



An  
Bord  
Pleanála

## Board Order ABP-306068-19

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### Planning and Development Acts 2000 to 2019

#### 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 3<sup>rd</sup> day of December 2019 by Ladas Property Company Unlimited Company (as part of The Comer Group) care of Genesis Planning Consultants 27 Patrick Street, Newry, Co Down.

#### Proposed Development

A planning permission for a strategic housing development on this site area of 1.05 hectares which is located on lands adjoining and to the rear of St Mary's Church at Mill Street, Maynooth, Co. Kildare.

The proposed development will consist of the provision of a total of 120 number apartments in four number separate blocks incorporating provision of a crèche and restaurant/café, three number office units 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) Replacement of two number existing vehicular entrances onto Mill Street with one number single access point onto Mill Street to incorporate either:

- (i) Option 1 The proposed vehicular entrance works along with associated pedestrian and cyclist connections onto Mill Street; or
  - (ii) Option 2 The proposed vehicular entrance works along with associated pedestrian and cyclist connections onto Mill Street and associated works to provide for a bus stop and realignment of existing footpath in accordance with planned part VIII works for this section of Mill Street.
- (b) Site excavation works to facilitate the proposed development to include levelling, excavation and general site preparation works;
- (c) Block A: A four-storey building comprising a creche (205.55 square metre) and restaurant/café (246.19 square metre) at ground floor level and upper floors incorporating three number office units (94.05 square metre), provision of 15 number residential one-bed apartments and three number two-bed apartments with associated civic space fronting onto Mill Street and external play area to the rear to serve the creche;
- (d) Block B1: An apartment block ranging from three to five storeys comprising a total of 32 number residential apartments to consist of seven number three-bed apartments, 19 number two-bed apartments and six number one-bed apartments;
- (e) Block B2: A six storey apartment block comprising a total of 48 number residential apartments to consist of 35 number two-bed apartments and 13 number one-bed apartments;
- (f) Block C: An apartment block ranging from four to five-storeys comprising a total of 22 number residential apartments to consist of 13 number two-bed apartments and nine number one-bed apartments along with a ground level storage room for bicycles and bins;

- (g) Provision of a basement car parking area to comprise a total of 74 number car parking spaces (incorporating infrastructure for electric vehicle charge points), along with bicycle storage and bin storage areas;
- (h) Provision of bicycle and bin storage facilities at surface level;
- (i) Provision of internal access roads and footpaths/cycle paths;
- (j) Provision of residential communal open space areas (including formal play areas) to include a walkway along the Lyreen River including all associated landscape works with public lighting, planting and boundary treatments;
- (k) Provision of an Electricity Supply Board substation adjacent to block B1;
- (l) Associated site works and attenuation systems to include a hydrocarbon and silt interceptor to facilitate site drainage as well as all ancillary site development/construction works with provision of a foul pump station and internal foul, storm and water 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

1. Having regard to Figure 7.5 of the Site Specific Flood Risk Assessment submitted with the application and to the projected extent of additional flooding at the Millrace Manor Apartments as a result of the proposed development, the Board does not consider that the proposal has 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 Minister in November 2009. A grant of permission would therefore be contrary to those guidelines.
2. The Board is not satisfied, on the basis of the information provided with the application, including the Natura Impact Statement, that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site Rye Water Valley/Cartron Special Areas of Conservation (Site No. 001398), in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

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

**Dated this          day of                                  2020**