



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-300371-17

Strategic Housing Development

135 no. apartments within three blocks on a site of 1.05ha. The proposed design will consist of 3 no. blocks, Block A – retail and crèche located at Ground level with residential to all upper floors (3 no. storey), Block B – residential to all floors (5 no. storey), Block C – Residential to all floors (4 no. storey).

Location

Mill Street, Maynooth, Co. Kildare

Planning Authority

Kildare County Council

Prospective Applicant

Ladas Property Company Ltd.

Date of Consultation Meeting

15th January 2017

Date of Site Inspection

29th December 2017

Inspector

Joanna Kelly

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The development site, with a stated area of approx. 1.05ha, is located in Maynooth town, Co. Kildare, forming part of the town centre lands as identified in the Maynooth Local Area Plan. The lands are located opposite the Mill Street Shopping centre (Manor Mills). There is an existing access off Mill Street adjacent to St. Mary's Church serving the lands. The site is a brownfield site, which the applicant indicates site excavation works were carried out pursuant to planning permission File Ref. No. 05/2024.
- 2.2 There is an existing low stone boundary wall to the site frontage with a separate pedestrian gate and vehicular access. Pursuant to site inspection, it was noted that the vehicular entrance is used for parking.
- 2.3 The levels across the site fall steeply from the road towards the rear of the site. There is a steep embankment to the northern end of the site. The Church is located on higher grounds, and is a prominent structure on the landscape, particularly when viewed from lands to the south and on approach towards Mill Street from Kilcock Road and from the Parklands near Pound Lane on the opposite side of the Lyreen River.
- 2.4 There is an existing two/part three storey residential block located to the south of the development site. Vehicular access to this site is via a barrier from Mill Street. Parking is at surface level in front of the residential block.

2.5 The Lyreen River, a tributary of the Rye Water located approx. 800m north of the site, straddles the site along the eastern boundary.

3.0 Proposed Strategic Housing Development

3.1 It is proposed that the overall site of c. 1.05 hectares will be developed to accommodate 135 apartment units giving rise to a density of 129 units per hectare.

Figure 1: Residential Unit Types

Residential Units		
Houses	No. of Units	% Mix of bed type only
1 bed	37	28%
2 beds	80	59%
3 bed	18	13%
Total	135	100%

3.2 It is proposed to provide a basement car park to serve the proposed residential units.

4.0 Planning History

History associated with site

File Ref. No. 04/767 Permission granted subject to 60 no. conditions for housing and retail development of Block A three storey; retail area 181 sq.m., creche, 4 no. one bed, 9 no. two bed apartments. Blocks B and C, three storey; 48 no. two bed apartments; Block D two/three storey; 32 no. two bed apartments, demolition of dwelling and outbuildings.

File Ref. No. 05/2420 Permission granted for modifications to previously permitted development File Ref. no. 04/767 including the provision of a basement car park.

File Ref. No. 10/1295 Extension of duration allowed for development permitted under File Ref. No. 04/767 and 05/2420. Permission expired on 6th September 2016.

UD 06a-UD5449 This appears to refer to the unauthorised removal of trees on the development site.

5.0 National and Local Planning Policy

5.1 National

5.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2015'.

- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'Architectural Heritage Protection, Guidelines for Planning Authorities', 2000
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Local

5.2.1 The Kildare Development Plan 2017-2023 is the statutory development plan for the area. The site falls within the Maynooth Local Area Plan 2013-2019 where the land use zoning objective is identified as 'A1 Town Centre – to provide for the development and improvement of appropriate town centre uses including retail, commercial, office, residential, amenity and civic use'. The purpose of this zone is to protect and enhance the special character of Maynooth town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a developing town.

5.2.2 Part B, Section 7 of the LAP deals with housing. The following policies are noteworthy in the context of the proposal:

HP 5: To require applications for residential developments over 20 units, to demonstrate the provision of an appropriate mix of dwelling types having regard to the following:

- The nature of the existing housing stock and existing social mix in the area
- The desirability of providing for mixed communities
- The provision of a range of housing types and tenures
- The need to provide a choice of housing, suitable for all age groups and persons at different stages of the life cycle
- The need to cater for special needs groups

HP 6: To restrict apartment developments generally to the University campus and town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment. Duplex units shall not generally be permitted.

HP 7: To facilitate and co-operate in the provision of community facilities in tandem with residential development including, in particular, local services, schools, crèches and other education and childcare facilities.

HPO 1: To promote a high standard of architecture in the design of new housing developments and to encourage a variety of house types, sizes and tenure to cater for the needs of the population and facilitate the creation of balanced communities.

HPO 2: To encourage the appropriate intensification of residential development in existing residential areas and the town centre, subject to compliance with relevant development management criteria and the protection of residential amenity of adjoining properties.

5.2.3 Table 14 Record of Protected Structures in Maynooth identifies St. Mary's Church adjacent to the site as a protected structure. The Church lands are also identified on the national monuments and places record.

5.2.4 Section 7.6.3 deals with surface water drainage and section 7.6.5 deals with flood risk management. It is noted that the site is located within an area for which a site specific flood risk assessment should be undertaken.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

- 6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.2 The information submitted included *inter alia*: a completed application form; site location and site layout and other plans; pre-connection enquiry letter from Irish Water; Supplementary information to Q6 and Q7 on application form; Planning Statement; Part V calculations; Floor Area Schedule; email from planning authority.
- 6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

- 6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 8th January 2018.
- 6.2.2 The planning authority's opinion included the following matters: planning history; reference to local planning policies; and reference to the following particular issues:
- Part V social housing – figures exceed cap set out in Department Circular
 - Density – 100 units considered more appropriate
 - Traffic and transportation – Transportation department consider development premature due to traffic congestion and recommend refusal
 - Detailed comments in respect of Block A, B and C.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 15th January 2018, commencing at 11.45am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The meeting was adjourned until 12.45pm to facilitate the applicant to review the opinion of the Planning Authority which they did not receive prior to the consultation.

6.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Flood Risk and Surface Water Management including Appropriate Assessment (connectivity to Rye Water Valley / Carton SAC).
2. Development Strategy to include impact to St. Mary's church, a protected structure, urban design, layout, connectivity to adjoining lands.
3. Traffic and Access to include parking arrangements.
4. Foul sewer network capacity to include constraints in the Lower Liffey Valley Regional Sewerage Scheme
3. Any other matters

6.3.3 In relation to flooding and surface water management including Appropriate Assessment ABP representatives sought further elaboration/discussion on how the applicant is to address this issue having regard to the Flood Risk Guidelines for Planning Authorities, the proximity of the Lyreen River, a tributary of the Rye Water and history of flooding in the area.

6.3.4 In relation to the development strategy, ABP representatives sought further elaboration/discussion on how the proposals in this application address and/or promotes high quality urban design in the town centre whilst ensuring protection of setting and character of the adjoining protected structure, how the design responds to the specific characteristics of the site and would impact on key vistas, create strong connectivity from the town centre to adjoining lands to the north and to the parkland on the opposite side of the Lyreen river.

6.3.5 In relation to Traffic and Access ABP representatives sought further elaboration/discussion on this issue having regard to the transportation

department's comments regarding congestion and that the proposal should be refused.

6.3.5 In relation to foul sewer network capacity, further elaboration/discussion was sought on this issue in light of the water services report and reference to network constraint issues.

6.3.6 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-300371-17' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.

7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of flood risk and surface water management, development strategy, design and layout, St. Mary's Church and traffic and transportation which is set out in the recommended Opinion below.

7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a

reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them consulting a reasonable basis for an application for strategic housing development:

1. Flood Risk and surface water management

Further consideration of documents as they relate to the design rationale/justification for the proposed development strategy of the lands having regard to the identification of the lands within Flood Zones A and B and the need for a Justification test as

provided for in section 3.6 and 3.7 of 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009' and the application of this test as set out in section 5.15 of these Guidelines. Consideration should also be given to the likely impact of any displaced waters outside of the development site as a result of the proposal. A site layout plan identifying the location of the different flood risk zones in the context of the location of the proposed residential and commercial units should be submitted. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted. The Prospective Applicant is advised to liaise with the planning authority regarding flood risk assessment and proposed mitigation measures prior to making an application.

2. St. Mary's Church

Further consideration of documents as they relate to potential impacts on the setting and visual impacts on St. Mary's Church, a protected structure having particular regard to the provisions of the 'Architectural Heritage, Guidelines for Planning Authorities, 2000'. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Development Strategy including Design and Layout

Further consideration of documents as they relate to the configuration, layout and urban design of the proposed development pursuant to the findings of the site specific flood risk assessment and to the 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009'. Consideration should also be given to 'Design Manual for Urban Roads and Streets' and 'Sustainable Urban Housing: Design Standards for New Apartments, 2015'. Further consideration should be given to connections to adjacent lands and the design of these movement routes. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Traffic and Transportation

Further consideration of the documents as they relate to traffic generation arising from the proposal vis-à-vis existing traffic conditions within the town centre of Maynooth. Further justification for the proposed quantum of car parking having regard to the availability of public transport in the area for both the residential aspect of the scheme and for the crèche. The design of the proposed car parking is also to be considered with regard to the requirements of DMURS and the provision of a satisfactory location and layout for the crèche parking. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted. The Prospective Applicant is advised to liaise with the planning authority regarding traffic and parking requirements and proposed mitigation measures prior to making an application.

5. Appropriate Assessment

Further consideration of documents as they relate to potential effects on nearby designated sites particularly the Rye Water / Carton SAC with regard to their conservation objectives.

8.5 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. An architectural report accompanied by photomontages of the proposed development should outline the design rationale for the proposed building height, scale and massing. Photomontage images from a number of key approach roads to the development site and from the Parklands near Pound Lane towards the site and cross-sections at appropriate intervals to illustrate the topography of the site, showing proposed and existing dwellings and public open space areas.

2. A traffic impact assessment report of the impact the proposal would have on the road network in the area, in particular, the signalised junctions immediately north and south of the development site.

3. A contextual layout plan which indicates the layout of adjoining developments existing and proposed where possible.
4. Cross-sections through the proposed riverside walkway, indicating the nature and design of this space between the river and proposed structures.
5. A detailed landscaping plan for the site which also clearly sets out proposals for hard and soft landscaping along the Lyreen River and the public realm area along Mill Street. Details of the recreational area for children should also be submitted including any proposals for play equipment provision, surface and boundary treatment to this area.
6. Clarification of bicycle parking provision, in the context of, inter alia, Development Plan standards and 'future proofing' demand management.
7. A construction and demolition waste management plan should be provided.
8. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.

8.6 Also pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
3. The Heritage Council
4. An Taisce – the National Trust for Ireland
5. Fáilte Ireland
6. An Chomhairle Ealaíon
7. Inland Fisheries Ireland
8. Transport Infrastructure Ireland

9. National Transport Authority

10. Local Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Joanna Kelly

Senior Planning Inspector

29th January 2018