



An  
Bord  
Pleanála

**Board Direction**  
**BD-001149-18**  
**ABP-301775-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 20<sup>th</sup> 2018.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. The proposed development, by reason of its design, scale and bulk, in close proximity to St Mary's Church, which is a protected structure, would materially and detrimentally affect the setting of this protected structure and would diminish the level of light reaching the stained glass windows on the eastern and southern elevations of the Church, thereby detracting from its artistic, historic and architectural interest, and would injure its setting. The proposed development would, therefore, materially contravene the policies and objectives of the Maynooth Local Area Plan 2013 – 2019 (in particular policy HP2) and the Kildare County Development Plan 2017 – 2023 (in particular policies DL1, PS2 and PS3), and would be contrary to the proper planning and sustainable development of the area
2. The proposed development, by reason of its bulk, design and location, would significantly detract from the character and amenities of the town of Maynooth, and in particular from the amenities of the lands along the Lyreen River and the open space at Pound Lane, due to the aspect that it would present towards the river which would be dominated by a high wall over which

the proposed apartment buildings would appear as structures of substantial mass and extent. The proposed development would, therefore, be visually obtrusive, would fail to enhance the visual corridor of the Lyreen River and would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development would not integrate with existing and authorised development in the vicinity nor provide adequate pedestrian and cyclist permeability, in order to encourage suitable facilities for travel by sustainable modes, in accordance with national policy. In particular:

- The proposed development would fail to provide convenient and attractive routes for pedestrians and cyclists from the adjoining lands through the site towards the town centre, either along the river or otherwise.
- The design of the access to the proposed development has not been co-ordinated with approved works to improve cycling and pedestrian facilities along Mill Street.
- The proposed amount of car parking is considered to be excessive and has not been significantly reduced to reflect the town centre location of the site in accordance with the advice given at section 4.19 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018.

Furthermore, the Board is not satisfied that the trip generation from the proposed development has been adequately modelled or justified so as to demonstrate that the proposed development would not have a significantly negative impact on traffic flows at this location between two heavily congested traffic junctions.

The proposed development would, therefore, be contrary to these Ministerial Guidelines, would endanger public safety by reason of traffic hazard and obstruction of road users (including vulnerable road users such as pedestrians and cyclists), and would be contrary to the proper planning and sustainable development of the area.

4 The proposed development would fail to provide an acceptable standard of amenity for its future occupants in accordance with the provisions of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of Housing, Planning and Local Government in March 2018, and the policies and objectives of the Kildare County Development Plan 2017-2023 and the Maynooth Local Area Plan 2013-2019 because:

- It would contain a number of single aspect apartments whose orientation would be predominantly towards the north and which would be in close proximity to the site boundary and would not overlook any significant amenity, contrary to section 3.18 of the Ministerial Guidelines.
- The amenity provided by the proposed central open space would be compromised by the width and extent of the vehicular route that would be run through it.
- The amenity provided by the open space along the river would be compromised by its narrow width, which would contravene policy FRA 8 of the Maynooth Local Area Plan, by the high wall alongside it, and by the failure to provide convenient and attractive access at either end of it.

The proposed development would therefore be contrary to the above-mentioned plans and Ministerial Guidelines issued to planning authorities under section 28 of the Planning and Development Act, 2000, as amended, and would be contrary to the proper planning and sustainable development of the area.

5 Having regard to the use of a bespoke river flood model rather than the Catchment-based Flood Risk Assessment and Management (CFRAM) model prepared by the Office of Public Works in the Site Specific Flood Risk Assessment submitted with the application, to the preliminary nature of the submitted drainage designs and to the failure to address flood risks resulting from the proposed development, it is considered that it has not been demonstrated to the satisfaction of the Board that the proposed development would not pose an increased flood risk to third party properties and lands arising from the loss of floodplain storage. Accordingly, it is considered that the proposal has not been subject to an appropriate flood risk assessment that would satisfy criterion number 2 of the Justification Test for development management set out in section 5.15 of the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government issued in November 2009. The proposed development would, therefore, be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

**Board Member**

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Philip Jones

**Date:** 20<sup>th</sup> September 2018