



An
Bord
Pleanála

Inspector's Report

ABP-307596-20

Development	53 bedroom Boutique Hotel to replace the existing 29 bedroom Guesthouse.
Location	20 & 22 Lower Kennelsfort Road, Palmerstown, Dublin 20.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19A/0218
Applicant	Gerald O'Connor
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party & Third Parties v Grant of Permission
Appellants	<ol style="list-style-type: none">1. Gerald O'Connor (First Party)2. Riversdale, Riverview & Old Lucan Road Residents Group (Third Party)3. Alan McQuaid on behalf of the Woodfarm Cottages/Red Cow Cottages/Glenside Terrace/St.

Fintan's Terrace Resident Association (Third Party)

4. Anne Marie O'Shea (Third Party)

5. The Fitzgerald Group (Third Party)

Observers

1. Daniel Kennedy, Dan Kennedy & Darren Kennedy, D. Kennedy Steel Supplies Ltd. (Third Party)

Date of Site Inspection

29.09.2020

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The prominent site is occupied by Palmerstown Lodge B&B located in the south of Palmerstown village, north east of the junction of the Kennelsfort Road Lower and the Chapelizod By-Pass/R148.
- 1.2. The semi-detached buildings on site are two-storey in scale and are externally finished in red brick and red dash. No. 20 includes a doctor's surgery, but the overall development effectively reads as one building. There is an informal brick paved circulation/parking area to the front and a laneway along the side of the building accessing a larger hardstanding parking area to the rear. There is a grassed area to the rear of the building which is limited in size. There is a low wall to the front/roadside with two separate vehicular access points. There is also a low wall to the side with fencing. There is a black palisade fence to the rear. There is a line of commercial units to the north. These units have building lines onto the public footpath whereas the existing building on site is set back from the public road. The property addresses Kennelsfort Road Lower to the front/west. The Chapelizod By-Pass is to the south and this area includes public space and a pedestrian bridge over the By-Pass. There is public open space to the rear/east of the site along the side of the By-Pass.
- 1.3. The site has a stated area of 0.2177 hectares.

2.0 Proposed Development

- 2.1. The application was for permission for a 53 no. bedroom hotel to replace the existing 29 no. bed guesthouse including:
 - Demolition of parts of the two-storey semi-detached guesthouse buildings,
 - Change of use of first floor of No. 20 and the two-storey wing to the south west at No. 22 from guesthouse to hotel with revisions to elevations and roofscapes,
 - New two-storey wing to north east boundary, three-storey wing to south east boundary, three-storey central area and first floor extension to north west boundary,

- Replacing two entrance/exits with one entrance/exit and works to front boundary,
 - Revised site layout including service yard and car parking.
- 2.2. The existing floor area is stated as 802.32sqm with a maximum indicated height of 7.834 metres. It was proposed to demolish 267.57sqm and retain 534.75sqm. The floor area of the proposed hotel building was stated as 2,034.83sqm, including the area to be retained, and it had a general maximum indicated height of 9.7 metres.
- 2.3. In addition to standard planning application plans and particulars the application was accompanied by a Design Statement, an Outline Construction Management Plan, an Outline Construction and Demolition Waste Management Plan and a Traffic Report (Scoping Document).
- 2.4. A request for an extension of time was sought and received. Further information was submitted in relation to, inter alia, a revised proposal involving a complete site clearance, including the doctor's surgery, and construction of an entirely new 55 no. bedroom three-storey hotel, revised entrance arrangements with two access points, swept path analyses, landscaping, surface water, construction and demolition waste and appropriate assessment. Submitted documents include a Revised Construction and Demolition Waste Management Plan, an Appropriate Assessment Stage 1 Screening Report and an Arboricultural Impact Assessment & Method Statement. The application was re-advertised as significant further information.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority granted permission subject to 26 no. conditions including an amendment to the north east area of the building, alteration to the proposed road layout, road works, a Mobility Management Plan, operational practices, Irish Water connection, surface water drainage, landscaping, tree bond, a Construction Waste Management Plan, public lighting, construction practices, waste management, signage and development contributions.

3.1.2. Of relevance to the first party grounds of appeal are Conditions 2(a) and 3(c) of the decision to grant permission:

2. Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

(a) The omission of part of the Second Floor Wing to the North Eastern Boundary to provide a separation/setting in of 5m for the three storey element from the north-eastern shared boundary with No. 18 Lower Kennelsfort Road. A two-storey, flat roof section of the building can be provided. The area accommodating bedrooms no. 45-52 and the access ways require amendments/omission.

(b) The north-east elevation shall be finished in brick and render detail to match the rest of the development.

Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

3. Prior to the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

Revised plans which incorporate all of the following amendments:

(a) The north bound lane shall be amended so that the taper of the right turning lane on the northern carriageway going into the proposed development shall be moved 6m north to allow the keep-clear pocket to line up with the exit.

(b) Vehicle sensor traffic lights shall be installed to control traffic movements on the single lane carriageway to the rear of the development.

(c) The bin lorry parking and collection shall take place within the curtilage of the development to avoid traffic congestion on the Kennelsfort Road.

Reason: In the interest of public and traffic safety and compliance with the Council's Development Plan.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports dated 29.08.2019 and 19.06.2020 form the basis of the planning authority's decision. The latter report concludes that, having regard to the provisions of the South Dublin County Development Plan 2016-2022, the existing use of the site, the location of the site, the village centre zoning and the design and layout the development, subject to conditions, would not seriously injure the amenities of the area or property in the vicinity, would provide an acceptable standard of amenity for future visitors, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

3.2.2. **Other Technical Reports**

Roads Department – Conditions suggested for inclusion, following the further information response, should permission be granted.

Water Services – No objection subject to conditions following the further information response.

Environmental Services – No objection following the further information response.

Parks & Landscape Services – Conditions recommended for inclusion, following the further information response, as part of any grant of permission.

Environmental Health Officer – No objection subject to conditions. (No report received on the further information response).

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland (TII) – No observations to make.

Irish Water – No objection. Observations made.

3.4. **Third Party Observations**

3.4.1. 12 no. submissions were received on the initial planning application from local residents and three councillors. The issues raised are largely covered by the grounds of appeal, observation and further responses received with the exception of the following:

- Noise levels.

- Flooding issues in the rear gardens of Red Cow and Woodfarm Cottages will be intensified.
- Concern about impact on foundations of properties.
- Concern about servicing of the development and impact on adjacent property.
- Concerns about the impact of an alcohol licence/increase in anti-social behaviour which has occurred on site.
- Concern about the single vehicular access point and inadequate car parking. There is already a car parking problem in the village.
- With regard to the Traffic Report, there is no comparison with current clients of the B&B versus potential clients occupying a boutique hotel. The guesthouse has been used to provide services to the HSE. It is highly unlikely to ever be a boutique hotel.
- Encroachment of the site onto third party property.
- Recent planning permissions will bring an unknown level of traffic into the village.
- Any permission should limit the number of bedrooms to 35 no. and not permit an area licensed to sell alcohol.
- The development is out of character with the historic village and surroundings. It appears more like an office block than a hotel.
- The submitted traffic assessment is questionable.
- Any development on site must be informed by a Palmerstown Local Area Plan.

3.4.2. 19 no. submissions were received on foot of the further information response, which was accompanied by readvertised public notices. The submissions were from local residents/businesses/associations and four councillors. The issues raised are largely covered by the submissions received on the initial planning application submission, the grounds of appeal, observation and further responses received with the exception of the following:

- The proposed revisions essentially comprise a new planning application and it should not be accepted as additional information.

- Traffic related issues have not been addressed in the further information response.
- The revised application has paid very little heed to addressing residents' concerns.
- Drawings of the road layout are not accurate.
- The development will increase traffic into the village and from this point onward there is no safe pedestrian crossing point for vulnerable pedestrians.
- The design and finish do not comply with UC3 (Village Centres) Objectives 1 and 2 and UC6 (Building Heights) Objectives 1 and 2 of the County Development Plan.
- There is already a bar in the village and an existing permission for one on the Vincent Byrne site. There are already several cafes in the village run by Stewart's Hospital.
- The yellow box would impede the movement of residents to and from the village.
- The development should be stepped from three storeys to two storeys from south to north and rendered.
- The development would contravene UC1 (Urban Centres) Objectives 4-7.
- If both this application and the SHD application are granted they will greatly exacerbate traffic and public safety risks on Kennelsfort Road and the R148/N4.
- The development will result in a bottleneck for traffic.
- It is unclear what demand exists in the area for a hotel of this size.
- The proposal seems to be an opportunistic attempt to increase the capacity of the current establishment to accommodate more homeless people.
- The ceding of land will not result in the improvement of traffic movement.
- The swept-path analyses are unsatisfactory.
- As a result of Covid 19 people are less comfortable using public transport resulting in heavier traffic flow.

- The development would affect the integrity of the residential community by introducing a high volume of transient visitors.
- Due to the limited size of the courtyard and the fact it is surrounded by a building rising three storeys there will be limited sunlight within. Noise within the space may impact on the occupants of bedrooms.
- The proposed right hand turning lane into the site is inadequate in width at 2.5 metres.
- Bin collection vehicles require more space than the actual length of the vehicle for loading and unloading. The overall length required may block the entrance or exit. Parking the vehicle on the road will make it impossible for exiting cars to see south bound traffic.
- Tour operators may use the premises with tour buses which will very likely park on the road.

4.0 Planning History

There has been no previous recent planning application on site. Notwithstanding, a previous application of note is:

P.A. Reg. Ref. SD04A/0892 – Permission was refused in 2005 to demolish the guesthouse and doctor's surgery, construct a 3,681sqm 62 no. bedroom hotel including bar, restaurant, function room, gymnasium and meeting rooms, 89.5sqm medical centre and 134sqm library in a four-storey block with separate 134sqm manager's apartment at fifth floor and 50 no. surface car parking spaces for three reasons: (i) the development by reason of height, scale, form and appearance would be visually obtrusive and out of character with the existing pattern of development in the area, (ii) it would be seriously deficient in relation to the required parking provision, and (iii) would be prejudicial to public health because of the additional loading on the foul network which has a lack of capacity downstream.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2014-2020

- 5.1.1. Most of the site is in an area zoned 'Objective VC; To protect, improve and provide for the future development of Village Centres'. The car parking area to the south east of the site is zoned 'Objective OS; To preserve and provide for open space and recreational amenities'. A 'hotel/hostel' is identified as open for consideration in both these zonings.
- 5.1.2. Map 2 of the Plan indicates there is a Transport Junction Proposal at the adjacent junction of Kennelsfort Roads Upper and Lower and the Chapelizod By-Pass/R148.
- 5.1.3. Housing (H) Policy 7 (Urban Design in Residential Developments) Objective 4 states that any future development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three storeys in height.
- 5.1.4. Urban Centres (UC) Policy 1 (Urban Centres Overarching) states it is policy to, inter alia, develop village centres as vibrant and sustainable centres and the policy contains different objectives. Section 5.1.2 (Traditional Villages) identifies Palmerstown as one of nine traditional villages in the county. Each has a unique character and offers a diverse range of professional and retail services. The Village Centre zoning will support the protection and conservation of the special character of the traditional villages and provide for enhanced retail and retail services, tourism, residential, commercial, cultural and other uses that are appropriate to the village context. UC Policy 3 (Village Centres) states that it is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value. UC Policy 3 includes seven separate objectives.

5.2. Natural Heritage Designations

- 5.2.1. The closest Natura 2000 site is Rye Water Valley/Carton SAC approx. 7.9km to the west. However, the closest Natura 2000 site of relevance is South Dublin Bay and River Tolka Estuary SPA approx. 9.4km to the east. The closest heritage area is Liffey Valley pNHA approx. 400 metres to the east.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The planning application is subject of both first and third party appeals of the planning authority decision.

First Party Grounds of Appeal

- 6.1.1. The first party grounds of appeal are based on Conditions 2(a) and 3(c) of the planning authority decision, which are set out under Section 3.1.2. The grounds of appeal can be summarised as follows:
- The applicant acknowledges the proposal will alter the visual environment of the north elevation, but it is not agreed that this will be a negative alteration. There are no bedroom windows on this elevation and the increase in height to three storeys is not a significant increase in the context of proposed building heights in the area.
 - The reason for removing the floor is not justified in the context of the quality of the design proposal put forward. Adequate justification of the need to partially remove the second floor from the north east boundary was not provided. There was no specific reference to any design rationale. The proposed development is 1.4 metres taller than the existing building which is not a significant height difference and it is already developed to the site boundary.

- The condition will result in the potential loss of five hotel bedrooms, almost 10% of the overall number, and has very serious implications for the viability of the proposal. Up to ten bedrooms could be lost when rearranging the stair core is co-ordinated at lower levels which would constitute an unacceptable impact on the viability of the proposal.
- Various analyses, reports and newspaper articles are cited relating to the need for hotels in Dublin with the supply of rooms falling significantly short of demand. The hotel will have a positive impact on local cafes and restaurants and there is currently a lack of tourist accommodation in the local area.
- The proposal supports the zoning objective.
- The proposal would redevelop an underutilised property at a landmark location. To remove up to ten bedrooms would significantly compromise the viability of the proposal and the site could remain vacant for another number of years.
- Development Plan policy states it is policy to support varied building heights across village and local centres. The proposed development is three storeys with a flat roof and is only marginally above the height of the existing building. It sits comfortably in the existing built environment and is consistent with Policy H7 Objective 4. The front and south west elevation have not been reduced by condition which confirms a three storey development is acceptable in principle and therefore is not the reason for removing a portion of the second floor as per Condition 2(a).
- Provision of 30 no. car parking spaces is an over-provision of 1.5 spaces and is acceptable to the planning authority Roads Department.
- The proposal is to be constructed on the boundary. The adjoining uses at ground floor in the rear space to the north consist of commercial storage sheds. The three storey element will not result in any significant residential amenity impacts as the uses to the north are primarily commercial. Submissions refer to residential properties at first floor level to No. 18 but there is no evidence to suggest these properties have a private open space to the rear that would be impacted. Residential amenity impact would be minimal.

- The built form context in urban areas will evolve based on height limits established in the Urban Development and Building Heights Guidelines (2018) and whatever visual impact results are expected to diminish over time. The SHD application (ABP Reg. Ref. ABP-307092-20) on the opposite side of Kennelsfort Road is referenced.
- Proposed road upgrades provide for two uninterrupted carriageways going south. Land will be ceded to the planning authority which represents a significant planning gain. Removing ten bedrooms would jeopardise the implementation of the permission and the planning gain.
- Notwithstanding that the applicant considers the application as applied for is appropriate and is the preferred option, two alternative options to maintain a viable number of bedrooms are provided should the Board not be minded to grant the development submitted at further information stage. Revised second floor plans, elevation drawings and 3D images are submitted. The two revised options are:
 - Option B2 – This has a 16.8 metres long recessed sloping roof to the northern boundary, a 2.2 metres – 2.4 metres set back from the boundary, a revised bedroom arrangement and 54 no. bedrooms. The rear stairwell and bedrooms facing the rear are retained as it is over 23 metres from the first floor residential properties to the north. The front elevation is altered to compensate for the loss of bedrooms from the setback from a two-storey pitched roof to a three-storey flat roof to allow for an additional bedroom at second floor level to the front corner.
 - Option C1 – This has a 16.8 metres long recessed vertical slate roof profile to the northern boundary, a 2.6 metres – 3 metres set back from the boundary, a revised bedroom arrangement and 54 no. bedrooms. The rear stairwell and bedrooms are retained, and the front elevation similarly altered, for the reasons outlined in Option B2.
- Condition 3(c) is also appealed against. Bin and waste collection was never intended to rely on access into the site itself. Bins are collected at the front entrance, on a single carriageway, on Monday and Friday mornings at approx. 6.40am when there is minimal traffic. Bins are wheeled out the night before

and back in after being emptied. It is not proposed to alter this practice. Bin collection for other premises on Kennelsfort Road are collected as the truck stops on the carriageway. The condition is unnecessarily onerous. The swept path analysis submitted as further information shows the refuse truck stopping on the road. There is not enough physical space for a refuse truck to enter the site and it would be even more difficult to exit. Time required to negotiate an entrance and exit would have a greater impact on traffic flow than a proposal to stop in the left hand lane south of the site entrance.

Third Parties Grounds of Appeal

6.1.2. Four third party appeals have been received from:

1. Riversdale, Riverview & Old Lucan Road Residents Group,
2. Alan McQuaid, 4 Red Cow Cottages, Palmerstown on behalf of the Woodfarm Cottages/Red Cow Cottages/Glenside Terrace/St. Fintan's Terrace Resident Association,
3. Anne Marie O'Shea, 1 Woodfarm Cottages, Old Lucan Road, Palmerstown,
4. The Fitzgerald Group, Palmerstown House, Palmerstown.

The main points raised can be summarised as follows:

Traffic

- The proposal to locate bin collection on the road several metres from a bus stop would result in traffic building up. Condition 3 of the grant of permission will not work due to a lack of a sufficient turning circle.
- The site will also be served by numerous service and utility vehicles. This will pose a threat to all road and footpath users.
- The footpath width is to be reduced to 1.8 metres interrupted by two access points. Though achieving minimum standard, the footpath should be increased in width as it is the main pedestrian route into the village.
- Patients of Stewarts Hospital use the footpath daily and require a safe environment to walk. Residents will be significantly affected by increased traffic through the village.

- The proposed exits are only 20 metres from a QBC which is a potential hazard for people running to catch a bus.
- Kennelsfort Road Lower is predominantly two-lanes wide, not three, as repeatedly referred to.
- The addition of a filter lane into the hotel creates a hostile environment for pedestrians who wish to cross the road.
- There are no pedestrian crossings on the road and together with the SHD proposal on the former Vincent Byrne site, this stretch of road will be unsafe for vulnerable road users. The development failed to take the SHD development into account when designing the entrance and exit. Bollards proposed under that development would prevent vehicles from the proposed development turning right on exit.
- Vehicles will likely stop in the yellow box causing a knock-on effect.
- The development will increase traffic resulting in hazardous and hostile conditions for vulnerable road users.
- The area to the Kennelsfort Road Lower side of the hotel does not have the necessary area for large service vehicles to turn. A planning authority assessment noted it could not facilitate a minibus. If this area is hosting a service vehicle, traffic wishing to enter the car park will be held up in the right turn lane potentially backing traffic up out onto the R148.
- It is envisaged larger service vehicles will not be able to access the service yard to the rear given the 3.8 metres wide lane.
- The front bay swept path analysis only reviewed a large car and no other type of vehicle.
- Traffic at the adjoining junction is increasing year on year on one of the main arteries into Dublin. Congestion will be an issue.
- Service vehicles will stop on the roadside. Delivery drivers to the adjoining The Far East currently park on the road. Cars have to travel to the other side of the road to get past and there will be a right-in lane.

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- A hotel is not a use that is permissible in the village centre zone.
- Section 11.3.2 (Residential Consolidation) of the Plan refers to infill development. The development will exceed the height and mass of existing mixed-use development along the road and therefore will be out of character with the area. A three-storey development located on the boundary is unacceptable and reduces the amenity afforded to the neighbouring building.
- The development completely contravenes Policy UC6 Objectives 1 and 2 of the Plan in all aspects. The planning authority condition will not improve the amenity lost to residents of the first floor at No.18. A 5 metres set back is not sufficient and the public will not get the opportunity to review the revised drawings.
- The development gives rise to a loss of residential amenity and is inconsistent with the zoning objective.
- Contrary to the Six-Year Road Programme in Table 6.5 which seeks the provision of a grade-separated junction at Kennelsfort Road/R148. The planning authority appeared to have ignored this.
- The design and scale of the hotel does not support or reflect objectives set out.
- Development should enhance the village under the Traditional Village Urban Centre Policy. The entrance is to the rear facing back gardens and a grass embankment and does not enhance the streetscape or build materials around the village.

Impact on Amenity

- Compromise the amenity of first floor apartments along Kennelsfort Road Lower.
- Severe overshadowing to property to the north, particularly No. 18.
- Overbearing impact on properties on Kennelsfort Road Lower.
- Overlooking of existing properties.

Miscellaneous

- The development would limit the development potential of properties to the north.
- The application should have been deemed invalid due to a discrepancy regarding the café/bar in the revised notices.
- Permission for a 62 bedroom hotel was already rejected on this site under P.A. Reg. Ref. SD04A/0982. Road conditions and the water and wastewater system remain the same.
- There is a pending SHD application on the opposite side of the road.
- Scepticism is expressed as to whether conditions will be complied with.
- A landscape proposal is requested but there is insufficient space for cars and there are no plants on the site.
- The development will be a larger format of the current facility and will never be a boutique hotel.
- The Fitzgerald Group operate The Palmerstown House. Another food outlet would constitute an oversupply in the area.
- The quality of design is not good enough for the gateway to the village.

6.2. Planning Authority Response

None.

6.3. Observations

6.3.1. One observation has been received from Daniel Kennedy, Dan Kennedy and Darren Kennedy, D. Kennedy Steel Supplies Ltd., Palmerstown. The issues raised are generally similar to those referenced in the grounds of appeal received by the planning authority but also include:

- Overdevelopment at a location critical to traffic flow.
- Concern that matters raised in the original submission were not given sufficient consideration.

- Overdevelopment of the site resulting in inadequate circulation, no space for landscaping and inability of service vehicles to access the site.
- No account taken for the loss of the doctor's surgery from the village.
- No clarity on the proposed use of the ground floor space of the vacated doctor's surgery.
- No information submitted concerning nuisance or noise of service installations.
- No information relating to renewable energy resources.
- No specific external smoking area provided.
- The development appears cluttered from Kennelsfort Road due to car and bicycle parking, temporary bin storage, secondary entrance.
- Dual use of bicycle parking spaces for refuse storage.
- It will be virtually impossible to ensure compliance with Condition 3(c) of the planning authority decision.

6.4. Further Responses

6.4.1. Further responses have been received from both first and third parties.

First Party

6.4.2. A further response was received from the applicant, Gerald O'Connor. The main new points made can be summarised as follows:

- Hotel use is permitted in principle under the zoning.
- The site is already developed to the boundary. The development will enhance the local economy and development potential of the area. The claim that the development would have a negative impact on the development potential of adjoining sites is disingenuous and should be dismissed.
- The revised site notice is considered to be appropriate.
- Milk deliveries arrive approx. 5am. Food and other deliveries are organised and carried out by the operator after 10pm. These are purposely outside peak hours to avoid conflict with traffic. 4.5 metres of land has been offered for road

widening resulting in four lanes to the front of the hotel. The revised arrangement is an improvement from a traffic safety point of view.

- The proposed central bollards as part of the SHD application will have no impact on the operability of exit from the site. They are proposed south of the exit junction and will not restrict right turning movement out of the site.
- The proposal will not limit the potential for future junction upgrades.
- In relation to food outlet oversupply it is not a function of the planning process to adjudicate on matters of commercial competition.
- In relation to pedestrian safety the entry/exit points are resolved to the satisfaction of the planning authority Roads Department. Works for realigned footpaths, vehicular access, signage and road markings will be undertaken prior to substantial works on the hotel.
- The design proposal was revised significantly following the further information request. The planning authority considered it was an acceptable design response, notwithstanding Condition 2(a), in terms of scale, height, materials proposed and visual impact.
- The applicant is fully aware of their responsibilities in relation to compliance with statutory planning conditions and has every intention of adhering to them.
- Swept path analysis shows how mini-buses can be facilitated within the site.

Third Party

6.4.3. Two further responses have been received from:

- Riversdale, Riverview & Old Lucan Road Residents Group
- Woodfarm Cottages/Red Cow Cottages/St. Fintan's Terrace/Glenside Terrace Residents Association.

6.4.4. The issues raised are generally similar to those referenced in the grounds of appeal and observation received by the planning authority but also include:

- The planning authority did provide a justification for inclusion of Condition 2(a). It would exceed the prevalent height of buildings in the surrounding area. The condition safeguards the amenity of the adjacent property. If granted without

the condition the development would potentially contravene the zoning objective.

- Contributing to the tourism sector should not come at a cost to the built form and character that exists.
- The applicant states the site could remain vacant for another number of years. However, the B&B is still operating commercially. Also, if 55 no. bedrooms are required for viability why was the original application for 53 no. bedrooms?
- No supporting evidence was submitted to suggest any validity in the loss of up to 10 no. bedrooms.
- There is no evidence to support the statement the development would reduce demand on Air B&B accommodation in the area.
- The proposed development, by massing and bulk, does not conform to the character of the streetscape.
- Bus Connects is not reliant on the applicant ceding land to the County Council.
- Neither revised design option allows sufficient set back to provide a transitional element to the adjacent two-storey buildings.
- The first party grounds of appeal states bin collection for other premises on the street takes places on the road. These are for small sacks and do not have the same amount of waste generated by a 55 bedroom hotel. Other businesses on the road have a service yard, they do not leave bins on the street and the only bins observed on the street were outside The Far East. They cannot be compared. It will be more than double the existing B&B. No bin service provider will guarantee collection of bins at an agreed time.
- The Destination Dublin-Collective Strategy for Growth to 2020 referred to by the applicant is null and void due to Covid 19. In addition, it does not focus on urban villages. There are large hotels within 5 minutes of the village.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Building Height, Design and Orientation
- Traffic and Related Issues
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The site subject of the planning application has two different zonings under the County Development Plan 2016-2022. The majority of the site is zoned 'Objective VC; To protect, improve and provide for the future development of Village Centres'. The south eastern area of the site, currently used as car parking, is in an area zoned 'Objective OS; To preserve and provide for open space and recreational amenities'.
- 7.1.2. Under Table 11.7 of the Plan, a hotel is open for consideration under the village centre zoning. Section 11.1.1 (Land Use Zoning Tables) (ii) states that a use that is open for consideration is a use that may be acceptable subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards of the Plan. Under Table 11.7, a bed and breakfast and a guesthouse are both permitted in principle. UC1 Objective 1 states it is policy to direct, inter alia, commercial uses into village centres and to achieve a critical mass of development and an appropriate mix of uses. I consider that a hotel, which would replace an existing bed and breakfast/guesthouse, is an appropriate use in this village centre.
- 7.1.3. Under Table 11.15 of the Plan, a hotel is also open for consideration under the open space zoning. From documentation attached to P.A. Reg. Ref. S01A/0424, which granted permission in 2001 for additional car parking to the rear of the existing guesthouse, this area of land was obtained by the applicant on a 99 year lease from

the County Council and was to be used for car parking only. I note an issue raised in one of the initial submissions relates to encroachment onto third party property from this area of the site. I consider this is a civil matter for the relevant parties.

- 7.1.4. Having regard to the existing use on site, the proposed use and the zoning objectives, I consider that the provision of a hotel on this site is acceptable and in line with the proper planning and sustainable development of the area, subject to the detailed considerations below.

7.2. Building Height, Design and Orientation

- 7.2.1. These issues form a significant reason for submissions, grounds of appeal and observations and is also directly related to Condition 2(a) of the planning authority decision which the applicant is appealing.

Building Height

- 7.2.2. The proposed development originally applied for was a mixture of two storeys, largely built fabric that it was proposed to retain, and three storeys to the front and rear elevations. Item 1 (A) of the planning authority's further information request suggested a similar three storey flat roof design could be incorporated along the south western elevation which addresses the By-Pass. The revised development proposal had a similar footprint and design but was three storeys in scale with a flat roof to all four elevations. The Planning Officer's report states that the development would exceed the prevailing building height and recommended that the north east area of the building be reduced in height to two storeys with a flat roof profile to negate the impact on adjoining properties. A 5 metres set back distance was also included in the condition.
- 7.2.3. Notwithstanding the content of the Urban Development and Building Heights Guidelines for Planning Authorities (2018), Policy H7 Objective 4 of the County Development Plan 2016-2022 states that any future commercial development in Palmerstown shall not be higher than or in excess of three storeys in height. The proposed development is consistent with this objective. While the existing building on site, and the row of properties along Kennelsfort Road Lower to the north east of the site, are two storey in height, the proposed three storey structure, with an indicated height of 10 metres, is not unduly out of character with the existing pattern of development in the area in terms of height as can be seen from the elevation drawings

submitted. I also note that the Board recently granted an SHD application on the opposite side of Kennelsfort Road Lower (ABP Reg. Ref. ABP-307092-20) which is up to eight storeys in height and is also located within the village centre zoned area.

- 7.2.4. As the development is three storeys in height, consistent with H7 Objective 4, I consider it to be acceptable in principle. No overlooking will result to the adjacent properties as there is only one opaque window on both the first and second floors, each serving a hallway. The existing 13 metres long and 4.9 metres – 7.8 metres high ‘doctors’ surgery’ building along this elevation is to be demolished and replaced by a 36.5 metres long and 9.1 metres high building. Change to the receiving environment is inevitable from redevelopment of sites though this is undoubtedly a significant alteration and will result in a substantial change to the adjacent property(s) to the north east. However, this is a commercial property at ground floor and to the rear curtilage. It appears that there is a first/second floor apartment(s) in this building. This property will still receive light from the east though shadowing and overbearing impact will inevitably occur as a direct result of the proposed building. Shadowing would also occur even with implementation of Condition 2(a) of the planning authority decision.
- 7.2.5. Given the village centre location, the generally commercial nature of the development to the north east and the absence of significant residential development (one of the observations states that three apartments above the commercial units on Kennelsfort Road Lower are occupied), the consistency of the building height with the policy objective, the proposal to redevelop the site and the proposed use I consider that the development as submitted at further information stage is acceptable and Condition 2(a) of the planning authority decision is not warranted.
- 7.2.6. Notwithstanding, two alternative options were submitted with the first party grounds of appeal which attempt to address Condition 2 (a) while providing 54 no. bedrooms. I consider they can be considered under the current application and do not require revised public notices should the Board deem either alternative option preferable to the development as submitted at further information stage. The difference in both options is best illustrated by the Section B-B drawings which show the sloping roof and the vertical slate roof. I consider both options to be acceptable.

Design

7.2.7. The planning authority expressed concern with the initial design proposal, in particular the front (Kennelsfort Road Lower) and side elevations, and sought amendments by way of further information. In response, a revised development was submitted which, while retaining the general style of three storey flat roof and brick and render external finishes, showed quite a change in design from that originally submitted though the applicant's response considered the corner abutting the village streetscape refers to a more traditional form and creates a transition point. The revised design proposal was considered acceptable by the planning authority apart from the height adjacent to the property to the north east.

I also consider the general design to be acceptable in terms of height and external finishes. Notwithstanding, the design does not clearly identify the entrance location or identify it as a focal point. A condition requiring revisions to the entrance area to this effect could be attached to any grant of permission.

Orientation

7.2.8. The orientation of the building has been referenced in some of the third party submissions, grounds of appeal and observations and I consider it to be a significant issue.

7.2.9. There are a number of policies and objectives relating to urban and village centres set out in the County Development Plan 2016-2022. UC1 Objective 4 seeks to promote a high standard of urban design in urban centres that contributes to the creation of safe and attractive streets and spaces. Objective 5 seeks to promote and facilitate environmental and public realm improvements in existing village centres to address environmental quality and urban design which is similar to UC Policy 3 Objective 4. UC3 Objective 7 seeks to reinforce village centres and support new development that consolidates the existing urban character with quality of design as an important consideration.

7.2.10. The site is at a prominent location and is at the gateway to Palmerstown village. It is a very visible site from Kennelsfort Road Lower and the Chapelizod By-Pass/R148. Although the building currently addresses Kennelsfort Road Lower, the proposed development relocates the main entrance, foyer and reception area to the south east elevation adjacent to the car park. The south east elevation faces a palisade fence, a mounded area and effectively unused open space along the side of the By-Pass.

Though the redevelopment of the site is acceptable in principle, and I consider the general design features in terms of height and external finishes to be acceptable, the hotel effectively turns its back on the streetscape which I consider to be inappropriate, in particular at such a prominent location. The elevation facing Kennelsfort Road Lower comprises, at ground floor, a bedroom, a fire exit and a café bar as well as an unspecified area likely to be ancillary to the café bar with bedrooms at first and second floors. While the café bar is a use that would bring some animation and activity to the streetscape there is no external seating area provided. There is some car parking, temporary bin storage and bicycle parking and it results in a cluttered appearance. Effectively, the rear elevation of the hotel is the elevation presented to the public realm. The development is turning its back on the streetscape and I consider this would be contrary to good urban design practice.

Conclusion

- 7.2.11. Having regard to the foregoing, I consider that the development submitted to the planning authority as further information is acceptable in terms of building height and impact on property to the north east, as are both alternative options submitted with the first party grounds of appeal in relation to Condition 2(a) of the planning authority decision, should the Board consider either of these more appropriate. I also consider the general design of the hotel in terms of architecture and external features to be acceptable. However, the fact that the hotel effectively turns its back to the Kennelsfort Road Lower streetscape is not appropriate. I consider this to be a significant concern in terms of urban design and would result in an adverse impact on the village streetscape. A refusal of permission on this basis is warranted.

7.3. Traffic and Related Issues

- 7.3.1. Traffic and related issues also form a significant basis for submissions, grounds of appeal and observations and also relates to Condition 3(c) of the planning authority decision which the applicant is appealing.

Access, Traffic Generation and Congestion

- 7.3.2. The site is in proximity to the signalised junction of Kennelsfort Roads Lower and Upper and the Chapelizod By-Pass/R148. There are currently two vehicular access points serving the site. There is a yellow box to the northern entrance and a 'keep

clear' road marking for the southern access point. The front area of the site does not have any surface markings. There is a laneway along the south western side leading to a larger hardstanding car parking area. It was initially proposed to close both vehicular access points and provide a single 7.7 metres wide access point centrally on the Kennelsfort Road Lower frontage.

- 7.3.3. The planning authority sought further information in relation to the entrance including the possibility of relocating the entrance further north and providing a right-turn pocket. A Traffic Impact Assessment was also sought. A revised site and road layout was proposed whereby two access points would be retained. The northern access would be entrance only with a right turning lane and a yellow box. The southern access was exit only to both the By-Pass and the village with a 'keep clear' road marking serving vehicles turning right out of the exit. A second southbound lane could be provided to the front of the site as a result of land being ceded to the Council by the applicant which I consider would be a significant benefit.
- 7.3.4. The Roads Department accepts the conclusion of the Traffic Impact Assessment submitted with the further information response that the general nature of the traffic patterns will increase by 7.3% from the existing short-stay accommodation to a hotel operation, mostly outside of peak times.
- 7.3.5. The applicant considers the revised road layout, which comprises an additional lane southbound and a right-turn lane northbound, will relieve some congestion. I consider the proposed works outside the site boundary would improve traffic movement in the immediate vicinity. I do not consider the proposed development would have any undue adverse impact on traffic generation or congestion.

Car Parking

- 7.3.6. Section 11.4.2 (Table 11.23 – Maximum Parking Rates (Non Residential)) of the County Development Plan 2016-2022 sets out applicable car parking standards. The site is in Zone 2 given the proximity to the QBC on the By-Pass. Hotels require 0.5 spaces per bedroom. A 55 no. bedroom hotel therefore requires 27.5 spaces. Table 11.23 notes the standard for a hotel does not include any bar or function room. An 84sqm café bar is proposed within the facility. This requires 1 space per 40sqm. Therefore, the hotel and café bar require a maximum of 29.5 spaces and 30 no. spaces are provided. I consider an appropriate number of spaces are provided having regard

to Transport and Mobility (TM) Policy 7 (Car Parking) where it is the policy of the Council to take a balanced approach to the provision of car parking with the aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transport.

Circulation on Site

- 7.3.7. Further information was sought requesting swept path analyses demonstrating that cars and service vehicles could access, turn and egress the site. The analysis submitted for a refuse truck shows it on the public road and not entering the site. Notwithstanding, the Roads Department recommended a condition that bin lorry parking and collection should take place within the curtilage of the site 'to avoid traffic congestion' and this was included as Condition 3(c) in the planning authority's decision. This condition is specifically cited in the first party appeal and reasoning is set out to maintain the existing situation whereby refuse collection takes place on the road. The proposed road widening is referenced. It is also acknowledged that there is 'not enough physical space to enter the site and it would be even more difficult to manoeuvre and exit out of the site for a HGV'.
- 7.3.8. The submitted analyses for both a 6.3 metres long mini-bus and an ambulance showed them entering and exiting the site, but only to the area inside the Kennelsfort Road Lower boundary. A 'large car' was the only vehicle shown travelling the side passage to the hotel entrance area and utilising a car parking space. There does not appear to be any turning circle or turning head in this car park area to accommodate a turning vehicle in the event there is no free car parking space to accommodate a turning manoeuvre. (One car parking space could be removed from this area to provide for a turning space in the event the Board decide to grant permission). A swept path analysis has been submitted showing a large car using the car parking bays facing Kennelsfort Road Lower. The response states that the building classification and volume does not require a fire tender to access the rear carpark. Notwithstanding, in their report based on the further information response the Roads Department state that 'a swept path analysis has been submitted showing that a fire tender can access all areas of the proposed site'.
- 7.3.9. The further information response for the refuse truck states bins will be relocated to the front of the premises and the refuse truck will temporarily stop on one of the

southbound lanes at off-peak times. The temporary bin storage position is also cited as a bicycle parking area so there is a clear conflict in terms of use. The response states 'the bicycle rack type and location will be chosen and positioned to make room for temporary refuse bin storage' but no further detail in this regard has been provided.

7.3.10. The further information response states that the laneway to the side 'can accommodate up to a large saloon car'. Due to the narrow width, control lights will be provided to assist in the operation of the approx. 37 metres long passageway. The Roads Department consider the control light is satisfactory.

7.3.11. Having regard to the issues relating to circulation around the site I consider the proposed development comprises overdevelopment of the site. Though it has an area of 0.2177 hectares, and it is proposed to clear all existing built fabric, the development as proposed cannot accommodate reasonable traffic circulation on site. The only vehicles that can access the main car parking area (23 no. out of 30 no. car parking spaces) is a car. To do this a control light system has to be provided given the limited width of the 37 metres long laneway and there is no turning area in the car park if all the spaces are taken. Mini-buses and ambulances are restricted to the area adjacent to Kennelsfort Road Lower. A refuse truck or other larger vehicles cannot enter the site at all. There is a substantial risk of traffic congestion from the internal operation of the site. For example, a mini-bus dropping off or collecting would effectively block the circulation area to the Kennelsfort Road Lower elevation potentially leading to back-ups on the public road. Larger vehicles parking on the public road to the front, such as the refuse truck, could also create localised congestion and block views on oncoming traffic from vehicles trying to exit right from the site.

7.3.12. Therefore, I consider the development as proposed comprises overdevelopment of the site and to permit the development could lead to traffic congestion or traffic hazard in the localised area which is in proximity to a significant signalised junction.

Junction Upgrade

7.3.13. No evidence has been provided that this development would have any adverse impact on the ability to provide a grade separated junction to the south west of the site. This was not referenced by the planning authority Roads Department or TII.

7.4. Appropriate Assessment

- 7.4.1. An Appropriate Assessment Stage 1 Screening Report was submitted as part of the further information response. This concludes the development will not result in any adverse effects on the conservation objectives or status of Natura 2000 sites.
- 7.4.2. The submitted document makes no reference to the drain/watercourse that is visible on the Ordnance Survey (site location map) adjacent to the eastern corner of the site along the rear boundaries of Woodfarm Cottages. This watercourse is approx. 100 metres long. Notwithstanding, assuming this watercourse has a subsurface link to the River Liffey, which is a further 450 metres approx. to the east, I do not consider the proposed development would have any effect on a Natura 2000 site given the hydrological distance to a relevant Natura 2000 site.
- 7.4.3. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no clear hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered 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

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Urban Centres (UC) Policy 1 (Urban Centres Overarching) of the South Dublin County Council Development Plan 2016-2022 states it is the policy of the Council to, inter alia, continue to develop village centres as vibrant and sustainable centres. UC1 Objective 4 seeks to promote a high standard of urban design that contributes to the creation of safe and attractive streets and

spaces and UC1 Objective 5 seeks to promote and facilitate public realm improvements in village centres to address environmental quality, urban design, safety, identity and image. These objectives are similar to Objectives 4 and 7 contained within UC Policy 3 (Village Centres) of the Plan which seeks to strengthen the traditional villages of the County by, inter alia, improving the public realm.

The main entrance, foyer and lobby of the proposed hotel is positioned on the south east elevation facing an open space area adjacent to the Chapelizod By-Pass/R148. The rear elevation of the development addresses Kennelsfort Road Lower and is characterised by car and bicycle parking and temporary bin storage with limited opportunity to provide any appropriate animation or activity to the village streetscape. The development would comprise an inappropriate design response to the village centre location on a prominent site at the entrance to the village, would constitute a substandard form of development which would seriously injure the amenities of the area, would contravene the objectives of the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

2. Vehicular access into the site and circulation within the site is extremely restricted. The development, by reason of its limited capacity to reasonably accommodate vehicles associated with its normal operation, would constitute overdevelopment of the site, would seriously injure the amenities of the area and of property in the vicinity and would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Anthony Kelly

Planning Inspector

07.10.2020