

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

Kildare County

Planning Register Reference Number: 08/1686

An Bord Pleanála Reference Number: PL 09.233845

APPEAL by Moriarty Investments Limited care of Brian Meehan and Associates of 44 Fitzwilliam Place, Dublin in relation to the application by Kildare County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 16 of its decision made on the 7th day of May, 2009.

PROPOSED DEVELOPMENT: Development comprising the extension of existing hotel by creating a new first floor link (25 square metres) to connect to premises at 39-41 Main Street to incorporate the first floor area into existing hotel bar (known as “Arthur’s Bar”) to accommodate new toilets and lounge bar area (106 square metres). The ground floor unit fronting Main Street will operate, as previously permitted, as a retail/commercial unit accessed from Main Street. Retention and continuance of use of four number tent-like structures and occasional seating within the courtyard area for use by the public for purposes incidental to the Courtyard Hotel Complex (including the bar and restaurant areas). Retention and continuance of use of area previously referred to as residents bar/piano bar (106 square metres) and associated outdoor terrace and seating area (69 square metres) at first floor for use as public bar/lounge as part of the overall Courtyard Hotel Complex at The Courtyard Hotel, Main Street, Leixlip, County Kildare.

DECISION

The Board considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had/had not been properly applied in respect of condition number 16 and directs the said Council under subsection (10) (b) of section 48 of the Planning and Development Act, 2000 to AMEND condition number 16 so that it shall be as follows for the reason stated.

16. The developer shall pay the sum of €42,000 (forty two thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of the shortfall 24 number car parking spaces. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

REASONS AND CONSIDERATIONS

It is considered that the development contribution condition had not been properly applied in regard to the calculation of the shortfall in car parking for the proposed development, in not allowing for the existing permitted office use and by not relating the car parking shortfall to the net public floor area for the lounge/bar use.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2009.