



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321496-24

<b>Development</b>	Change of use of a single storey building to the rear of hotel. Permission sought to use this area as a function room.
<b>Location</b>	Bonnington Hotel, Swords Road, Whitehall, Dublin 9.
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	4178/24
<b>Applicant(s)</b>	Liffeyfield Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Peter O'Kelly
<b>Observer(s)</b>	Tom Tansey
<b>Date of Site Inspection</b>	28/03/2025
<b>Inspector</b>	Gillian Kane

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## **1.0 Site Location and Description**

- 1.1.1. The Bonnington Hotel (formerly known as the Regency Hotel) is located on the eastern side of the Swords Road, approximately 3.5 kilometres north of the city centre. The existing Bonnington Hotel occupies the rear portion of the site. It is a long elongated structure which is, in the main, between five and six storeys in height although the entrance to the proposed hotel located on the southern elevation comprises of a single storey link element joining what appears to be the original late 19th century structure on site. The existing hotel incorporates numerous modifications particularly at roof level with newer five and six storey elements to the rear of the site.
- 1.1.2. An access road runs along the southern boundary of the site and a series of on-street surface car parking is provided between the access road and the main building. A Gym facility is located in the rear part of the building. The conference centre is contained within a flat roofed single-storey structure, located to the rear of the main hotel building. The main glazed elements face towards the car park and it accommodates 3 no. sets of doors in addition to an access door located on the south elevation.
- 1.1.3. The site is adjoined to the north by Highfield Healthcare private nursing home, to the east by the Grace Park Manor apartment complex and to the south by the Seven Oaks and Griffith Downs housing developments. The site is separated from the apartment complex to the east and the housing developments to the south/south east by a boundary wall which has been back planted with trees and shrubs. Broomhill House, an SHD BTR development lies to the east of the subject site.

## **2.0 Proposed Development**

- 2.1. On the 20<sup>th</sup> August 2024, permission was sought for a change of use from conference centre to function room.

## **3.0 Planning Authority Decision**

### **3.1. Planning Authority Reports**

- 3.1.1. **EHO:** recommended conditions for control of any entertainment noise generated onsite.
- 3.1.2. **Drainage Division:** no objection subject to standard conditions.

- 3.1.3. **Planning Report:** Notes the long planning history of the site and the use of the existing structure for functions. Noting the observations submitted, planner states that the applicant should be given the opportunity to demonstrate that the proposed use will not negatively affect the adjoining residential amenity at unsocial hours. Consideration should be given to restricting access to the terrace and independent access, requiring access to the function room from within the hotel only. Applicant should be requested to address the concerns of the transportation department.

### 3.2. **Prescribed Bodies**

- 3.2.1. **TII:** TII requests that the Planning Authority have regard to the provisions of official policy for development proposals: proposals impacting national roads to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII publications and proposals impacting the existing light rail network, to TII's Code of Engineering Practice for works, on, near or adjacent to the Luas light rail system.

### 3.3. **Third Party Observations**

- 3.3.1. Observations on the proposed development raised issues of traffic, car parking, noise, enforcement / non-compliance with previous planning conditions.

### 3.4. **Further Information**

- 3.4.1. On the 15<sup>th</sup> October 2024, the applicant was invited to address the two issues raised in the planning report – impact on adjoining residential amenity and traffic / parking.
- 3.4.2. On the 1<sup>st</sup> November 2024, the applicant responded to the Further Information request stating that no functions occurred in the conference room since 2020 and all third-party submission pre-date that. The applicants agent states that they are happy to restrict access to the terrace and access to the function room via the hotel only. Responding to the management of the car park, the submission is accompanied by a Traffic Report.

### 3.5. **Planning Authority Assessment of Further Information**

- 3.5.1. **Transportation:** No objection to the proposed development subject to one condition.
- 3.5.2. **Planning Report:** Further Information submission addresses the concerns of the Planning Authority. Recommendation to grant subject to conditions.

### 3.6. **Planning Authority Decision**

- 3.6.1. On the 21<sup>st</sup> November 2024, the Planning Authority issued a notification of their intention to GRANT permission subject to nine conditions.
- 3.6.2. Condition no. 2 states that the external terrace area adjoining the conference centre / function room shall not be used during functions and events.
- 3.6.3. Condition no. 5 requires the applicant to submit for the written approval of the Planning Authority, auto-tracking details, the removal of parallel parking along the access road to ensure two-way access and sufficient room for set down subject to DMURS.
- 3.6.4. Condition no. 7 refers to the noise monitoring requirements of the EHO.

## 4.0 **Planning History**

- 4.1.1. **PL29N.117196** permission granted for a 14,552 square metre extension to the existing Regency Airport Hotel. Condition No 3 stated that the conference/meeting rooms would be used for the stated purpose and not used as function rooms where music is played, or as dancehalls or discotheques, except with a prior grant of planning permission.
- 4.1.2. **PL29N.220345** - Permission sought for variations to previously approved development under construction, of an extension to the Regency Hotel. The duration of the permission was extended until 28th June 2007. Under the proposal the approved conference rooms were relocated to ground floor level, the leisure centre was relocated to the basement and underground car parking was omitted. Surface carparking was proposed to be increased from 259 no. to 286 no. together with 8 no. coach parking spaces. The overall floor area of the extension was proposed to be reduced by 3359m<sup>2</sup>. Condition No 2 of the Board's Order repeated the previous controls on the use of the conference rooms/meeting rooms with a prohibition on music and dancing.

- 4.1.3. **PL29N.239389** Application for amendments to previously approved application for conference rooms. It sought to amend Condition No 2 of Reg Ref No 4083/06 which restricted the use of the conference rooms. Permission was sought to allow the use of the conference rooms as a venue where music and dancing is permitted in addition to their continued use as conference rooms. Condition No 2 of the Board's Order permitted the change of use for a temporary period of three years after which the use should revert to conference use only, unless prior to that date planning permission has been granted for a further period. Condition No 3 required that music and dancing should cease on or before 01.00 hours and confined solely to use for functions (such as gala dinners) related to conferences being held at the venue, as set out in the submissions made in connection with the planning application.
- 4.1.4. **PL29N.244496**: Permission sought for amendments to Condition No 2 & 3 in previously approved application Reg Ref No 2719/11 (ABP PL 29N.239389) for conference rooms. Condition No 3 of the Board's Order granted permission for a temporary period of 3 years, after which the conference centre would revert to conference use only, unless prior to that period planning permission has been granted for a further period. Condition No 4 required that music/dancing should cease at or before 01.00 hours and that the conference centre shall not be used as a public dance hall, nightclub, public bar or venue for concerts for which a public dance license is required. It also restricted the number of music/dance events to one per week.
- 4.1.5. **ABP-302507-18**: Permission granted for a period of three years to operate the conference centre at the Regency Hotel subject to conditions relating to: (a) the use and opening hours of the conference centre and (b) the noise level not to be exceeded from the conference centre. The permission is to be reviewed in June, 2018. Permission is now sought to continue to operate the centre subject to the remaining conditions in the permissions applying to the centre and without the need to reapply again in three years time. Condition no. 1 of the decision states that the permission shall apply for a period of two years only, from the date of the Order (12/02/2019).
- 4.1.6. **ABP-307366-20**: Planning permission was refused for a development comprising the demolition of a single storey building, in use as a retail unit, and the construction of a

5, 6 and 7 storey building as a separate room only hotel at the Bonnington Hotel for the following reason:

- 1 Having regard to the design and layout of the proposed access arrangements for the site and specifically the basement car park, it is considered that the proposed development would result in potential vehicular and pedestrian conflict at the entrance to the car park and would, therefore, endanger public safety by reason of a traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2 Having regard to the information submitted with the application and the appeal, and in the absence of a comprehensive parking and access management strategy for the entirety of the hotel complex, the Board is not satisfied that the quantum of parking proposed would not generate excessive levels of overspill car parking onto adjoining residential streets which would create traffic hazard and obstruction of road users and would seriously injure the residential amenities of the area and of residential property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1. Dublin City Council Development Plan 2022- 2028**

5.1.1. The subject site is zoned Z1 Sustainable Residential Neighbourhoods, which has the stated objective 'To protect, provide and improve residential amenities'. Hotel use is 'open for consideration'.

5.1.2. Tourism policies in the development plan include:

**CEE26:** Tourism in Dublin (i) To promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the appropriate, balanced provision of tourism facilities and visitor attractions. (ii) To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors and to promote Dublin as a setting for conventions and cultural events. (iii) To improve the accessibility of tourism infrastructure to recognise the access needs of all visitors to our city.



- 5.1.3. Section 15.14.1.1 refers to Hotel development and states: Hotel developments are encouraged to provide for publicly accessible facilities such as café, restaurant and bar uses to generate activity at street level throughout the day and night. Hotels are also encouraged to provide a mix of publicly accessible uses vertically throughout the building such as roof terrace restaurant and bars to further generate activity. Applications for roof top uses will be assessed having regard to the impact on neighbouring properties in terms of noise levels and overlooking. Hotel development should also be accompanied by operational management plans that demonstrate how the hotel will be serviced and traffic / drop off managed. All loading, waste collection and servicing must be provided off road in a designated loading area where feasible. Pick up and drop off services can be accommodated on street subject to adequate space being provided.
- 5.1.4. Table 2 of Appendix 5 provides the maximum car parking standards. For hotels in zone 2 1 no. space per 3 rooms is required. Function rooms are included under the 'club' label, which requires 1 space per 3sq.m. of floor area. Conference centres require 1 space per 25 no. seats.

## **5.2. Natural Heritage Designations**

- 5.2.1. North Dublin Bay SAC (000206) and North Bull Island SPA (004006) are approx. 2.5km to the east.

## **5.3. EIA Screening**

- 5.3.1. The proposed development involves a change of use from an existing conference centre to a function room. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A third-party appeal against the decision of the Planning Authority to grant permission has been submitted by a resident of Seven Oaks, the residential development to the south of the subject site.
- 6.1.2. The Board is requested to refuse permission. The grounds of the appeal can be summarised as follows:
- In 1986 when Seven Oaks was constructed the hotel had one bar, one function room and one restaurant, contrary to the submission of the applicant that multiple of each predates 1963.
  - The site boundaries are incorrect, incorrectly incorporating the SHD. Broomhill has been omitted to minimise the impacts on traffic and residential amenity.
  - The PL29.117196 application provided for the conference room to be within the main body of the hotel, not to the rear as submitted by the applicant. The conditions of that permission omitted the main hotel and that no music should take place in the south facing rooms.
  - The applicant does not list reg. ref. 4083/06 in the planning history. This application lodged at near construction completion, was not granted until August 2007 despite works being carried out in and the conference centre having a function in October 2006. This application was to fundamentally alter the nature of the extension to the rear. An Bord Pleanála restated the condition that 'the conference centre shall not be used as a public dancehall, nightclub, public bar or venue for which a public dance hall licence is required'.
  - The applicant does not list PL29N.230401 in the planning history. The Board refused permission, following an Inspectors report which referred to the negative impact from the proposed function room on the residential amenity of the surrounding residential developments.
  - The application to extend reg. ref. 3179/12/X1, expands the conference centre capacity. This coupled with the 2018 opening of McGettigan's pub, sports bar, music, and party venue has greatly increased the capacity for social functions at the hotel. This is far beyond ancillary to the main hotel function.

- Images submitted showing the conference space in the original Crofton hotel, the rear extension built in 2006, internal reconfiguration in 2011 expanding the function / bar area, the 2012 application to increase the conference area to the external terraces, change of use from restaurant to McGettigan's Sports Bar and music venue, and function room at northern end that the hotel sublets for gatherings and functions for which no planning permission was sought.
- The applicants noise survey was undertaken at times when no functions occurred in the conference room. Video stills submitted.
- The hotel already contains two function rooms – the Broomfield Suite and another function room. The internal moving of the breakfast suite to the Broomfield Suite is a direct consequence of creating McGettigan's Bar and therefore not a reason to require a new function room. The applicant is incorrect in stating that the hotel has no function room. The Broomfield Suite can be repurposed after breakfast.
- An additional function room is located adjacent to the Swords Road where the Whitehall Terrace Restaurant is, is let by the hotel owners as a function room without planning permission.
- The hotel has breached the An Bord Pleanála condition that the conference centre shall not be used as a public dancehall, nightclub, public bar or venue. The hotel applies for a Public Dance licence annually.
- The current restricted use of the conference room is the only safeguard the residents have.
- The hotel sold the car park of 210 no. car spaces and 6 no. coach spaces. This will negatively impact the ability of the conference centre to act as a function room.
- Previous planning permissions were approved on the basis of sufficient car parking. The hotel can no longer accommodate functions without impacting residents.
- Videos taken when there were 210 no. car spaces show the impact of major functions at the hotel, in terms of parking & traffic, noise & nuisance, and late night disturbances.

- The hotel parking is at full capacity on nights with no events, with overflow parking in Seven Oaks estate. Appellant states that the video shows cars parked on double lines, cars parked in coach spaces, coach parking blocking a pedestrian walkway, work vans parked in disabled spaces, cars parked in set down areas and cars blocking access to the apartment developments. It is submitted that the hotel parking management is not sufficient.
- Overflow parking previously available in Plunkett College is no longer available to the hotel.
- The letter from Home Farm club demonstrates that the hotel cannot meet its parking requirements on site. the club is a 700m walk, across the busy Swords Road. The Dublin City Council suggestion of a shuttle bus is unrealistic.
- Human nature and convenience means the Home Farm facility will be a last resort after Seven Oaks is packed and no other option exists.
- The decision of the Board and Dublin City Council under ABP-307366-20 to refuse permission for a 234 bedroom hotel had traffic safety and parking as the basis for refusal.
- There is no provision for safe coach parking required for such events. These events will cause noise, reversing, queuing, blocking of the local roads.
- The hotel website acknowledges that it has an issue with limited parking.
- The hotel is not in the city centre where parking standards can be relaxed. The site cannot meet the Zone 2 parking requirements.
- The quantum of parking required should include the other businesses on site.
- The hotel website states that the main conference room has an 800 guest capacity.
- If the conference room is changed to a function room, under the development plan in excess of 217 no. car spaces are required to account for the hotel, conference room, Broomfield suite, main block function room, from site function room, McGettigan's bar, croft bar, DXTR, leisure centre and centra supermarket.
- The applicants calculation of 132 no. spaces is hotel based only. The calculation should omit the 20no. kerb spaces as directed by Dublin City Council as these

are unapproved. Therefore only 97 no. spaces for all uses on site. This was not considered by the Planning Authority. The Board is requested to discount the southern boundary parking as it blocks a lane access to 280 no. apartments. Parking management will not solve this shortfall.

- It is unclear what development is ongoing at the hotel. If it is family shelter apartments, the Board should satisfy itself that all activities are included when determining parking capacity.
- The applicants traffic survey and parking count is inaccurate:
  - Zone D1 and E have incorrect counts,
  - Spaces in coach, set down, taxi and restricted spaces have been included,
  - Parking for the function room, centra and bar are included as hotel use,
  - Zone C1 and C2 were directed by Dublin City Council to be excluded,
  - No mention of parking for function room,
  - No mention of family shelter apartments on site,
  - Surveys undertaken when no events were taking place,
  - Those attending functions do not use public transport,
  - Listed buses do not operate at function room closing times.
- The area shown for coaches is a heavy goods vehicle turning area in the SHD application but is actually road signed for coach parking.
- The parking occupancies in the traffic report leave no capacity for the up to 1000 people attending functions. The applicant was advised by Dublin City Council to provide a true & accurate survey at pre-app stage.
- The report incorrectly categorises a function room as a 'club'. A 855sq.m. 'club' in zone 2 requires 85 no. spaces whereas a conference room (800 seats) requires 32 no. spaces.
- The adjoining SHD development, with insufficient parking, causes overflow parking in Seven Oaks.
- Seven Oaks and Griffith Downs are left as the only free parking. Photos submitted. Refuse collections have been unable to be completed.

- Aerial imagery before the SHD development shows a full car park. The hotel does not have sufficient car parking to meet current demand.
- Parking on the double yellow lined two-way access road to Gracepark Manor creates a single lane and causes a traffic hazard. The two-way access was the basis for approving the SHD development and other planning apps on site. This is not addressed in the subject application.
- The reduction in coach parking has resulted in dangerous parking and blocking pedestrian access. No turning circle results in reversing along the access road. 11 no. photo examples of coach parking submitted.
- Video stills submitted of late night activity.
- It is submitted that the applicant is not meeting its planning obligations and adjoining properties should not have to suffer. The Board is requested to protect the residential amenity of residents.
- Extract from hotel website advertising events, appellants submits are in breach of conditions: condition no. 2 prohibiting the use of the terrace (6609/07).
- The decision of the Planning Authority to permit access and exit via the main entrance will result in increased late-night activity, every night without exception.
- Condition no. 5 of the Planning Authority decision should have been an Further Information request, as the assumption that plans will be satisfactory is based on a flawed traffic survey.
- Policy CEE26 is not relevant as no new building is proposed.
- Parking controls should not be imposed on Seven Oaks or deemed to be a solution.
- The Board is requested to refuse permission to protect the residential amenity of the Z1 residential area.

## 6.2. Applicant Response

6.2.1. An agent for the applicant has responded to the third-party appeal. The response can be summarised as follows:

- The appellant concedes that the overflow parking in Seven Oaks arises from the SHD development, not the hotel.
- The historical activity on site is of no relevance to the subject application.
- The applicant addressed all matters in the planning application to the Planning Authority.
- The proposed change of use represents a reasonable evolution of an established business, with appropriate controls and management systems in place.
- The hotel has a structured approach to the management of parking, with two full-time car parking attendants, mandatory vehicle registration for guests, active clamping, clear signage & designated spaces and overflow arrangements with nearby facilities.
- In Seven Oaks, there is no formal parking system in place and an absence of resident parking, visitor parking controls, enforcement mechanisms, or time restrictions. This makes the estate available to hotel visitors, park & ride, airport passengers, visitors to nearby facilities, apartment residents and general overflow.
- The appellants photos cannot be definitively linked to the hotel. The solution lies in implementing parking controls within Seven Oaks.
- The hotel is not responsible for the estates lack of parking management and should not be penalised through restricted operations.
- The Planning Authority assessment identified that facilitating the free flow of traffic along the internal road and not the availability of parking.
- The key conditions of the Planning Authority's decision to grant are:
  - 4: hours of operation, provides predictable schedule to ensure late-night impacts are contained,

- 2: use of terrace prohibited, prevents negative impacts and builds on existing conditions that have proven effective,
  - 3: restricts use of side entrance to emergency access only, channelling patrons through main hotel enabling control and security and reduces impact on residential areas,
  - 5: traffic flow condition will improve access,
  - 7: will achieve comprehensive noise management through a range of controls,
  - 8: compliance with code of practice will ensure professional standards are maintained.
- The conditions demonstrate that the Planning Authority carefully considered the development.
  - Condition no. 5 ensures that proper traffic management is in place from day 1, allows the Planning Authority to verify proposed traffic measures and the outcome is the removal of any problematic parking.
  - The acoustic controls required by condition no. 7 provides an objective measurable standard which protects residential amenity.
  - Physical measures such as self-closing doors, acoustic curtains, keeping windows closed creates sound barriers that create a comprehensive noise management system.
  - In conclusion, the response states that the proposed development has operated in the past under temporary permissions and now a permanent use is sought. The Board is requested to grant permission.

### **6.3. Planning Authority Response**

#### **6.3.1. None on file.**



## **6.4. Observations**

### **6.4.1. Tom Tansey, 7 Seven Oaks,**

- The proposed development would remove the restrictions on dancing, disco and late night functions,
- The applicant has failed to address the existing car parking shortfall.
- The over-developed site has led to parking in Seven Oaks and adjacent streets, creating a traffic hazard.
- The casual parking arrangement with Home Farm is not good or sustainable planning.
- In addition to parking, the change of use would generate noise and late night nuisance for the adjoining residential areas.
- The hotel has failed to address issues that address surrounding estates.
- The Board is requested to refuse permission.

## **7.0 Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of Proposed Development
- Impact on Residential Amenity – Traffic
- Impact on Residential Amenity – Noise

### **7.2. Principle of proposed development**

7.2.1. As noted by the Planning Inspector in the most recent app on site (ABP-302507-18), there is a significant planning history on site. That Inspectors report summarised the planning history as follows: “Conference and meeting rooms were originally permitted under Reg Ref No 2328/99 (PL.29N117196) subject to controls on use, with no events permitted with music and dancing. A subsequent application for amendments to the previously approved plans contained a similar condition Reg Ref No 4083/06 (PL29N 220345). The condition governing the use was relaxed

somewhat under Reg No 2719/11 (PL29N.239389) and music and dancing was permitted associated with functions related to conferences (such as gala dinners), with a requirement that music/dancing would cease on or before 01.00 hours. The permission was subject to a temporary period of 3 years after which time the use would revert back to conference use only. This was to allow the development to be reviewed after a period in operation. Under Reg Ref 3757/14 - PL29N. 244496, permission was again granted for a temporary period (Condition No 3) and with a similar requirement that events with music/dancing should cease at 01.00 hours and that the conference centre would not be used for events for which a dance hall licence is required. It included additional controls limiting the number of events to one per week and introduced a requirement for noise surveys to be carried out, with quarterly results submitted to the planning authority over the three year lifetime of the permission”.

- 7.2.2. A further planning application not listed in the summary above, in 2008 (PL29N.230401) refused permission for a change of use from conference centre to function room on the grounds of disturbance and noise. In the most recent application – ABP-302507-18 permission was sought to remove the condition placed under PL29N.244496 restricting the life of the function use of the conference centre to a temporary period. The Board agreed with the recommendation of the Inspector and attached a two-year life to the use.
- 7.2.3. Permission is now sought, to remove the temporary nature of the use and provide for permanent use of the conference centre as a function room. It is considered that the principle of the use of the conference centre has been accepted by the Board and the Planning Authority on a limited basis – with the caveat that the impact of the proposed use on the residential amenity of property in the vicinity must be evaluated. It is considered that the key issues of this appeal therefore are the impact of the proposed use on the residential amenity of the adjoining residential areas in terms of traffic and noise.

### **7.3. Impact on Residential Amenity – Traffic**

- 7.3.1. The appellant submits that the existing functions of the hotel are such that traffic hazards occur – in the form of blocked paths, a blocked carriageway creating a single lane on a two-way street, overflow parking in the adjoining residential estate and dangerous manoeuvres onto the busy Swords Road.
- 7.3.2. In response the applicant states that the hotel has an effective traffic management system, that ancillary parking is available at a nearby facility and that issues arising in the Seven Oaks estate are due to poor parking management within the estate.
- 7.3.3. The applicants further information response states that there is ‘no difference in car parking requirements’ for a conference room and a function room and that the proposed development complies with the requirements of the development plan. I draw the Boards attention to Table 2 of Appendix 5 of the Dublin City Council development plan 2022-2028. A conference centre requires 1 space per 25 seats. However, a function room, is categorised as a ‘club’ – (footnote no. 5 of the table refers) and this requires 1 space per 10sq.m. of floor area.
- 7.3.4. The application form states that the floor area subject of the change of use is 1151sq.m. The applicant does not provide detail of how many ‘seats’ are provided in the existing conference centre but the hotels website refers to up to 400 attendees. This would require a car parking provision of 16 no. car spaces. I note that the appellant states that the conference room can accommodate 800 people and that 32 no. spaces are required to comply with the development plan. The use of the 1151sq.m. as a function room would require 115no. car parking spaces (1 space per 10sq.m. of floor area). The traffic survey submitted with the application states that the entire business on site has a parking provision on site of 132 no. spaces. Without addressing any of the issues raised by the appellant about other uses occurring in the hotel, the impact that has on parking provision and the accuracy of the applicants parking space count, the shortfall between what is required by the development plan for conference centre and function use is significant.
- 7.3.5. Appendix 5 of the development plan provides for a relaxation of maximum car parking standards in zone 2, where a site is located in a highly accessible location and where a clear case has been made, satisfactorily demonstrating a reduction in parking need. The applicant has not made such a case. Nor has any argument been

made regarding the protection of parking available to the existing residential developments around the hotel. I do not accept the applicants argument that it is a lack of parking control within the Seven Oaks housing estate that causes the traffic hazard issues. While more stringent parking control within the estate may reduce over flow parking within the estate, it would not address the existing shortfall in parking provision that appears to occur within the hotel site. Nor would it address the alleged blocking of one of the lanes on the access route.

- 7.3.6. On that note, I note that the applicants traffic survey was undertaken during the hours 08.00-20.00 on a Friday, 09.00-21.00 on a Saturday and 09.00-18.00 on a Sunday. These hours would not ordinarily correlate with late night activities of a function room and so the occupancy rates do not demonstrate that the site could absorb the traffic likely to be generated by a late night weekend function.
- 7.3.7. I do not accept the provision of overflow car parking in Home Farm grounds would adequately address the shortfall of parking on the existing site. Given the c.10 walking distance along the very busy Swords Road, it is considered that visitors to the hotel would be unlikely to consider it a convenient alternative.
- 7.3.8. The capacity of the subject site to accommodate parking has been reduced by the construction of a BTR scheme to the east of the existing hotel, on the former car park associated with the hotel. I acknowledge the measures proposed by the applicant to control parking on site, however the existing site cannot satisfactorily provide the parking spaces required for a function room. The impact of a shortfall in car parking will be at the expense of the residential amenity of the adjoining residential developments. I am not satisfied that the proposed development is in keeping with the requirements of the development plan with regard to car parking provision.

#### **7.4. Impact on Residential Amenity – Noise**

- 7.4.1. The planning application was accompanied by a Noise Impact Assessment. The report states that as there is no Irish standard or legislation for noise from a bar or restaurant, the criteria applied to a range of planning approvals within DCC and Fingal were used. It is not clear why the NIA did not use the conditions of the most recent Board permission as a base on which to undertake the assessment.

- 7.4.2. Night time noise criteria of 45 L<sub>Aeq</sub> 5 minutes is used as the operational noise threshold. Section 6 of the report states that the noise impact from the function has been assessed based on typical noise levels for a night club and that the predicted results in the main function room and the Hampton room both comply. The report states that “it can be seen that the predicted noise levels are below the criteria noise levels”. Section 7 of the report provides detail recommended mitigation measures. The conclusion of the report is “using the results of the survey and assuming typical noise levels for music it has been determined that the existing L<sub>eq</sub> noise levels should not be exceeded at night so long as the mitigation measures detailed within the report are followed.”
- 7.4.3. The applicant in responding to the Planning Authority request for Further Information on the impact of the proposed development on the residential amenity of the adjoining residential areas, states that the conference centre has not held any events since Covid and that the observers videos and images must date from that time. The applicant states that the images are misleading. I do not accept that argument. The images submitted by the Observers, and those submitted at appeal, regardless of the date show that activity at the hotel – be it from the conference room pre-Covid, or more recently from ordinary activity within the hotel, create a disturbance to the residential amenity of the area. The date of the images is irrelevant. That activity occurring within the hotel disrupts the residential amenity of the adjoining residents late at night is the overriding concern. This is particularly so given the significant increase in residential units in the immediate vicinity of the hotel.
- 7.4.4. If the images were pre-Covid and so were under the conditions of the previous An Bord Pleanála decision regarding noise, it is clear that the appellant considers that the hotel has failed to adhere to the conditions seeking to protect residential amenity. I find little evidence in the current application that this would change should a permanent change of use be granted. The holding of events in the evening would would bring a considerable number of guests to the hotel at times other than ‘usual’ hotel peak times. It is considered that the proposed mitigation measures – such as restricting access to the terrace, funnelling access and egress through the main hotel – would reduce the noise emanating from the subject room but would not mitigate against noise that would arise from patrons / guests attending functions late at night, at a time when ordinary hotel residents would not necessarily be entering and

leaving the hotel. The containment of noise within the function room would not address the noise arising from pick up / set down activities or congregation at the entrance to the hotel.

- 7.4.5. The intensification of use at the hotel is considered to be incompatible with the surrounding pattern of residential development. The proposed use is considered to be contrary to the stated objective the Z1 zone which is to protect, provide for and improve residential amenity.

## **8.0 AA Screening**

- 8.1.1. I have considered the [title of project] in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established urban area with North Dublin Bay SAC (000206) and North Bull Island SPA (004006) are approx. 2.5km to the east. The proposed development comprises a change of use from an existing conference to a function room. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.1.2. The reason for this conclusion is as follows is the nature of the development comprising only a change of use of an existing structure, the established urban area within which the site is located and the lack of connections to the nearest European site. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.1.3. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

I recommend permission be REFUSED for the following reasons:

- 1 Having regard to the planning history of the site and the submissions made in connection with the planning application and the appeal, it is considered that the proposed permanent change of use from conference centre to function room would be detrimental to adjacent residential

amenities by reason of a significant increase in general disturbance/noise levels. Accordingly, the proposed development is considered to be contrary to the zoning objective 'Z1' - "to protect, provide and improve residential amenities" and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to the capacity of the subject site to cater for existing parking demand generated by the hotel and its associated activities and to the development plan requirement for one space per 10sq.m. of function room floor area, it is considered that the shortfall in car parking provision would be seriously deficient. The impact of such a shortfall would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity, particularly the residential developments in the immediate area and which would tend to create serious traffic congestion.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Gillian Kane  
Senior Planning Inspector

11 April 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b>	ABP-321496-24		
<b>Case Reference</b>			
<b>Proposed Development</b>	Change of use from conference room to function room		
<b>Summary</b>			
<b>Development Address</b>	Bonnington Hotel, Swords Road		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)			
	<b>No</b>	The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings.	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_