



Board Direction

Ref: PL09.247476

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 6th March 2017.

The Board decided by a majority of 2:1 to grant permission in accordance with the reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the urban location of the proposed development, its nature and scale in the context of the existing town centre, the documentation and submissions on file generally, including the Appropriate Assessment Screening Report, the separation distances to European Sites, and the assessment of the Inspector in relation to the potential for effects on such Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector, and concluded that, by itself and in combination with other plans or projects in the vicinity, the proposed development would not be likely to have significant effects on European Sites in view of their conservation objectives.

Environmental Impact Assessment Screening

Having regard to the nature of the proposed development, its urban location, its nature and characteristics, its scale in the context of the existing town centre and the buildings in the vicinity, the characteristics and scale of the potential impacts of the development, the documentation and submissions on file generally, the categories of development set out in Schedule 5 to the Planning and Development Regulations, 2001, as amended, and the criteria set out in Schedule 7 of those Regulations, the Board is satisfied that the proposed development would not be likely to have significant effects on the environment, either by itself or in cumulation with other development in the area. In coming to this determination, the Board concurred with the analysis set out in the Inspector's report as a whole which assessed the potential effects of the proposed development on the environment generally, with the exception of her recommendations for refusal of permission, which are addressed below. The Board, therefore, concluded that the submission of an environmental impact statement was not required.

Conclusions on the Proper Planning and Sustainable Development of the Area

Having regard to Section 4.7.5 of the Kildare County Development Plan, which states that student accommodation should be located convenient to the college in Maynooth, where land is appropriately zoned, to Policy HP 15 in relation to student accommodation in Maynooth, to the A1 Town Centre land use zoning objective for the site as set out in the Maynooth Local Area Plan 2013 - 2019, to the nature and scale of the proposed student accommodation, its location in the centre of the university town and in close proximity to third level institutions, its proximity to open space and recreation areas, the planning history of the site, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be of benefit to the town of Maynooth in improving the housing mix, would be acceptable in scale in this town centre location, would provide an acceptable level of amenity for future occupants, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not detract from the character, fabric, or setting of protected structures or of archaeological monuments, would not detract from the character of the streetscape or of the Maynooth Town Architectural Conservation Area, would be acceptable in relation to protected views, would not unduly conflict with "The Planning System and Flood Risk Management Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2009), and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for reasons relating to its visual effects, the Board accepted the sensitivity of the town environment, but was satisfied that the proposed development is reduced in bulk and scale relative to the development previously refused under An Bord Pleanála appeal reference number PL09.214151 (planning register reference number 04/3086). The Board was satisfied that the relationship between the proposed new building and historic buildings, including the protected structures of Buckley House and the Garda Station, is substantially improved and is appropriately stepped back and scaled in relation to the protected structures and adjacent buildings on Leinster Street. The Board accepted that the proposed development would constitute a substantial intervention in the streetscape, but did not consider that it would be a negative one in view of its good design quality. It was considered that visual impacts from Parson Street and Castle View House are mitigated by the design amendments made since the previous reason for refusal, and in particular, by the higher quality of the design now proposed. It was also considered that impacts at these locations would be ameliorated by landscaping, which could be addressed by means of condition. For these reasons also, the Board was satisfied that the proposed development would be appropriate within the Maynooth Town Architectural Conservation Area, and would not adversely affect its character.

In deciding not to accept the Inspector's recommendation to refuse permission because of flooding, the Board had regard to the flood risk maps published for Maynooth by the Office of Public Works (July 2016), the provisions of "The Planning System and Flood Risk Management Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2009), the town centre location of the site, its Town Centre land use zoning objective as set out in the Maynooth Local Area Plan 2013 – 2019, whereby residential use is permitted in principle, the Draft Strategic Flood Risk Assessment prepared in support of the Local Area Plan, and the specific design requirements set out for development in these lands as set out on Drawing 11049-MAYN-02(a)-01 in Appendix 2 of the draft flood risk assessment. The Board accepted that the site is located within flood zones A and B, and that the proposed use is categorised as being highly vulnerable to flooding; however, its location within the town centre, its zoning following consideration of flood risk, its nature serving third level institutions in close proximity, its benefit to the town accordingly, and the provision of mitigation measures including flood storage, were also considered, and the Board concluded that the proposed development would be acceptable in principle at this location.

Furthermore, having regard to the predicted flood levels set out in the flood maps issued by the Office of Public Works (July 2016), it was considered that the floor levels proposed at further information stage would be acceptable at 500 mm above the 1% AEP flood level, in accordance with the precautionary approach set out in Section 5.16 of the Guidelines and making further provision for climate change. The Board took particular note of Appendix C to the submission made by the planning authority to An Bord Pleanála on 25th January 2017, prepared by JBA Consulting. The Board was of the opinion that, in light of the acceptability of the proposed development at this location in principle, and in view of the general acceptability of the proposed floor levels, it would be acceptable and appropriate to address by means of condition the finer details of the specific mechanisms and volumes of flood storage, and other construction-stage design particulars of surface water and flood protection details, and concurred with the view of the Water Services Division of the local authority on this matter, as submitted to An Bord Pleanála on 24th November 2016.

In deciding not to accept the Inspector's recommendation to refuse permission due to the level of car parking provision, the Board considered that the proposed mix of uses has changed relative to that proposed under An Bord Pleanála appeal reference number PL09.214151 (planning authority register reference number 04/3086), resulting in a reduced necessity for car parking. The Board is satisfied that the proposed development now principally comprises student accommodation, and that the other uses proposed are effectively associated with and ancillary to the student accommodation. The Board, therefore, considered that the level of car parking proposed would not merit refusal in this particular instance, in light of the close proximity of the proposed development to third level institutions, and in the context of the likely transport patterns of occupants, and the availability of public transport to Maynooth.

CONDITIONS

1. PlansPartic incl. FI 19/08/16 and appeal 26/10/16

2. The alterations proposed at first floor level of Buckley House shall not be made, including the proposed removal of internal walls, and only the following amendments may be made:
 - (a) an archway may be provided between the front and central rooms on the south side of the house.
 - (b) the wall and doorway facing the top of the stairs (forming the “small room central front” as described in the Conservation Report) may be removed.

Reason: To protect the integrity of Buckley House, including its function and the relationship between rooms, while making reasonable provision for its proposed use.

3.
 - (1) Detailed construction method statements in relation to all work proposed to Buckley House, including proposed flood protection measures in particular, shall be prepared by an experienced conservation architect qualified to at least Grade 2 RIAI or equivalent, and shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
 - (2) The method statements shall provide for the retention and restoration of the existing boundary treatment to the north on Parson Street, including existing entrances.

Reason: To protect the fabric and character of the protected structure, and to prevent inappropriate restoration proposals.

4. Prior to commencement of development, the following shall be submitted to and agreed in writing with the planning authority:
 - (a) detailed plans and particulars of measures to protect the proposed development to the level of 0.1% AEP plus allowance for climate change, incorporating all appropriate residual risk protection measures, including flood barriers, non-return valves, flood alert system, provision for access and egress during flood events, etc., and
 - (b) detailed plans, particulars and calculations of the proposed flood storage to cater for a 0.1% AEP (and climate change) event.

Reason: To provide adequate protection from flooding for occupants, and to provide adequate replacement for lost flood storage.

5.
 - (1) The site shall be landscaped, in accordance with details that shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the planting of trees along the western boundary of the site.
 - (2) Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- (3) Prior to commencement of development, details of a high quality hard landscaping scheme shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of the visual amenities of Buckley House, of the Architectural Conservation Area, and of properties in the vicinity.

6. No unit within the student accommodation shall be occupied by persons other than current students of recognised third level institutions.

Reason: The proposed development is not designed as permanent residential accommodation.

7. CommFinishes
8. ShopFront 2
9. RetailAd 3
10. FastOdour
11. Noise C

12. The hours of operation of the restaurant, bar and café shall be submitted to and agreed in writing with the planning authority.

Reason: To protect neighbouring residential amenity.

13. The car parking shall be reserved solely to serve occupants of the proposed development, shall not be used by staff, and shall not be sold, let, or otherwise conveyed, except to serve the student accommodation.

Reason: In the interest of sustainable travel patterns.

14. A pre-construction bat survey shall be undertaken by an appropriately qualified and experienced ecologist, the results of which shall be submitted to and agreed in writing prior to commencement of construction.

Reason: To protect bats.

15. Urban WaterDrain

16. The proposed foul water drainage system, including appropriate flood proofing measures, shall be constructed in accordance with plans and particulars that shall be submitted to and agreed in writing with the planning authority prior to the commencement of construction, and following consultation with Irish Water.

Reason: In the interests of public health and protection of the environment.

17. RoofPlant
18. Cables
19. UrbanWaste 1
20. Litter
21. Archaeology

- 22. CDW
- 23. CMP 2
- 24. Section 48

Notes:

- A. The Board was satisfied that the amendments proposed on appeal are relatively minor, and would not disadvantage any third parties, and in these circumstances was satisfied that the issuing of further public notices was not necessary.
- B. In light of the Board's decision that the proposed development would not have unacceptable impacts on the streetscape, protected structures, archaeological features, protected views, or adjacent residential amenity, the Board accordingly considered that the proposed development would not constitute a material contravention of policies in the Development Plan, including EA11, and did not concur with the Inspector's view of this matter. The Board noted also that the planning authority had not cited material contravention of the Development Plan in its decision to refuse permission.

Board Member: _____ Date: 13th March 2017
Fionna O' Regan