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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/293**

**APPEAL** by Michael Dunne care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 14<sup>th</sup> day of March, 2019 by Kildare County Council to refuse permission.

**Proposed Development:** Construction of a mixed development consisting of:

- (1) The Hulk (Charter School) and adjacent buildings.

Renovations and extension to The Hulk (RPS number: B21-29 / NIAH reference number: 11816103) and adjacent buildings (RPS number: B26-03/NIAH reference number 11816104) protected structures comprise of: (a) Craft retail/café space on ground floor, kitchen and toilet facilities to ground floor; (b) Craft exhibition space, community meeting room, office and toilet facilities on first floor; (c) Historic exhibition space, offices and classroom on second floor; (d) Glazed connecting corridor from The Hulk to proposed three-storey vertical circulation extension; (e) Renovations of two adjacent dwellings (Block A and Block B) of The Hulk into craft studio spaces; (f) Refurbishment of two existing out

buildings along south-west side of walled linen field quadrangle into storage space and associated facilities for proposed allotment area and proposed public market; (g) Required car parking and associated landscaping.

(2) Crèche.

The construction of a two-storey crèche and all associated facilities including car parking, set down area, play area and associated landscaping.

(3) 99 number unit residential development.

The construction of residential development comprising of two and three-storey, two, three and four bedroom dwellings consisting of semi-detached, terraced and detached dwellings. This development consists of 11 number two bed dwellings, 69 number three bed dwellings and 19 number four bed dwellings and all associated site works including proposed entrance, proposed landscaping and proposed surface and foul water sewer connections traversing a Special Area of Conservation (SAC) to the north-east of site.

(4) Removal of a section of existing boundary wall to Portlaoise Road and re-construction of new stone wall set back approximately 4.5 metres from its original location.

all at The Island, Skirteen, Portlaoise Road, Monasterevin, County Kildare.

## **Decision**

**REFUSE permission for the above proposed development in accordance with 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**

1. The Natura impact statement submitted with this application has failed to consider the proposal to create a new surface water outfall to the River Barrow. The Board is not satisfied that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of European Site Code: 002162 (River Nore and River Barrow Special Area of Conservation), in view of the site's Conservation Objectives.
2. The absence of any commercial viability for the elements of the proposed development within the curtilage of the former Chartered School, as acknowledged by the applicant in submissions to Kildare County Council on the 21<sup>st</sup> day of December, 2018 and the 15<sup>th</sup> day of February, 2019, would result in a failure to meet with the principal part of the 'Objective T' zoning for the site – as set out in the Monasterevin Local Area Plan 2016-2022, which envisages the former Charter School ("The Hulk") and surrounding area offering a mix of attractions, arts and crafts studios, workshops, local artisan food/beverage-producing and education and leisure amenities, enhanced river walkways and connections to the town centre, with a limited level of residential development. The planning authority seeks to encourage proposals to establish a unique and vibrant cultural amenity and a commercial and creative hub for Monasterevin, whilst having regard to the history, unique character and architectural heritage of the former Charter School and its

curtilage. The proposed development would not/cannot result in the full realisation of the zoning objective for the site and so, would contravene the zoning objective of the planning authority and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The fragmentary nature of public open space provision within the housing development, would render it of little practical or active amenity value for future residents. The proposed development would seriously injure the amenities of future occupants of the housing scheme, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Paul Hyde**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**