



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/1484

Appeal by Martin Murray of 10 Mountpleaseant Parade, Ranelagh, Dublin against the decision made on the 18th day of December, 2018 by Kildare County Council to grant subject to conditions a permission to Marchford Limited care of P. Herr and Associates of Block 4, Third Floor, Quayside Business Park, Mill Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning Permission is sought for a third and fourth floor extension to the front of Lawlors Hotel facing Poplar Square which shall comprise of the following works: (A) a proposed goods lift on the southern elevation which will serve the basement floor and four floors above, (B) construction of a 35 square metres lobby on the existing first floor and second floor to accommodate the proposed goods lift, (C) construction of a 35 square metres corridor and staff locker room on the existing third floor, (D) modifications to existing bedroom number 303 on the third floor to accommodate proposed corridor which leads to proposed third floor extension on the west elevation. This third floor extension will comprise of three number bedrooms (total 117 square metres) and a proposed roof terrace which connects to existing bedrooms numbers 301, 302 and 303, (E) three number

new fire escape stairwells serving the proposed third and fourth floor with connection to existing fire escape stair cores and one number new stairwell accessing third and fourth floor, (F) construction of fourth floor extension on the west elevation to include conference room/dining room, restaurant with roof terrace which is north, south and west facing, a kitchen, seating/waiting area, toilet facilities and a connection to the proposed hotel extension granted under planning permission register reference number PL16/624 and (G) and all ancillary works. All goods deliveries will continue at the delivery yard at Friary Road/Poplar Square and the existing Lawlor's Hotel entrance of frontage at Poplar Square will remain unchanged. All at Lawlor's Hotel, Poplar Square and Gort na Greine, Gleann na Greinne, Naas, County Kildare.

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 location of the site within 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, 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 would not seriously injure the residential or visual amenities of the area, would respect the existing character of the Architectural Conservation Area within which it is located, would not directly or indirectly impact on any Protected Structure, 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 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 21st day of November 2018, 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. No additional development shall take place at the new fourth floor level, or above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment.

Reason: To protect the residential amenities of property in the vicinity, and the visual amenities of the area, particular regard being had to location of the site within an Architectural Conservation Area and to the roofline height of the proposed development.

3. The proposed restaurant and associated bar facilities shall not be used as a function room/conference room, or dance area without a prior grant of planning permission.

Reason: In the interest of residential amenity and orderly development.

4. Arrangements for air handling for the proposed kitchen and restaurant area shall be submitted for the written agreement of the planning authority prior to commencement of development dealing particularly with extraction from the proposed kitchen area.

Reason: In the interest of public health and residential amenity.

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. In particular, the off-white 'Kingspan' roof panels proposed, shall be replaced with grey-coloured panels.

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 applicant or developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of this development.

Reason: In the interest of public health and orderly development.

8. 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 Gréine,
- (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, and
- (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.

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.

9. 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.

10. 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.

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 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 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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual amenity.

13. 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 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.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided (not to include payment towards car parking shortfall) 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

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

Dated this day of 2019.