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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 16/624**

**Appeal** by Sean English and others care of Station House, Gleann na Gréine, Naas, County Kildare and by others and by Marchford Limited care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 23<sup>rd</sup> day of February, 2017 by Kildare County Council to grant subject to conditions a permission to the said Marchford Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention permission for single storey courtyard suite (circa 80.7 square metres) at the rear of the existing hotel and permission for the demolition of a two-storey dwellinghouse (330 square metres), sheds and walls including approximately 45 metres of the boundary wall, all at "Gortnagrena" and the demolition of an external store at the hotel delivery yard and the construction of a part single storey part two-storey part three-storey part four-storey part five-storey over basement hotel extension (circa 10,790 square metres total new floor area) comprising the following main elements; (1) new additional hotel entrance, set down, entrance plaza and access to basement car park and new emergency access and gate, all at Gleann na Greine; (2) lobby, reception, lounge, main bar (123 square metres), conference bars (26 square metres), conference/function rooms (465

square metres), breakfast room (340 square metres), garden room (135 square metres), kitchen, service areas, toilets and new link to existing hotel at ground floor level; (3) 72 number hotel bedrooms at first, second and third floor levels; (4) new link corridor to existing hotel at first and second floor levels; (5) plant room (80 square metres) at fourth floor level; (6) 111 number new car parking spaces, store (115 square metres), service areas and access ramp at basement level; (7) landscaped garden, tree planting and the restoration of existing boundary wall; (8) alterations to goods delivery yard including new ramp to basement car park, and all ancillary works on an overall 0.773 hectares site. The proposed extended Lawlor's hotel will comprise 132 number bedrooms and a total floor area of 17,567 square metres. All goods deliveries will continue at the delivery yard at Friary Road/Poplar Square and the existing Lawlor's Hotel entrance and frontage at Poplar Square will remain unchanged; all at Lawlor's Hotel, Poplar Square, Naas, Count Kildare and "Gortnagrena", Gleann na Greine, Naas, County Kildare as per the revised public notice received by the planning authority on the 7<sup>th</sup> day of December, 2016.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **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.

## Reasons and Considerations

Having regard to the sites location within the Naas Town Centre on lands zoned “Town Centre” in the Naas Town Development Plan 2011-2017, the policies of the planning authority as set out in the Kildare County Development Plan 2017-2023, to the nature, scale and design of the proposed development being an extension to an existing hotel, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the residential or visual amenities of the area, would respect the existing character of the Architectural Conservation Area, would not directly or indirectly impact on any Protected Structures, and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 23<sup>rd</sup> day of November, 2016, the 7<sup>th</sup> day of December, 2016 and the 27<sup>th</sup> day of January, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission authorises the retention of the 80.7 square metres courtyard suite and its use shall be as indicated on the documentation submitted to the planning authority, that is, to host small conferences and meetings.

**Reason:** In the interest of clarity and orderly development.

3. The double doors located at the ground floor breakfast rooms on the southern elevation, shall be used as fire exits only and shall not be used by patrons to access the open space area for any reason except in the case of an emergency.

**Reason:** In the interests of visual and residential amenity.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

5. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (b) location of areas for construction site offices and staff facilities,
- (c) details of site security fencing and hoardings,
- (d) details of on-site and off-site car parking facilities for site workers during the course of construction,
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,

- (f) measures to obviate queuing of construction traffic on the adjoining road network and measures to prevent usage of the lane adjacent to number 6 Gleann na Greine,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (m) measures to protect and ensure the stability of that portion of the boundary wall proposed to be retained as part of the development.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

10. The landscaping scheme shown on drawing number 16./JT/L 02 prepared by Hayes Ryan Landscape Architecture, as submitted to the planning authority on the 23<sup>rd</sup> day of November, 2016, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

11. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Sunday inclusive (the T value shall be one hour), and
  - (ii) An Leq,15 min value of 45 dB(A) at any other time (the T value shall be 15 minutes). The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.



12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. Bat roosts shall be incorporated into the site and the recommendation of the Bat Survey reports shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to the planning authority on the 23<sup>rd</sup> day of November, 2016.

**Reason:** To ensure the protection of the natural heritage on the site.

14. Trees to be removed on site shall be felled in late summer or autumn. Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of nature conservation.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

16. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

17. Cycle Parking facilities shall be provided in accordance with the requirements of the Kildare County Development Plan 2017 – 2023. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

18. The applicant shall complete full width resurfacing of Gleann na Greine from the proposed hotel works to the R445, including a painted yellow box on the R445 at its junction with Gleann na Greine. The applicant shall also restore all footpaths in the same area. Details of the proposed works on Gleann na Greine shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The costs of these works shall be borne by the applicant and shall not take place until construction traffic to/from the site has substantially abated.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

19. The developer shall pay to the planning authority a financial contribution of €105,000 (one hundred and five thousand euro) in respect of the provision of the car parking shortfall of 21 spaces benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any 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 An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

