



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/542

Appeal by Buzztap Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 18th day of December, 2019 by Kildare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of existing nightclub building 1605 square metres to rear of the Protected Structure (RPS Ref: B05-47 and NIAH Ref: 11803042); change of use of ground floor and basement of Protected Structure 271 square metres to restaurant use with associated internal alterations; change of use of first floor of Protected Structure 240 square metres to student recreational and common room use with associated internal alterations; new glazed opening to Protected Structure at ground floor level on south west façade; construction of four-storey 91 number room student accommodation units 2649 square metres (100 number bed spaces) and associated uses comprising common rooms, storage areas, study rooms, service areas, accessible WC's, reception room, lobby and circulation areas

with vehicular access off Main Street and pedestrian access from existing laneway; enclosed refuse storage and plant areas; basement plant room; accessible screened roof garden at third floor level 110 square metres; bicycle shelter with 64 number spaces; 10 number surface bicycle spaces; one number disabled parking space and three number drop-off spaces; new landscaped courtyards and all associated site works, all at The Duke & Coachman , Main Street, Maynooth, County Kildare.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor and to AMEND conditions numbers 3(a) and 24 so that they shall be as follows for the reasons set out.

- 3(a) The number of student bedrooms permitted is 88, comprising of 94 number bed spaces, as indicated on the floor plans received by the planning authority as further information on the 11th day of October, 2019.
24. The developer shall pay to the planning authority a financial contribution of €37,988 (thirty seven thousand nine hundred and eighty eight euro) 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. The application of any indexation required by this condition 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.

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.

Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2017 – 2023, Kildare County Development Contribution Scheme 2015 – 2022, the current Maynooth Local Area Plan, National Guidelines and the zoning of the site for town centre uses, to the location of the site in an established urban area and to the design and material finishes of the proposed development, it is considered that the development of the third storey/fourth floor would not impact negatively on the skyline or on the Maynooth Architectural Conservation Area.

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.

Michelle Fagan

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

Dated this day of 2020.