal.
- 6.2. The report by NRB Consulting Engineers also contains a Stage 1 and Stage 2 Road Safety Audit.
- 6.3. The planning submission by Manahan and Associates sets out the context and background to the proposed application as well as including comments on the Planning Authority's assessment of the proposal. The specific response to the first reason for refusal is summarised below.

It is stated that the proposed nature of accommodation is focused on the transient traveller and the site is located in close proximity to both the Airport and the city centre and the vast majority of guests will use taxis or public transport to access the hotel. No restaurant, bars, convention or meeting facilities are provided within the new hotel facility with the exception of one small boardroom. The hotel brand is not aimed at a guest which is looking to stay for an extended period of time with multiple functions on offer. The proposal will not give rise to excessive noise and it is noted that through previous applications (see planning history above) the applicant is obliged to provide acoustic reports in order to comply with conditions. The reports indicate that when the hotel is operating at full capacity the proposal does not give rise to significant adjoining amenity issues. Details of the acoustic tests carried out on site are attached.

In relation to the second reason for refusal reference is made to the Road Safety Audit (Stage 1 and Stage 2) submitted which shows that there are no difficulties with or potential conflict between vehicle and pedestrian movements in the design of the proposal. It is also stated that the limited on-site parking will not result in any intensification of use nor will it result in significant parking demand which will result in overspill car parking in surrounding residential areas. Reference is made to the NRB Consulting Engineers report attached.

- 6.4. The proposal goes on to argue that the proposal is fully in accordance with development plan policy in respect of the economic benefits it will bring the city, and the positive impact it would have on tourism.
- 6.5. It is also considered that the proposed development is fully in with Dublin City Council and National Policy on Building Height. It is stated that the application has already been adequately assessed in terms of visual impact, overshadowing and daylight, flood risk assessment, basement impact assessment and landscaping. The grounds of appeal argue that the proposal is acceptable when assessed against these various criteria. Finally, it is noted that the proposal was screened for appropriate assessment and that it is concluded that the proposal has no potential to impact on any European sites in the vicinity and therefore a Stage 2 Natura Impact Statement is not required.
- 6.6. The second report submitted as part of the grounds of appeal is a report by NRB Consulting Engineers. As already mentioned, it includes a Stage 1 and Stage 2 Road Safety Audit by Bruton Consulting Engineers. A number of problems were identified in this audit and recommendations are included to identify any adverse design arrangements. It is noted that no significant road safety problems were identified as part of the independent road safety audit. Additional traffic calming in the form of a raised table is included on the hotel's access road as recommended. A separate pedestrian route to the reception area which avoids the underground car park access is also referred to. Details of auto tracking of cars accessing the underground car park and navigating the set down area are also indicated in the drawings submitted. It is argued that the existing access arrangement for the surface car parking serving the Centra supermarket area has greater scope for pedestrian/vehicular conflict. As part of the SHD application to the rear, it has been agreed with Dublin City Council that junction improvements would take place at

Seven Oaks junction and this is indicated in a drawing attached. These works have also been the subject of a road safety audit. Access and traffic arrangements have been designed in accordance with DMURS guidance in mind which emphasises the need to create urban places that are good for people rather than simply seeing roads at a conduit for vehicular transport.

- 6.7. With regard to the intensification of use, it is stated that guests staying in the existing Bonnington Hotel will have full use of the proposed car park including the parking at basement level. Given the nature and location of the hotel, it is anticipated that many guests will be arriving from and departing to the Airport. It is considered that most guests will arrive via public transport, taxi and Aircoach and will therefore not require any dedicated parking. The hotel brand proposed will emphasise collaborating with international booking sites in the expectation that the vast majority of customer journeys who reside in the hotel will originate from outside the jurisdiction and will not be reliant on a private vehicle. There are numerous policy statements in the development plan which seeks to facilitate and endorse such a modal shift away from the private car. In addition, the development includes a commitment to provide four “go-car” spaces as well as bleeper bikes which will further reduce the need for car parking.
- 6.8. As clarified in the response to the further information request, the standards set out in the Dublin City Development Plan are maximum standards and not minimum standards. In this regard it is considered that the provision of 199 spaces for the development is more than adequate. The overall car parking associated with the hotel will be actively managed by way of a pay and display system and this system will be rigorously enforced. The occupancy survey revealed that the maximum demand for car parking spaces at the hotel during the busiest period on a Saturday evening was approximately 91 car parking spaces between both the rear and front car parks. The demand was considerably lower during most other periods of the survey. Reference is made to various other hotels which have been permitted in the recent past in the city centre where no car parking facilities were provided. The proposed level of car parking is considered consistent with demand management and sustainability principles. Hotels of the nature proposed are upfront in clarifying that they do not have any or have limited dedicated car parking on site. On this basis customers will arrive fully aware of the fact that only limited car parking is available.

On this basis it is argued that the provision of 199 car parking spaces is acceptable on the subject site.

7.0 Appeal Responses

7.1. There is no response from Dublin City Council contained on file.

8.0 Observations

8.1. A number of observations were submitted on foot of the appeal all of which object to the proposed development and support the Planning Authority's decision. Many issues raised in the observation are similar or the same and for this reason the issues raised are grouped under various headings below. The observations were received from the following:

- Paul Filby
- Peter O'Kelly
- Eileen and Tom Tansey
- Mel Cronin
- Gerard McDonald
- Mary Noone
- Josephine Brady
- Anthony Reilly
- Angela Hegarty

8.1.1. Car Parking Provision

- It is inappropriate to remove car parking as part of the SHD application and then provide additional hotel bedrooms where there is already a shortfall in car parking provision at the hotel.
- 199 car parking spaces are provided for the entirety of the development where 514 are required as per the provisions of the development plan.

Furthermore, provision is not made for the hotel and leisure facilities as well as the conference facilities which are provided on site.

- Existing car parking associated with McGettigan's Bar regularly overflows onto adjoining streets. Overspill of car parking onto adjoining roads particularly the Seven Oaks housing estate have been regularly experienced during various conferences/poker classics etc. and this issue is not adequately dealt with in the additional information submitted to the Planning Authority.
- An Bord Pleanála in previous decisions have already expressed concerns with regard to the possibility of car parking overspill on surrounding roads resulting from an intensity of development on the site.
- There are a number of discrepancies in relation to the number of car parking spaces to be provided on site with reference to 91 spaces, 201 spaces and 142 spaces being provided on site.
- The lack of parking for coaches and the requirement for coaches to negotiate three point turns when manoeuvring within the site is also a cause of concern from a traffic safety perspective.
- There is no factual evidence provided to suggest that the proposed hotel will cater for patrons exclusively reliant on public transport or taxis.
- City centre hotels have an abundance of public car parking to cater for their needs. There are no public car parks within the vicinity of the subject site.
- The provision of car parking spaces is considerably below the requirements of the development plan and this deficiency in car parking leads to the conclusion that the proposal constitutes an overdevelopment of the subject site.
- One observation has submitted a DVD illustrating car parking problems/traffic congestion problems associated with the site. Furthermore, the same submission (see submission from Peter O'Kelly), provide photographic evidence of traffic congestion, excess parking demand and photographs purporting to illustrate anti-social behaviour and late-night noise and activity at the subject site.

8.1.2. Access

- The proposal seeks to give traffic travelling along the private road serving the Bonnington Hotel, priority over that associated with the public road this is contrary to SI No. 182/1997 Road Traffic (Traffic and Parking) Regulations.
- The existing junction at the Bonnington and Swords Road is currently operating at excess capacity and cannot cater for the additional trip generation derived from the proposed development.
- There is no proposed safe access to and from the hotel car park.
- The provision of a car parking ramp close to a pedestrian access is totally unacceptable and should not have passed any road safety audit as suggested in the grounds of appeal.
- Patrons often use excessive speed entering and exiting along the hotel access road and ignore the stop sign which requires traffic to yield for traffic entering and exiting the Seven Oaks residential housing estate.
- The new development including the SHD development should not alter the existing rights of way and the priority hierarchy of the road system between public and private roads which currently exist on site. With the reduction in parking capacity, together with the new SHD development, new hotels and the alteration of priority road usage along the access road; the impact is considered to be significant and unacceptable.

8.1.3. SHD Development

The application for a strategic housing development to the rear of the existing hotel on the existing public car park is required to be assessed cumulatively with the impact arising from the current new hotel/hotel expansion on the subject site.

Car parking to the rear of the site will no longer exist as a result of the proposal and this needs to be taken into consideration when determining the current application and appeal.

8.1.4. Nature of Clientele

To suggest that the clientele would be different from those who currently use the hotel is completely disingenuous. They will be the same clientele that use the

existing facilities on site. There is no reason to believe that new clientele using the proposed hotel will be any less reliant on private cars. Clientele associated with the new development are equally as likely to use the gym facilities, restaurant and bars as those associated with the existing hotel.

The facility will be used on a more intensive level which will give rise to greater noise levels and anti-social behaviour.

It is argued that the nature of clientele is currently and shall remain predominantly Irish and therefore will not exclusively travel to and from Dublin Airport by taxi or public transport. Patrons will be reliant on car transport.

8.1.5. Drainage Issues

There are constant overflows from drainage sewers onto the public road. The sewage flows from the development may have been underestimated and may exceed the capacity of the drains thus exacerbating problems associated with drainage and excess overflow.

8.1.6. Noise

Notwithstanding the acoustic test carried out during the late-night period, the applicant is incorrect in suggesting that the acoustic tests indicate compliance with noise parameters. The proposal still gives rise to excessive and unacceptable noise, particularly from the bar for adjoining residents in the area.

It is also argued that the greater intensity of hotel use on site will give rise to greater noise levels thereby exacerbating adverse impacts on residential amenity.

8.1.7. Enforcement

The applicant readily flouts conditions associated with existing activities on site particularly in relation to the entertainment side of the business.

8.1.8. Biodiversity

Concerns are expressed in relation to the impact of the proposal on a 150-year-old tree adjacent to the car park. The proposal, it is argued, could impact on this tree.

8.1.9. Other Issues

Details regarding the applicant's constant referral to the "brand of hotel" needs to be clarified and elaborated upon.

- 8.1.10. The design of the proposed development is unattractive and will adversely impact on the visual amenities of the area.
- 8.1.11. The proposal will overlook private areas of the Seven Oaks housing estate and will thereby adversely impact on residential amenities of the area.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The site has the residential zoning objective Z1 – to protect, provide and improve residential amenities.
- 9.2. In terms of policies, it is the policy of Dublin City Council as per CEE12 – 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, aparthotels, tourist hotels, cafes, restaurants, visitors attraction including those for children.
- 9.3. Table 16.1 sets out maximum car standards for various land uses. In relation to hotels and guesthouses in parking area 3, one parking space is required per each bedroom required. The subject site is located in parking area 3.
- 9.4. There are no protected structures, conservation areas, architectural conservation areas or areas of archaeological interest within the vicinity of the subject site.

10.0 EIAR Screening Determination

- 10.1. On the issue of environmental assessment screening I note that the relevant class for consideration is Class 10(b)(iv) “urban development which would involve an area greater than 2 hectares in the case of a business district, and 10 hectares in the case of other parts of the built-up area and 20 hectares elsewhere”.
- 10.2. The subject site is located approximately 3.5 kilometres to the north of Dublin City Centre in an area that can be characterised as ‘inner/outer suburban’ with a mix of commercial and predominantly residential development. On this basis I would consider the site to be located outside the central business district but inside the built-up area of Dublin City and as such the 10 hectare threshold would apply. The total site area in this instance is 1.37 hectares which is considerably below the

threshold limit for a mandatory EIA contained in Schedule 5, Part 2, Class 10(b)(iv) of the 2001 Regulations. Therefore, have regard to the nature and scale of the proposed development, the location of the development on an urban brownfield site, together with the characteristics and likely duration of potential impacts, it is considered that the proposal is not likely to have significant effects on the environment and therefore the submission of an environmental impact statement is not required.

11.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to the two reasons for refusal issued by Dublin City Council, together with the grounds of the first party appeal and the various observations submitted, I have also visited the subject site and its surroundings. I consider the following issues to be pertinent in determining the current application and appeal before the Board.

- Principle of Development
- Car Parking Provision and Arrangements on site
- Access Arrangements
- Assessment in combination with the Proposed Strategic Housing Development to the rear of the site
- Drainage Issues
- Noise and Amenity Issues
- Overlooking
- Visual Impact
- Biodiversity Issues

Each of these issues will be assessed under separate headings below.

11.1. Principle of Development

- 11.1.1. There are numerous policy statements and objectives in the development plan which seek to encourage tourism in Dublin City Centre. Policy CEE12 seeks to promote and facilitate tourism and to this end support the provision of necessary significant

increases in facilities including hotels, cafes and restaurants. The provision of expanded hotel accommodation sits comfortably with this policy. However, a key consideration in my opinion is also the zoning objective pertaining to the site in assessing whether or not the principle of development is acceptable. Hotels are open for consideration under the Z1 zoning objective which primarily seeks to *'provide, protect and improve residential amenities.'* Section 14.4 of the development plan states *"an open for consideration use is a use which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the zoning, would not have an undesirable effect on permitted uses and would otherwise be consistent with the proper planning and sustainable development of the area"*. The Z1 zoning objective seeks to protect, provide and improve residential amenity. It is clear from the planner's report that the hotel on the subject site is an established pre-1963 use and has since this period been the subject of significant extensions, modifications and alterations to the extent that it now constitutes a c. 280 bedroom hotel with gym, spa, bar, restaurant and conference facilities. Under the current application a further intensification of hotel use is proposed which is a use, rather than being permissible, is open for consideration under the land use zoning objective.

11.1.2. Thus, in my view the principle of the further expansion and intensification of hotel use on the subject site can only be considered acceptable if the Board are satisfied that any such extension/intensification of the hotel use is compatible with the zoning objective namely *"to protect, provide and improve residential amenities"*. This issue is evaluated in more detail below.

11.2. **Car Parking Provision and Arrangements on site**

11.2.1. In my considered opinion this is a kernel issue and constituted one of the Planning Authority's reason for refusal. It also presented as a major issue in the various third-party observations submitted. The proposal seeks to provide 199 car parking spaces (down from 201 spaces originally proposed) in order to service 534 bedrooms, a bar, gym, restaurant and ancillary facilities. The car parking spaces are also to service a proposed 350 square metre coffee shop and workspace as part of the new hotel development. The site layout plan indicates that presently to the rear of the hotel together with a smaller amount of parking along the southern elevation approximately 215 spaces are provided. This excludes the estimated 42 spaces

currently provided to the front of the Centra convenience store which can be availed of by hotel patrons particularly outside the business hours of the Centra shop. Thus the number of car parking spaces available to serve the existing 280 bed space hotel ranges between 220 and 260 spaces.

- 11.2.2. Therefore, it appears on the basis of the figures above that the proposed development seeks to increase the number of bedspaces from 280 to 514 together with the provision of a 350 square metre coffee shop and workspace while simultaneously reducing the overall quantum of car parking available for the patrons on the site.
- 11.2.3. The applicant argues that a maximum demand of 91 spaces are required during the busiest period and this was calculated on foot of surveys undertaken of the parking regime at the hotel. Observations have been submitted to the Board which include videos and photographs which suggest this may not be the case. The observation submitted by Peter O'Kelly provides evidence to suggest that the car park serving the hotel has been at full capacity on numerous occasions particularly after normal business hours when functions may be taken place at the hotel.
- 11.2.4. The applicant also suggests that the new hotel proposed will attract a different type of clientele which is focussed on the transient traveller where there is a limited service brand focussing mainly on quality room accommodation. On this basis, it is argued, there is no need for a bar and a restaurant. It is also argued that given the nature and location of the hotel, it is anticipated that many guests will be arriving from and departing to the Airport and thus the majority of guests will arrive via public transport, taxi and Aircoach and therefore will not require any dedicated parking.
- 11.2.5. I do not consider that there is any evidence provided to substantiate the claims made in the grounds of appeal. It is clear from the documentation submitted on behalf of the applicant that when the application was first lodged there was no physical connection between the two hotels. However, additional information submitted incorporated a new link between the existing and proposed hotel where it is tacitly acknowledged that patrons using the proposed accommodation will have direct access to the bar, restaurant and assumingly gym, pool and spa facilities located in the existing hotel. There is therefore nothing to suggest that the proposed

accommodation will in anyway exclusively cater for a different brand of traveller as suggested. Both hotels are to be managed and owned by the same company.

- 11.2.6. The hotel's website makes it abundantly clear that the hotel caters for 1, 2 and 3 night family breaks where a range of recreational facilities (bar, restaurant, gym, pool, spa) are available. The fact that both the proposed and the existing hotel will be physically linked, under the same ownership and under the same management does not in my view suggest that the proposed new hotel will specifically cater for a different type of clientele which will be any less reliant on the private car. While it is likely that the hotel, given its location between the city centre and the airport will attract a proportion of clientele which could be classed as "the transient traveller" which may be more likely to rely on public transport, it is in my view unrealistic to suggest that the proposed hotel incorporating 234 bedrooms will not in itself generate a significant demand for additional car park which is not being provided as part of the proposed development. As already stated it appears that fewer amounts of car parking spaces will be available to serve the entire development (existing and proposed hotel than that which is currently available to patrons).
- 11.2.7. In conclusion therefore I am not convinced that any new hotel under the same ownership/management and offering the same facilities to all patrons of the hotel will result in any markedly different clientele. Therefore, the provision of an additional 234 rooms together with café and workshop is proposed to be provided without any commensurate increase in car parking is in my view inappropriate.
- 11.2.8. The grounds of appeal also argue that the site is located in close proximity to a quality bus corridor and therefore can good quality public transport for both the airport and the city centre. It is acknowledged that the proposed hotel development is located contiguous to the Swords Road QBC which offers a direct route both to Dublin City Centre and to Dublin City Airport. The site is served by a number of bus routes with a high frequency service including bus routes nos. 1, 13, 16, 33, 41, 41B/C/D, 44 and 101. Route no. 16 provides a direct route to Dublin Airport. However, notwithstanding the applicant's arguments that the proposed development is located close to a QBC, Dublin City Council in formulating the parking strategy for the development plan were of the opinion that the site/Swords Road corridor was not sufficiently well served by public transport to warrant a further relaxation of the parking standards so as to include it in parking zone 1 and parking zone 2. The

Board will note that areas which are served by either a Luas line or a rail line incorporate more relaxed parking standards so as to be included in Area 2 on the basis that these lands are well served by public transport. No such relaxation in parking provision has been included along the Swords Road alignment. It is clear therefore that the City Council in drawing up the development plan did not consider the Swords Road to be sufficiently well served by public transport in order to provide a more relaxed parking regime along this alignment. I note that the subject site is located over a kilometre from the nearest area designated as parking area 2.

11.2.9. While some relaxation in the car parking standards may be countenanced in the context of encouraging more sustainable transport, the provision of 199 spaces for a 534 bedroom hotel is in my view an excessive shortfall having particular regard to the amount of amenities offered at the hotel including function rooms and conference facilities together with the site's location in an area designated as being least favourable in terms of public transport provision (parking area 3). Therefore, I do not consider that the fact that the site is located adjacent to a quality bus corridor justifies such a drastic relaxation in the car parking standards as suggested in the grounds of appeal.

11.2.10. The grounds of appeal also note that many hotels in the city centre are permitted to be developed/extended without meeting the car parking provisions set out in the development plan. And it is argued that on this basis, similar relaxations should be permitted in light of the site's proximity to the QBC. I consider that two crucial circumstances exist in the city centre that do not extend to the current appeal site. Firstly, all street parking within the city centre is controlled and therefore there is no opportunity to avail of overspill car parking in surrounding residential areas. This is obviously not the case in relation to the current appeal site. Unrestricted on-street car parking is available in residential areas within walking distance of the hotel including the Seven Oaks housing estate which is adjacent to the hotel, and the Griffith Downs housing estate approximately 100 metres to the south of the site. Unrestricted car parking is also available in the various residential estates located off Griffith Avenue many of which are located within a 5 to 10 minute walk of the proposed hotel. Secondly, in the case of the city centre there are a proliferation of multi-storey car parks available where 24-hour car parking is available for patrons

using hotels in the city centre. There are no public car parks in the immediate vicinity of the subject site.

11.2.11. The applicant has also indicated in documentation submitted with the application that a more strict regime of parking management and enforcement will be required and will be adhered to in the case of managing the parking regime on the subject site. This will include “reduced and managed paid parking (my emphasis) which will act as a demand mitigation measure”. The fact that patrons staying or visiting the hotel would be required to pay for car parking this in my view would exacerbate the potential for patrons to avail of free on-street parking in surrounding residential areas.

11.2.12. Therefore, the significant expansion and intensification of a hotel use on the subject site without the commensurate increase in parking provision together with the implementation of a paid parking regime as a demand management measure on site will all, in my view, exacerbate and may indeed encourage overspill car parking surrounding residential areas particularly the Seven Oaks residential estate to the immediate south of the site. And this in turn will undoubtedly in my opinion adversely impact on the residential amenities of the area through uncontrolled parking, late-night parking and manoeuvring of cars (including slamming of car doors and increased late-night noise within residential streets) and would in my view contravene the Z1 land use zoning objective which seeks to protect and improve residential amenities within residential areas. The proposed hotel therefore in my opinion, despite being a land use which is open for consideration, would nevertheless contravene the Z1 land use zoning objective relating to the site.

11.2.13. Finally, in relation to this matter under a previous application PL29N.236429 which sought the retention of the alteration in the number of car parking spaces from 286 to 208 was refused planning permission by the Board in 2010 on the basis that it was considered that the reduction in car parking would give rise to a shortfall in parking provision to serve the existing and permitted development on site which would generate excessive levels of overspill parking into adjoining residential streets and would seriously injure the amenities of property in the vicinity. The current application for the Board seeks to almost double the number of bedspaces available at the hotel and yet provide less than 200 spaces for the entirety of the existing and proposed hotel. Therefore the Boards reason for refusal under PL29N236429 is still applicable.

11.3. Access Arrangements

- 11.3.1. The second reason for refusal issued by Dublin City Council stated that the proposed development would result in potential vehicular and pedestrian conflict at the entrance of the site which would endanger public safety by reason of a traffic hazard and obstruction to road users. In response to this, the grounds of appeal included a Stage 1 and Stage 2 Road Safety Audit. Section 3.1 of the Road Safety Audit notes that there may be confusion for drivers wishing to drop off at Reception of the proposed new hotel as they would have to cross the hatched road markings segregating inward and outward bound traffic from the basement car park. In order to rectify this situation the report recommends that a broken line be used instead of a solid line at a point where traffic is permitted to travel into the set down roundabout (please see page 5 of the Road Safety Audit Report). Having inspected the access arrangements, I would agree with the concerns raised by the Planning Authority and in particular the somewhat confusing access and egress arrangements to the car park via the new roundabout.
- 11.3.2. While I am satisfied that the autotrack analysis undertaken indicates that cars can manoeuvre safely in and out of the proposed basement car park. However, I would have concern that the proposed layout arrangements and in particular the provision of a roundabout to the front of the access to the basement car park whereby cars seeking to access the reception area are required to cross the vehicular path of cars exiting the basement car park where sightlines are restricted on exiting. The problem in my view is exacerbated by the provision of a pedestrian crossing at the mouth of the entrance to the car park. I would agree with the conclusions of the Planning Authority that the incorporation of a proliferation of road markings together with an uncontrolled pedestrian crossing and the provision of a small roundabout were cars exiting the car park would cut across the path of cars accessing the reception area at a location where sightlines are restricted, would in my view constitute significant traffic hazard. I consider that the analysis undertaken by the Transportation Planning Division of Dublin City Council is comprehensive and robust and I consider that the

conclusions reached in the analysis in relation to access arrangements to be appropriate.

11.3.3. With regard to changes in the road layout in respect of priority arrangements between public and private roads, currently traffic is required to stop along the access road to the south of the hotel and give way to traffic exiting from the Seven Oaks residential estate. Concern is expressed in the various observations submitted that this road priority may be altered as a result of the proposals incorporated into the strategic housing development under ABP306721. Any changes in junction priority is a matter for the Board in its deliberations under ABP306721. It is apparent from the information contained on file that the current application before the Board for the proposed new hotel does not involve changes to the priority at the junction of the access road along the southern boundary of the hotel and the Seven Oaks housing estate. It is therefore respectfully suggested that the Board consider this issue as part of the proposal set out under ABP306721-20.

11.3.4. Concerns is also expressed that the proposal will result in significant traffic congestion and delay at the junction between the access road serving the Bonnington Hotel and the Swords Road (R132). The proposal before the Board does not seek to increase the car parking provision over and above that currently provided on site. It can therefore be reasonably anticipated that the trip generation to and from the subject site will not substantially be altered on foot of the application proposed as additional car parking facilities are not proposed as part of the application. On this basis I do not consider that there will be any significant or material change to the capacity of the junction between the access road serving the Bonnington Hotel and the Swords Road.

11.4. Assessment in combination with the Proposed Strategic Housing Development to the rear of the site

11.4.1. A number of observations submitted argue that the Board must assess the proposed development in the context of the parking provision associated with the SHD development to the rear of the site. I have argued in my assessment above that there is a general shortfall in the parking provision required to adequately service the proposed development. In coming to this conclusion, I have fully considered the removal of surface car parking to the rear of the hotel in order to cater for the SHD

housing application. The removal of the surface car parking to the rear of the hotel has fully informed my evaluation and recommendation to the Board and in this regard, I have considered the proposed development in combination with the SHD development. However, the SHD development constitutes a separate application which will be objectively and comprehensively assessed by the Board in accordance with its planning merits and in accordance with the proper planning and sustainable development of the area.

11.5. Drainage Issues

11.5.1. The observation submitted argues that current foul drainage is operating close to or near capacity. It is also suggested that the hotel has connected to the public network without sufficient authorisation and this has resulted in sewage overflows on the Swords Road. The application was accompanied by a Drainage Report prepared by JJ Campbell and Associates which states that all foul effluent from the proposed hotel will fall by gravity in a 225 millimetre diameter foul sewer on the northside of the hotel to an outfall which discharges to the Swords Road. The southside of the proposed hotel falls to a new outfall manhole which discharges to the existing 225 millimetre sewer in Seven Oaks and then discharges to an existing 300 millimetre sewer on the Swords Road which in turn discharges to a larger 1,200 millimetre sewer to the south of the hotel. The total foul peak flow is estimated to be 20.6 litres per second from the entire development. It is stated that the existing 225 millimetre diameter foul sewer of Seven Oaks has a capacity of 45.6 litres per second. In assessing the application, the Dublin City Council Drainage Division stated that there was no objection to the proposed development. I can only conclude on the basis of the information before me that there is sufficient capacity in the foul sewage network to cater for the proposed development and that the competent authority in assessing foul sewage issues is Dublin City Council Drainage Division and it has raised no objection in relation to same. While I cannot dispute the veracity of the observations submitted in relation to foul sewage overflow on public roads this may be due to some blockage within the system as opposed capacity issues. If the Board are minded to grant planning permission in this instance a condition could be inserted requiring that prior to the commencement of development the existing sewage infrastructure network should be subject to a CCTV survey so as to ensure that the infrastructure in question is operating at sufficient capacity.

11.6. Noise and Amenity Issues

- 11.6.1. Concerns are expressed in the observations that the existing hotel gives rise to significant residential amenity issues through noise primarily associated with the bar and restaurant and also overspill parking in surrounding residential streets. Any noise issues in relation to the existing bar and restaurant on site are a matter for Dublin City Council through the enforcement of appropriate planning conditions. The Board have previously adjudicated on applications in relation to permission to allow use of the conference room to a venue where music and dancing is permitted (PL 29N 239389 and 29N244496). Conditions Nos. 4 and 5 of this latter permission which required the venue to adhere to specific noise limits and also require the developer to submit a specialist report confirming compliance with this condition. As part of the grounds of appeal the applicant has submitted a number of letters issued by Dublin City Council stating that the applicant is compliant with the noise specifications set out in the parent permission. Any non-compliance with conditions is a matter for Dublin City Council's Enforcement Section and not a matter for An Bord Pleanála. While it is acknowledged that a grant of planning permission in this instance may result in an intensification of use of the bar function room and conference facility when used as a music venue it is nonetheless incumbent on the applicant to comply with conditions associated with the parent permission.
- 11.6.2. Notwithstanding the above arguments, the Board in adjudicating on the current application should be mindful of the fact that, if overspill car parking into surrounding residential streets does occur as anticipated in the case of the development proceeding, it is fully acknowledged that increased noise levels are likely to occur particularly at night-time where hotel patrons are accessing their cars. Such arrangements would lead to elevated noise levels in the form of slamming of doors, starting, manoeuvring, reversing cars etc. within the confines of surrounding residential estates. It is therefore acknowledged that a grant of planning permission in this instance primarily due to overspill parking could give rise to excessive noise and consequently adverse residential amenity issues.

11.7. **Overlooking**

11.7.1. Concerns are expressed in one of the observations submitted that the proposed new hotel ranging from five to seven storeys in height will impact on the privacy currently enjoyed by the residents of Seven Oaks housing estate. I note that the two dwellinghouses most likely to be affected by the proposed new hotel in terms of overlooking are No.50 and No.4 Seven Oaks. The separation distance between the hotel and these dwellings is just over 20 metres at just less than 32 metres respectively. The provision of a new hotel at this location which incorporate bedrooms with windows facing directly southwards towards the houses in question does increase the potential for overlooking of the rear gardens. However, the Board should note that the landscaped strip along the northern boundary of the houses in question incorporate mature landscaping which offers significant protection from overlooking particularly during the summer and autumn months. Furthermore, the site is located within a built-up area where it is national policy to seek to maximise the efficient use of brownfield serviced lands particularly in close proximity to public transport routes. While the proposed development will increase the potential for overlooking of the rear gardens in question, this must be balanced against the need to develop urban lands at more sustainable densities and on this basis I consider the proposed development to be acceptable in terms of overlooking.

11.8. **Visual Impact**

11.8.1. One of the observations argues that the proposed new hotel constitutes an unattractive intervention which will adversely affect the visual amenities of the area. It is my considered opinion that the proposed hotel is of a suitable and appropriate design for the subject site and constitutes a significant improvement over that which currently exists on site. The provision of a low single-storey building together with a surface car park is in my view inappropriate adjacent to a large radial route leading to the city centre. The single-storey structure together with the adjoining open area of surface car park in my view constitutes visual leakage within an urban area and the site in question would benefit greatly from a larger scale perimeter block fronting

directly onto the roadway. I also consider the overall height, scale and design, including the high quality external finishes to be appropriate for the site in question and the proposal would result in a general enhancement of the area in visual design terms. On this basis I do not consider that the Board should refuse planning permission on the basis that the proposed development adversely impacts on the visual amenities of the area.

11.9. Biodiversity Issues

- 11.9.1. Concerns were expressed in one of the observations that the proposed development could potentially damage a 150 year old tree on the perimeter of the site. The observation does not elicit as to which tree may be affected. I have consulted the landscape report prepared by Richard Jolly and Andrew Davis and submitted with the application and I can find no reference to the removal of trees as part of the proposed development. As such I have no reason to believe that the proposed development will in any way impact on any existing landscaping or vegetation within the site.

12.0 Appropriate Assessment

- 12.1. The application was accompanied by a planning report which include a Stage 1 Screening for Appropriate Assessment. It concludes that having regard to the nature of the proposed development, the location of the application site in an established mixed-use urban area and the location of the site relative to the nearest European site no appropriate assessment issues arise.
- 12.2. For the purposes of completeness, it is proposed to undertake an independent appropriate assessment screening exercise as part of the evaluation in this planning assessment. I note that the subject site is not located within or contiguous to a European site. The nearest designated European sites are:
- The South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which at its closest point is located approximately 2.5 kilometres south-east of the subject site.

- The North Bull Island SPA (Site Code: 004006) and North Dublin Bay SAC (Site Code: 00206), at their closest point are located 5 kilometres to the east of the subject site.
- Other Natura 2000 sites in the wider vicinity include the South Dublin Bay SAC (Site Code: 000210), the Baldoyle Bay SPA (Site Code: 004016) and Baldoyle Bay SAC (Site Code: 000199) and the Howth Head SAC (Site Code: 000202).

12.3. These latter SACs are all in excess of 5 kilometres from the subject site. Having inspected the site and its surroundings I note that there are no hydrological links between the subject site and the Natura 2000 sites in question and as such there are no potential pathways which could result in the proposed development during the construction phase adversely impacting on the integrity of the Natura 2000 sites in question. Furthermore, during the operational phase any emissions from the proposed development namely foul effluent discharge will be discharged into the public mains and will be treated appropriately at the Ringsend Wastewater Treatment Plant prior to any discharge into Dublin Bay. It is noted that the Ringsend Wastewater Treatment Plant has in the case of a recent strategic infrastructure application, been the subject of a detailed and comprehensive appropriate assessment. Therefore, arising from this assessment it is reasonable to conclude that on the basis of the information on 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 any European site in view of the site's conservation objectives and a Stage 2 Appropriate Assessment (and the submission of an NIS) is not therefore required.

13.0 **Conclusions and Recommendation**

Arising from my assessment above I consider that the decision of Dublin City Council should be upheld in this instance and that planning permission should be refused for the proposed development based on the reasons and considerations set out below.

14.0 Reasons and Considerations

1. It is considered that the proposed hotel in the absence of commensurate car parking provision would result in an overall development of hotel facilities for the entire site with car parking provision considerably below the car parking requirements set out in Table 16.1 of the Dublin City Development Plan 2016 – 2022. This shortfall in parking provision to serve the existing and proposed development could generate excessive levels of overspill car parking into adjoining residential streets and thereby creating a traffic hazard and obstruction to road users and would seriously injure the residential amenities of the area and residential property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the design and layout of the proposed access arrangements for the site and specifically the basement car park, it is considered that the proposed development would result in potential vehicular and pedestrian conflict at the entrance to the car park and would therefore endanger public safety by reason of a traffic hazard and obstruction to road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

21st September, 2020.