



An
Bord
Pleanála

Inspector's Report

ABP-311128-21

Development	Construction of 7 to 10 storey, 242 bedroom hotel.
Location	Townland of Bushelloaf, Clondalkin, Dublin 22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0262
Applicant(s)	Colm Neville Construction Unlimited Company
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Colm Neville Construction Unlimited
Observer(s)	(1) Angel Gonzalez de Miguel & Elisaveta Babei. (2) Brendan McHugh. (3) TII. (4) Tony Ward & Breeda Doyle. (5) Margaret and Will McCann

(6) James & Noreen McClelland.

Date of Site Inspection

12th April 2022

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 1.55 hectares, is located a short distance to the south west of junction 9 on the M50 (N7). The appeal site is located between the N7 and the Knockmeenagh Rd. The appeal site is defined by the existing N7 slip road along its southern boundary and Knockmeenagh Rd along part of its northern boundary. The appeal site is part vacant site/undeveloped field with an existing vehicular entrance off the slip road. Adjoining lands to the north include the remainder of the undeveloped landholding the site is taken from to the north and east of the site, the N7 slip road to the south and existing commercial development to the west including warehousing structures occupied mostly by the motor sales. The nearest existing dwellings are located to the north east and are single-storey dwellings (St. Brigid's Cottages).

2.0 Proposed Development

2.1. Permission is sought for the construction of a 242 no. bedroom hotel in a building ranging in height from 7 to 10 storeys overground and lower ground floor levels. The development will include the following.

- Lower Ground Floor accommodating 202 no. car parking spaces, 54 no. bicycle parking spaces, plant, stores and ESB substation;
- Ground floor accommodating hotel entrance and reception area, restaurant and bar, outdoor terrace and patio with canopies, function room, meeting rooms, kitchen, staff facilities, stores, toilets and plant;
- Ground Floor Mezzanine accommodating meeting rooms, admin office, store and laundry facilities;
- 1st to 9th floor accommodating 242 no. hotel bedrooms including 17 no. suites;
- 10th floor accommodating gym/yoga studio, plant, storage and a roof terrace;
- Vehicular access from both the N7 slip road and Knockmeenagh land, with link street across the site;

- Upgrade of Knockmeenagh Road landscaping, boundary treatment, wastewater pumping station, associated signage and all associated site development works.

2.2 The proposal was revised in response to further information with reduction in height of the 10-storey portion to 7 storeys and reduction of the 7-storey portion to 6-storeys. The revised proposal still provides for 242 no. hotel rooms. Parking was reduced to 208 spaces.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on three reasons...

1. the proposed development, with an internal road layout linking Knocknameenagh Road (north of the site) with N7 slip road (south of the site), where a widened vehicular access/street environment along Knocknameenagh Road is not demonstrated as deliverable, resulting in vehicular access via the N7 slip road functioning as the main access would be contrary to Transport Infrastructure Ireland's Traffic and Transport Assessment Guidelines 2014, at variance with the 'Spatial Planning and National Roads-Guidelines for Planning Authorities' and would if granted have a negative impact on the N7 at this location where there is a need to safeguard the capacity, safety and smooth traffic flow on this strategically important multi-modal radial route, and where the proposed development may have the potential to endanger public safety by reason of traffic hazard or obstruction of road users, and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed hotel development, having regard to its height (9-storeys with 7 floors over ground and lower ground floors) and its location on land zoned EE 'To provide for enterprise and employment related uses' would be contrary to County

Development Plan Policy and Objectives, in that proposals for 'tall building', that exceed five storeys, will only be considered at areas of strategic planning importance (such as key nodes, along the main street network and along principal open spaces in Town Centres, Regeneration Zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme) which the subject site is not deemed to be. The applicant has also failed to adequately justify the proposed development in accordance with Urban Development and Building Heights: Guidelines for Planning Authorities (018), SPPR 3, and furthermore, the proposed height by way of perceived overlooking and overshadowing of residential properties at St. Brigid's Cottages would negatively impact on the residential and visual amenity of these properties. The proposed development is therefore contrary to County Development Plan policy and objectives and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development, on a site situated at a prominent location, adjacent to the N7 and in close proximity to existing residential properties, taking into account the monolithic and over-dominant design of the structure(s), has failed to adequately demonstrate how it responds to its surrounding context. Furthermore, the applicant has not demonstrated how the proposed development meets the requirements of Policy ET5 Objective 1 and 2, which seeks to locate tourism infrastructure at appropriate locations subject to sensitive design and environmental safeguards and to direct tourist facilities into established centres. The proposed development of the monolithic and over-dominant structure does not respond to its context by way of sensitive design and environment safeguards and it is located in an area with limited facilities demanding reliance on motor vehicles and if granted would give rise to substandard design and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (14/12/20): Additional information required including plans to deal with concerns regarding excessive height and scale, revisions to proposal along

Knocknamennagh Road, justification for provision of access onto the N7, a tree report and details of SuDs measures.

Planning report (19/07/21): Concerns were raised regarding proposed access onto the N7 with the proposal deemed contrary national policy, a traffic hazard, inappropriate in design and scale, adverse impact on residential properties in the vicinity and contrary to zoning policy. Refusal was recommended based on the reasons outlined above.

3.2.2. Other Technical Reports

EHO (23/11/20): No objection subject to conditions.

Parks and Landscape Services (30/11/20): Additional information required including a tree report, revised landscape plan and details of SuDs measures.

Water Services (24/10/20): Additional information including surface water drainage details.

Irish Water (04/12/20): No objection.

Water Services (08/07/21): No objection subject to conditions.

Irish Water (09/07/21): No objection.

Parks and Landscape Services (15/07/21): No objection subject to conditions.

3.3. Prescribed Bodies

TII (16/11/20): Proposal is at variance with national policy controlling frontage development along national routes.

NTA (18/11/20): Potential for negative impact upon the N7, permeability and access issues, questions regarding justification for level of parking provisions.

Failte Ireland (no date) Supportive of improved hotel facilities and demand in this area.

TII (05/07/21): The TII reiterate their view from the earlier submission on the 16/11/20.

3.4. **Third Party Observations**

3.4 A number of submission have been received. The issues raised can be summarised as follows...

- Inappropriate height, scale and design, lack of justification for location of the hotel, adverse impact on residential amenity, impact on existing road networks, Knockmeenagh Lane inadequate for the additional traffic, deficient drainage infrastructure in the area, contrary Development Plan and national policy, inadequate levels of parking and removal of existing hedgerow on site.

4.0 **Planning History**

None on the appeal site.

5.0 **Policy Context**

5.1. **Development Plan**

The relevant development plan is the South Dublin County Council Development Plan 2016-2022. The appeal site is zoned EE with a stated objective 'to provide for enterprise and employment related uses'. Hotel/Hostel use is identified as being a use 'open for consideration' within this zoning objective.

ET5 Objective 1: To support the development of tourism infrastructure, attractions, activities and facilities at appropriate locations subject to sensitive design and environmental safeguards.

ET5 Objective 2: To direct tourist facilities into established centres, in particular town and village centres, where they can contribute to the wider economic vitality of urban centres.

5.1.5 Building height in Urban Areas

Varied building heights are supported in urban centres and regeneration zones and will be important in creating a sense of place, urban legibility and visual diversity. Tall buildings that exceed five storeys will be considered at strategic and landmark locations in Town Centres, Regeneration and Strategic Development Zones based on approved Local Area Plans or SDZ Planning Schemes (see also Chapter 2 Housing and Chapter 11 Implementation).

5.2. National Policy

Urban Development and Building Height-Guidelines for Planning Authorities (December 2018).

SPPR 1:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR 2:

In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans² could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that

comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.

Development Management Criteria 3.2

In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála that the proposed development satisfies the following criteria (attached).

SPPR 3:

It is a specific planning policy requirement that where;

(A)

1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

Spatial Planning and National Road: Guidelines for Planning Authorities

The guidelines set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 kmh speed limit zones for cities, towns and villages.

Some non-national roads are essentially urban roads that are designed to complement and integrate with the national road and public transport systems and facilitate orderly urban development. Other non-national roads, especially the regional road network, provide essential links between the various Gateways and Hubs identified in the National Spatial Strategy and their rural hinterlands. In many cases, investment has improved the alignment, surface and safety of major stretches of regional roads, which carry significant volumes of traffic, especially those outside the 50-60 kmh speed limits for cities, towns and villages. For the future, the protection of such capacity and preservation of enhanced safety standards will be important in ensuring that such regional roads can continue to perform important local and regional transportation functions.

Required Development Plan Policy on Access to National Roads:

With regard to access to national roads, all development plans and any relevant local area plans must implement the policy approaches outlined below.

- Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.
- Transitional Zones: Where the plan area incorporates sections of national roads on the approaches to or exit from urban centres that are subject to a speed limit of 60 kmh before a lower 50 kmh limit is encountered – otherwise known as transitional zones - the plan may provide for a limited level of direct access to facilitate orderly urban development. Any such proposal must,

however, be subject to a road safety audit carried out in accordance with the NRA's requirements and a proliferation of such entrances, which would lead to a diminution in the role of such zones, must be avoided.

- Lands adjoining National Roads within 50 kmh speed limits: Access to national roads will be considered by planning authorities in accordance with normal road safety, traffic management and urban design criteria for built up areas.

5.3. Natural Heritage Designations

None within the zone of influence of the project.

5.4. EIA Screening

The proposed development is not of a class (Schedule 5, Part 2(10) of the Planning and Development Regulations, 2001 (as amended)). No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Simon Clear & Associate son behalf of Colm Neville Construction Unlimited Company. The grounds of appeal are as follows...

- The appellant states that the main access to the development proposed is from the N7 slip road and the intention is for access off the Knockmeenagh Road with the access point proposed on such being an exit only onto the one-way system in place. The appellant notes that during the oral hearing for the N7 upgrade it was made clear that the slip road would facilitate access to zoned lands adjoining such (extracts from Inspectors report included).
- The land is zoned EE and there should be expectation that increased traffic generation along the slip road will occur. The appellant notes there is no intention for primary access off the Knockmeenagh Road and that it was the

Roads Section of the Council who have suggested upgrade of the road to two way traffic and primary access off such.

- It is considered that the Spatial Planning and National Roads Guidelines do not apply to developments inside the 50/60kph zones of urban areas with the slip road having a 50kph speed limit. The appellant indicates that it is possible to access and exit the development without any new access point on the national roads system and the access on Knockmeenagh Lane is to facilitate local egress only or a potential emergency access.
- In relation to reason no. 2 it is noted that there is a cluster of taller buildings in the area, the location is appropriate for a taller building in the context of the Development Plan policy and the Building Height and Design Guide prepared by the Council for its Draft County Development Plan. The location adjoining a major transport corridor is appropriate.
- The level of separation between the proposed structure and the existing dwellings to the east is significant and the applicant submitted the relevant assessments of daylight/sunlight/shadow and sky view analysis in response to the clarification of further information to demonstrate impact is acceptable. The appellant also points out there are other lands to be developed around the site and intervening structures would reduce impact and a structure of three-storeys on lands adjoining the dwellings in question would block out views of the proposed structure.
- In relation to reason no 3 it is noted that the design and architectural character of the proposal is appropriate at this location, of acceptable quality and in an area with little in way of architectural significance or quality with the proposal an enhancement. The appeal is accompanied by a Design and Architecture Report.
- It is noted that the site is an appropriate location for a hotel, such a use is supported by the zoning objective, it is located adjoining a major transport corridor. There is precedent in the form of the extension granted to the Red Cow Hotel (303921) with Failte Ireland submission being supportive of the proposal.

6.2. Planning Authority Response

6.2.1 Response by South Dublin County Council.

- The PA confirms its decision and refers to the fact the issues raised in the appeal have been covered in the planners report.

6.3. Observations

6.3.1 Observations have been received from

Angel Gonzalez de Miguel & Elizabeth Babei, 6 Quarryfield Court, Knockmeenagh Road, Clondalkin, Dublin 22.

Brendan McHugh, Newlands Cross, Clondalkin.

TII

Tony Ward & Breeda Doyle, 16 Newlands Drive, Clondalkin, Dublin 22.

Margaret & Will McCann, 28 Knockmeenagh Road, Newlands Cross, Clondalkin, Dublin 22.

James & Noreen McClelland, 33 Knockmeenagh Road, Clondalkin. Dublin 22.

The issues can be summarised as follows...

- Failure to comply with the zoning objective with tourism related uses not covered by the zoning.
- Proposal for access onto slip road would be contrary the Spatial Planning and National Roads-Guidelines for Planning Authorities and if traffic cannot access the such it will be all directed onto Knockmeenagh Road, which is inadequate in width and unsuitable for increased traffic.
- Requirement for A Traffic and Transport Assessment and Roads Safety Audit given the proposal to access onto the N7 slip road and the proposal is at

variance with national policy in relation to control of frontage development on national roads.

- Concerns about use of Knockmeenagh Road and additional traffic within existing housing development off such.
- The proposed hotel use is unsuitable for the area and would be in unacceptable in terms of height, scale and massing and out of scale with existing development in the vicinity.
- The proposal would have an adverse impact on visual amenity and overshadow nearby dwellings.
- The impact of construction is noted with construction traffic and parking having a significant and disruptive impact.
- Removal of significant level of hedgerow on site and subsequent impact in terms of wildlife.

7.0 **Assessment**

7.1. Having inspected the site inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/land use policy

Traffic

Building Height, Design, scale, visual impact

Adjoining Amenity

Appropriate Assessment

7.2. Principle of the proposed development/land use policy:

7.2.1 The proposal is for a 242 bedroom hotel and associated site works. The appeal site is zoned EE with a stated objective 'to provide for enterprise and employment related uses'. Hotel/Hostel use is identified as being a use 'open for consideration' within this zoning objective.

7.2.2 The third reason for refusal questions the appropriateness of this site as a location for a hotel with reference to Policy ET5 Objective 1 and 2, which seeks to locate tourism infrastructure at appropriate locations subject to sensitive design and environmental safeguards and to direct tourist facilities into established centres. As noted above the nature of the use is acceptable in this zoning objective and hotel use is very much an established use in the area with a number of existing hotels in the vicinity including the Louis Fitzgerald Hotel, Red Cow Moran Hotel and Ibis Hotel. In addition this area is serviced with public transport infrastructure with the Luas red stop within walking distance and existing bus services available in the area. The location of the site adjoining a major transport corridor in the form of the N7 is also a factor that is justification for the nature of use at this location. I would acknowledge that Objectives ET5 1 and 2 encourage location of tourism facilities in particular locations, however such does not preclude consideration of the merits of the proposed location or is a blanket ban on hotels outside of established centres. I would be of the view that the principle of the proposed development at this location is acceptable subject to appropriate design, scale and physical impact, which are elements of the proposal that are to be assessed in the following sections.

7.3 Traffic Impact:

7.3.1 The first reason for refusal identifies that a vehicular access via the N7 slip road functioning as the main access would be contrary to Transport Infrastructure Ireland's Traffic and Transport Assessment Guidelines 2014, at variance with the 'Spatial Planning and National Roads-Guidelines for Planning Authorities' and would if granted have a negative impact on the N7 at this location where there is a need to safeguard the capacity, safety and smooth traffic flow on this strategically important multi-modal radial route, and where the proposed development may have the potential to endanger public safety by reason of traffic hazard or obstruction of road users, and would therefore be contrary to the proper planning and sustainable development of the area.

7.3.2 The proposal provides for an access point off the N7 slip road. The slip road is for one way traffic travelling east. The slip road does not allow for access onto the N7

beyond a certain point to the west (in front of the Louis Fitzgerald Hotel) but allows traffic to exit the N7 further to the east and functions as access for existing uses along its length and access to the local road network as well as facilitating access to the west bound carriage way of the N7 by way of the local road network. The slip road has a speed limit of 50kph. It is clear that the applicant is proposing that the main access and egress is from the slip road to the south. It is proposed to have a link road through the south to an exit only vehicular access on Knockmeenagh Road with some upgrade/widening along the road, however no change to the existing traffic movement along Knockmeenagh Road, which is one-way (facilitates west moving traffic only). The Planning Authorities preference appears to be access from Knockmeenagh Road with upgrade of such to two way traffic. The applicant/appellant prefers access from the slip road noting there would be considerable opposition to use of Knockmeenagh Road for primary access.

7.3.3 The proposal was refused on the basis of being contrary national policy Transport Infrastructure Ireland's Traffic and Transport Assessment Guidelines 2014, at variance with the 'Spatial Planning and National Roads-Guidelines for Planning Authorities' and would if granted have a negative impact on the N7. The TII submission raises concerns about the proposal being at variance with national policy and detrimental to the carrying capacity of a national route. The applicant/appellant has argued that in the planning of the upgrades to the N7 assurances were given regarding access for existing lands to the slip road (reference to the Boards assessment) however the Planning Authority appear to indicate that the intensification of development proposed negates such.

7.3.4 The location of the site is such that any meaningful development of the site is contingent on appropriate access. The existing slip road provides for access to existing lands and business at this location. Knockmeenagh Road to the north of the site is a narrow one way road with no footpaths and is not suitable in its current form to cater for full access without major upgrades. The two options for primary access for meaningful development are onto the slip road or a major upgrade of Knockmeeneagh Road, which could only be achieved with a more comprehensive

development of lands at this location including adjoining sites to the south west, which are existing commercial operations. I would note that even an upgrade of a significant section of Knockmeenagh Road would not address issues such as the width of the road along St. Brigid's Cottages and the fact that the road further west goes through residential areas. I would consider that the only option for accessing the site and its development in a meaningful manner that makes efficient use of zoned lands is from the slip road. The question that arises is whether the impact of such an access would impinge on the operation or capacity of the N7 and its standing in relation to national policy for control of frontage development along national routes.

7.3.5 In relation to the 'Spatial Planning and National Roads-Guidelines for Planning Authorities' the purpose of the guidelines (Section 1.1) is to "set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60 kmh speed limit zones for cities, towns and villages". The applicants/appellant note that the slip road has a speed limit of 50kph and question its status in regards to the guidelines and whether the proposal can be considered to be at variance with national policy.

In relation to Regional and Local Roads (section 1.6) the guidelines state that "other non-national roads, especially the regional road network, provide essential links between the various Gateways and Hubs identified in the National Spatial Strategy and their rural hinterlands. In many cases, investment has improved the alignment, surface and safety of major stretches of regional roads, which carry significant volumes of traffic, especially those outside the 50-60 kmh speed limits for cities, towns and villages. For the future, the protection of such capacity and preservation of enhanced safety standards will be important in ensuring that such regional roads can continue to perform important local and regional transportation functions".

7.3.6 The submission and observation are critical of the proposal for access off the N7 slip road with the TII observation noting that the proposal is at variance with national policy and the requirement for a Traffic and Transport Assessment. The applicant submitted Traffic and Transport Assessment (TTA) and a Stage 1 Road safety Audit

with the application. The TTA has been carried out in accordance with the Traffic and Transport Assessment Guidelines (2014). The TTA includes details of the site context and development proposal, an estimation of trip distribution and trip assignment (with two Options, Option 1 100% of traffic entering and existing the slip road and Option 2 90% entering and exiting off the slip road and 10% of traffic existing onto Knockmeenagh Road). The TTA identified the assessment year as 2022 (opening year), 2027 and 3037 for future assessment years. The TTA details traffic growth figures for the N7 (TII figures) and the capacity and future growth figures for local roads including N7 service road, Monastery Road (L1019), Mount Talbot Road, slip road to N7 (eastbound), L1019 (N7 Overbridge), Luas Park and Ride Access, slip road to the N7 (westbound) and Knockmeenagh Lane. The TTA includes a junction capacity analysis for both Option 1 and Option 2. The junction analysis is carried out for the main access point onto the N7 service road, Talbot roundabout, Park and Ride roundabout, the secondary site access onto Knockmeenagh Road. The results of the junction analysis show that all junctions will operate within capacity for the opening year and future assessment years.

7.3.7 In relation to sightlines the TTA outlines that the requirement under TII guidance for urban roads with a 50kph speed limit is 70m set back 3m from the road edge and noted that the actual speed of traffic detected on the route is 71.5kph, a design speed that would yield a requirement for 120m sightlines. It is noted that both 70m and 120m unobstructed sightlines in both directions at the vehicular entrance can be achieved. In relation to Knockmeenagh Road it is proposed to widen the carriageway adjoining the site to 6m and provide a 2m wide footpath along the southern side of the road. Vegetation that may obstruct sightlines to the right is to be cut back. The TTA identifies that the site is well serviced with public transport with the site in close proximity to the Red Cow Luas stop on the red line as well as on the no. 68 bus route and walking distance of the no. 13 and 69 routes. In relation to car parking the original proposal was for 202 car parking spaces and 54 bicycle parking spaces with the requirement for 121 spaces and 24 bicycle spaces under the South Dublin County development Plan. In the revised proposal the parking provision was reduced to 180 car parking spaces with the 54 bicycle parking spaces retained.

7.3.8 In terms of national policy there is a question regarding the status of the slip road.

The proposal was refused for being at variance of national policy controlling frontage development along national routes. The appeal site accesses onto the slip road and not the main N7 carriageway. The guidelines set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 kmh speed limit zones for cities, towns and villages. In my view the slip road is both a local access road and integral to the functioning of the N7 at this location. The road is a local road with an urban speed limit that facilitates access to the local road network in the surrounding area but also facilitates access and egress from the N7 in an orderly manner. I am of the view that this road is the only option for meaningful access to the appeal site and development of zoned lands along the northern side of the road and that such can be facilitated in an orderly manner. The one way nature of traffic does simplify the traffic movements possible at the proposed entrance and the applicant has submitted a TTA that provides a junction capacity analysis indicating that no capacity issues.

7.3.9 Notwithstanding the one way nature of traffic and the TTA submitted, I do consider there is a wider issue regarding co-ordinated development and access at this location. The appeal site is part of a larger site zoned EE at this location with the applicant indicating that the remainder of the site will be subject to future development. To the west of the site is a number of existing warehousing structures currently in use as car sales businesses with an existing access off the slip road. The site to the west may also have potential for more intense future development. I would consider given the dual function and importance of the slip road at this location in terms of the functioning of the N7, a more co-ordinated approach to development and access is required. The proposal as it stands is only part of potential development lands with no proposal for remainder of the undeveloped lands at this location and no way of assessing the traffic impact of such. The lands to the west also have possible development potential beyond existing development on site. I would be of the view that the piecemeal manner in which development is been undertaken is inappropriate and a more co-ordinated/comprehensive approach to development is required at this location to ensure that the traffic impact of such

development can be facilitated in a manner that would not compromise the important function of slip road in relation to the N7 and free flow of traffic at this location.

7.7.10 The proposal entails primary access and egress off a slip road running parallel to the N7, National Route. This slip road functions as a high level access and egress for traffic using the N7 as well as facilitating local access and bus routes. The nature of the proposed use is likely to generate a significant level of vehicular traffic/high level dependency on private vehicular traffic. The proposal is piecemeal approach to development of a larger landholding zoned EE at this location and there are existing adjoining lands, which may have future development potential. A co-ordinated and planned approach to development is required at this location to ensure that access to facilitate any future development at this location will not interfere with the capacity and function of the existing slip road in relation to the N7, National Route. The proposal, which is a piecemeal approach to development would be, at variance with national policy in the form of Transport Infrastructure Ireland's Traffic and Transport Assessment Guidelines 2014 the 'Spatial Planning and National Roads-Guidelines for Planning Authorities' and would if granted have a potentially negative impact on the N7 at this location where there is a need to safeguard the capacity, safety and smooth traffic flow on this strategically important multi-modal radial route, and where the proposed development may have the potential to endanger public safety by reason of traffic hazard or obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.5 Building Height, Design, Scale, Visual impact:

7.5.1 Refusal reason number 2 and 3 raise concerns regarding visual impact and justification for scale and height of the proposed development. The original proposal submitted was for a 242 no. bedroom hotel in a building ranging in height from 7 to 10 storeys. The configuration include two distinct elements a, y-shaped 10-storey block to the south of the site with stepped elevation facing the N7 (featuring balconies and terrace areas) and a 7-storey block running on a north-south access located to the rear of the y-shaped block. The side elevations of the block are to

feature a geometric pattern. In response to further information the proposal was revised in scale with a reduction height by 3-storeys on the y-shaped block to 7 and a reduction of one floor on the rear portion to 6.

7.5.2 The applicant submitted an assessment of visual impact of the original proposal and an addendum of such showing the amended proposal. This includes photomontages envisaging the proposal from a number of view points in the surrounding area. The design and scale was considered to be monolithic and over-dominant.

7.5.3 The appropriateness of the building height in the context of Development Plan policy is raised in the planning report and observations with concern regarding the height in the context of existing structures and the limitations placed by Development Plan policy. As outlined above Development plan policy on building height states that “varied building heights are supported in urban centres and regeneration zones and will be important in creating a sense of place, urban legibility and visual diversity. Tall buildings that exceed five storeys will be considered at strategic and landmark locations in Town Centres, Regeneration and Strategic Development Zones based on approved Local Area Plans or SDZ Planning Schemes (see also Chapter 2 Housing and Chapter 11 Implementation)”. The proposal provides for a development that exceeds five-storeys and would be deemed to be a tall building. The applicant/appellant argues that the proposal is strategic location capable of facilitating a tall building being in close proximity to the N7 and that there are tall buildings in the surrounding area. Development Plan policy does facilitate tall buildings, classified as above five-storeys, however it is suggested that such is at certain locations and designations. I would be of the view that the location adjoining the N7 could facilitate a taller building than five-storeys subject to a satisfactory design and physical impact.

7.5.4 National policy on building heights is under the Urban Development and Building Heights-Guidelines for Planning Authorities December 2018. These guidelines have Development Management criteria under Section 3.2 for assessing tall buildings. The appeal site is not in a town centre location, but the area is well serviced in terms

of public transport with access to Luas and bus facilities. The appeal site and pattern of development is varied without a strong pattern of development. The appeal site is an open site that could accommodate a tall building subject to a satisfactory design. The revised design proposal also include and assessment of daylight/sunlight and a shadow impact study as well as including a visual impact assessment with photomontages.

7.5.5 I am of the view that the revised proposal for a seven-storey structure could be accommodated on the site without having an adverse impact on the visual amenities of the area. The site is such that there is no strong pattern of development and a standalone tall structure could be accommodated. The appeal site is part of larger landholding with indication for future development, which would be subject to the application and consideration of impact on adjoining amenities such St. Brigid's Cottages to the east of the site. Having inspected the site and the surrounding area I am satisfied that the visual impact assessment and photomontages submitted give an accurate impression of the visual impact of the development. The most prominent visual impact is from the N7 and its associated slip road and the overpass to the east. In terms of visual impact from residential areas to the north, north east and north west, the development is not hugely prominent due to distance and intervening building and vegetation. I would be of the view the revised design proposed would be acceptable at this location. The proposal entails development of part of a larger site and the lack of development proposal on the remainder of the site adjoining the proposed structure do have the effect of making such look more prominent. Further development of the site would be likely to reduce the visual impact of the proposed development with a grouping of building reducing the standalone impact of the proposed structure. I am of the view that the proposal, which is a contemporary design can be absorbed at this location, where there is a varied pattern of development, a lack of strong architectural character and the fact that the site is located along a major transport corridor.

7.6 Adjoining Amenity:

7.6.1 Refusal reason no. 2 refers to the proposed height by way of perceived overlooking and overshadowing of residential properties at St. Brigid's Cottages having a negative impact on the residential and visual amenity of these properties. The original proposal was for a part 10-storey and part 7-storey block and was revised in response to further information to provide for a part 7-storey and part 6-storey development. In response to the further information request a Sunlight and Daylight Access Impact Analysis was submitted, which assess the impact of revised proposal in the context of existing development in the vicinity.

7.6.2 The context of the site is such that the appeal site is part of a larger landholding with lands to the north and east of the site part of the applicants' landholding and indicated as being for future development. To the west is existing commercial development in the form of warehousing in use for car sales. Further to the east are single-storey dwellings (St. Brigid's Cottages). To the north of the site and on the opposite side of Knockmeenagh Road is a sports pitch and Busheloaf Park. The nearest residential development is to the east, St. Brigid's Cottages with the refusal reason raising concerns about perceived overlooking and overshadowing.

7.6.3 The submitted Sunlight and Daylight assessment focused on existing dwellings to the west (St. Brigid's Cottages), which are the nearest to the appeal site and the assessment is based on the publication, Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE).

There is an assessment of sunlight impact, which is based on an assessment of Annual Probable Sunlight Hours (APSH). Sunlight may be adversely affected if... APSH <25% or APSH <5% between 21 September and 21 March; AND Receives <0.8 times its former APSH: And Reduction over the whole year > 4% of APSH. The assessment relates to sunlight access on windows on the ground floor of the western elevation of 4, 5, 6, 8a, 10, 10a and 14a. The results indicate that all window will retain levels above the recommended standard for the annual, summer and winter period, in the case of most properties there is no change to the standard pre and

post development and in case of where there is a change (5 out of the 11 sample windows assessed), the level of change is marginal and deemed 'imperceptible' and <0.8 its former APSH in line with the guidelines.

There is an assessment of daylight impact, which is based on an assessment of Vertical Sky Component (VSC). The required calculation for VSC...

VSC 27% or $>$: Enough Skylight.

VSC $<27\%$ BUT > 0.8 times its former value: With Acceptable parameters.

VSC BOTH $<27\%$ and <0.8 times its former value: A noticeable reduction (where room layouts are known, a further test of the no skyline can be carried out).

The assessment relates to daylight access on windows on the ground floor of the western elevation of, 4, 5, 6, 8a, 10, 10a and 14a. The results indicate that all windows in the dwellings analysed apart from one (no. 4) retain a VSC value of greater than 27% post development. In the case of no. 4 the VSC value pre-development is 22.7% and post development will be 21.7%, which is 0.96 times its former value and therefore within the acceptable parameters set out under the BRE guidelines.

There is an assessment of overshadowing with an analysis of potential impact of shadows cast on gardens at St. Brigid's Cottages.

At least 50% of the area should receive at least 2 hours of sunlight on the 21st of March.

If an existing area does not meet this, then the area which can receive 2 hours on the 21st of March should be not less than 0.8 times its former value.

If neither of the above are satisfied, then loss of sunlight is likely to be noticed.

The assessment relates to overshadowing impact on the garden areas of no's, 4, 5, 6, 8a, 10, 10a and 14a. In the case of the post development scenario all of the gardens

assessed at 50% of gardens assessed will continue to receive at least two hours of sunlight on the 21st of March. There is no change pre and post development in the case of no. 10, 10a and 14a. There is what is deemed to be an 'imperceptible' level of change in the case of no. 4, 6 and 8a with these properties retaining the recommended standard under the BRE guidelines.

7.6.4 The submitted report includes a shadow study showing the pre and post development scenario for various times (9.00am, 10.00am, 10.30am, 12.00am, 3.00pm, 3.30pm, 5.00pm and 7.00pm, on March 21st, June 21st and December 21st. The existing dwellings are located to the north east and by virtue of their location would not be impacted severely by overshadowing from the proposed development and the shadow study illustrates this fact. I am also satisfied that the submitted report demonstrates that the proposed development would be satisfactory in the context of impact on daylight, sunlight and overshadowing of amenity areas concerning the nearest dwellings at St. Brigid's Cottage and that the recommended standards under the BRE guidelines can be achieved post development. I am satisfied that other dwellings in the area are sufficiently removed from the site in that they would not require assessment based on the BRE guidelines. I would note that the assessment on daylight and sunlight relates to revised proposal reduced in height with no equivalent assessment for the original proposal, which is taller in height.

7.6.5 The issue of perceived overlooking in relation to the dwellings at St. Brigid's Cottage was identified as a reason for refusal and an issue in the third party submissions/observations. The proposed development features windows on an eastern facing façade and a north eastern facing facade. Above ground floor level these windows serve bedrooms. I would be of the view that there is a sufficient level of separation between the existing dwellings to the east and the proposed development and that there is also existing development land between the structure and such that is likely to be subject to development in the future. As noted above it was demonstrated that the revised proposal is satisfactory in the context of its physical impact in relation to daylight/sunlight and overshadowing. I do not consider

there are any issues concerning overlooking due to the level of separation and the urban context of site.

7.7 Other Issues:

7.7.1 The observations raise a number of issues. One of such issues is impact on ecology and wildlife with removal of existing hedgerow on site. The appeal site is part of lands currently with no specific use and is in grassland with hedgerow boundaries along the northern and eastern side of lands in question. The appeal site is zoned EE with a stated objective 'to provide for enterprise and employment related uses' and is located in an urban area. The appeal site is a development site and its reasonable expectation of the development is logical. The documents include an Ecological Impact Assessment and a tree survey. The appeal site is not of high ecological value with no protected habitats of species. The appeal site is an undeveloped site located in a long established urban area and the appeal site is zoned for urban development. I would be of the view that there are no reasons to preclude the development on the basis of ecological impact.

7.7.2 Third party submission and observations raise concerns about impact on a historic wall along the road frontage to the north/Knockmeenagh Road. There is a low stone wall running along the southern side of Knockmeenagh Road. This wall does is not a protected structure or identified a feature on the National Inventory of Architectural Heritage. I would be of the view that its loss to improve the frontage of the site is justifiable, but would also consider that such could be rebuilt along a new alignment on this frontage for any permitted development.

8.0 **Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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.

9.0 Recommendation

9.1. I recommend a refusal of permission subject to the following conditions.

10.0 Reasons and Considerations

1. The proposal entails primary access and egress off a slip road running parallel to the N7, National Route. This slip road functions as a high level access and egress for traffic using the N7 as well as facilitating local access and bus routes. The nature of the proposed use is likely to generate a significant level of vehicular traffic/high level dependency on private vehicular traffic. The proposal is piecemeal approach to development of a larger landholding zoned EE at this location and there are existing adjoining lands, which may have future development potential. A co-ordinated and planned approach to development is required at this location to ensure that access to facilitate any future development at this location will not interfere with the capacity and function of the existing slip road in relation to the N7, National Route. The proposal, which is a piecemeal approach to development of the lands along the northern side of the slip road would be, at variance with national policy in the form of Transport Infrastructure Ireland's Traffic and Transport Assessment Guidelines 2014 the 'Spatial Planning and National Roads-Guidelines for Planning Authorities' and would if granted have a potentially negative impact on the N7 at this location where there is a need to safeguard the capacity, safety and smooth traffic flow on this strategically important multi-modal radial route, and where the proposed development may have the potential to endanger public safety by reason of traffic hazard or obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Senior Planning Inspector

14th April 2022