



An
Bord
Pleanála

Inspector's Report ABP-300023-17

Development

(a) the construction of a detached new 24-bedroom block over three storeys to the side of the existing hotel; (b) the demolition of the existing single-storey hotel back-up generator outbuilding and adjacent associated landscaping and the relocation of the hotel back-up generator to the existing basement shaft to the side of the proposed bedroom block; (c) the redistribution of the existing 32 car-parking spaces by way of 8 spaces in front of the proposed bedroom block, 10 new spaces to the existing coach-parking bays on the northern boundary of the site and by creating an entrance into the existing currently inaccessible ESB substation area and for the provision of 14 new spaces in this area; including associated ancillary site works.

Location

The Osprey Hotel, Devoy Quarter,
Naas, Co. Kildare

Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/35
Applicant(s)	Osprey Hotel Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	3 rd Party
Appellant(s)	Naas Village Owners
Observer(s)	None.
Date of Site Inspection	15 th March 2018
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.2514ha is divided into three separate portions within the new Devoy Quarter to the southwest of the town centre of Naas, Co. Kildare. The largest portion (A) is currently a landscaped parking area for the hotel (approximately 30 spaces); portion (B) is currently a parking area for 3 no. coaches on the northern boundary of the wider site (used for car-parking on the date of site inspection); and portion (C) an overgrown, hard-core, unused compound area surrounding an ESB sub-station in the northeastern corner of the wider site (abutting Rathasker Road – now a cul de sac).
- 1.2. Access to the hotel site is off a roundabout on the new John Devoy Road – a cul de sac off the Newbridge Road (R445 Regional Road) to the north. Work has commenced on extending this road to the south. The 50kph speed restriction applies in this area. Footpaths and public lighting are in place. There are no cycle lanes within the appeal site area, but they do exist immediately outside on both sides of the cul de sac John Devoy Road. However, they were blocked by on-street parking on the date of site inspection. There are a number of different blocks on this site of mixed residential and commercial use – the entire of which has been outlined in blue. There were a number of vacant car-parking spaces within the wider development on the afternoon of the site inspection carried out by this Inspector.
- 1.3. There is gated pedestrian access to the wider site from the Rathasker Road – immediately to the north of the ESB sub-station compound. The sub-station compound boundary with Rathasker Road is a 2.4m high palisade fence. The compound boundary with the pedestrian walkway to the north is metal railings. The adjoining car-park for Block C apartments contains 30 numbered parking spaces. There is vehicular and pedestrian gated access to this parking area.
- 1.4. The Osprey Hotel is of four storeys, with one block extending into attic level for a fifth storey. Apartment blocks within the scheme are generally of three storeys – with Block B closest to the proposed apart-hotel extension extending into an attic for a fourth storey. There is a basement car-park serving the hotel – with provision for 117 spaces (and additional incidental areas which could accommodate further cars).

The proposed single relocated coach-bay will be located within a landscaped area to the northwest of the hotel.

2.0 Proposed Development

2.1. Permission was sought on 19th January 2017, for development of 1,554m² floor area of development as follows-

- 24 no. single-bedroom hotel suites in a detached, three-storey block, to the side of the existing Osprey Hotel.
- Demolition of existing single-storey back-up hotel generator outbuilding.
- Relocation of back-up generator to basement of hotel.
- Redistribution of 32 parking spaces lost, by way of 8 spaces to front of proposed bedroom block, 10 spaces relocated to the existing coach bays on northern boundary of the site, and by creating an entrance into the existing ESB sub-station area, and provision of 14 parking spaces within it.
- Water supply from the 100mm diameter public mains.
- Foul effluent disposal to new 150mm diameter pipe and onward to public mains in the Newbridge Road.
- Surface water disposal an existing underground attenuation tank (fitted with silt trap, hydrocarbon interceptor and outlet flow control, prior to discharge to public mains.

2.1.1. The application is accompanied by the following documentation of note-

- Drainage Design Calculations.
- Traffic Impact Assessment – dated January 2017.

2.2. Following a request for additional information, the following was submitted on 1st September 2017-

- The applicant owns all of the property outlined in blue on drawings submitted. The company is in the process of demising property outlined in green to the management company of residential development: to Naas Village Owners Management Company Ltd.

- Average stays in the suites are estimated at three/four nights – with no lets permitted for more than three months. It is not proposed to let the suites under any form of tenancy agreement.

2.2.1. The submission is accompanied by the following documentation of note-

- Site layout plan, with aforementioned demised area outlined in green, and access to new car-parking area in vicinity of ESB sub-station indicated in yellow. This involves reduction of 7 no. parking spaces for the Garden Apartments (Block C). Relocated coach set-down area is indicated.
- Landscaping plan.
- Premier Suites brochure.
- Parking Assessment – dated August 2017.

3.0 Planning Authority Decision

By Order dated 28th September 2017, Kildare County Council issued a Notification of decision to grant planning permission subject to 28 no. conditions – the principal ones of which are summarised below-

1. Development to be carried out in accordance with plans and particulars submitted on 19th January and 1st September 2017.
2. Proposed uses of external function room and overflow bar area, as indicated on landscape plans submitted do not form part of this planning application.
3. Apart-hotel suites shall be retained in single ownership with the Osprey Hotel. Living-rooms within suites shall not be used as additional bedrooms. Maximum period of letting for each suite shall not exceed three months.
9. Requires submission of bicycle parking details prior to commencement of development.
10. Requires provision of public lighting throughout the site.
18. Restricts site development works to 0800-1800 hours Monday-Friday.
28. Requires payment of a development contribution of €84,397.34.

4.0 Planning History

Ref. 16/78: Permission granted for alterations to hotel building.

Ref. 11/5000085: Retention permission granted for smoking shelter for Time Venue night club.

Ref. 08/500024: Permission granted for a four-storey dormer building connected to the hotel.

Ref. 05/500045: Permission granted for 4 no. two-bedroom apartment units.

Ref. 01/500067: Permission granted for a mixed-use development and access through Devoy Barracks to Newbridge Road, and improvement to Rathasker Road – to include a four-storey hotel with basement car-parking, 106 bedrooms, bar, restaurant, function room, leisure centre and all ancillary works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant document is the Kildare County Development Plan 2017-2023. There are general policies in favour of supporting tourism. Development management standards are set down.
- 5.1.2. The Naas Town Development Plan 2011-2017, indicates that the site is zoned 'A' - 'To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses'. Hotel is a use which is 'permitted in principle'. There is a roads objective to extend John Devoy Road to the southwest, to connect to a roundabout on the southwestern ring road of the town: work has commenced on this road extension.
- 5.1.3. The Naas Town Development Plan will be replaced by the Naas Local Area Plan 2018-2024 – which is at pre-draft discussion stage. No draft plan has been produced to date – anticipated April 2018.

5.2. Natural Heritage Designations

The site is located neither within nor immediately abutting any natural heritage designations. The closest such is the Moulds Bog SAC (Site code 002331) – some 8km to the west.

6.0 The Appeal

6.1. 3rd Party Grounds of Appeal

6.1.1. The appeal from ABL Surveyors, agent on behalf of Naas Village Owners Management Co. Ltd, received by An Bord Pleanála on 23rd October 2017, can be summarised in bullet point format as follows-

- The hotel on site has 106 bedrooms. There are 75 residential apartments on the site. There is a gym, music/events centre, Business Centre and RSA Driving Test Centre on the site.
- Permission ref. 01/500067 was for the Garden Apartments. Blocks C & D (along the southeastern boundary) included the provision of 30 no. parking spaces (two spaces per apartment). This car-park has been available for the past 14 years. The new access to the ESB sub-station car-park will result in the loss of seven parking spaces. This is a material contravention of an existing planning permission.
- Each space within the car-park is assigned to a particular apartment – and is entered on folio details of the appropriate apartment.
- There are legal burdens registered in relation to the seven lost parking spaces.
- The current new road proposal to access the ESB sub-station compound car-parking does not provide for any landscaping on the new boundary with the apartments' car-park.
- Open access could result in hotel patrons parking within the apartment block car-parking area.

- The developer is obliged to transfer the car-parking area to the tenants under the Multi-Unit Development Act 2011. This Act came into force on 1st April 2011.
- The additional information submission of 1st September 2017, contained significant information, and revised public notices should have been required.
- Short-term lets of the apartments will result in stag and hen parties being accommodated which will cause noise nuisance and disturbance for existing residential occupants. Because the building is not joined to the hotel, there is concern at how it will be managed.
- The Naas Town Development Plan 2011-2017, requires one-bedroom apartments to have a minimum floor area of 55sq.m, whereas these apartment units have a floor area of only 53sq.m. There is no storage area provided with the apartments. There is no provision for refuse storage.
- The likely spill-over of parking onto adjacent roads will result in a traffic hazard.

6.1.2. The appeal is accompanied by the following documentation of note-

- Land Registry Folio extracts.
- Memorandum of Agreement – dated 24th February 2003, between Naas Developments Ltd. and Naas Village Management Ltd.
- Four coloured photographs of car-parking area for apartments.
- Site plan extract for register reference 01500067 – showing 30 no. car-parking spaces for apartments.
- Map showing seven affected car-parking spaces.
- Map showing numbered car-parking spaces attached to each unit within Block C apartments.

6.2. Applicant Response

The response of Moloney O’Beirne Architects, agent on behalf of the applicant, Osprey Hotel Ltd, was returned, as it was received outside of the relevant deadline.

6.3. Planning Authority Response

The response of Kildare County Council, received by An Bord Pleanála on 22nd November 2017, can be summarised in bullet point format as follows-

- Material contravention relates to development plans, and is not relevant to this application.
- Dispute over ownership/control of parking spaces is a civil matter. Section 34(13) of the Planning and Development Act provides that a person shall not be entitled to carry out development solely by reason of a planning permission.
- The further information response did not require re-advertisement.
- The appellant provides no arguments to substantiate the claim of overlooking and loss or residential amenity. The block has been angled on the site, where windows are facing north or east. Separation distances for windows facing southwest is approximately 30m.
- A minimum floor area of 45sq.m is required for a one-bedroom apartment by reference to the Kildare County Development Plan 2017-2023. This is a development for apart-hotel use, and the requirements for storage cannot be viewed in the same light as a regular apartment. The maximum hotel let is for three months. Refuse and storage is provided for within the main hotel building.
- Car-parking provision complies with the standards of the Kildare County Development Plan 2017-2023.

6.4. Observations

None received.

6.5. Further Responses

The response of Kildare County Council, received by An Bord Pleanála on 22nd November 2017, was circulated to the other parties to the appeal for comment – on or before 23rd January 2018.

6.5.1. The response of Moloney O'Beirne Architects, agent on behalf of the applicant, Osprey Hotel Ltd, received by An Bord Pleanála on 11th January 2018, can be summarised in bullet point format as follows-

- The car-park serving apartment Blocks C & D is in the ownership of the applicant. The applicant owns the ESB sub-station and has a duty to provide access to this facility at all times.
- The applicant acknowledges the concerns of the appellant, and now submits a revised layout to retain the lost seven parking spaces and to provide two additional parking spaces. This will be achieved by closing off the existing gate into the car-park and providing a new gate to the north of the car-park – adjacent to the proposed new access. Revised drawing is submitted to show the new arrangement – 16009 P 1002.
- The applicant purchased the hotel in 2015, and had no prior associations or connections to the property or its developers, and was, therefore, in no position to demise land to the Naas Village Owners Management CLG. Prior to this, the hotel was in receivership for five years.
- It is the responsibility of the PA to deem if additional information submissions require re-advertisement.
- The apart-hotel block will be managed by the hotel. The block has been angled to face-away from apartments on the opposite side of the road.
- Hotel bedroom use cannot be considered a source of noise or nuisance.
- The development is classified as hotel use and not residential apartment use. Chapter 13 of the Naas Town Development Plan 2011-2017, does not apply.

6.5.2. The response of ABL Surveyors, agent on behalf of the appellant, Naas Village Owners, (including copies of legal documents already submitted) received by An Bord Pleanála on 23rd January 2018, can be summarised in bullet point format as follows-

- The phrase 'material contravention' relates to contravention of condition 1 of permission ref. 01/500067.

- Naas Development Ltd. is the registered owner of the car-park for Block C & Block D. The registered owner has agreed to transfer the lands identified on the map annexed thereto to the management company. The appellant is beneficially entitled to these lands.
- The appellant and apartment owners have had sole exclusive use to these lands since 2003.
- Apartment dwellers would not have sole exclusive use for parking spaces proposed elsewhere on the site.
- The appellant is not satisfied with the response of the PA in relation to the need to re-advertise the additional information submitted. The PA made a fundamental error of judgement. The appellant was denied the opportunity of making a response to the information submitted.
- The new apart-hotel will be located as close as 18m to Block B apartments – too close for safeguarding residential amenity.

6.6. More Further Responses

The response of Moloney O'Beirne, agent on behalf of the applicant, Osprey Hotel Ltd, received by An Bord Pleanála on 11th January 2018, was circulated to the other parties to the appeal, with response requested on or before 5th February 2018.

- 6.6.1. The response of Kildare County Council, received on 17th January 2018, indicated that the PA had no further comment to make.
- 6.6.2. The response of ABL Surveyors, agent on behalf of Naas Village Owners, received by An Bord Pleanála on 2nd February 2018, can be summarised in bullet point format as follows-
- The appellant has a clear and unambiguous legal interest in the lands comprising the car-park for Blocks C & D.
 - The appellant accepts that access to the ESB sub-station must be provided, and this has been done over the last 14 years.
 - The fact that the applicant has offered to reconfigure the car-park is a significant acknowledgement that the residents have a clear legal interest in

the car-park. However, the proposals to reconfigure the car-park have no legal standing.

- There would be restricted access for trucks wishing to access the car-park and for turning manoeuvres. There is no provision made for safe pedestrian access – as exists at present.
- To grant planning permission on common areas which have not been transferred to the management company, would set an undesirable precedent for the development of other common areas within the overall site.
- This appeal should be refused by the Board

7.0 Assessment

7.1. Development Plan Considerations

The site is zoned for 'Town Centre' uses in the current development plan for the area. Hotel is a use which is 'permitted in principle' within this zoning. The construction of an apart-hotel (connected with the Osprey Hotel) is in accordance with the zoning provisions, and is acceptable. The proposed development will not have any impact on the John Devoy Road extension to the southwest – the line of which is indicated on the zoning map of the Naas Town Development Plan 2011-2017.

7.2. Site Layout & Design

- 7.2.1. The proposed apart-hotel block is located on an existing surface car-park to the south of the main hotel block. The car-park is landscaped. The outdoor terrace area for the hotel is located immediately to the north – at a slightly higher level. An existing ground level electricity sub-station building is to be relocated to the basement of the hotel – the vehicular access to which is located at the western end of the apart-hotel site. The existing hotel building is largely of four storeys, but does have a four-storey-plus-attic wing. The proposed three-storey apart-hotel block will be in keeping with the height of the hotel and with the height of Block B apartments to the southwest – this latter block being three-storey-plus-attic. The apartments within Block B are angled towards the street/road. The proposed apart-hotel block

will be similarly angled – to reduce the potential for over-looking between the two buildings. I would note that the two are separated by a roadway. The separation distance is not significantly different than that which exists between other apartment blocks and the hotel building.

- 7.2.2. The design of the apart-hotel block is in keeping with the Osprey Hotel. External finishes will include slate roof, plaster walls, sandstone walls and aluminium curtain walling. The block will not be joined to the main hotel building, but will share a landscaped courtyard area – linking the apart-hotel access lobby with the hotel lobby, by way of pedestrian pathway. Ground floor apart-hotel units will have windows on two façades, whilst first and second floor apart-hotel units will have windows in only one façade, for the most part. Each unit contains one double bedroom. The units are considered to be hotel units, and the minimum apartment size and design requirements set down in the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities”, issued by the Department of Housing, Planning and Local Government in 2018, do not apply. Whilst apart-hotel units will have living-room/kitchens, they are not provided with storage space (and only some have balconies). Occupants will be able to avail of hotel leisure/dining facilities.

7.3. Traffic & Parking

- 7.3.1. The Devoy Quarter is a contained development – with just one vehicular access from a roundabout on John Devoy Road. This road has, at present, only one connection to the road network for the town of Naas – a signal-controlled junction with the Old Newbridge Road to the north. The extension of John Devoy Road to the southwest is currently under construction – ultimately to connect to the southwestern ring road for the town. There is a separate, gated pedestrian access to Devoy Quarter from the Rathasker Road to the southeast – an older road within the town network which has recently been turned into a cul de sac, with the construction of the southwestern ring road. The application was accompanied by a ‘Traffic Impact Assessment’. The proposed development will not have any significant impact on either vehicular or pedestrian access to Devoy Quarter.
- 7.3.2. The apart-hotel site consists primarily of a surface car-park serving the Osprey Hotel. It is currently partially in use as a construction compound whilst renovation works are

taking place within the hotel complex. Application drawings indicate that it currently provides parking for 32 cars. The hotel basement currently provides marked parking bays for 117 cars – with ample additional space which could provide further parking. The proposed development seeks to relocate the lost 32 spaces throughout Devoy Quarter at three locations – 8 spaces in front of the apart-hotel block, 10 spaces to three coach bays on the northern boundary, and 14 spaces to a currently disused compound at an ESB sub-station building on Rathasker Road. The coach bays were in use for car-parking on the date of site inspection by this Inspector. A replacement coach bay is to be provided within a landscaped area beside the hotel entrance. The additional information submission of 1st September 2017, included a 'Parking Assessment'. This included a seven-day parking survey carried out between Monday 26th June and Sunday 2nd of July 2017 – between the hours of 06.00 and 20.00 each day. The survey indicates that there are 102 basement parking spaces, whilst I counted at least 117 marked spaces. The four apartment blocks within Devoy Quarter have their own gated parking areas. The remainder of the surface parking area is shared between the Osprey Hotel and the conference/business centre (Time building) within Devoy Quarter. I note that on the afternoon of site inspection by this Inspector, there were a number of vacant basement and surface car-parking spaces. Objectors claim that unauthorised parking on roads within Devoy Quarter is causing traffic hazard and nuisance for apartment residents. This is a management matter for what is a private road network. The proposed development provides for relocation of the 32 spaces which will be lost with the construction of the apart-hotel block, but does not include any additional parking provision for the proposed 24 apart-hotel units. Assuming one parking space per apartment unit, and an average occupancy of 21 of the units, it is calculated that the overall parking within the Devoy Quarter could accommodate this additional amount (based on the maximum car-parking standards set down in the Kildare County Development Plan 2017-2023). I note that residential parking for the four apartment blocks within Devoy Quarter will be unaffected, as the parking areas serving the four blocks are gated.

The access to the ESB sub-station compound would result in the loss of seven parking spaces for Block C apartments. It would also result in the loss of three on-street parking spaces. The 3rd Party appellant contends that the applicant does not

have control over the car-park for Block C, in order to effect the necessary changes. Access to the sub-station compound is through the Block B car-park, and the appellant does not dispute that the applicant has rights to access the sub-station through the car-park. By way of response to the 3rd Party appeal, the applicant proposed an alteration to the access arrangements to Block B apartment car-parking and access to the new parking area at the ESB sub-station. This involves relocating the gates to Block B apartment car-parking and reconfiguration of spaces within the car-park. This would result in an increase from 30 to 32 spaces. The appellant contends that this is not possible, as car-parking spaces are already allocated to each apartment and included in title documents. The appellant also refers to the issue of safety, as no separate pedestrian gate is indicated to the car-park – where one exists at present. It would be possible to provide a replacement pedestrian gate to the car-parking area. This is a private property dispute between parties – outside of the control of the planning code. The requirement to transfer lands to the appellant under the Multi-Unit Development Act 2011 – is outside of the remit of the planning acts. Section 34(13) of the Planning and Development Act, 2000 (as amended) provides that the granting of a planning permission does not entitle a developer to carry out development.

- 7.3.3. A bicycle parking stand for six bicycles is indicated on drawings at ground level next to the entrance lobby to the apart hotel. The basement area of the hotel provides ample space for covered bicycle parking. I would be satisfied that there is ample space for bicycle parking to serve this proposed development.

7.4. **Water**

It is proposed to connect to the existing watermain within the Devoy Quarter complex. An existing 125mm diameter watermain through the site is to be diverted around the new apart-hotel building. It is proposed to connect to the foul sewer main within Devoy Quarter. Surface water from the parking area adjacent to the apart hotel is to continue to be discharged via an existing hydrocarbon interceptor serving the Osprey Hotel. There is an underground attenuation tank serving the Devoy Quarter. The Water Services Section of KCC had no objection to the proposal. The application was referred to Irish Water, and no objection was raised.

7.5. Other Issues

7.5.1. Financial Contribution

Condition 28 of the Notification of decision to grant planning permission required payment of a development contribution of €84,397.34. Any grant of permission to issue from the Board should provide for a similarly-worded condition.

7.5.2. Archaeology

The proposed development is located within an area which has already been subject to development, as part of the Devoy Quarter. There is no necessity for a condition relating to archaeological monitoring of ground disturbance.

7.5.3. Public Notices

The appellant contends that the additional information submission to KCC on 1st September 2017, should have been re-advertised. This is a matter for KCC. I would not see that the changes proposed were of such significance to require publication of new notices – however, as stated above, this was a matter for KCC.

7.5.4. Material Contravention

The claim by the 3rd Party appellant that the proposed development is a material contravention of the parent permission for this site (01/500067) is not borne out by evidence submitted. The proposed development, of course, involves changes to the scheme as originally permitted – hence the need to apply for planning permission. New planning applications do not represent material contraventions of parent permissions – they are stand-alone applications which must be judged on their merits. The granting of a planning permission does not set development in stone – such development can always be altered by way of a grant of a further planning permission, or refused on the grounds that that it would contravene a condition of a previous grant of permission – but such a refusal would have to relate to breach of principles of proper planning and sustainable development – something which is not the case in this instance.

7.5.5. Noise & Nuisance

There is no reason why the occupation of apart-hotel units, operated in conjunction with the adjoining Osprey Hotel, should result in noise and nuisance for occupants of

apartment blocks within Devoy Quarter. Apart-hotel units are no more likely to attract occupants who would be likely to engage in anti-social behaviour, than would occupants of the Osprey Hotel bedrooms, or indeed occupants of the four apartment blocks within Devoy Quarter.

7.5.6. Occupancy

Condition 3 of the Notification of decision to grant planning permission provided, *inter alia*, for the maximum occupation of any apart-hotel unit at three months. I note that the Board has previously required a maximum letting period of two months to a similar-type development in Dublin.

7.5.7. Construction Hours

Condition 18 of the Notification of decision to grant planning permission restricts the hours of construction to 0800-1800, Monday-Friday. This would appear to be reasonable – regard being had to the proximity of residential uses – both hotel and apartment blocks.

7.5.8. Appropriate Assessment

Having regard to the nature and scale of the proposed development, connections to be made to the public sewer network, and proximity of European sites, 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 or an European site.

7.5.9. Signage

No indication has been given of any proposals for signage on the apart-hotel block. It would be appropriate to attach a condition to any grant of planning permission from the Board, limiting the signage which might be erected on the building.

8.0 **Recommendation**

8.1. I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to, the pattern of development in the vicinity and the proposals for replacement car-parking spaces within Devoy Quarter, it is considered that, subject to compliance with the attached conditions, the proposed development would not impact on the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 1st day of September 2017, and by the further plans and particulars received by An Bord Pleanála on the 11th day of January 2018, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed apart-hotel building shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

3. 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 and to ensure a proper standard of development.

4. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of

the area.

5. The proposed apart-hotel development shall be used only as a short-stay tourist accommodation facility, with a maximum occupancy period of two months, and shall not be used for permanent occupation or for use as a student residence. It shall be retained in single overall ownership with the adjoining hotel building.

Reason: In the interest of orderly development and to protect residential amenities.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Site development works shall be confined to 0800-1800 hours, Monday to Friday only.

Reason: In the interest of residential amenity.

8. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, the interest of protecting the environment.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning

and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

**Michael Dillon,
Planning Inspectorate.**

22nd March 2018