



An
Bord
Pleanála

Inspector's Report ABP-303536-19

Development	Extensions to hotel, alterations to existing floors, and provision of fire escape stairwells.
Location	Lawlor's Hotel, Poplar Square and Friary Road, Naas, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/1484
Applicant(s)	Marchford Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Martin Murray
Observer(s)	None
Date of Site Inspection	27 th March 2019
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.0191ha, is located in the town centre of Naas, Co. Kildare. It is located just northeast of the junction of the Sallins Road (R407) with the Dublin Road (R445), on Poplar Square. The hotel faces onto Poplar Square and Friary Road. It has existed since 1913, and comprises 60 bedrooms, conference/meeting rooms and bar/restaurant/café areas. A laneway to the south of the hotel, provides access for deliveries and to limited surface car-parking. There is an outdoor seating area for the hotel café within this laneway. The hotel is flanked by neighbouring buildings on the Poplar Square frontage. Only the façades of the hotel buildings on Poplar Square 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 level with a timber-clad, link-bridge – to bedrooms at this level.
- 1.2. The hotel comprises a mixture of architectural styles and finishes – being up to four storeys in height, above a basement level – beneath part of the building. Roofs are a mixture of slate finish (with red ridge tiles), copper cladding and torched-on felt – substantial portions to the rear being flat-roofed. External walls are a mixture of brick and dry-dash. Signage is limited to the Poplar Square frontage; with a neon sign surmounted on the lift tower housing.
- 1.3. Construction work is under way on lands to the east – to extend the hotel into a four-storey-over-basement development. The basement car-park has been connected to the laneway on the southern side of the hotel. Construction access to this building site is from Gleann na Gréine to the northeast.
- 1.4. There is on-street parking immediately in front of the hotel – with further parking on Poplar Square, and a number of off-street, surface car-parks on John Street and Friary Road. The town was bustling and lively on the date of site inspection.

2.0 Proposed Development

- 2.1. Permission sought on 22nd December 2017, for development at Lawlor's Hotel of 1,410m², as follows-
 - Goods lift on southern elevation, with 35m² lobby on first and second floors.

- 35m² corridor and staff facilities on third floor.
- Modifications to bedroom no. 303.
- Third floor bedroom extension, for three bedrooms (117m²), and roof terrace.
- 3 new fire escape stairwells – serving the proposed third and fourth floors.
- 1 new stairwell accessing the third and fourth floors.
- Fourth floor extension, to include conference room, dining-room, restaurant with roof terrace, kitchen, seating/waiting area, toilets and a connection to the proposed hotel; granted planning permission ref. 16/624.
- Ancillary works to include foul waste discharge to existing public foul sewer in Friary Road (via existing pumping stations within hotel complex); surface water discharge to existing public surface water sewer in Friary Road (via stormwater attenuation system of 63m³ capacity, with 'Hydrobrake' mechanism and hydrocarbon interceptor – limited outfall of 3.3l/s); and water supply from the public mains.

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

- A schedule of floor areas.
- 3 no. coloured, A3-size, axonometric sketch drawings of proposed extensions.

2.2. Following a request for additional information, revised proposals were received on 21st November 2018, to reduce the floor area to 1,118m², as follows-

- Omission of 3 no. proposed bedrooms and associated link corridor and north-facing new roof terraces at third floor level.
- The omission of the proposed conference/dining-room and north-facing garden terrace, at fourth floor level.
- Lowering of roof level to 109.731m OD, and reduction in massing and scale.
- Revised external materials finish; to soften the skyline of the building.
- Restriction of restaurant to 'residents' use' only.
- Compliance in relation to car-parking for PL 09.248186, is currently being dealt with by KCC, and this will cover the proposed development.

- Revised proposals for fire escape staircases.

2.2.1. The additional information submission was accompanied by the following documentation of note-

- Noise Impact Assessment – dated 16th August 2018.
- Architectural Design Statement – dated November 2018.
- Heritage Impact Assessment Report – dated November 2018.
- Preliminary Construction Management Plan – dated 16th November 2018.
- 6 no. photomontages of revised proposal.

3.0 Planning Authority Decision

By Order dated 18th December 2018, Kildare County Council issued a Notification of decision to grant planning permission subject to 19 no. conditions – the principal ones of which can be summarised as follows-

1. Development to be carried out in accordance with plans and particulars submitted on 22nd December 2017 and 21st November 2018.
2. Proposed off-white, roof cladding shall be omitted, and replaced with grey cladding – colour to be submitted for written agreement of the PA.
- 3.a Requires submission of any signage for written agreement of the planning authority.
6. Requires all surface water drainage to be dealt with on site.
8. Relates to submission of a drawing for mechanical ventilation from cooking areas.
10. Relates to C&D waste.
11. Relates to hours of construction.
13. Relates to Construction Management Plan.
16. Relates to noise control at construction stage.
18. Relates to noise control at operational stage.
19. Requires payment of a development contribution of €60,760.40.

4.0 Planning History

There is an extensive planning history attaching to this long-established hotel.

Ref. 16/624: Permission granted by KCC for retention of hotel courtyard suite; demolition of house, sheds and store; and construction of a four-storey-over-basement hotel extension, on a site which included the current appeal site – but also extended to the northeast and east, as far as Gleann na Gréine. On appeal by 1st and 3rd Parties to An Bord Pleanála, (**PL 09.248186**), permission was granted on 28th September 2017. Development work has commenced at this site.

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. bedrooms and ancillary works. The development contribution condition was appealed to An Bord Pleanála (ref. **PL 09.245469**).

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 development contribution condition was appealed to An Bord Pleanála (ref. **PL 09.243440**).

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 levels; 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 level, 8 no. bedrooms at second floor level, and construction of a third floor extension for 11 no. bedrooms; and ancillary works.

Ref. 03-500065: Permission granted in April 2004, for part-retention, demolition and alterations to existing two-storey buildings, and two- and three-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 façades of two adjoining Edwardian houses; and construction of 4 no. retail units at ground floor level and 5 no. first floor level, own-door office units; demolition of function-room; reinstatement of dance floor; construction of 5 no. ground-floor bedrooms, 18 no. first-floor bedrooms and 10 no. second-floor bedrooms; and external works and services. This application was for alterations to previous permission ref. 98-5000143.

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 level; reconstruction of ground- and basement-level lounge bar; 17 no. 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 level; minor amendments to listed façade; and associated off-street parking.

In the vicinity of the site, the following are of note:

Ref. 07-500204: Permission refused on appeal by the Board in June 2009 (**Ref. PL 09.232163**), for the demolition of 1 Gleann na Gréine, 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 was considered that the proposal failed to integrate adequately with and respect the setting of the group of adjoining protected structures.

Ref. 04-500181: Permission refused by KCC and by the Board on appeal in September 2006 (**Ref. PL 09.216261**), for the demolition of two-storey shop units and construction of a three-storey mixed-use development, adjacent to, 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 an Architectural Conservation Area, which 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 and Context

5.1. County Development Plan

The relevant parent document in the Kildare County Development Plan 2017-2023.

Chapter 2 recognises that Naas is a Large Growth Town I.

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 relates to tourism, and notes that 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.*

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 Co. Kildare contain a wealth of architectural and archaeological heritage. The Plan includes policies which include-

PS8: *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 Architectural Conservation Areas, section 12.7 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: *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 having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking.*

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;*
- *The need to protect the vibrancy of town centres and regenerate vacant / underused buildings;*
- *Any modal shift demonstrated through a Traffic and Mobility Assessment; and*
- *The suitability of a contribution in lieu of parking in accordance with the Development Contribution Scheme, as part of a grant of planning permission.*

Table 17.9 provides for car-parking standards. Similar to the Naas Town Plan, 1 space per Hotel bedroom is required; Lounge bar requires 1 space per 15m² gross

floor area; Restaurant/Café 1 space per 10m² floor area; and Function-room/Club 1 space per 10m² of floor area.

Section 17.15.4 refers to Development in Architectural Conservation Areas. It is stated that the Council will have regard to the following-

- *The effect of the proposed development of buildings and the surrounding environment, both natural and man-made.*
- *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.*
- *New alterations and extensions should complement existing buildings/structures in terms of design, external finishes, colour, texture, windows/doors/roof/chimney/design and other details.*
- *In dealing with advertisements in Architectural Conservation Areas, the overriding consideration will be the enhancement and protection of the essential visual qualities of the area.*

The Record of Protected Structures is included at Appendix 3 (A3.2), and includes the structures listed in the Naas Town Plan 2011-2017.

5.2. **Draft Naas Local Area Plan 2018-2024**

This Plan, despite its date, is still at Draft stage. The Planner's Report for KCC states that the **Naas Town Development Plan 2011-2017**, has expired: but notwithstanding, regard was had to its contents, in the assessment of the application.

Chapter 5, relating to the Town Centre, 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 and through the provision of high quality public realm to promote the town centre as an attractive place for all to enjoy.*

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.*

TC2: *To encourage and promote development within the town centre which is of a high standard of design, has an appropriate mix of uses, enhances the built environment and delivers a high quality public realm.*

TC4: *To retain buildings and streetscapes of character in the town centre and to ensure that new development complements the existing character of the streetscape.*

TC6: *To seek to support the appropriate development of lands for the future expansion of Naas town centre.*

TC15: *To ensure that new development in the town centre will only be permitted where it conserves or enhances its character thereby promoting high quality urban change and improvement.*

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

Section 7.6 of Chapter 7 refers to Traffic and Parking, and states, *inter alia*, 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 Architectural Conservation Area: the site is located wholly within the ACA. The Plan 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.*

It is the policy of the Council:

ATH1: *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.*

The Naas Town Plan includes, at Appendix II, 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:

- **NS19-017** – ‘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.
- **NS19-018** – Hayden’s Public House, 6 Poplar Square – Terraced, three-bay, two-storey house: c.1830.
- **NS19-021** – St. Patrick’s Monastery, Friary Road – Six-bay, two-storey, religious house: c.1900.
- **NS19-043** – St. Anne’s, Poplar Square – End-of-terrace, three-bay, three-storey, house: c.1840.
- **NS19-044** – Station Master’s House, Gleann na Gréine – Detached, three-bay, two-storey, station master’s house: c.1850.
- **NS19-192** – McMahon’s Solicitors, Poplar Square – Terraced, two-bay, two-storey house: c.1870.

Chapter 13 refers to Development Standards. Table 13.1 notes that a 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-parking space per bedroom in hotels; excluding function-rooms. For function-room, dance halls, clubs,

1 car space per 3sq.m is required. Restaurants require 1 car space per 4.5sq.m of public floor space.

Table 14.2 of Chapter 14 refers to Land Use Zoning. The site is located within the A: '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.

5.3. County Kildare 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 sq.m for developments greater than 3,000sq.m gross floor area. Car-parking shortfall is charged at €5,000 per space, in all towns and settlements.

5.4. Natural Heritage Designations

The site is neither within nor immediately abutting any natural heritage designation. The closest such are-

- Red Bog SAC (Site code 000397) – located some 8.5km to the east-southeast.

- Poulaphouca Reservoir SPA (Site code 004063) – located some 10.5km to the southeast.
- Wicklow Mountains SAC (Site code 002122) – located some 13.0km to the southeast.
- Pollardstown Fen SAC (Site code 000396) – located some 12.0km to the southwest.
- Mouds Bog SAC (Site code 002331) – located some 8.5km to the west.
- Ballynafagh Lake SAC (Site code 0001387) – located some 10.0km to the northwest.
- Ballynafagh Bog SAC (Site code 000391) – located some 10.5km to the northwest.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal from Martin Murray, Architect, with an address at Ranelagh, Dublin 6; and also at Dublin Road, Naas; received by An Bord Pleanála on 23rd January 2019, can be summarised in bullet point format as follow-

- The development will have a significant adverse impact on the urban form of Poplar Square, which is one of the main urban spaces of the town. Lawlor's Hotel has been the mainstay in the square, for over one hundred years.
- The only redeeming features of the extension are the mute palette of colours and materials.
- The site is within an Architectural Conservation Area. The fact that planning permission has been granted for an extension to the hotel to the rear (of equal height) is no justification for increasing the height of the existing portion of the hotel. The roofscape of the extended hotel will be too prominent, when viewed from many of the entrances to Poplar Square.
- The rooftop elements of conference area and restaurant will result in increased noise.

- Additional traffic movements generated by this development within Poplar Square will have a negative impact on commercial viability within the square.
- The hotel already operates with significantly reduced car-parking. In this context, it is difficult to justify further extensions.
- Music and noise from terraces and balconies will be carried on the wind, and will create nuisance.
- There will be overlooking of adjoining properties from the extended areas.
- Over-scaled developments, such as this one, disrupt the equilibrium of historically commercial market towns; are detrimental to urban design principles; and work against the close-grained, mixed-use, appropriately-scaled town environments, which the planning system should be endeavouring to create.

6.2. Applicant Response

The response of EHP Services, agent on behalf of the applicant, Marchford Ltd, received by An Bord Pleanála on 25th February 2019, can be summarised in bullet point format as follows-

- The development was substantially scaled-back, by way of additional information submission to KCC.
- The originally-proposed curved roof was replaced by a flatter roof – reducing the height by 0.625m.
- The hotel, in original and adapted form, is a landmark structure in the town. It is a long-term objective of the NTA and KCC, to pedestrianise Poplar Square.
- Hotel revenue derives more from corporate hospitality than tourism. New facilities, to a high standard, are required to compete in this market. In conjunction with the hotel extension currently under construction, the proposed development will provide a high-quality feature which will complement the hotel's offer.
- The appeal is a frivolous one. The so-called family home is an abandoned property that has not been occupied for a considerable period of time. The

family home is not part of the same urban block as the appeal site, and would not be adversely affected by any aspect of the proposed development.

- The appeal is emotive and subjective, and devoid of any reasoned or rational planning justification. There is no reference or reliance on national guidance or Development Plan policies/objectives. The appeal appears to have been written in relation to the originally-proposed scheme.
- The PA assessed the development in relation to the County Development Plan and the expired Town Development Plan.
- The development will not diminish or detract from the vibrancy of the town.
- The Naas ACA is not necessarily of uniform character. This part of the town contains an eclectic, but not unexpected, mix of building types, of varying age; good, bad or indifferent architectural styles; varying heights, width, massing and bulk; and varying materials and colour schemes. The ACA was drawn up, cognisant of this variety.
- KCC has consented to several schemes in the vicinity (amongst them the 2016 extension to the hotel) – including the Permanent TSB Arcade, Poplar Square West site, Barker & Jones bookstore, Poplar Square southwest site, Naas Town Shopping Centre on Dublin Road and The Atrium business and office complex on Friary Lane.
- The appeal does not acknowledge the high-quality revised design of the roofscape of the proposed development.
- A Heritage Impact Assessment Report was included in the additional information submission to KCC. A 14m setback from the existing front elevation of the hotel on Poplar Square, is sufficient to safeguard the ACA.
- The restaurant will not operate independently of the hotel. It will principally serve existing guests.
- The claim that the development would generate increased traffic or movements is nonsensical: it is an unsubstantiated opinion, which was not shared by the Roads & Transportation Section of KCC.

- The development will not have any impact on traffic safety. The Roads & Transportation Section of KCC, did not consider that the development would result in any impact on traffic safety. The restaurant will serve existing hotel guests. The town centre is well-provided with on-street parking and off-street surface car-parks. The proposed hotel extension onto Gleann na Gréine will provide for basement car-parking for the hotel.
- Condition 13 of the Notification of decision to grant planning permission required the submission of a Construction Management Plan. This document will address construction traffic.
- The rooftop restaurant is not an 'entertainment suite'. Terraced areas were reduced by way of additional information submission. The appeal reads as an objection to the 2016 planning application to extend the hotel at Gleann na Gréine, rather than to the current proposal.
- The restaurant will be solely used for eating. It will not be a source of excessive, late-night noise. The remaining roof terrace faces onto Poplar Square – and away from nearest neighbours. It will be used primarily as a smoking area.
- The appellant has not had regard to the conclusions of the Noise Assessment Report submitted to KCC, by way of additional information. Conditions 11, 17 & 18 of the Notification of decision to grant planning permission, address the issue of noise. Appropriate mitigation measures have been incorporated into the design – to ensure that there will be no noise nuisance caused for neighbours.
- Most of the development will be screened from view by the bulk and mass of the 2016 permitted extension. This is clearly illustrated in the photomontages submitted to KCC, by way of additional information.
- Despite the number of objections to KCC from the residents of Gleann na Gréine, when the application was first lodged: none of them chose to appeal the decision to grant permission.

- The development is in accordance with the principle of sustainable growth of the town. It will contribute to the visual vibrancy, functional diversity and vitality of town centre businesses and services.

6.3. **Planning Authority Response**

The response of Kildare County Council, received by An Bord Pleanála on 14th February 2019, indicated that the PA had no further comment to make.

6.4. **Observations**

6.4.1. By letters dated 8th March 2019, the appeal was circulated to the following Prescribed Bodies for comment – on or before 4th April 2019-

- The Heritage Council.
- Fáilte Ireland.
- Development Applications Unit of Department of Culture, Heritage and the Gaeltacht.
- An Taisce.
- An Chomhairle Ealaíon.

6.4.2. There were no responses received.

7.0 **Assessment**

The principal issues of this appeal relate to the impact on the architectural form of Poplar Square and the adjoining town centre Architectural Conservation Area; the impact on Protected Structures within the vicinity; parking; and residential amenity.

7.1. **Development Plan Considerations**

7.1.1. The site is zoned for 'Town Centre' uses within the Naas Town Development Plan 2011-2017. Notwithstanding that this Plan would appear to have expired, and that the Naas Local Area Plan is still progressing through the Draft process; the PA had regard to the old Plan in assessing the application. The development of an hotel dining-room and associated facilities, is in accordance with the zoning provisions of

the old Plan. The development proposed is for use by hotel patrons. The 1st Party response to the grounds of appeal, states that the development will only be used for the purposes of dining: it will not be used as an 'entertainment suite'. It would be possible to attach a condition to any grant of planning permission to issue from the Board; requiring that the new floor area, be solely used for meals for hotel patrons – and that any other use would require a specific grant of permission from the PA.

- 7.1.2. The Naas Town Development Plan 2011-2017, specifically states in relation to the 'Town Centre' zoning- *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.* The proposed development will help to achieve this. The Plan goes on to state- *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.* I would be satisfied that a strong urban design approach is evident in this application, which will contribute to the dynamism and vibrancy of the town centre. Finally, the zoning objective within the Plan states- *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.* The proposed restaurant use will help promote evening-time usage within the town centre.

7.2. Design & Layout

- 7.2.1. The proposed hotel extensions (1,118m²) are located almost entirely within the built footprint of the hotel – mostly at new fourth floor level. It is stated that the extensions will not exceed the heights of the large hotel extension permitted under ref. 16/624. The roof of the restaurant, as originally proposed, contained copper cladding and grey membrane – but this was altered by way of additional information submission to off-white 'Kingspan' roof panels and copper cladding. A combination of glazing, copper cladding, red-brick, dry-dash and rendered walls; will reflect existing external finishes at the hotel on Poplar Square. For roof areas, it is proposed to use off-white, insulated, 'Kingspan' panels for the main restaurant and bar area, and butyl

rubber for the lift-shafts. Condition 2 of the Notification of decision to grant planning permission required the replacement of the off-white cladding with a grey colour – to be agreed by the PA. This would seem to be reasonable; and a similarly-worded condition should be attached to any grant of permission to issue from the Board. Soffit and fascia to the glazed canopy areas, over part of the roof terrace, are to be off-white. There is no objection to this colouring. The extension is set back from the building line on Poplar Square by 14-15m, whilst the roof terrace is set back by 10-11m. Roof terraces were altered during the progress of the application through KCC – and have been reduced to just the one terrace – addressing Poplar Square. The terrace will have a glazed balustrade. The applicant states that this terrace will largely be used by smokers. The terrace will include landscaping – to soften the visual impact. It will afford expansive views over the roofscape of Naas – with few other buildings to the south and west of equal height.

7.2.2. Permission was granted ref. 16/624 (PL 09.248186) for a four-storey-over-basement extension to the east of the hotel. In addition, a small fourth floor plant-room, on the roof of the permitted hotel extension, is provided for in the scheme. The roofline of this plant room will be approximately 1.6m higher than the roofline of the proposed restaurant. The roof of the four-storey hotel extension (currently under construction), will be marginally lower than the roof of the proposed fourth floor restaurant extension – the subject of this current appeal. The additional information submission lowered the height of the proposed curved roof of the restaurant extension by 0.6m, and altered the profile considerably – to a much a shallower pitch. The slight increase in roof height will not be significant in visual terms.

7.2.3. The hotel is located within the Naas Architectural Conservation Area (ACA). The ACA, as the applicant points out, covers a large area of the town centre, which contains a wide variety of architectural styles; and buildings from across the centuries. There can be said to be no specific architectural vernacular style in the town centre. What was once a market town with streets flanked largely by two- and three-storey buildings with pitched roofs, has been radically altered through more recent interventions into the streetscape and the plot layout: none more so than Lawlor's Hotel itself. The copper-clad Mansard roof element of the third floor, is clearly visible from Poplar Square: and to an extent, dominates the square. The hotel was largely rebuilt in 2006 – with just the façade on Poplar Square retained. A

series of extensions to the side and rear of the hotel, exhibit a variety of architectural styles and roof profiles – as is evident from the photomontages submitted with the application. It cannot be said that the hotel exhibits any one unifying architectural style or external finish – but the oxidised copper green and red raddle paint colours, do provide some degree of unity to the whole, when viewed from Poplar Square. The same cannot be said for side views – which are limited in terms of visibility from public streets. The Naas Town Development Plan 2011-2017 states at **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.* I would be satisfied that the proposed extension, as modified, would not be detrimental to the character of the ACA – regard being had to extensions to the hotel which have been, and are being, constructed.

- 7.2.4. The appellant contends that the proposed extension would be at odds with the ACA. Section 17.15.4 of the Naas Town Development Plan 2011-2017, states that development within the ACA must have regard to three factors – relating to the surrounding environment, streetscape, and design/external finish. I would consider that the revised scheme has had regard to the setting, the streetscape and the design and external finishes which will blend with the palette of materials which comprise the external finishes of the existing hotel building. The principal impact on the ACA will be on views from Poplar Square, and to a lesser extent from Dublin Road. There will be glimpsed views of the additional floor from John's Lane, Friary Road and Gleann na Gréine – but these will be in the context of other newer and tall buildings – particularly the extension to the hotel which is currently being constructed. I would be satisfied that the set-back of 14-15m from the existing hotel building line on Poplar Square, will soften the impact of the development when viewed from this location – particularly when moving closer to the hotel. The glazed balustrade and landscaping, together with the palette of materials used, will help to blend the extension into the roovescape of the town in this location.
- 7.2.5. Much is made of the age of the hotel and its landmark status in the town. The landmark status does not just derive from architectural form, but rather from its central location, age, association with the equine industry, and significant events in the history of the town. The applicant has argued that corporate entertainment has

replaced tourism as the principal business of the hotel. A roof-top restaurant, such as the one proposed, will significantly add to the range of facilities available at the hotel. Poplar Square marks the northeastern extremity of what could be termed the old town centre – this marked by the fact that there was once a mediaeval town gate located here. I would be satisfied that a town centre fringe location, such as this one, could accommodate an additional storey on the building – particularly where the hotel contributes to the vibrancy and vitality of the town centre – providing an amenity for town residents, and visitors alike.

7.3. Access & Parking

- 7.3.1. There will be no alterations to the access arrangements to the hotel – arising from this application. There is no parking provision made for the proposed development. There are limited parking spaces located within the laneway and delivery yard on the southern side of the hotel. The additional information request to the applicant, sought information in relation to overall parking provision within the hotel complex. The applicant indicated that the hotel owners were engaged with compliance on this issue, in relation to file ref. 16/624 (PL 09.248186). There was no other reference to parking allocation. The additional information submission removed the three new proposed bedrooms and the conference/dining-room at third and fourth floor levels. The restaurant is stated to be for hotel guests only – but it is difficult to see how such a restriction could be enforced on a development such as this. The appellant is concerned that the proposed development would result in additional on-street parking, to the detriment of the remainder of the town. I note that the Kildare County Development Plan requires one parking space per 10sq.m of floor area. The Roads and Transportation Section of KCC was satisfied with the revised proposal, having previously required that additional information be sought from the applicant – by way of a schedule of car-parking for the overall hotel development. The Notification of decision to grant planning permission did not include any condition in relation to parking. There was no condition attached requiring payment of a development contribution in lieu of on-site parking provision – as is specifically provided for at section 17.7.6 of the Kildare County Council Development Plan 2017-2023, which provides that- Lower rates of parking may be appropriate at certain sites. In determining this, the Council will have regard to – [amongst which is the following]

The suitability of a contribution in lieu of parking in accordance with the Development Contribution Scheme, as part of a grant of planning permission. I note that there is on-street parking immediately in front of the hotel, on Poplar Square and on adjacent Dublin Road. In addition, there are substantial off-street, surface car-parks nearby on John's Lane and Friary Road. I would be satisfied that the proposed development will not have any significant impact on parking within the town.

- 7.3.2. The Notification of decision to grant planning permission did not make any reference to bicycle parking – notwithstanding that Table 17.10 of the Kildare County Development Plan requires 1 space per 30sq.m of floor area. The applicant contends that the restaurant will only be used by hotel guests: and it must be assumed that bicycle-parking would have been provided within the hotel complex for residents. Again, I note, the Roads and Transportation Section of KCC, had no objection to the proposal.

7.4. **Water**

7.4.1. Water Supply

The existing hotel is served from the public mains. The proposed development will be served from the public mains. The Water Services Section of KCC and Irish Water indicated that there was no objection to the proposed development.

7.4.2. Foul Waste

Foul waste from the hotel is collected in a sump within the complex, and pumped to the existing public foul sewer in Friary Road. The Water Services Section of KCC and Irish Water indicated that there was no objection to the proposed development.

7.4.3. Surface Water

Surface water from the existing hotel development is discharged to the public surface water sewer in Friary Road. Surface water is attenuated on site within a 63m³ underground storage facility, with discharge throttled via 'Hydrobrake' mechanism to 3.3l/s. There is an hydrocarbon interceptor fitted on the system. The Water Services Section of KCC indicated no objection to the proposed development. The proposed development will not result in any increase in the footprint of the hotel building/paved area – and so there will be no increase in surface water run-off.

7.4.4. Flooding

The proposed development will not result in any increase in the footprint of the hotel building/paved area – and so there will be no increase in surface water run-off, and consequently no impact on flooding either within the site or on adjoining sites.

7.5. **Other Issues**

7.5.1. Development Contribution

Condition 19 of the Notification of decision to grant planning permission, required payment of a development contribution of €60,760.40. There was no objection to this condition. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

7.5.2. Archaeology

The site of the Town Defences (Town Gate within Poplar Square), is located just to the northwest of the appeal site (Recorded Monument ref. KD019-030002). There is no above-ground evidence of this structure. The proposed development does not involve any increase in the footprint of the hotel in the vicinity of this Recorded Monument; and so, there will be no impact on archaeology.

7.5.3. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The development is connected to the public sewer and watermain network. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required

7.5.4. Appropriate Assessment

Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 any European site – as listed in section 5.4 of this Inspector's Report.

7.5.5. Signage

Condition 3.a of the Notification of decision to grant planning permission, required the applicant to submit any signage proposals to the PA for written agreement. The drawings submitted with the application do not indicate any signage proposals. There is already signage on this hotel. I would consider that any proposals for signage (apart from signage provided by way of the exempted development provisions of the Planning and Development Regulations), should be subject of a separate planning application. Condition 3.a should be amended, in any decision of the Board to grant permission, to reflect the requirement to submit a planning application, for any new signage is proposed.

7.5.6. Waste

Condition 10 of the Notification of decision to grant planning permission required the applicant to submit a Construction and Demolition Waste Plan for the agreement of the PA. This would appear to be prudent, and a similarly-worded condition should be attached to any grant of permission from the Board.

7.5.7. Construction

The additional information submission to KCC, included a Preliminary Construction Management Plan – dated 16th November 2018. Condition 11 of the Notification of decision to grant planning permission, restricted the hours of construction to 0800-1800 Monday to Friday and 0800-1300 on Saturdays. These hours would appear to be somewhat restrictive, in the context of a functioning hotel at a busy town centre location. I note that condition 8 of permission ref. PL 09.248186 (for development of a large-scale extension to the hotel), allowed for a slight increase in hours on Saturdays – to 1400. A similarly-worded condition should be attached to any grant of planning permission to issue from the Board: in the interests of consistency. Condition 16 of the Notification of decision to grant planning permission related to Noise & Vibration; whilst condition 17 related to dust during the construction phase. I note that condition 7 of the Board's decision to grant permission for a large-scale extension to the hotel (PL 09.248186), required submission of a Construction Management Plan for agreement of the PA, within which issues such as mitigation measures for noise, vibration and dust were to be addressed. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

7.5.8. Operational Noise

The additional information submission to KCC, included a Noise Impact Assessment (dated 16th August 2018), for the operational phase of development. Noise monitoring was undertaken at three points to east and west of the site. Attenuation is to be provided on the kitchen extractor fan, on the southern elevation of the building. The appellant expressed concern in relation to noise travelling from external terraces and balconies; and causing nuisance to residents. I note that this is a busy town centre site – where traffic noise will be one of the significant contributors to background noise. The proposal is for an extension to an existing hotel. Condition 18 of the Notification of decision to grant planning permission addressed the issue of operational noise. Condition 11 of the Board's grant of permission for a significant extension to this hotel (PL 09.248186), addressed the issue of operational noise; and such a condition should be attached to any grant of permission to issue from the Board in relation to the current appeal – in the interests of consistency, and to protect the amenities of adjoining property. I would not see that a roof terrace attached to a restaurant would have any significant impact on the amenities of adjacent residences – regard being had to the separation distances to the majority of the residences in Gleann na Gréine (a quieter residential cul de sac) and Dublin Road (a busy Regional Road through the town), and the fact that the facility is to be used by hotel guests, for eating purposes.

7.5.9. Mechanical Extraction

The additional information indicated that noise attenuation measures would be included on the kitchen extraction fan on the southern elevation of the proposed extension. Condition 8 of the Notification of decision to grant planning permission required the applicant to submit, for the written agreement of the PA, details of mechanical air extraction from the proposed kitchen. This would appear to be reasonable, in order to protect the amenities of occupants of adjoining properties – where no detailed drawings of such extraction have been submitted. A similarly-worded condition should be attached to any grant of permission from the Board.

7.5.10. Roof-Mounted Plant

I note that there is an enclosed plant area to be provided immediately adjoining the existing hotel – on the roof of the permitted extension – ref. 16/624 (PL 09.248186).

The drawings submitted with the current appeal, do not indicate any roof plant. Having regard to the height of the proposed development, it would be undesirable that the height be increased by roof-mounted plant. The roof of this building will be visible from a number of vantage points within the town. A condition should be attached to any grant of planning permission to issue from the Board, requiring that no plant or equipment be mounted on the roof or walls of the proposed extension – in the interests of residential and visual amenity.

8.0 Recommendation

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

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 21st day of November 2018, except as may otherwise be required in order to

comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority, prior to commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No additional development shall take place at the new fourth floor level, or above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment.

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

3. The proposed restaurant and associated bar facilities shall be used solely for the purposes of meals for hotel patrons; and shall not be used as a function room/conference room, or dance area – without a prior specific grant of planning permission.

Reason: To limit the use of the proposed development to the uses stated in the application, in the interest of residential amenity and orderly development.

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

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

5. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In particular, the off-white 'Kingspan' roof panels proposed, shall be replaced with grey-coloured panels.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

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

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

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

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) location of areas for construction site offices and staff facilities;
- (c) details of site-security fencing and hoardings;
- (d) details of on-site and off-site car-parking facilities for site workers during the course of construction;
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage; to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network, and measures to prevent usage of the lane adjacent to no. 6 Gleann na Gréine;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles

in the case of the closure of any public road or footpath during the course of site development works;

(i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j) containment of all construction-related fuel and oil within specially-constructed bunds, to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) means to ensure that surface water run-off is controlled, such that no silt or other pollutants enter local surface water sewers or drains.

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

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

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

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

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site

clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material, in accordance with the provisions of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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

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

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

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

Reason: In the interests of visual amenity.

13. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them; no advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within

the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided (not to include payment towards car parking shortfall) by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

**Michael Dillon,
Planning Inspectorate.**

15th April 2019.