



An
Bord
Pleanála

Inspector's Report PL09.248186

Development

Retention of hotel courtyard suite, demolition of house and shed and store, and construction of hotel extension.

Location

Lawlor's Hotel, Poplar Square, Naas, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

16/624

Applicant

Marchford Ltd.

Type of Application

Retention permission and Permission

Planning Authority Decision

Grant permission w. conditions.

Type of Appeal

Third party and First Party

Appellants

Residents of Gleann na Greine,
Sean English and Marian Naughton
English,
Niall Meagher,
Catherine Boonstra, Geert Boonstra
and Kevin Boonstra,

	<p>Congregation of Christian Brothers, Breifne and Jim Conroy, Martin Murray, Marchford Ltd.</p>
Observer(s)	<p>Deputy James Lawless, Rathasker Stud, Sabina Kelly, Emerald Bloodstock, Irish Thoroughbred Marketing, Sherry Fitzgerald O'Reilly, Goffs, Deputy Catherine Murphy, Irish Thoroughbred Breeders Association, Whelan's Menswear and Business Owners, Alice Fennelly, County Kildare Chamber, Michael Leonard of Naas Court Hotel, L and K Dunne Nurseries Ltd., Fergal Dunne of Haydens Bar, The Buggy Man Ltd., Maudlins House Hotel, Punchestown Racecourse, Tim Grace of Grace's Pub, Naas Racecourse, Queally Group, Quinn's of Baltinglass Ltd., Boran Packaging, Flodan Property Partnership, Deputy Frank O'Rourke, Abrakebabra Ltd., Millennium Park, Goulding's Hardware Ltd., Paul O'Sullivan, Paul McLoughlin, Irish Hotels Federation, Jack Tierney, Richard Nugent, Ger Roche, Deputy Fiona O'Loughlin.</p>
Date of Site Inspection	1 st June 2017
Inspector	Ciara Kellett

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	6
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	8
3.3. Prescribed Bodies	12
3.4. Third Party Observations	12
4.0 Planning History.....	13
5.0 Policy Context.....	15
5.1. Naas Town Plan 2011 – 2017	15
5.2. Kildare County Development Plan 2017 - 2023	18
5.3. Development Contribution Scheme 2015 – 2022.....	20
5.4. Natural Heritage Designations	21
6.0 The Appeal	21
6.1. Grounds of Third Party Appeal.....	21
6.2. First Party Appeal.....	25
6.3. Planning Authority Response	25
6.4. Observations.....	26
6.5. Further Responses.....	27
7.0 Assessment.....	29
7.1. Third Party Appeals.....	29
7.2. Requirement for an Environmental Impact Assessment	42
7.3. Impact on setting of Protected Structures in the vicinity and on Naas Town Architectural Conservation Area (ACA)	30

7.4. Residential Amenities – overlooking, loss of privacy, overshadowing, noise and dust, odour, light pollution, security.....	32
7.5. Visual Impact.....	36
7.6. Traffic, parking and pedestrian safety	37
7.7. Flood Risk	39
7.8. Construction impacts, works to boundary wall and use of lane beside no.6 Gleann na Greine.	40
7.9. Ecological Impacts	41
7.10. Precedent Cases	42
7.11. First Party Appeal	46
7.12. Appropriate Assessment.....	47
8.0 Recommendation.....	48
9.0 Reasons and Considerations.....	48
10.0 Conditions	48

1.0 Site Location and Description

- 1.1. The appeal site is Lawlor's Hotel which is located in the town centre of Naas, Co. Kildare. It is located just north-east of the junction of the Sallins Road (R407) with the Dublin Road (R445) on Poplar Square. It is located within Naas Town Architectural Conservation Area (ACA).
- 1.2. Lawlor's Hotel faces Poplar Square and Dublin Road. The hotel has existed since 1913 and comprises 60 bedrooms, conference/meeting rooms and dining areas over 3 storeys and a basement. A laneway to the south of the hotel provides access for deliveries etc. The hotel is bounded by neighbouring buildings on both sides facing Poplar Square which form part of the hotel – only the facades of the buildings remain unchanged following significant re-modelling in 2006. Retail units on the opposite side of the access lane are also part of the hotel and are linked at first floor with a link-bridge.
- 1.3. The site of the proposed extension is located to the rear (east) of the hotel and is a site of 0.49Ha. The site was owned by members of the Lawlor family originally. It currently comprises a vacant large red bricked Victorian style dwelling of 330sq.m, as well as various sheds and tennis courts, with an extensive rear garden. The house which is located in the north-west corner of the site was built around 1903 and has been extended over the years. The house is known as "Gortnagrena" and shares a boundary wall with the rear of the hotel. A small opening in the wall existed between both properties.
- 1.4. The site of the proposed hotel extension is bounded by a cul-de-sac road known as Gleann na Greine to the north and east. A number of dwellings are accessed from this cul-de-sac. The majority of the appellants reside in dwellings along Gleann na Greine. To the south of the site lies St. Patrick's Monastery. This is home to Christian Brothers who have also appealed the decision of the Council.
- 1.5. A stone wall bounds Gortnagrena with Gleann na Greine as well as plenty of well-established mature trees. The Victorian house is not listed on the Record of Protected Structures (RPS), nor is it identified on the National Inventory of Architectural Heritage (NIAH) register. Butt Mullins restaurant lies to the north of the existing hotel facing Dublin Road. It contains part of the old Naas town wall which is on the RPS Ref. NS19-017.

1.6. Appendix A includes maps and photographs.

2.0 Proposed Development

- 2.1. The planning application is for retention of a single storey courtyard suite (c.80.7sq.m) to the rear of the hotel, within the existing footprint. Permission is also sought for an extension of the hotel into the Gortnagrena site to the east.
- 2.2. The extension works include the demolition of the existing house and sheds, and part of the wall to the north of the site bounding Gleann na Greine, as well as an external store located in the delivery lane of the existing hotel footprint.
- 2.3. Prior to the Further Information request, it was proposed to build a part single, three, four and five storey over basement hotel with connections to the existing hotel, c. 11,520 sq.m in total. The basement provided for 140 new car parking spaces. A new entrance to the basement car park, set down and entrance plaza at ground floor will be formed off Gleann na Greine cul-de-sac. A lobby, reception, lounge, bars, conference/function rooms, breakfast room, garden room, kitchen, service areas, as well as a link to the existing hotel will be formed at ground level, leading out to a landscaped garden area to the east. 80 no. hotel bedrooms will be spread across first, second and third floor levels with links to the existing hotel at first and second floor. A new "Sky" restaurant with a bar and kitchen will form the fourth floor. Alterations to the delivery yard, including a new ramp to the basement car park, are also proposed.
- 2.4. Following the Further Information request and Clarification of Further Information by the Council, the proposal was amended. The overall area was reduced to c.10,790sq.m. The fourth floor "Sky" restaurant was omitted and the number of Hotel Bedrooms was reduced to 72 at first, second and third floor. Windows were angled or replaced with high level windows to reduce potential for overlooking. Each floor was stepped back away from the boundary with St. Patrick's Monastery. The plant room is now proposed at fourth floor. The entrance off Gleann na Greine includes the removal of 45m of the boundary wall to provide for emergency access (previously 35m). The car park numbers are reduced to 111. The external walkways around the garden area have been removed. The overall number of bedrooms will be 132 with a total hotel floor area of 17,567sq.m.

2.5. The application is supported by a significant number of documents including: A Planning Report; A report on the Architectural and Historic Significance of Gortnagrena; An Outline Conservation Specification Report for the restoration of the stone boundary wall; A Preliminary Structural and Fire Design Report; A report on Archaeological Investigations and Impact Assessment; An Ecology Report; A Bat Survey; A Construction and Environmental Management Plan; Appropriate Assessment Screening Report; Tree Survey Report; Screening for EIA; Traffic and Transport Assessment Report; Drainage Design Calculations; Site Flood Risk Assessment; Photomontages; and, an Architectural Design Statement.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to **grant permission** subject to 49 conditions.

Conditions of note include:

- Condition no.3 restricts access from double doors leading from the breakfast rooms to the south, to emergency use only.
- Condition no.5 modifies the material finishes on the eastern elevation.
- Condition no's. 12, 13 and 14 refer to works to be carried out by the developer on Gleann na Greine Road.
- Condition no.34 states that a full archaeological excavation shall be carried out.
- Condition no.40 requires the applicant to ensure that sufficient protective measures are put in place during construction, to ensure the stability of the boundary wall proposed to be retained.
- A Development Levy of €647,320 is the contribution under Section 48.

The applicant is appealing condition no.11. In full, it states:

The car parking requirement for the proposed development calculated in accordance with the Naas Town Development Plan (2011 – 2017) is 217

spaces. The number of car parking spaces provided on site is 111. Therefore, there is a shortfall of 116 spaces.

The applicant has indicated that there is an informal agreement with Naas Town Centre regarding the provision of car parking spaces for the hotel. The applicant shall submit to the Planning Authority, a written formal agreement for this arrangement.

In the event that a written agreement cannot be provided the applicant shall pay a levy of €580,000 for the shortfall in car parking of 116 no. spaces (116 x €5,000 per space).

Reason: *In the interest of traffic safety.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. The application was subject to a request for Further Information and Clarification of Further Information. Therefore, there are a number of planning and technical reports on file. They can be summarised as follows:

First Planning Report

- Notes the site is in, and zoned 'Town Centre', and that the new site now forms part of a landholding which contains an existing hotel and commercial enterprise.
- Considers that a reasonable balance will have to be achieved between the requirements of the applicant, the town centre location of the site, the concerns of local residents, and the requirements of the Development Plan and technical departments.
- Considers the retention aspect of the proposal acceptable.
- Notes the demolition of the house and wall would appear to be of concern locally – house is not listed as a Protected Structure. Notes Conservation Officer has expressed concerns. Refers to the fact that the Council appointed John Cronin and Associates to appraise a number of protected structures/

proposed protected structures as part of the review of the County Development Plan, including Gortnagrena. Consultants concluded that the building is “*at most little more than of local significance*” and “*should not be added to the RPS*”.

- Notes concerns in submissions in relation to traffic and impacts, as well as by the Transport Department which need to be addressed.
- Considers main concern is how the proposal appears to adjacent/adjoining landowners.
- Notes a number of bedrooms on first and second floor face south towards St. Patrick’s Monastery, and considers proposals to shield views to be of concern.
- Notes that appearance of the structure (scale and bulk) will be significant, particularly when viewed from the adjoining neighbours. Considers applicant should be asked to address this.
- Notes a number of departments are seeking Further Information including the Conservation and Heritage officer particularly on the demolition of the house, and the impact of the proposal on the Naas town ACA.
- Recommends Further Information is sought on 54 items, including: applicant requested to review the proposal to address the visual impact and to have regard to the ACA; proposals to minimise overlooking of adjoining properties are considered inadequate; a reduced scale proposal would be considered more appropriate; concern that the proposed skyline massing would appear to negatively impact on adjacent Protected Structures (The Monastery, The Station Master’s House, Store House); revise landscaping; provide summer Bat Survey; revise car park requirements in accordance with the Development Plan; review the TIA; submit a letter of agreement with the owners of the Naas multi-storey car park; additional drawings; and, water service queries.
- The applicant responded on 23rd November 2016 and highlighted the omission of the “Sky” restaurant, omission of 10 bedrooms at first and second floors, emergency access at Gleann na Greine, modifications to basement and landscape plan.

- New Site Notices were published.

Second Planning Report

- Notes further submissions were received.
- Notes that the hotel will now comprise 132 no. bedrooms and a total floor area of 17,567sq.m.
- References the number of streetscape drawings which were submitted – notes that the view from Dublin Road does not appear to show a significant difference, but considers that most of the changes are on the southern end of the scheme.
- Considers that the applicant has made a reasonable case for the proposal and that the 3D images show that the proposal will not be significantly visible from a number of town centre locations, however, acknowledges that it will be a significant intervention when viewed from adjacent properties – most significant from properties on Gleann na Greine and St. Patrick's Monastery.
- Notes that the increase in separation distances at above ground floor level, coupled with the provision of angled windows, and high level windows will serve to reduce the potential for direct overlooking
- Having regard to the original shadow studies and the reductions proposed, considers that the proposal is unlikely to result in significant overshadowing.
- Notes Conservation Officer continues to have concerns due to the loss of the dwelling, but notes that it has not been recommended for addition to the RPS, and considers changes proposed have served to reduce the impact on the ACA. Notes that the closest Protected Structure to the site is the section of the Naas town wall to the western boundary of the site, in Butt Mullins restaurant, which is being left undisturbed.
- Notes that visually the development will be locally significant, but having regard to the Town Centre location and the established hotel use on the site and surrounding commercial development, a certain level of visual disturbance is to be expected for its proposed purpose.

- Notes the Transport section, Water services and Chief Fire Officer have queries to be addressed by way of Clarification of Further Information.
- Considers the applicant has made a reasonable case for the revised proposal in the context of the town centre location, but requests Clarification of Further Information on a number of technical grounds, as well as requiring photomontages from dwellings which were not accessible to the applicant at Further Information stage.
- The applicant responded and made further modifications to the first and second floor plans and elevations, and enclosed Proposed Views taken from a dwelling in Gleann na Greine. The technical responses were also included.

Third Planning Report

- Notes that while the issues of overlooking have been addressed the central issue is considered to be visual. The 3D image from No.6 Gleann na Greine is referenced.
- The visual impact of the proposal is considered to be localised, mitigated and generally acceptable.
- Considers that the zinc/metal cladding should be replaced with a softer palette.
- Concludes that the visual impact and appearance of the structure will be felt most acutely in a small localised area, but considers that the development in general provides for the development of the town centre, a broad range of compatible uses, a dynamic, vibrant, pedestrian focussed development, a strong urban design, regeneration of backland and a variety of compatible uses appropriate for daytime and evening uses, and recommends a grant of permission subject to conditions.

The decision was in accordance with the Planner's recommendations.

3.2.2. Other Technical Reports

- **Area Engineer:** No objections subject to conditions.
- **Environment:** No objections subject to conditions.
- **Water Services:** No objections subject to conditions.

- **Transportation:** No objections subject to conditions.
- **National Roads Design Office:** No objection
- **Conservation Officer:** Considers Gortnagrena House merits inclusion on the RPS and references a similar house Ref. NS19-100 on list. Considers that the applicant should retain and reuse Gortnagrena. Following response to Further Information, notes that no building on the RPS will be physically affected, and that the proposal is reduced in height, however, considers that part of the boundary wall is not being kept intact. Considers that there will be negative visual impact on the curtilage, attendant ground and setting of the Monastery (RPS Ref. NS 19-021).
- **Heritage Officer:** No objections subject to conditions.
- **Environmental Health Officer:** No objections
- **Chief Fire Officer:** No objections.

3.3. Prescribed Bodies

- **Irish Water:** No objections subject to conditions.
- **An Taisce:** Refers to buildings in proximity listed on the NIAH and notes subject site is in the Naas Town ACA. States that the Council should ensure that the proposed development should not detract from the amenity value of the site and that it adheres to policy ACA2.
- **TII:** No objections.
- **Development Applications Unit:** Recommends Conditions
- **Heritage Council:** No comments on FI/CFI.

3.4. Third Party Observations

A number of third party submissions were made by residents of Gleann na Greine, both as a group and a number individually, the Congregation of Christian Brothers, the owner of Butt Mullins Restaurant, resident on Friary Road, resident on Dublin Road, and a local Councillor. The issues raised are similar to those of the appeal and will be dealt with in detail in Section 6 below.

4.0 Planning History

There have been a number of planning applications associated with the site:

- **Reg. Ref. 15/38:** Retention Permission granted in January 2016 for modifications to the kitchen layout, toilet facilities, extension to function room, conservatory, smoking area, stairwell in courtyard, change of use from retail space to hotel breakfast room and bar at ground floor, modifications to the internal layout of dining room/function room to provide for 18 no. ensuite bedrooms and ancillary works.
 - The financial levy was appealed ABP Ref. PL09.245469
- **Reg. Ref. 14-500023:** Retention Permission granted in September 2014 for a change of use from offices to 7 no. hotel bedrooms, retention of second floor within attic space containing 5 no. additional bedrooms, Construction of Link Corridor, modifications to bedroom on first floor, modifications to elevations and ancillary works.
 - The financial levy was appealed ABP Ref. PL09.243440
- **Reg. Ref. 05-500023:** Permission granted in October 2005 for retention and completion of the basement, permission sought for modification and alterations to previously granted permissions consisting of minor internal alterations and provisions of a central staircase, optional sub-division to retail units at ground floor and first floor own door office, relocation of approved dance floor/function room, retention of basement extension, revised bedroom layout to include 9 no. bedrooms at first floor, 8 no. at second floor and construction of a third floor for 11 no. bedrooms and ancillary works.
- **Reg. Ref. 03-500065:** Permission granted in April 2004 for part retention, demolition and alterations to existing two storey buildings and 2 and 3 storey plus basement extension and change of use of existing hotel (Protected Structure) and adjoining properties to provide retention of original Lawlor's façade (Development Plan Item IP46), demolition of 3 no. non-habitable former residential properties adjoining Lawlor's Hotel, retention of street facades of 2 adjoining Edwardian Houses and construction of 4 retail units at ground floor and 5 first floor own door office units, demolition of function room,

reinstatement of dance floor, construction of 5 ground floor, 18 first floor and 10 second floor hotel bedrooms and external works and services. This application was for alterations to the previously approved Reg. Ref. 98-5000143.

- **Reg. Ref. 98-5000143:** Permission granted in March 2002 for alterations, part demolition and change of use to Lawlor's Hotel and adjoining properties to provide for demolition of hotel function room and reinstatement of dance floor at first floor, reconstruction of ground and basement lounge bar, 17 new bedrooms at first and second floors, demolition of 3 no. existing residential properties and construction of 3 no. retail units at ground floor and 10 no. own door office units at first floor, minor amendments to listed façade and associated off street parking.

In the vicinity:

- **ABP Ref. 232163, KCC Reg. Ref. 07500204:** Permission refused by the Board in June 2009 for the demolition of No.1 Gleann na Greine and construction of a new house, having regard to the restricted site, its proximity to and relationship with the adjoining terrace of five protected structures, it is considered that the proposal failed to integrate adequately with and respect the setting of the group of adjoining protected structures.
- **ABP Ref. 216261, KCC Reg. Ref. 04500181:** Permission refused by the Council and the Board in September 2006 for the demolition of the two storey shop units and construction of a three storey mixed use development, adjacent, but not part of, the hotel to the north. The Board refused the development on the basis that the loss of an existing group of buildings considered an important part of the streetscape within the ACA would seriously injure the visual amenities of the area, and it was considered that the proposed three storey development by reason of its design and scale would constitute an uncharacteristic and visually obtrusive development in the streetscape.

5.0 Policy Context

The new Kildare County Development Plan 2017 – 2023 was adopted in March 2017. This Development Plan incorporates the area formerly within the administrative area of Naas Town Council. The County Development Plan will replace the Naas Town Development Plan and a Local Area Plan will be prepared for Naas. The Naas Town Plan 2011 – 2017 will be reviewed herein, as well as the County Development Plan.

5.1. Naas Town Plan 2011 – 2017

Chapter 5 refers to the Town Centre, Chapter 7 to Movement and Transport, Chapter 11 to Architectural, Archaeological, Natural Heritage and Biodiversity, Chapter 13 to Development Management and Chapter 14 to Land Use Zoning.

Chapter 5 states that the Plan aims to: *Support, protect and reinforce the role of Naas Town Centre as the primary retailing and service area of Naas through the consolidation and expansion of the town centre, to facilitate the provision of a high level and broad range of uses, to facilitate high quality urban design.....*

Policies include:

TC1:

To promote the vitality and viability of the town centre area so that it becomes a high quality environment for shopping, working and visiting.

TC9:

To encourage a greater usage of backland areas and to promote the re-development of brownfield sites in the town centre area where new development will positively contribute to the commercial vitality of the town centre.

TC10:

To promote the re-utilisation and revitalisation of derelict or obsolete structures in the town centre and encourage the renewal/repair and maintenance of structures on the Council's Derelict Sites Register.

Map 5.1 identifies the site as being in the Town Centre.

Section 7.6 of Chapter 7 refers to Traffic and Parking and states that the Council's aim is *To promote off street parking as opposed to on street parking.*

Section 11.4.3 of Chapter 11 refers to the Naas ACA and states:

In assessing future development proposals within the ACA, the Council will have regard to the following factors:

- *Impact of proposed development on the immediate environs of the streetscape in terms of compatibility of character, design, and finishes, massing of built form and intensity of site use;*
- *Impact of proposed development on the existing amenities, character and heritage of the area;*
- *Likely impact of the proposed use on the character of the area.*

Policy **ATH1** states:

To conserve and protect the town's built environment and heritage in terms of streetscapes, individual buildings and features of historical, architectural, artistic, cultural, scientific, social and technical interest using the powers vested in it by the Planning and Development Acts 2000-2010.

ATH12:

To ensure that any development, modifications, alterations, or extensions within an Architectural Conservation Area are sited and designed appropriately, and are not detrimental to the character of the structure or to its setting or the general character of the ACA.

ATH14:

To protect and conserve important heritage items such as historic gardens, stone walls, bridges, street furniture, post boxes and other significant historic features of interest.

The site is partially located in the Naas Zone of Archaeological Potential. Policy **ALH2** states:

To ensure full consideration is given to the protection of archaeological heritage when undertaking or authorising development in order to avoid

unnecessary conflict between development and the protection of the archaeological heritage.

The Naas Town Plan includes a Record of Protected Structures in the town centre which is repeated in the County Development Plan. In the vicinity of the subject site there are the following Protected Structures:

- **NS018** – Hayden’s Public House, 6 Poplar Square – Terraced three-bay two storey house c.1830
- **NS192** – McMahan’s Solicitors, Poplar Square – Terraced two-bay two storey house c.1870.
- **NS043** – St. Anne’s, Poplar Square – Detached three-bay single storey house with half dormer attic c.1912.
- **NS044** – Station Master’s House, Gleann na Greine – Detached three-bay two storey station masters house c.1850.
- **NS017** – Butt Mullins Restaurant, Poplar Square – c.12m long section of town wall dating to medieval period now forming part of the party wall between Butt Mullins and adjacent property to the south.
- **NS021** – St. Patrick’s Monastery, Friary Road – Six-bay two storey religious house c.1900.

Chapter 13 refers to Development Standards. Table 13.1 notes that Plot Ratio of 1.0-2.0 is appropriate for Town Centre/Brownfield locations. Section 13.6.6 refers to Car Parking. It states: *Car parking provision shall normally be provided within the curtilage of the development site. Where, in the opinion of the Council, it would be impracticable for individual developers to provide for on-site parking, a development/financial contribution will be required in accordance with the Development Contribution Scheme.* Table 13.8 requires 1 car park space per bedroom in hotels excluding function rooms.

Table 14.2 of Chapter 14 refers to Land Use Zoning. The site is in the Town Centre Zoning which states:

To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses. The purpose of

this zoning is to protect and enhance the special character of Naas town centre and to provide for and improve retailing, residential, commercial, cultural and other uses appropriate to the centre of Naas. This zoning provides for the comprehensive development of the town centre, allowing for a broad range of compatible and complementary uses which will be encouraged to locate in this area and contribute to a dynamic, vibrant and pedestrian focused town core. A strong urban design approach will be required in all aspects of development in this area. The Council will encourage the appropriate re-use and regeneration of buildings, backlands and derelict/obsolete land. A variety of compatible uses appropriate for daytime and evening use will be promoted in the town centre. Innovative design approaches will be welcomed in the area, particularly with regard to residential development. Warehousing and other industrial uses will not be permitted in the town centre.

5.2. Kildare County Development Plan 2017 - 2023

Chapter 2 refers to Core Strategy, Chapter 3 refers to settlement strategy, Chapter 5 refers to Economic Development, Enterprise and Tourism, Chapter 12 to Architectural and Archaeological Heritage, Chapter 17 to Development Management Standards

Chapter 2 recognises that Naas is a Large Growth Town I. Large Growth Town II in Kildare include Newbridge, Maynooth and Leixlip (inc. Collinstown).

Section 3.4.1 of Chapter 3 states with respect to Large Growth Towns:

Large Growth Towns I (potential population of up to 50,000) and Large Growth Towns II (15,000-30,000) are designated to act as important self-sustaining regional economic drivers, accommodating significant new investment in transport, housing, economic and commercial activity, while capitalising on international connectivity and high quality connections to Dublin City Centre. They also have a key role in supporting and servicing a wider local economy.

Chapter 5 considers Tourism and notes Kildare's close proximity to Dublin offers significant opportunities to expand the existing tourism offer and brand for the county. The Plan includes policies to support tourism in the County including:

ECD 29:

Direct tourism based development where appropriate, into existing settlements where there is adequate infrastructure to service activity and where it can contribute to the maintenance of essential services.

And **ECD 33:**

Facilitate the development of tourism infrastructure such as accommodation, restaurants, car and coach parking and toilet facilities in the designated hubs throughout the county.

Chapter 12 notes that the urban and rural areas of County Kildare contain a wealth of architectural and archaeological heritage.

Policy **PS8** states:

To encourage high quality design in relation to planning applications that are made for the construction of extensions or new buildings affecting protected structures or older buildings of architectural merit not included in the RPS.

With respect to ACA's, the Plan states: 'New development within these areas will only be granted planning permission if it can be demonstrated that it will not harm the character or appearance of the area'.

ACA2 states:

To ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately, and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.

Chapter 17 refers to Development Standards and section 17.7.6 refers to car parking. It is noted that 'The provision should be based on the extent to which the development is likely to generate demand for additional parking spaces' and 'Other than 'Residential', parking standards are maximum standards'.

It is further stated that *'Lower rates of parking may be appropriate at certain sites. In determining this, the Council will have regard to:*

- *The proximity of the site to public transport.*
- *The proximity of the site to the town centre and services that fulfil day-to-day needs.*
- *The potential for linked trips (where multiple needs are fulfilled in one journey).*
- *The nature of the uses of the site and likely durations of stays.*
- *The nature of surrounding uses and potential for dual use of parking spaces depending on peak hours of demand.*
- *Proximity to public car-parking areas.'*

Table 17.9 provides for car parking standards. Similar to the Naas Town Plan, 1 space per bedroom is required. A Lounge Bar requires 1 per 15sq.m gross floor area, Restaurant/Café 1 per 10sq.m and a function room/club 1 per 10sq.m.

Section 17.15.3 considers development within view of the curtilage, attendant grounds and/or demesne of Protected Structures. Section 17.15.4 refers to Development in ACA's. It is stated that the Council will have regard to *'The impact of development on the immediate streetscape in terms of design, scale, height, plot, width, roof treatment, materials, landscaping, mix and intensity of use proposed'*.

The Record of Protected Structures is included as Appendix 3 and includes the structures listed in the Naas Town Plan.

5.3. Development Contribution Scheme 2015 – 2022

Section 8 of the Development Contribution Scheme states that non-residential commercial development will be charged at a rate of €61.55 per square metre for developments over 3,000sq.m. Car parking shortfall is charged at €5,000 in all towns and settlements.

5.4. **Natural Heritage Designations**

There are no Natura 2000 sites located within or adjacent to the project site. Within 15km of the site there are 7 sites. They are:

Red Bog SAC (Site Code 000397) is located c.9km to the south-east, Poulaphouca Reservoir SPA (Site Code 004063) is c.10km to the south-east, Wicklow Mountains SAC (Site Code 002122) is c.13km to the south-east, Pollardstown Fen SAC (Site Code 000396) is located c.12km to the south-west, Mouds Bog SAC (Site Code 002331) is c. 9km to the west, Ballynafagh Lake SAC (Site Code 0001387) is located c.10km to the north-west, and Ballynafagh Bog SAC (Site Code 000391) is located c.11km to the north-west.

6.0 **The Appeal**

The application is subject to seven no. third party appeals, and one first party appeal against condition no.11. The third party appeals are from: 1) Residents of Gleann na Greine, 2) Catherine Boonstra, Geert Boonstra and Kevin Boonstra, 3) Sean English and Marian Naughton English, 4) Niall Meagher, 5) Congregation of Christian Brothers, 6) Breifne and Jim Conroy, and 7) Martin Murray.

The third party and first party appeals are summarised below. Appeal points that were in common amongst each appellant have not been repeated.

6.1. **Grounds of Third Party Appeal**

Residents of Gleann na Greine

The appeal in summary states:

- Zoning objective of the site has taken precedence over all other policies and objectives of the Naas Town Plan.
- Consider that the height, scale, mass and bulk of the proposed development has not been considered in relation to listed policies and objectives.
- Refer the Board to the recently adopted Kildare County Development Plan with reference to tall buildings in excess of five storeys or 15m in height, and

site coverage. Consider that the proposal materially contravenes these policies of the Plan.

- Consider that the Conservation Officer's Report has been ignored.
- Impact on Naas ACA: demolition of vernacular two-storey dwelling, felling of trees, excavation of the entire site, mass, scale and proximity of the new buildings to site boundaries, provisions of Architectural Heritage Protection Guidelines, Report of Conservation Officer dated 19th December 2016.
- Opportunity to redesign Gortnagrena and design a boutique hotel.
- Grave concern over construction and operational phases on residents in quiet cul-de-sac.
- Significantly overlooks dwellings to the north, east and south and will overshadow houses.
- Do not believe traffic impact has been adequately assessed: lane is not wide enough for two cars to pass, will add to tailbacks, and exacerbate parking issues.
- Proposal not screened for EIA.
- No construction bond or guarantee.
- Appendix ii of submission includes a complete inventory of Gleann na Greine, and Appendix iii commentary on the conditions imposed by the Council.

Catherine Boonstra, Geert Boonstra and Kevin Boonstra.

The appeal in summary states:

- Developer has already breached planning by starting development and residents have submitted unauthorised development forms to the Council.
- Terrace is directly in front of appellant's house and will be a source of noise pollution – French windows should not be allowed.
- Has potential to cause flooding.
- Developer never engaged with residents.

Sean English and Marian Naughton English.

A copy of the Unauthorised Development Complaint form and photographs accompany the appeal. The appeal in summary states:

- Serious negative impact on the nature of this small, historical and picturesque residential area.
- Disruption of day-to-day life and threat of property devaluation.
- Damage and destruction to the natural amenity and archaeology of the area.

Niall Meagher

The appeal in summary states:

- Proposal is poor in design, use, and understanding of its historical context.
- Overdevelopment of the site and 100% basement coverage will result in the loss of the wall with consequent impact on safety.
- Key view no.13 is clearly profound, negative and long term for existing residents.
- Materials proposed are low grade.

Congregation of Christian Brothers

Appeal submitted on behalf of the Christian Brothers states that they are not opposed to the principle of development but have concerns relating to scale, impact on residential amenity, and on integrity of monastery which is a Protected Structure.

The appeal in summary states:

- Concerns with overbearing design and loss of privacy. It will be over-scaled, bulky and intrusive mass sitting adjacent to the rear amenity space. There is a 1m change in level between the breakfast room and the Christian Brothers garden level.
- Extension will add additional function rooms and bars giving rise to security concerns.
- Concerns with light and noise pollution.

- Air quality – Basement Level vents on boundary with monastery. Concern with how boundary planting can be maintained with the basement level and vents.
- Lack of clarity as to how development interfaces at basement level with Christian Brothers site.

Breifne and Jim Conroy

The appeal in summary states:

- Visual Impact – No. 6 Gleann na Greine shares boundary wall – second floor level is almost 12m high – this element is just 11.5m from boundary of their home.
- Austere and overbearing industrial appearance/elevation to the east façade – inappropriate design response. Development is physically incongruous, constitutes overdevelopment of backlands, significant impact on amenities.
- Overshadowing/Proximity of works to boundary wall/Noise and Odour/Impact on privacy.
- Use of lane beside no.6 – do not want the lane used for deliveries, customer access, or construction access.
- Precedence – reference decisions PL06D.247083 – Former Kiely’s Pub development and PL58.211146 – West County Hotel in Ennis.

Martin Murray

The appeal in summary states:

- Development in an ACA – the permission renders the protections afforded by conservation status as irrelevant – development will truncate the ACA back to Poplar Square.
- It represents a significant financial investment and the developer will have to ‘sweat the asset’ – noise pollution will be rife, and there is no confidence that the hotel will be run within the Planning Laws.
- Basement car park will create significant car movements beside heavily pedestrianised areas. Inappropriate that the Planning Authority granted something that has less than 50% of its own parking needs.

- Queries need for the facility given its likely intrusion.

6.2. First Party Appeal

The First Party are appealing condition no.11 relating to car parking spaces. In summary the appeal states:

- Welcome approach of the Council recognising the position 'on the ground' whereby hotel visitors can avail of the Naas multi-storey car park.
- The applicant has no objection in principle to the payment of a reasonable financial contribution in lieu of written agreement.
- Considers Planning Authority failed to have regard to important factors in the assessment of car park demand regarding the purported 116 space shortfall.
- Reference made to County Development Plan, which states that the Council reserves the right to alter the requirements having regard to the circumstances of each particular development.
- Consider hotels involve overlapping of various uses – e.g. a conference delegate staying at the hotel needs only 1 parking space.
- Applicant references: Complementary use of parking spaces, particularly high proportion of staff and guests that use public transport (study of 90 staff indicate that 62% walk, cycle or use public transport), high level of public transport accessibility, policies to encourage sustainable travel, established town centre location – existing hotel operates with virtually no off-street parking, the Town Centre car park is on the opposite side of the Dublin Road, and the hotel is well served by on-street and off-street parking.
- Applicant provides three scenarios for the Board to consider.
- Conclude that the applicant intends to secure an agreement in writing with the Town Centre car park, however, in default of an agreement, consider the shortfall is overstated and request the Board to exercise planning judgement.

6.3. Planning Authority Response

The Planning Authority responded to the appeal. In summary, the response includes:

- Notes that Naas is designated as a Large Growth Town I – a key destination, economically active and supporting surrounding areas.
- Notes Naas is also identified as a Primary Economic Growth Town to be promoted for regional enterprise. In this regard, critical mass is a core objective for economies of scale to justify strategic infrastructure provision.
- The proposed hotel extension is considered to be generally appropriate for a Large Growth Town.
- The Planning Authority considers the principle of development is acceptable in proposed location.

Reports from Roads, Transportation & Public Safety Department and Water services enclosed.

Roads, Transportation & Public Safety state, in response to the First Party appeal, that they have taken into account the impact on existing car parking spaces at this location when large scale events would take place, such as weddings and conferences. A shortfall of spaces has been identified, and it is essential that the First Party provide written agreement with the Naas Town Centre multi -storey, otherwise a levy is to be paid as outlined in Condition no.11.

The Water Services respond to some points made by the Third Parties. References to flooding by third party – notes development was risk assessed. References Geotechnical Report submitted by applicant and two trial pits dug which did not record a water strike or elevated water tables. Recommends condition that development is completed in accordance with mitigation measures outlined in Flood Risk Assessment (Condition no.47).

6.4. **Observations**

The Board received a number of observations on the appeal as listed on the front of this Report. Of the 35 observers to the appeal, 34 were in support of the proposal citing benefits to Naas Town. One observer to the appeal was not in support of the proposal mainly based on the impact on the ACA.

6.5. Further Responses

The applicant was provided an opportunity to respond to the appellants and two documents were submitted. The first document responded to the appeal by the combined residents of Gleann na Greine. In summary it states:

- Application was assessed by the Planning Authority having regard to all the policies for Naas Town. The Planning Authority did not ignore the report of the Conservation Officer but the decision was made on the basis of all the technical recommendations.
- Proposal does not constitute over-development. Site Coverage is 49% (versus 80% allowed) and Plot Ratio is 1.39 (versus 1-2 range permitted).
- Further reports were prepared by Slattery Conservation, Golder Associates, Cooney Architects, Rubicon Heritage and Trafficwise.
- The individual reports addressed each point made by the appellants.
- Reference is made to the previous refusal of the Board on the demolition of no.1 Gleann na Greine and notes that none of the houses are Protected Structures.
- Strenuously object to the reference to the track record of the applicant. Enforcement issue is now resolved.
- The site is not in a transitional area – it is in the town centre, as is all of Gleann na Greine.

The second document addresses the other six third party appeals, and includes reports from the applicant's design team addressing each point made in the other six appeals. In summary, the applicant addresses overshadowing, proximity of works to boundary wall, use of lane adjacent to no.6 Gleann na Greine, noise and odour, impact on privacy, access and traffic safety, depreciation of property value, precedence, overdevelopment, design and visual impact, construction issues, loss of trees, security, air quality, and structural issues.

6.5.1. Appellants' responses to First Party response to appeal

The appellants were provided an opportunity to respond to the applicant's response to their appeals. The Residents of Gleann na Greine, Mr. Martin Murray, The

Boonstra family, Mr. Niall Meagher, Sean and Marian English, Breifne and Jim Conroy and the Congregation of Christian Brothers responded.

In summary, they stated:

- Despite large volume of reports, the applicant has not addressed their concerns adequately.
- Development is wholly out of scale and proportion and will cause huge difficulties and losses for the neighbourhood.
- Consider that the proposed car park would reduce a large area of 'natural soakage' and consider storm drains in the area would not have the capacity to deal with the additional capacity.
- Concerns with ACA and Planning Authority ignoring their own Conservation Officer.
- Development will decimate this portion of the town and eliminate the urban grain established over 100 years.
- Heavy traffic will give rise to localised pollution – application should be refused on car parking alone.
- Concerns with work already carried out.
- Proposed entrance close to properties at top of Gleann na Greine where drop offs and parking will occur.
- Concern with use of terrace still – doors should be converted to windows.
- Consider developer could seek permission for a night club in the future.
- Development will result in over-scaled, bulky and intrusive mass sitting adjacent to the rear amenity space of the Christian Brothers.

7.0 Assessment

I will deal with both appeal types, the third parties and the first party, separately.

7.1. Third Party Appeals

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of development
- Impact on setting of Protected Structures in the vicinity and on Naas Town Architectural Conservation Area (ACA)
- Residential Amenities – overlooking, loss of privacy, noise, odour, light pollution, security
- Visual amenities
- Traffic, parking and pedestrian safety
- Flood Risk
- Construction impacts, works to boundary wall & Archaeological Impacts and use of lane beside no.6 Gleann na Greine
- Ecology
- Precedent Cases
- Requirement for an Environmental Impact Assessment
- Appropriate Assessment

7.2. Principle of development

A number of appellants have stated that this is an inappropriate site for the intended use, other than the fact that it sits beside the current hotel. The Naas Town Plan and Kildare County Development Plan 2017 – 2023, both recognise that Naas is identified as a Large Growth Town I. Policies in both Plans support and direct growth into these towns. Policy TC1 of the Naas Town Plan seeks to promote the vitality and viability of the town centre area so that it becomes a high quality environment for shopping, working and visiting. I consider that the location of the hotel extension in the town centre will positively contribute to the commercial vitality of the town centre in accordance with Policy TC1 and TC2 of the Naas Town Plan.

A number of the observers to the appeal refer to the lack of hotel space in the town and comment that customers and clients have to travel elsewhere to avail of accommodation. I consider the fact that a hotel is an established use on the site to be a key consideration. This is not introducing a new use into the town, and a proposal to locate a hotel extension in the town centre is in accordance with the proper planning and sustainable development of Naas town centre.

In conclusion, I am satisfied that the principle of development of this type of facility in lands zoned for Town Centre uses, is fully in accordance with the policies and objectives of the Development Plans.

7.3. Impact on setting of Protected Structures in the vicinity and on Naas Town Architectural Conservation Area (ACA)

- **Protected Structures:**

In the first instance, there are references throughout the documentation to Gortnagrena House, the hotel and dwellings on Gleann na Greine being Protected Structures. A review of the Planning History of the hotel and other applications for development in the vicinity refer to protected structure status. The County Development Plan 2017 – 2023 does not identify the hotel, Gortnagrena House or the terrace of houses (No's. 2-6) as being on the Record of Protected Structures (RPS) currently. It appears they were considered for inclusion (or may have been on the record at some point) but none of the structures are now on the record. The nearest buildings on the record are the Station Master's house which is to the rear of

Gleann na Greine, St. Patrick's Monastery to the south and 12m of wall in Butt Mullins restaurant.

I note that the Council Conservation Officer considers that the house should be included on the RPS. However, the Council, as part of the preparation of the County Development Plan, assessed Gortnagrena for inclusion on the record and decided not to include it, on the advice of Consultants hired to consider a number of properties for inclusion. I note the applicant does not consider that the house could be defined as a piece of vernacular architecture which I concur with. I am satisfied that it is not on the Record of Protected Structures, and is therefore not afforded the protection conferred by being on the record.

The proposed works, which includes the demolition of Gortnagrena House, will not directly or indirectly impact any structure that is on the Record of Protected Structures.

- **Architectural Conservation Area (ACA)**

A number of third parties referred to the impact on the Naas Town ACA. The hotel and Gleann na Greine are located within the boundary of the ACA. The third parties consider that the development of the hotel extension will be incongruous and will negatively impact the ACA.

Photomontages were submitted at various stages through the application process. With the exception of the view from Dublin Road facing towards Gleann na Greine, the hotel extension will only be visible at certain points throughout the Main Street of the town. The façade of the hotel facing the street is not changing. There is no plan to alter the access arrangements facing Poplar Square. The continued use of the entrance at Poplar Square will ensure that the hotel contributes towards maintaining a lively and active street frontage within the ACA.

In accordance with policy ACA2, I consider the proposal is sited and designed appropriately being in an area to the rear of the hotel, and as such is not detrimental to the character of the structure or to its setting or the general character of the ACA.

The Development Management Standards for development in ACA's as detailed in the County Development Plan requires that '*The impact of development on the immediate streetscape in terms of design, scale, height, plot, width, roof treatment,*

materials, landscaping, mix and intensity of use proposed is addressed. I consider that the impact on the immediate streetscape is acceptable – as noted above it will only be seen at certain points on the Main Street. The plot ratio and site coverage are all within the Development Plan standards. The height is marginally above the 15m referred to as a ‘Tall Building’ in the Plan which I do not consider material. The existing hotel comprises a mix of materials at upper floors and roof level and this will be carried through to the extension. Materials will be further addressed below with respect to the visual impact.

Gleann na Greine is also within the ACA boundary. St. Patrick’s Monastery is not located within the ACA. The ACA streetscape in this area will be altered, however, the applicant has attempted to mitigate this impact with the proposed landscape plan and modifications to the design.

I am of the opinion that the proposed extension to the rear of the hotel will not have a seriously negative impact on the town ACA. It will alter the streetscape when viewed from Gleann na Greine which will look onto the extension. However, on balance I am satisfied that the impact on the streetscape of the ACA is acceptable.

7.4. Residential Amenities – overlooking, loss of privacy, overshadowing, noise and dust, odour, light pollution, security

- **Overlooking and loss of privacy**

The appellants’ express concerns with the impact of the proposal on their residential amenities. Design improvements were made throughout the course of the application process to attempt to mitigate those impacts.

I am of the opinion that there will be minimal overlooking into the rear garden and amenity area of the monastery. Glazing on the south side is angled away from the monastery at first and second floor and a corridor with high level windows is proposed at third floor. The north face of the monastery is a gable wall with very few windows and the distance is 30.6m between opposing walls at first and second floor. The Planning Authority required the applicant to make the French Doors from the Breakfast Room at ground floor emergency access only, thus minimising the potential for overlooking into the amenity area of the monastery.

Glazing on the eastern façade of the extension has been angled to prevent overlooking into the rear gardens of the terraced dwellings on Gleann na Greine.

Similarly, I consider that the design has attempted to mitigate potential loss of privacy with the removal of the walkways around the garden that were included originally. The walkways around the landscaped area would have attracted people along the boundary of the garden area. These have been removed and it is unlikely that hotel guests would be attracted to the south and south-east boundary. The rest of the landscaped area is at a sufficient distance from the other properties on Gleann na Greine to avoid loss of privacy.

I consider that issues with respect to overlooking and loss of privacy have been addressed, and I am satisfied that there will not be a seriously injurious impact as a result of the revised design.

- **Overshadowing**

Concerns were expressed with overshadowing. The applicant provided shadow diagrams at different times of the year. Reviewing the shadow diagrams, it is clear that there will be additional shadowing at various times of the year. No's. 2-6 Gleann na Greine are located to the east of the hotel and therefore enjoy late evening sun. The overshadowing does increase with the construction of the extension but having regard to the large rear gardens and the tall trees that currently form the boundary, I do not consider the impact to be seriously injurious.

- **Noise and dust**

With respect to noise, a number of appellants referred to late night noise concerns and also to potential ventilation equipment noise. The applicant has stated categorically that he does not intend to operate a nightclub in the hotel. The noise that could be generated is likely to be as a result of functions etc. The applicant notes that it is in their interest to contain noise because guest bedrooms are above the function room, so it is essential to diminish potential noise and disturbance for their guests as well as nearby properties. The Planning Authority included conditions with respect to noise, including conditioning maximum sound pressure level limits at day and night, as well as a requirement that a detailed Noise Study be submitted within three months of the development being in full operation, and at any time as may be specified by the Council. I consider that these conditions are appropriate and

would recommend that should the Board consider granting permission, similar conditions are attached. As noted above the French Doors from the Breakfast Room at ground floor are for emergency access only, thus limiting noise pollution from the Breakfast Area into the amenity area of the monastery.

Imposing limits on noise applies to air conditioning and ventilation equipment also. The air conditioning and ventilation plant will have to be designed to comply with the noise limits at the nearest sensitive receptor. I would recommend that a condition be applied to prevent audible tonal or impulsive noise emission at the nearest noise sensitive receptor, in the event of the Board deciding to grant permission.

During construction, noise, as well as dust will be a feature, however it is temporary and can be managed in accordance with a Construction Management Plan. The applicant submitted a Construction Environmental Management Plan and an Outline Construction Management Plan with the application documents. A condition requiring a more detailed Construction Management Plan which can further address noise and dust can be appended should the Board consider granting permission.

In conclusion, I am satisfied that with appropriate mitigation measures including limiting the permissible operational noise levels by way of conditions, there will not be a seriously negative impact on amenities.

- **Odour**

Odour issues are raised by third parties. I consider that a condition requiring that the applicant control odour emissions from ventilation equipment will address this concern. The location of air conditioning units is proposed on the roof away from residents' boundaries.

The applicant states that there is no intention to store waste except in the existing bin store area, and that no further waste will be stored at boundary areas of the proposed extension. This is no different to how the existing hotel operates.

I note also that the ventilation of the basement is raised by appellants. The applicant has stated that the basement ventilation is natural and there will be no mechanical plant used.

I am satisfied that there will not be significant issues in relation to odours.

Furthermore, it would not be in the interests of the guests of the hotel, as well as the residents, to have odours emanating from the facility.

- **Light Pollution**

During construction lighting will be required to provide a safe place to work. I am satisfied that this can be managed and detailed in a Construction Management Plan to ensure that there is no unnecessary light spillage into adjoining residences.

Due to the configuration of the hotel bedrooms, I am satisfied that there will not be a seriously negative impact on the amenities of the adjoining residences due to light pollution.

- **Security**

Concerns were raised with respect to security. The extension to the hotel is not introducing a new use into the Town Centre. I do not agree that the extension itself will cause any additional concerns with security.

- **Conclusion**

I accept that there will be some impacts to the residential amenities of the residents of Gleann na Greine and the monastery. However, I do not consider that they are of a seriously injurious nature. The applicant has attempted to minimise those impacts and at the same time, ensure that the proposal complies with the town centre policies which seek to encourage such facilities in the heart of the town. Some of the appellants acknowledge that they are living in a town centre location and accept that commercial activity is to be expected. I further note that some of the observers to the appeal reside in Gleann na Greine and support the proposal.

There will be some disruption during construction with respect to noise and dust, however, I consider these disruptions to be temporary and will be managed to minimise this disruption.

In conclusion, I consider that the development will not have seriously injurious impact on the residential amenities of the local residents.

7.5. Visual Impact

As noted above with respect to the potential impact on the Naas Town ACA, I am satisfied that there will not be a seriously negative visual impact on the Main Street in Naas from the proposed extension. I am also satisfied that the applicant has modified the design to ensure that there is minimal overlooking from the windows of the hotel at first, second and third floors. I do however consider that the visual impact of the extension on the residents of Gleann na Greine and the monastery must be considered.

I have reviewed all the drawings and photomontages that have been submitted by the applicant. The most recent photomontages taken from the rear garden of no.6 Gleann na Greine were submitted with the Clarification of Further Information response. Currently the residents of 2-6 Gleann na Greine look out at trees and shrubbery. The residents of the monastery have some tree coverage between their garden area and the site.

There will undoubtedly be a change to that view with the development of the extension. The applicant has attempted to mitigate this with the landscaping proposals which will, over time, minimise the impact. The applicant has proposed semi-mature light textured birch trees and dense ornamental planting along the boundary. Notwithstanding this, there will be a change in view which will be most acutely felt by the residents in Gleann na Greine and the monastery residents.

However, this impact must be balanced with the fact that the hotel is to be located within the town centre zoning, where such uses are encouraged.

The materials on the façade facing the residents will be perceived as industrial in nature, exacerbating the visual impact. I would recommend that should the Board consider granting permission that a condition with respect to the palette of materials chosen is added, requiring a softened and a neutral render on the façade. I consider the dark cladding as illustrated on the photomontage from no.6 Gleann na Greine to be austere and unacceptable.

While I acknowledge the change in view of the local residents will impact on their visual amenities, I consider that on balance, the proposal will assist the Council in protecting and reinforcing the role of Naas Town Centre as the primary retailing and service area of Naas in accordance with the policies and objectives of the Town

Plan, and with respect to directing tourism based development into existing settlements, in accordance with policies ECD29 and ECD33 of the County Development Plan. The applicant has provided mitigation measures with the proposed landscaping, and in particular with the semi-mature 5m high trees which will be planted around the boundary. I consider that a condition requiring that the landscaping is completed within the first planting season after construction will assist in mitigating the impact on the residents. I do however accept that there will be a visual impact, albeit localised, on the residents of Gleann na Greine and the monastery.

7.6. Traffic, parking and pedestrian safety

- **Traffic**

Concerns are raised with respect to extra traffic attempting to enter and exit Gleann na Greine as a result of the development. The proposal includes 111 car parking spaces at basement level which will be accessed via Gleann na Greine. The appellants state that there can often be difficulty exiting their road due to peak hour traffic. It is unlikely that hotel traffic will contribute towards further congestion at peak hours – it will be mainly off-peak traffic that the hotel generates. The Planning Authority recommends that a yellow box is placed at the junction of Dublin Road and Gleann na Greine which I consider will assist the residents to exit and enter the cul-de-sac. I am satisfied that the hotel extension by itself is unlikely to add to the congestion at peak hours during operation.

There will be heavy goods vehicular traffic during construction which will access the site via Gleann na Greine. A Construction and Environmental Management Plan (CEMP) was submitted as part of the applicant's documentation. There will be some disruption caused by the proposal, but it is stated in the CEMP that it will be carried out in accordance with a Traffic Management Plan. As part of the appeal, the applicant has stated that they intend to lease car parking spaces to facilitate car and truck parking.

There are concerns with the use of the lane adjacent to no.6 Gleann na Greine during construction. This is further addressed below.

I am satisfied that while there will be some disruption, it will be managed to minimise its impact and it will be temporary in duration.

- **Parking**

The First Party have appealed a condition relating to parking which I will address separately below.

There is currently free on-street parking at Gleann na Greine, which is different to the parking regime on the rest of the Main Street and surrounding areas which is pay-parking. The applicant's state that they require the removal of two on-street parking spaces at the western end of the road.

There are many references in the appeals to the number of parking spaces which are being made available as part of the new extension. It is considered that there is a significant under provision of parking. I note that for the current 60 hotel bedrooms there are effectively no off-street parking spaces available. This would appear to have very little effect on the guests of the hotel. The Development Plan states that parking standards are a maximum and that other factors have to be taken into account when deciding on the appropriate number of spaces that are required.

The applicant states that a survey of the 90 staff was carried out, and 62% indicated that they walk, cycle or use public transport. Naas Town is well served by public transport, and there is a multi-storey public car park adjacent which the applicant states that guests readily avail of. There would appear to be an informal arrangement between the owners of the car park and the hotel. I would consider that this is a very normal arrangement in towns throughout the country and not unusual.

I will address the issue of Development Contributions below, however, I consider that the provision of 111 car park spaces in the basement, is providing a facility that currently does not exist for the guests of the hotel, and is adequate with respect to the external factors referred to above.

- **Pedestrian Safety**

Access to the basement car park is provided at the western end of Gleann na Greine near the junction with Dublin Road. It is unlikely that there will be an increase in traffic beyond that towards the bulk of the resident's dwellings. The Planning Authority appended conditions that the applicant was to provide road, footpath and

junction improvements to comply with DMURS which I consider reasonable in terms of pedestrian safety.

There is no plan to change deliveries to the hotel. The applicant states that the deliveries will continue via the laneway as is the current arrangement, so there will be no commercial deliveries using Gleann na Greine road.

7.7. Flood Risk

A reference was made to flooding in the appeals. A Flood Risk Assessment was submitted with the application.

The Flood Risk Assessment notes that a watercourse lies to the north-west of the site. There are no land drains on the site. The site is located in an area designated Flood Zone C.

The site is not located in an area identified as prone to flooding and there are no records of flooding occurring on www.floodmaps.ie, albeit, I accept that an appellant states that the cottages (which are below the road level) have flooded on occasion.

The applicant states that borehole and trial pits carried out in 2016 were used to determine ground water levels. It is concluded that there is minimal risk of fluvial flooding therefore no mitigation is required. With respect to pluvial flood risk, surface water from the site will be collected and piped to an attenuation system. The applicant references a stream overflowing in Poplar Square in December 1954 and that flooding in that area reached a level of approximately 92.2m OD. The proposed development is 93.3m OD. It is also stated that the basement will be constructed as a water tight structure with a raised ramp up to prevent rapid inundation of water and all ventilation grills are above ground level.

I am satisfied that the design incorporates SuDS and allows for 20% Climate Change.

7.8. Construction impacts, works to boundary wall and use of lane beside no.6 Gleann na Greine.

- **Construction**

The site is located within the town centre and is surrounded by commercial and residential developments. A Construction and Environmental Management Plan and an Outline Construction Management Plan have been submitted as part of the application documents. These plans include mitigation measures to minimise the impact on the locality with respect to air quality management, noise and odours, wheel wash facilities to minimise debris being brought outside of the site, and an on-street sweeper to be on call. The documents state that the mitigation measures will be incorporated into the final Construction Management Plan to be prepared by the Contractor. A condition requiring a Construction Management Plan to be submitted to the Planning Authority should be appended, if the Board consider granting permission. I accept that there will be some temporary impacts during construction, but these are temporary and can be minimised in accordance with a Construction Management Plan to address noise, dust, hours of operation, waste management, contractor parking, means of ensuring stability of the remaining boundary walls, etc.

- **Works to Boundary Wall and Archaeological Impacts**

The removal of part of the boundary wall is referred to by many of the appellants. According to the Record of Protected Structures, a 12m section of wall which forms part of the Naas Town wall is located within Butt Mullins Restaurant and is outside of the site. There are references to other archaeological concerns with mention of remains of Eustace Castle. The applicant states that during the excavation of the test trenches there was no evidence to indicate that any section of the western boundary wall incorporates mediaeval fabric.

Notwithstanding this, part of the site is located within the Zone of Archaeological Potential. The development includes plans to build a basement the full extent of the site. The Heritage Officer recommends conditions that a suitably qualified Archaeologist carries out a full excavation of the site and that no ground works are carried out prior to the completion of these works, which I concur with and would recommend a condition to this effect is included.

- **Use of Lane beside No.6 Gleann na Greine.**

A laneway runs between the site and no.6 Gleann na Greine. The appellants express concern with the potential use of this lane during construction and operation. This lane is not suitable for use during either. The use of the lane during construction would result in construction vehicles driving the full length of the cul-de-sac which could impact on the amenities of the residents. Likewise, deliveries during operation of the hotel.

I note that there is no plan to use the lane, and the applicants have confirmed that they intend to continue to use the current means of access for normal deliveries etc. I would consider that a condition prohibiting use of the lane (save in the event of an emergency or other uses as agreed with the planning authority) should be included should the Board decide to grant permission.

7.9. Ecological Impacts

A number of the appellants refer to interference with wildlife and disturbance to bats. The Planning Authority requested a summer Bat Survey as part of the Further Information request in addition to the Ecology Report submitted with the application. The Ecology Report considers the garden lawn and flower borders to be of low local value, and the trees that edge the garden are of high local ecological value with birds using the trees for foraging and nesting. No rare plants or habitats were observed.

Having visited the site, it is clear that the site comprises a traditional house with domestic sheds and what was a traditional garden. A structure is located in the middle of the garden which appears to be an above ground small swimming pool. The house was inhabited until relatively recently and the garden appears to have been maintained until relatively recently also.

Bats have been recorded on the site according to the summer and winter surveys carried out by the applicant. Mitigation measures have been recommended by the applicant to minimise the impact, and it is noted that a Derogation Licence will be required from the NPWS for work on buildings where satellite roosts were confirmed.

Having regard to the location of the site, in the town centre, and not located in the vicinity of any designated site, I am satisfied that with appropriate mitigation

measures to protect wildlife during construction and to encourage wildlife as part of the Landscape Plan, there will not be a significant impact on the ecology of the area.

7.10. **Precedent Cases**

One of the appellants referred to two precedent cases. ABP Ref. PL06D.247083 and PL58.211146. I have read the Inspector's Report and the Board's Order pertaining to both files.

File Ref. PL06D.247083 refers to development at the former Kiely's pub in Mount Merrion, Co. Dublin. The development included the demolition of the existing building and the construction of a mixed use development comprising 4 retail units, café, restaurant, pub, gym and 46 no. apartments as well as an underground retail unit of 1,300sq.m and parking, in an area zoned 'Neighbourhood Centre'. The Board decided to refuse permission in December 2016 having regard to its prominent location and the character of the area and having regard to its scale, siting, layout, bulk and height. I do not consider that the subject proposal and this application can be considered to be similar particularly with respect to the Neighbourhood Centre status of that site, and the Town Centre status of this site.

File Ref. PL58.211146 refers to development at the West County Hotel in Ennis, Co. Clare. The development included 25 no. hotel suites, alterations to existing site layout and provision of link to the existing hotel. The Board decided to refuse permission in September 2005 having regard to the extent of existing development on the site, the existing provision of parking spaces and the nature of the surrounding areas, and serious traffic congestion on adjoining roads. I would consider that this case is not a precedent for the subject site. Parking appears to have been a concern prior to the application. I consider that the availability of on and off-street parking in the subject case would differ from the Ennis case.

7.11. **Requirement for an Environmental Impact Assessment**

A number of appellants consider that an Environmental Impact Statement (EIS) should have accompanied the planning application. The applicant submitted a Screening for Environmental Impact Assessment with the suite of documents

submitted. I consider that there is sufficient information on file addressing the environmental effects arising as to allow for a proper assessment of the proposal.

In the first instance, a hotel extension of 72 bedrooms, resulting in a total of 132 bedrooms does not trigger the need for an Environmental Impact Assessment in Part 1 of Schedule 5 of the Planning and Development Regulations 2001, as amended. Having regard to Part 2, there are a number of paragraphs that must be considered. Paragraph 10 refers to Infrastructural Projects. Subsection 10(b)(iv) refers to Urban Development in an area greater than 2 hectares in the case of a Business District. The appeal site could be considered to be within a Business District. The overall site area is stated as being 7,730sq,m which is less than 2 hectares and therefore, does not exceed the threshold.

Paragraph 12 refers to Tourism and Leisure. Subsection 12(c) refers to Hotels outside of built-up areas exceeding 300 bedrooms. The hotel is not located outside of a built-up area and therefore, this paragraph does not apply.

Paragraph 13(a) refers to changes and extensions of development already authorised which would result in a development listed in Part 1 or 2 and result in an increase in size greater than 25% or an amount equal to 50% of the appropriate threshold. Paragraph 13(c) refers to any change or extension of development being of a class listed, which would result in the demolition of structures which had not been previously authorised, and where such demolition would be likely to have significant effects on the environment having regard to the criteria set out under Schedule 7.

Paragraph 14 refers to works of demolition carried out to facilitate a project listed in Part 1 or 2, where such works would be likely to have significant effects on the environment, having regard to criteria in Schedule 7. Paragraph 15 refers to a project listed which does not exceed a threshold, but which could be likely to have a significant effect on the environment, having regard to criteria in Schedule 7 of the Planning and Development Regulations, 2001, as amended.

The development could be considered to be a sub-threshold development being less than 2 hectares within a Business District - Part 2, 10(b)(iv) – and therefore Schedule 7 criteria must be considered.

Schedule 7 requires that the project is considered under: 1) Characteristics of the proposed development, 2) Location of proposed development, and, 3) Characteristics of potential impact.

Characteristics of the Proposed Development.

- **Size of the proposed development:** the development will have a footprint of 0.773Ha.
- **Cumulation with other proposed development:** There are no other comparable developments in the vicinity.
- **Nature of any associated demolition works:** it is proposed to demolish an existing house and part of boundary wall.
- **Use of Natural Resources:** Normal Construction standards proposed.
- **Production of waste:** Waste arising from demolition and construction of the basement car park.
- **Pollution and nuisances:** Construction Management Plan with mitigation measures during construction and strict noise limits during operations.
- **Risk of accidents having regard to the substance or technologies used:** Risk of accidents having regard to the land use proposed is low.

Location of Proposed Development.

- **Existing Land Use:** land is currently vacant to the rear of the existing hotel.
- **Relative abundance, quality and regenerative capacity of natural resources in the area:** located in a town centre site, on former residential gardens of a dwelling house.
- **Absorption capacity of the natural environment** paying particular attention to wetlands/coastal zones/mountain and forest areas/nature reserves and parks/areas classified under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC/areas in which environmental quality standards laid down in legislation of EU have already been exceeded/densely populated areas/landscapes of historical, cultural or archaeological significance: The site is located within an area identified as an

Area of Archaeological Potential but is not located within or in close proximity to a European designated site.

Characteristics of Potential Impacts

- **The extent of the impact (geographical area and size of affected population):** The overall area is stated as being 7,730sq,m and the extension area is 0.49Ha in total. The impacts will be largely restricted to the footprint of the proposed extension area. A report on the archaeological investigation and impact assessment has been submitted. The investigation did not identify any features of archaeological significance within the proposed development site. In the event of any potential for features on the site, it is considered that the impacts will be moderate negative. The affected population will be the town of Naas and its surrounds. The effect will be largely positive albeit the local residents will experience slight negative impacts during construction which are temporary in nature.
- **The transfrontier nature of the impact:** There will be no direct transfrontier impact.
- **The magnitude and complexity of the impact:** Magnitude and complexity of the impact are not considered to be significant.
- **The probability of the impact:** There will be impacts which have been identified however, these are not considered to be significant.
- **Duration, frequency and reversibility of the impact:** Duration, frequency and reversibility of the impact have been identified. The significance ranges from slight negative to moderate negative (Archaeology). It is not considered that any of the impacts will be significant.

In conclusion, having regard to the Planning and Development Regulations and to the criteria for determining whether a development would or would not be likely to have significant effects on the environment as set out in Schedule 7, I submit that the proposal would not be likely to have a significant effect on the environment.

7.12. First Party Appeal

The First Party have appealed against Condition no.11 which requires the payment of a Development Contribution for the under supply of car parking spaces, or the provision of a formal written agreement from Naas Town Multi-Storey car park for use of the spaces.

The Planning Authority assigned a levy of €580,000 for the shortfall of spaces based on €5,000 x 116 no. spaces shortfall. The applicant has stated that there is no objection in principle to the condition, what is at issue is the number of spaces considered to be the shortfall. The applicant considers that the Planning Authority failed to have regard to important factors in the assessment of car park demand regarding the purported 116 space shortfall.

The shortfall is based on an interpretation of the parking standards as stated in the Naas Town Plan 2011 – 2017 and the County Development Plan 2011 - 2017.

I note that the Naas Town Plan (Table 13.8) and the County Development Plan (Table 19.9) specifically exclude Function Rooms when describing the requirement for hotels, and require 1 space per bedroom plus 1 space per 3 sq.m of function room, which yields a maximum requirement for 227 spaces.

The Kildare County Development Plan 2017 – 2023 with respect to hotels does not exclude function rooms and simply requires 1 space per bedroom which yields a requirement for 132 spaces.

Notwithstanding the change in description between both County Development Plans, both note that the standards set out in each Plan are maximum standards, and the circumstances of each development should be taken into consideration in terms of deciding what the correct number should be.

According to the applicant, the hotel at the moment operates with limited off-street parking comprising 16 spaces at New Street and the delivery yard. Any other parking required is supplied by on-street parking around the town or the multi-storey car parks in the vicinity. As referred to above with respect to the third party appeals, the percentage of staff who walk, cycle or use public transport to get to work is high, and I consider that this is as a result of the town centre location of the hotel and the wide variety of alternatives available to access the town.

The hotel is extending the number of bedrooms to 132 and I consider that the provision of 111 basement car park spaces is acknowledging this.

Having regard to the external factors, such as the location of the hotel in the centre of the town with a reasonable standard of public transport, and having regard to the multi-storey car park on the opposite side of the road, I consider that the number of spaces required should be 132 which is in accordance with the County Development Plan 2017 - 2023.

I would also agree with the applicant that hotels by their very nature would generate combined trips in accordance with Section 17.7.6 of the Plan – attendance at a function and an overnight stay would regularly be by the same person and would only generate one trip.

Thus, having regard to section 17.7.6 of the Plan which states that other factors should be considered including: *The proximity of the site to public transport, the proximity of the site to the town centre and services, the potential for linked trips (where multiple needs are fulfilled in one journey), the nature of the uses of the site and likely durations of stays, the nature of surrounding uses and potential for dual use of parking spaces depending on peak hours of demand; and, Proximity to public car-parking areas*, as well as the requirements of the County Development Plan, I consider that 132 spaces should be the required number of spaces to be provided.

The applicant refers to 16 spaces being available on New Street and along the access lane/delivery yard. No documentation or maps have been supplied to indicate the actual location or layout of these parking spaces. Therefore, I would recommend that the parking requirement is 132 spaces, and any shortfall that arises between the Basement Parking and any other parking which the applicant can demonstrate is available, should be subject to a Development Contribution, as a condition of permission, should the Board consider granting permission.

7.13. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to conditions for the reasons and considerations as set out below

9.0 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 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.

10.0 Conditions

1. The development shall be retained and carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 23rd November 2016 and the 27th 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 80.7sq.m courtyard suite and its use shall be as indicated on the documentation i.e. to host small conferences and meetings.

Reason: In the interest of clarity and orderly development.

3. The proposed development shall be amended as follows:
 - (a) The proposed metal/zinc cladding finish proposed as a modification to the scheme and indicated on the eastern elevation (DRG 15058-PP-310) and photomontage view point 15B received by the Planning Authority on 27th January 2017 shall be omitted from the development and replaced with a neutral colour painted plaster finish.
 - (b) 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.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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 no.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;

(i) 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 kept 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 provision 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 Drg. no. 16./JT/L 02 prepared by Hayes Ryan Landscape Architects, as submitted to the planning authority on the 23rd 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).

(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 23rd 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. Prior to commencement of the development the applicant shall submit a Stage 2 Road Safety Audit for the proposed development and works to be

carried out on Gleann na Greine. The Road Safety Audit shall be carried out by an independent approved and certified auditor. The Road Safety Audit recommendations shall be incorporated into the final detailed design.

Reason: In the interest of traffic and pedestrian safety.

20. Upon completion of the development, the applicant shall complete a Stage 3 Road Safety Audit on Gleann na Greine. The Road Safety Audit shall be carried out by an independent approved and certified auditor. The Road Safety Audit recommendations shall be signed off by the audit team.

Reason: In the interest of traffic and pedestrian safety.

21. The car parking requirement for the proposed development calculated in accordance with the Kildare County Development Plan 2017 – 2023 is 132 spaces. The number of car parking spaces provided on site is 111. Therefore, there is a shortfall of 21 spaces. The applicant has indicated that there are 16 spaces on New Street and in the access lane, and that there is an informal agreement with Naas Town Centre Multi-Storey car park regarding the provision of car parking spaces for the hotel. The applicant shall submit to the planning authority, details of the 16 spaces and a written formal agreement with the Naas Town Centre Multi-Storey car park for this arrangement.

In the event that a written agreement cannot be provided the applicant shall pay a levy of €5,000 per shortfall in spaces.

Reason: In the interests of traffic safety.

22. 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 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.

Ciara Kellett
Senior Planning Inspector

22nd June 2017