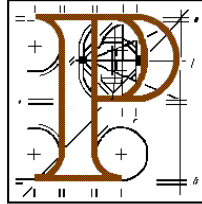


An Bord Pleanála



Inspector's Report

PL.09.245469.

DEVELOPMENT:-

Retention of modifications to internal layout, change of use from retail to hotel breakfast room and bar and all ancillary site works at Lawlor's Hotel, Poplar Square, Naas, Co. Kildare.

PLANNING APPLICATION

Planning Authority: Kildare County Council
Planning Authority Reg. No: 15/38.
Applicant: Marchford Limited.
Application Type: Permission.
Planning Authority Decision: Permission with conditions.

APPEAL

Appellant: Marchford Limited.
Type of Appeal: First Party.
Observers: None

DATE OF SITE INSPECTION: 23rd November 2015.

Inspector: Derek Daly

1.0 SITE LOCATION AND DESCRIPTION.

The site is located in the town of Naas County Kildare and is located at Poplar Square at the northeastern end of the main street running through the centre of the town. The site is that of Lawlor's Hotel, a two, three and four storey over basement predominantly 20th century development in two separate blocks.

The site has a stated area of 0.3 hectares.

2.0 PROPOSED DEVELOPMENT.

The proposed development as submitted to the planning authority on the 26th of January 2015 was for the retention of modifications to

- Kitchen layout at basement and ground floor level, toilet facilities on the ground floor, extension to function room, conservatory and smoking area at ground floor level and courtyard re-arrangement to accommodate these.
- Modifications to stairwell block in courtyard at all levels.
- Modifications and change of use from retail to hotel breakfast room and bar on the ground floor.
- Modifications to internal layout of dining room/function room areas on first and second floor level to create 18 en-suite bedrooms,
- Internal modification to roof area at second floor level to accommodate an additional bedroom suite and
- all ancillary site works at

it is indicated that the gross floor space of existing buildings on the site is 6,456.7m² and the application relates to a gross floor area of 2,006.3m². The additional 18 bedrooms are located within an area of the hotel where there was previously permitted night club area. A report in support of the application was submitted outlining the history of the site and the reasons for the modifications.

Further information was submitted on the 21st of July 2015 drainage details in particular to grease separation and in relation to visual impact of the development.

3.0 PLANNING HISTORY.

The site has a planning history.

ABP Rf. No. PL.09.243440 / P.A. Ref. No. 14/500023.

Retention of the change of use from offices to bedrooms, modifications to elevations, construction of link corridor and all ancillary works Permission refused for the demolition of an existing single storey extension to the rear of

existing cottage, the sub-division of a site; the construction of a new bungalow and a revised entrance. The appeal related to conditions applied in relation to the development contribution scheme.

P.A. Ref. No. 06/500034.

Permission granted for change of use at ground floor from retail to use as a bank (Class 2 office use) totally 1654 square metres gross; ATM; externally trough lit fascia sign (c.99 square metres) and a new double sided externally illuminated projecting sign (c.0.325 square metres).

P.A. Ref. No. 05/500023.

Permission granted for the retention and completion of the basement, permission sought for modifications and alterations to existing grant of permissions Ref. No. (5)143/98 and 03/500065.

P.A. Ref. No. 98/500143.

Permission granted for part demolition, alteration and extension to Lawlor's of Naas and adjoining properties to provide the following: A. Demolition of buildings to rear of existing Lawlor's Restaurant/Bar, Development refurbishment and alterations etc."

4.0 PLANNING AUTHORITY REPORTS.

The environment report dated the 24th of February 2015 requested further information.

The conservation officer report dated the 9th of March 2015 requested a visual impact statement.

The transportation department report dated the 4th of March 2015 indicates no objection to the details submitted.

The planning report dated the 16th of March 2015 refers to the planning history; provisions of the development plan in particular the site's zoning of town centre. Further information was recommended.

The planning report dated the 13th of August 2015 recommended planning permission. A schedule of development contributions was included with the report.

5.0 PLANNING AUTHORITY'S DECISION.

The Planning Authority decision was to grant planning permission subject to 13 conditions. Among the conditions of note,

- Condition no 3 relates to advertising signs/structures.
- Condition no. 13 relates to a payment of €108,962.15 in accordance with the development contribution scheme.

6.0 APPEAL SUBMISSIONS.

6.1 FIRST PARTY APPEAL.

The appellant in the grounds of appeal states,

- The appeal in relation to condition no.13.
- Condition 13 requires the payment of €108,962.15.
- The appellant considers the development levies imposed are excessive.

7.0 RESPONSES TO GROUNDS OF APPEAL.

7.1 PLANNING AUTHORITY RESPONSE.

The planning authority in a response dated the 9th of October 2015 indicate

- The floor area of the development as specified by the applicant and verified by the planning authority is 2,006.3m².
- The levy was applied using the floor area stated and applying the rate for commercial development €53.31 per m².
- The file has been reviewed on receipt of the appeal and in relation to the various aspects of the development applied for;
- Retention of modifications to kitchen layout at basement and ground floor level no extended floor area arises,
- Toilet facilities on the ground floor no extended floor area arises,
- Extension to function room, conservatory and smoking area at ground floor level an extension of 105.5m² arises,
- Modifications and change of use from retail to hotel breakfast room and bar on the ground floor no extended floor area arises.
- Extension of room 115 into the balcony an extension of 5.97m² arises.
- Conversion from attic space and stairwell on the second floor into living area/bedroom an extension of 76.72m² arises.
- The total extended floor area as therefore calculated is 188.19m².
- Having consideration of the above the contribution were incorrectly applied and applying the commercial rate band less water the rate applied is €43.46 per m² and the contribution to be applied is €8,178.73.

8.0 POLICY.

- 8.1 The relevant plan is the Naas Town Plan 2011-2017.
- 8.2 In the plan the site is located within an area zoned A Town Centre. The site is also within an Architectural Conservation Area.
- 8.3 The current Development Contribution Scheme 2011-2018 for the Town of Naas was adopted in September 2011. Section 11 outlines the level of General Contributions for Naas Town Council with the amount levied based on the use and also in relation to commercial development the floor area of development with three bands.

Section 12 refers to change of use/modification/retention. In relation to modification and retention it is indicated that contributions will not be applied where a valid application is received for retention of minor alterations as determined by the Planning Authority and where there is no increase in floor area and where contributions have been paid in full will have contributions applied to the extended floor area only. Section 13 provides for indexation.

Revised rates were applied in September 2013 in accordance with indexation. The three bands are retained in relation to floor area in relation to commercial development and also retail development including retail warehousing.

9.0 ASSESSMENT.

- 9.1 This appeal relates to an appeal against condition no.13 of the planning authority's decision to grant planning permission. The condition required a payment of €108,962.15 in accordance with the development contribution scheme.

The appellant considered this levy to be excessive and did not offer any breakdown in relation to why it was considered excessive.

In a response to the appeal the planning authority did a reassessment of the development and the details are outlined in section 7.1 of this report indicating the basis of the initial calculation and a review in relation to the various aspects of the development applied for. Arising from the review the total extended floor area was calculated as 188.19m². It was considered that the contribution was incorrectly applied and applying the commercial rate band less water €43.46 per m² the contribution to be applied is €8,178.73.

The relevant development contribution scheme for the town of Nass was adopted in 2011 and reviewed in 2013. In relation to assessing contributions the rate applies varies depending on the floor area of the development and is also related to areas not previously levied and to extended areas as outlined in section 12 of the scheme. With the extended floor area now considered to

be 188.19m² the calculation would be assessed at a lower band than the original calculation based on a floor area of 2,006.3m².

From an examination of the drawings and the application of the current indexed Development Contribution Scheme in September 2013 the contribution of €8,178.73 as outlined by the planning authority in their response to the appeal is I consider a reasonable application of the currently adopted scheme.

The appeal can I consider be addressed under section 139.

10.0 CONCLUSION AND RECOMMENDATION.

Having considers the issues arising I would therefore recommend that condition no. 13 permission be amended to €8,178.73.

REASONS AND CONSIDERATIONS.

In relation to condition number 13, the Board having had regard to the adopted Development Contribution Scheme for the town of Naas 2011-2018 and as amended with revised rates which were applied in September 2013, to the submissions received including the planning authority's response to the grounds of appeal has concluded that the levy in condition no. 13 be amended and that the amount stated in condition no. 13 be amended to €8,178.73.

Derek Daly

Senior Planning Inspector.

1st December 2015.