



Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Coimisiún Pleanála on the 11th day of August 2022 by Cairn Homes Properties Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin.

Proposed Development comprises of the following:

Construction of a mixed-use residential development of 158 number apartments (and ancillary facilities), 33 number student accommodation units (260 bedspaces), creche (700 square metres) and two number retail units (329 square metres) as follows:

Within Zone A, student accommodation of 33 number units (260 bedspaces) comprising:

- Block A1 (five storeys) consists of 72 number student bedspaces (64 number single bedrooms and eight number accessible bedspaces), and student amenity facilities (347 square metres) located at ground floor level including a gym, yoga studio, study room and laundry facilities as well as playing court;
- Block A2 (five and six storeys) comprises 100 student bedspaces (96 number single bedrooms and four number accessible bedspaces), two number retail units at ground floor level (142 square metres and 187 square metres) and student amenity facilities circa 117 square metres at ground floor level;

- Block A3 (five storeys) comprises 88 student bedspaces (76 number single bedrooms, four number double bedrooms and four number accessible bedspaces), with student amenity facilities (circa 263 square metres) located at ground floor level including a study area, cinema, lounge, parcel room and storage areas; Provision is also made for a two storey creche (circa 700 square metres).

Within Zone B, the 158 number apartments will be in three number apartment buildings comprising two number studio apartments, 51 number one-bedroom apartments, 93 number two-bedroom apartments and 12 number three-bedroom apartments (all apartments with balconies or terraces) as follows:

- Block B1 (part four, five to six storeys with seven storey element) consists of 63 number apartments comprising one number studio, 19 number one-bedroom apartments, 37 number two-bedroom apartments and six number three-bedroom apartments;
- Block B2 (six storeys) comprises 35 number apartments consisting of 16 number one-bedroom apartments, 19 number two-bedroom apartments;
- Block B3 (part four, five to six storeys with seven storey element) consists of 60 number apartments comprising one number studio, 16 number one-bedroom apartments, 37 number two-bedroom apartments and six number three-bedroom apartments.

Vehicular access to the development will be via existing two number junctions onto Lyreen Avenue which connects to the Moyglare Road along with the provision of 154 number car parking spaces and 672 number cycle spaces. External hard and soft landscaped open space including a range of passive and active recreation and boundary treatments.

All associated works to facilitate development including Electricity Supply Board substations, water and drainage infrastructure, bin and bike stores (single storey) as well as green roofs, photovoltaic panels, plant at roof levels.

The proposed development will replace the permitted student accommodation 106 number student accommodation units (483 number bedspaces), creche (601 square metres), retail (438 square metres), gym (1,010 square metres), cafe (191 square metres) under Strategic Housing Development (An Coimisiún Pleanála

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Reference Number ABP-301230-18/TA09.301230) and will include repositioning of pedestrian bridge and revisions to landscaping all located on a site of circa 2.48 hectares located adjacent to the Divine Word Missionaries complex within the townland of Mariavilla, Moyglare Road, Maynooth, County Kildare.

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

1. The location of the site is within the settlement boundary of Maynooth and the proposed residential apartment blocks (Zone B - B1, B2 and B3) are located on lands which are zoned 'J – Student Accommodation', with a stated objective to 'provide for high-quality, professionally managed, purpose-built undergraduate and graduate student accommodation', as set out in the Maynooth and Environs Joint Local Area Plan 2025 – 2031. 'Residential unit' is identified as a 'Not Normally Permitted' use in the context of the zoned 'J – Student Accommodation' land use zoning objective. Given that the proposed residential apartments are incompatible with the stated objective outlined in the context of the 'J – Student Accommodation', the related policies outlined in Section 5.5.9 of the Maynooth and Environs Joint Local Area Plan 2025 – 2031 and the absence of 'very exceptional circumstances' warranting the granting of permission of the same, this aspect of the proposed development, if permitted, would materially contravene the land use zoning objectives of the Joint Local Area Plan. The Commission, pursuant to the provisions of section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, is precluded from the granting of planning permission for this aspect of the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the provision of student accommodation and associated gym and retail units and creche in Zone A which was proposed as Phase 2 of the proposed development the Commission considered that, while a grant of permission for this aspect of the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, delivering it in the absence of Phase 1 (Zone B) would be piecemeal and inappropriate in the context of the extant permission (ABP-301230-18, as extended by Planning Register Reference Number 22/1469) which provides for Student Accommodation and ancillary infrastructure and public open space on the entirety of the current site.

In deciding not to accept the Inspector's recommendation to grant permission for an amended Phase 2, which relates to the student accommodation, gym and retail in Zone A - Blocks A1, A2 and A3 and the creche, the Commission agreed with the Inspector that the proposed development would constitute an acceptable quantum, scale and density of development at the location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. However, in the absence of providing for the public open space and infrastructure associated with Phase 1 (Zone B) the Commission was not satisfied that Phase 2 could be delivered in a manner which would be acceptable in terms of pedestrian, cyclist and traffic safety and the provision of public and communal open space.



Marie O'Connor

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 18 day of June 2025.