



An
Bord
Pleanála

Board Direction
BD-015062-24
ABP-313264-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/01/2024.

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

Reasons and Considerations

The site is contiguous of Maynooth town and designated as an area appropriate for the expansion of the town centre. Maynooth is located within the Dublin Metropolitan Area (DMA). The policies and objectives of the National Planning Framework (NPF) and the Eastern and Midlands Regional Area Regional Spatial Economic Strategy (EMRA RSES) support compact growth in those towns identified as having capacity to support additional population in the Dublin Metropolitan Area. The proposed development provides the refurbishment and revitalization of a protected structure in conjunction with a mixed-use scheme of office use and high-density residential development. It is considered that the proposal complies with both the national, regional, and local policies and objectives in particular the Urban Development and Building Height Guidelines, the Architectural Heritage Protection Guidelines and the Kildare County Development Plan 2023-2029.

The Board noted that since the Inspector's report was prepared the Sustainable Residential Development and Compact Growth Guidelines have replaced the Sustainable Residential Development Guidelines for Planning Authorities (2009), the

Board had regard to these Guidelines. The Board also noted that the Maynooth Local Area Plan has not been extended but considered that the Development Plan, the Regional Spatial Economy Strategy and the Guidelines provide the policy context for the assessment of this scheme.

Having regard to the design and layout of the proposed development, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or endanger public safety by reason of traffic hazard and would not lead to conflict between road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The site is a greenfield site located within the urban setting. The Royal Canal is located along the south of the site and is separated from the site by the tow path. The site is located circa 1.5 kilometres from the Rye Water Valley/Carton Special Area of Conservation (site code 001398), circa 15 kilometres the Ballynafagh Bog Special Area of Conservation (site code 000391), the Ballynafagh Lake Special Area of Conservation (site code 001387) and circa 25 kilometres from the South Dublin Bay Special Area of Conservation (site code 000210), the North Dublin Bay SAC (000206), the South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024) and the North Bull Island Special Protection Area (site code 004006).

In conclusion following an examination, analysis, and evaluation of the potential impacts of the proposed development on the conservation objectives of the Rye Water Valley/Carton Special Area of Conservation, the Board concluded that considering the best scientific evidence, the proposed development does not pose a risk of adversely affecting the integrity of the Rye Water Valley/Carton Special Area of Conservation. The Board is of the opinion that the risk of contamination of any watercourse, including the adjoining Roosk Tributary, is extremely low.

The development of a mixed-use scheme of apartments and office space has been assessed in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

Having carried out the screening for Appropriate Assessment of the project, it was concluded that having regard to best scientific evidence, it may have a significant effect on the following European site:

- the Rye Water Valley/Carlton Special Area of Conservation (site code 001398).

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of those sites in light of the conservation objectives.

Following an Appropriate Assessment, the Board considered that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of this European Site or any other European site, in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

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 7th day of January, 2022, 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. The proposed development shall be amended as follows:

The second-floor level of Block A shall be removed.

For clarity, the permission shall relate only to 169 number residential units.

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

Reason: In the interests of visual and residential amenity.

3. Prior to the commencement of development, the applicant shall submit a revised site layout plan including entrance arrangements for the written agreement of the planning authority detailing the following:

(a) A Design Manual for Urban Roads and Streets (DMURS) compliance statement and a detailed Conservation Impact Assessment demonstrating the necessity for, and the extent of, the part removal of the front roadside boundary wall along Parson Street and the associated treeline within the site adjacent to the wall. The portion of the wall required to be removed shall be the minimum necessary to achieve satisfactory sightlines and the Design Manual for Urban Roads and Streets compliance in this town centre location within an Architectural Conservation Area and within the curtilage of a Protected Structure.

(b) Full retention of the Coach House, a Protected Structure which shall not be altered in the absence of a prior separate grant of permission.

(c) The design details of the proposed vehicular link to lands to the north of the site as outlined in the Site Roads Layout Option 2 drawing number 10859-2050A-P01 submitted to the planning authority on the 7th day of January, 2022. This connection shall be constructed to the property boundary completed to the written satisfaction of the planning Authority and of ransom strip shall be included.

(d) Pedestrian linkages only shall be provided to Parsons Lodge estate to the southwest to the written satisfaction of the planning authority. No gates shall be provided at this location.

(e) Pedestrian access shall be provided to the Royal Canal towpath along the southwest boundary. No gates or controlled access are permitted at this location.

Reason In the interest of public safety and to ensure permeability.

4. Prior to commencement of development, the developer shall provide for the following: -

(a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

(b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

(c) Submission of revised junction details at the intersection of the new glazed link at the Rectory, detailed condition report of central chimney stack and method statement, details of the proposed removal and repair of existing floors in the Rectory, details of the suitable lime render finish on the exterior.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. Prior to commencement of development, an invasive species management plan shall be submitted to, and agreed in writing with, the planning authority. Any identified invasive species shall be cleared from the site in accordance with the agreed management plan.

Reason: To prevent the spread of invasive species.

7. The operation of cranes shall be co-ordinated with the Air Corps Air Traffic Services to ensure that any crane operations during construction do not adversely impact the safety of operation. The applicant shall notify/engage with the Air Corps Air Traffic Services no later than 30 days before use.

Reason: In the interests of public safety and aviation movement.

8. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment submitted with this application as set out in the various sections, shall be carried out in full, except where otherwise required by conditions attached to this permission. The applicant shall employ a qualified Ecological Clerk of Works (ECoW) to oversee and implement the mitigation measures and other ecological works listed throughout the submitted documentation. Prior to commencement of development, the applicant shall confirm with the planning authority the location of a minimum of 10 nesting boxes or bricks for swift and calling system, in accordance with Birdwatch Ireland specification.

Reason: In the interest of protecting the environment and in the interest of public health.

9. (a) The wheels and undersides of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility, which shall be located a minimum distance of 30 metres from the public road and shall be constructed to the written satisfaction of the planning authority.

(b) The entrance/access road shall be surfaced using bitumen macadam material or other materials acceptable to the planning authority, between the public road and the wheel wash.

(c) In dry weather conditions, all roads within the site and the active working face shall be sprayed with water at least three times a day.

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: -

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,

(c) details of proposed street furniture, including bollards, lighting fixtures and seating, and

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

The findings of the Stage 1/ 2 Road Safety Audit, shall be closed out, signed off and incorporated into the development at the developer's expense. Stage 3 Audits shall be conducted. Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interests of amenity and of traffic and pedestrian safety.

12. Details of the road network to be used by construction traffic shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. No construction traffic shall be permitted through Parsons Lodge.

Reason: In the interest of traffic safety.

13. 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 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,
- (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) provision of parking for existing properties at specify locations during the construction period,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) 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,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (m) 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 kept for inspection by the planning authority.

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

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday and 0800-1400 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.

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

16. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

17. A minimum of 20% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such

proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

18. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development, the developer shall submit to the planning authority for written agreement, a Stage 2 – Detailed Design Stage Storm Water Audit.

(c) Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

19. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

20. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No

advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

21. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification

22. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings and to ensure the orderly development of both the residential and commercial element of the scheme.

23. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP

shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

24. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

26. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this development in the interest of residential amenity and orderly development

27. Bond Condition

28. 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, 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.

Board Member



Mary Henchy

Date: 15/01/2024