



An  
Bord  
Pleanála

## Board Order ABP-301775-18

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### Planning and Development Acts 2000 to 2018

#### Planning Authority: Kildare County Council

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 6<sup>th</sup> day of June 2018 by Ladas Property Company Unlimited Company (as part of the Comer Group) care of PDES Planning Consultants, Level 1, 6 St Colman's Park, Newry, County Down.

#### **Proposed Development:**

A strategic housing development located on lands adjoining and to the rear of St. Marys Catholic Church at Mill Street, Maynooth, Co. Kildare on a site area of 1.05 hectares.

The development will consist of the provision of a total of 135 number apartments in three number separate blocks incorporating provision of a crèche and restaurant/café and provision of a basement to provide for car parking, bicycle storage and ancillary bin storage areas. Particulars of the development comprise as follows:

- (a) Site works to facilitate the proposed development to include excavation and general site preparation works.

- (b) Block A: A three storey building (fronting onto Mill Street) comprising a creche at ground floor level (259.17 square metres) along with ancillary outdoor play space for children; a restaurant/cafe (218.59 square metres) along with provision of two number separate lettered signs to the front facade; provision of eight number residential two-bed apartments and provision of four number residential one-bed apartments along with provision of a roof-top garden area for residents.
- (c) Block B: A four and five storey building comprising a total of 107 number residential apartments to consist of 17 number three-bed apartments, 65 number two-bed apartments and 25 number one-bed apartments along with provision of a roof-top garden area for residents.
- (d) Block C: A four storey building comprising a total of 16 number residential apartments to consist of four number three-bed apartments, eight number two-bed apartments and four number one-bed apartments along with provision of a roof top garden area for residents.
- (e) Provision of a basement car parking area served by an internal access road to comprise a total of 190 car parking spaces along with provision for bicycle storage (370 number bicycle storage spaces) along with bin storage areas.
- (f) Provision of access from Mill Street to facilitate vehicular, pedestrian and cycle access.
- (g) Provision of internal access roads and footpaths/walkways.
- (h) Provision of structural retaining walls along the perimeter site boundaries to facilitate basement and building construction works.
- (i) Provision of residential communal open space areas (including formal play areas) to include a 'walkway' along the Lyreen River, all hard and soft landscape works within the site which includes public lighting, public seating, planting and boundary treatments.
- (j) Provision of an Electricity Supply Board substation between Block A and Block B.
- (k) Associated site works and basement attenuation systems as well as all ancillary site development/construction works to facilitate site drainage and foul networks for connection to the existing foul, storm and public water networks.

## **Decision**

**Refuse permission for the above proposed development based on the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

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.

