



An  
Bord  
Pleanála

## **S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report ABP-301775-18**

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#### **Strategic Housing Development**

Mixed use development of 135 no. apartments in 3 no. blocks, provision for crèche (259.17 square metres) and restaurant/café (218.59 square metres), 190 basement car parking spaces, 370 bicycle storage spaces, refuge storage areas at basement level, provision of open space areas and all associated site works.

#### **Location**

Lands adjoining and to the rear of St. Mary's Catholic Church, Mill Street, Maynooth, Co. Kildare.

#### **Planning Authority**

Kildare County Council

#### **Applicant**

Ladas Property Company Unlimited  
Company (as part of Comer Group)

**Prescribed Bodies**

National Transport Authority  
Inland Fisheries Ireland  
Transport Infrastructure Ireland (TII)  
Irish Water

**Observers**

Emmet Stagg  
Cairn Homes Properties Limited  
Sean Ó Broin  
Michael O'Shea (on behalf of Millrace  
Manor Owners)  
Maynooth Planning Alliance  
Maynooth Community Council  
Irish Georgian Society  
Eva Maria Bucher-Haefner  
Bernard J. Durkan TD  
Cllr Tim Durkan  
Parish Committee of St. Mary's  
Catholic Church

**Date of Site Inspection**

23<sup>rd</sup> August 2018

**Inspector**

Stephen O'Sullivan

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## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The site has a stated area of 1.05ha. It is in the centre of Maynooth, Co. Kildare. It is a brownfield site, where excavations were carried out pursuant to a residential development that was not completed. It has c50m frontage onto Mill Street on its western boundary which is marked by a low stone wall. St. Mary's Church stands to the north. It dates from the first half of the 19<sup>th</sup> century and is a protected structure. A late 20<sup>th</sup> century apartment building lies to the south, known as the Millrace Manor. It is 2 and 3 storeys in height, and is served by a surface car park by the current site's boundary. A contemporary mixed use development stands on the other side of Mill Street, known as Manor Mills. It has retail and commercial use on the ground floor with up to 5 storeys of residential use above. The eastern part of the site extends to the Lyreen River and includes lands behind the church and Millrace Manor. The central part of the northern boundary adjoins institutional lands occupied by the Divine Work Missionaries. The north-eastern part of the site adjoins undeveloped lands on the upstream bank of the river. The opposite bank of the river across from the site runs along public open space off Pound Lane.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would provide 135 apartments including –
- 33 one-bedroom apartments of between 50m<sup>2</sup> and 56m<sup>2</sup>,
  - 81 two-bedroom apartments of between 88m<sup>2</sup> and 100m<sup>2</sup>, and
  - 21 three-bedroom apartments of between 110m<sup>2</sup> and 117m<sup>2</sup>, as well as
  - A restaurant of 219m<sup>2</sup> and a childcare facility of 259m<sup>2</sup>

- 3.2. The development would be provided in three blocks. Block A would be a three-storey building with frontage onto Mill Street. It would contain the restaurant and creche on the ground floor and 12 apartments above. Block B would lie along the northern boundary of the site and would contain 107 apartments over five storeys. Block C would be a four-storey building with 16 apartments on the southern part of the site. 78 of the proposed apartments would have a single aspect.
- 3.3. The stated area of open space is 2,864m<sup>2</sup> including a central space with a playground, a linear space along the river, landscaped belts around the building and roof gardens. 190 car parking spaces would be provided at basement level with a new vehicular access off Mill Street. It is stated that 155 of the spaces would serve the apartments and 35 would serve the restaurant and creche. 370 bicycle spaces would also be provided.
- 3.4. It is proposed to provide 13 apartments under Part V of the planning act of which 8 would be one-bedroom units and 5 two-bedroom units.
- 3.5. The total stated floor area of the development is 14,214m<sup>2</sup>, all but 535m<sup>2</sup> of which would be for residential use.

## 4.0 Planning History

- 4.1. Reg. Ref. 04/767 – the planning authority granted permission on 8<sup>th</sup> September 2006 to demolish the house on the site and carry out a development of 93 apartments, a creche and retail unit.

Reg. Ref. 05/2420 – the planning authority granted permission on 8<sup>th</sup> September 2006 for a development of 105 apartments, a creche, retail and office accommodation with basement car parking.

Reg. Ref. 10/1295 – the planning authority extended the duration of the above permissions to 6<sup>th</sup> September 2016.

- 4.2. ABP-301230-18: The board granted permission on 3<sup>rd</sup> July 2018 for housing development on the land adjoining the north-east of the current application site. The authorised development includes 319 houses, 142 no. apartments and student accommodation units with 483 bedspaces. The student accommodation would be provided in the part of the site closest to the current application site, with the nearest

block E having four storeys of accommodation. Condition 3(a) required this block to be moved east/north-east of its proposed position by 12m with the resulting area being used for open space and a future pedestrian link to the application site.

## 5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on the 15<sup>th</sup> January 2018. The main topics discussed at the meeting were –

- Surface water management, including flood risk and issues of appropriate assessment
- Development strategy for the site including: impact on the church, urban design, layout and connection to adjoining land
- Traffic, access and parking
- Foul sewerage
- Any other matters

5.2. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a synopsis of the issues noted in the Opinion that needed to be addressed –

- Flood risk and surface water management a justification for development in flood zones A and B as per the flood risk management guidelines
- The impact on the protected structure of the church
- Urban design and connections with adjacent land
- Traffic and a justification for the amount of car parking, with appropriate access for the creche
- The potential impact on the Rye Water / Carton SAC

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application including an

architectural report and photomontages, a traffic impact assessment, a contextual layout plan, cross sections through the riverside walkway, a landscaping plan, details of bike parking, a construction and demolition plan, and a plan showing areas to be taken in charge by the council.

### 5.3. Applicant's Statement

5.3.1. The application was accompanied by a statement of response to the board's opinion that can be summarised as follows-

- A comprehensive flood risk assessment was carried out by consulting engineers and is submitted. Its model shows that the development would result in a minimal increase in the water levels in the river channel. The floor level of the basement is 52.58m OD which includes 500mm freeboard that would ensure that the car park did not flood. The development would meet the justification test in the guidelines. Flood zones A and B impinge on the site because the ground levels were artificially lowered pursuant to the development authorised under 05/2420 that was not completed. In a previous case PL06D. 248397 the board accepted that such temporarily lowered levels were not the proper benchmark for flood risk assessment. Under PL09. 247476 the board determined that town centre lands in Maynooth within zones A and B could be appropriate for development. A similar rationale should be applied in this case.
- It was previously determined under permission 05/2420 that development on the site would not unduly affect the setting of the church. A report from architects retained by the applicant stated that the main design focus of the church is its western elevation. The proposed development would not interfere with this because it would have a restrained massing on the streetscape. The wider surroundings of the church are not central to its original architectural expression. The design rationale of the proposed development is to restrict its height beside the church and to ensure that the principal views of the front of the church are not adversely affected.
- The layout is designed to address Mill Street and create an attractive sense of place, including a civic space. The residential development will have extensive areas of active and passive open space. The density and

separation distances between apartments are within the context provided by the Manor Mills scheme across the street. The opinion of the planning authority was not consistent with the NPF and the proposed density of 129 dph is appropriate for a town centre. The design seeks active frontage to all aspects of the site area. The materials and finishes would be of a high quality with grey brick and painted render, along with zinc panelling and stone detailing on the elevation to Mill Street. 42% of the apartments would have dual aspect compared to the standard of 33% for town centre sites set down in the 2018 apartment design guidelines. A light impact analysis of the proposed development was submitted. It demonstrates that Block E of the adjoining authorised development would generally pass the BRE guidelines even if the proposed development was carried out. In an urban context a balance has to be struck between compact urban forms and separation distances. Excessive distances would not result in a sustainable use of land. There is an established precedent at Manor Mills for 5 storey apartment buildings with separation distances of as little as 10m. The proposed block B would be at an angle to Block E on the adjoining site and would provide surveillance of the space around it. Design constraints mean Block B cannot be relocated on the site. The board allowed buildings under Permission 300520-17 that were 9.5m apart and only 15m from 3<sup>rd</sup> party buildings, which establishes a precedent for the proposed separation distances. The proposed development does not result in any overshadowing or overlooking issues and is an appropriate scale of residential development. If the board has a problem with the proximity of Block B and Block E it should require the relocation of the latter by condition in any permission on the other application. The proposed heights are appropriate for the town centre where there are 6 storey buildings across the road.

- With regard to traffic, the proposed development would be plan-led town centre renewal and the road in front of it is adequate to cater for traffic movements to and from the site. Car parking has been reduced to 66% of the stated development plan standard with only 1 dedicated space per apartment. A part 8 project has been approved by the council for better footpath and cycle facilities. A traffic analysis was carried out by engineers retained by the



applicant. If the board considered the amount of parking to be excessive it could be reduced by condition. With respect to the standards in DMURS, a pedestrian focus is provided by having car parking in the basement and there are adequate routes through the site and along the river that link the wider community with key public transport routes.

- A report is submitted that concludes that the development would not have the potential to result in likely significant effects to the integrity and conservation status of European sites, either alone or in combination with other plans or projects.

5.3.2. With respect to the specific information requested by the board's opinion, the applicant has submitted -

- An architectural design statement with photomontages
- A traffic impact assessment, based on traffic counts taken between January and March 2018. The development would add 16 movements to the road during the AM peak and 21 movements in the PM peak, which would be equivalent to 1.1% and 1.5% of existing flows. This would not have a significant adverse impact on traffic. The site is well served by bus and train services.
- A layout showing the development in the context of other developments has been submitted, as well as cross section of the proposed riverside walkway, along with a landscaping plan for the proposed development.
- It is specified that 370 bicycle parking spaces are proposed.
- A construction management plan is submitted.
- None of the development would be taken in charge by the council.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

6.1.1. The government published the National Planning Framework in February 2018. Objective 3a is to deliver 40% of new homes in the built up area of the existing settlements. Objective 11 is to favour development that can encourage more people

in existing settlements. Objective 13 is that in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. Objective 35 is to increase residential density in settlements.

6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.6 states that there is no limit in principle of the housing densities that may be provided in town centres, subject to the avoidance of adverse impacts on the amenities of neighbours, good internal space standards, conformity with the vision set out in developments plans and the protection of protected buildings and their settings

6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that central accessible urban locations, which includes sites within 1km of a railway station, are generally suitable for development at higher densities that are comprised wholly or mainly of apartments. The guidelines contain several specific planning policy requirements with which compliance is mandatory. No more than 50% of the apartments in schemes of more than 100 may be one-bedroom units. At least 33% of apartments in schemes in town centres must be dual aspect. The minimum floor area for one-bedroom apartments is 45m<sup>2</sup>, for two-bedroom apartments it is 73m<sup>2</sup> and for three-bedrooms it is 90m<sup>2</sup>. Most of the proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenity space are set out in the appendix to the plan. Section 4.17 refers to cycle parking and recommends that it should be directly accessible from the public road or shared private area while avoiding slopes. A standard of 1 storage space per bedspace is recommended with 1 visitor space for every 2 units, although this is not a specific planning policy requirement. Section 4.19 states that car parking for apartments in central locations should be minimised.

- 6.1.4. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. The standards width for local streets is 5-5.5m, or 4.8 where shared surfaces are used. Maximum corner radii of 1-3m should be provided on local streets, or 4.5m where they join arterial streets.
- 6.1.5. The minister issued Guidelines for Planning Authorities on Flood Risk Management in November 2009. The site includes land in flood risk zones A and B in the categories set out in the guidelines, where residential zoning or development requires justification. The test for zoning refers to land adjoining the core of settlements designated for growth. The test for development control refers to the zoning of the land and that the proposal has been subject to a flood risk assessment that demonstrates that it would not increase flood risk elsewhere and that it includes measure to ensure that residential risks to the area and the development can be managed to an acceptable level, and that this can be achieved in a manner compatible with wider planning objectives on good urban design.
- 6.1.6. Section 5.1 of the Guidelines for Architectural Heritage Protection issued by the minister in 2004 states that church buildings are a substantial part of cultural heritage. Section 13.8 states that proposals outside the curtilages or attendant grounds of protected structures should not have an adverse effect on their special interest.

## 6.2. Local Policy

- 6.2.1. **The Kildare County Development Plan 2017-2023** applies. Maynooth is designated as a Large Growth Town II, with a target for an additional 3,542 dwellings to be provided there in the period between 2016 and 2023. Policy DL 1 is to promote a high quality of design and layout in new residential developments. Policy PS2 is to protect the curtilage and attendant grounds of protected structures from inappropriate development. PS3 is that new works do not obscure principal elevations of protected structures. St. Mary's Church is a protected structure. Chapter 17 sets out development control standards. Section 17.2.1 states that building heights should respect the local streetscape, with the impact on any protected structure a relevant factor, Section 17.2.2 sets a site coverage limit of

80% for town centres, while table 17.1 specifies plot ratios of 1.0-2.0 there. Greenfield residential developments requires 15% of the site to be provided as public open space, according to section 17.4.7, with a standard of 10% for other sites. Table 17.9 sets car parking standards of 1.5 spaces per apartment with 1 visitor space for every 4 apartments, and 1 per 10m<sup>2</sup> of restaurants/cafes and 0.5 for each staff member in a creche and 1 for every 4 children. The non-residential standards are maximum limits. Table 17.10 sets cycle parking standards of 1 per apartment with 1 visitor space for every 2 units, with 1 per 30m<sup>2</sup> of public floorspace in cafes/restaurants and 1 for every 5 staff in a creche and 1 for every 10 children.

- 6.2.2. The **Maynooth Local Area Plan 2013-2019** applies. The site is zoned under objective A1 'Town Centre'. Policy HP1 is to facilitate sustainable development of the town that reflects its character. Policy HP2 is that density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space. Policy HP5 is to require applications for residential development of more than 20 units to demonstrate an appropriate mix of types having regard to the existing housing stock and social mix in the area; the desirability of providing mixed communities; the provision of a range of housing types and tenures; the need to provide a choice of housing types and tenures; the need to provide a choice of housing for all age groups and people at different stages of the life cycle; and the need to provide for special needs groups. Policy HP6 is 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. Section 7.5.4 states that the council will seek pedestrian and cycle linkages in new developments. Policy FRA 8 is to create buffer zones between all watercourses and new development. Those along the Lyreen River shall not be less than 10m wide.
- 6.3. The applicant submitted a **Statement of Consistency** with policy which can be summarised as follows-

- The proposed development would provide additional residential accommodation within a town centre served by high quality public transport at a density of 129 dph. As such it would be in keeping with objectives 3, 4, 11, 13 and 35 of the National Planning Framework. It would also be consistent with the regional planning guidelines and Rebuilding Ireland.
- The mix, size and ceiling heights of the apartments would comply with SPPR 1, 2, 3 and 5 of the 2018 apartment design standards. The proportion of dual aspect apartments and the number served by each core would comply with SPPR 4 and 6. The amount of car parking and its deviation from development plan standards would be justified by the advice at section 4.19 of those guidelines.
- The density of 129 dph is in keeping with the advice in the sustainable urban residential guidelines for sites on public transport corridors. The development would perform well with respect to the 12 criteria set out in the design manual that accompanies those guidelines.
- The development would comply with the requirements of DMURS by providing a pedestrian focus and links at surface level and along the river with the car parking in the basement. Bicycle storage space would also be provided at basement level. This approach would also be consistent with Smarter Travel and the Transport Strategy for the Greater Dublin Area.
- A childcare facility would be provided with 26 spaces would comply with the guidelines on childcare facilities.
- The development of a town centre site complies with the justification test set out in the flood risk management guidelines.
- The proposed development would not encroach on the protected structure at St. Mary's Church or upon views of its principal elevation. It would therefore comply with the architectural heritage guidelines.
- The proposed residential development in the centre of Maynooth would comply with its designation as Large Growth Town II in the Kildare County Development Plan 2017-2023. The level of private and shared open space

would meet the standards set out in that plan, with 27% of the site being provided for open space. The mix of apartment types would comply with the guidance in the plan, with only 255 being one-bedroom units. The bicycle parking would comply with the plan's standard. The car parking for the apartments would be at a rate of 1 each rather than the standard of 1.5, but this is justified by the location of site and section 4.19 of the apartment standards as stated above. The proposed heights match the prevailing levels set by the buildings at Manor Mills. The light impact analysis submitted with the application indicates that sunlight and daylight levels in the adjoining development would not be unduly affected. Section 6.5-6.7 of the apartment standards are also relevant, which cite the need to weight up the quality of development and measure to maximise daylight with the need for an appropriate scale of development.

- The proposed residential use with a restaurant and a creche would comply with the town centre zoning of the site under the Maynooth Local Area Plan 2013-2019. It would help meet the challenges for the town set out in section 4 of the plan by supporting the development of backlands and the regeneration of the town centre sites, and support its sustainable development in line with policy HP1 and various other provisions regarding housing and the town centre. The provision of a walkway along the river would comply with section 7.5.4 of the plan that seeks the provision of pedestrian access and linkages. The development would have proper drainage and flood risk management and would have due regard to the need to protect heritage and amenity, as required by other provision of the plan.

## 7.0 Third Party Submissions

7.1. 11 third party submissions made under section 8(1)(vii) of the Act. They can be summarised as follows-

- The proposed development would have a negative visual impact on the character of the historic town which is recognized and protected by the local area plan. It would not be properly integrated with the structure of the town or the streetscape. Its scale is excessive in this regard. The plot ratio would be excessive and contrary to section 17.1 of the development plan. Certain submissions recommended that development should be restricted to two storeys, particular along Mill Street. Development on the site should reflect the historic built form of the town to a greater extent, with pitched roofs and traditional materials. The banal design, modern cladding and flat roofs are out of keeping with the character of the town. Similar features on the development across the street have not been successful. Additional space is needed within the proposed scheme along the river and the boundary with the church to provide a reasonable level of amenity.
- The proposed development would injure the setting of the protected structure at St. Mary's Church and thus the architectural heritage of the area, contrary to the provisions of the county development plan and the local area plan as well as section 5.1 of the guidelines for planning authorities on architectural heritage. The southern elevation of the church is a primary elevation of the church and needs to be given due consideration. The proposed development would obscure views of that side of the church. It would also overshadow the stain glass windows on its southern transept. The church should dominate views from the surrounding area, especially from the historic town which is designated as an ACA. The proposed buildings would be much bulkier than the church and would detract from its physical presence. The young trees on the southern boundary of the church should be protected, as should the stone wall along the front of the site.

- The proposed development would injure the heritage of the area because it would obliterate features of geological and geomorphological interest, namely a folded bed of carboniferous limestone and varves. These were not properly described or assessed in the documents submitted with the application.
- The development would cause traffic congestion in the town with a new junction being introduced between two existing junctions on a main route that already suffers from congestion. Insufficient car parking would be provided.
- Additional restaurants are not required in the town centre. The requirement to provide a childcare facility needs to be enforced. The town needs a community centre which could be provided on the site.
- The proposed development would overbear and overshadow the existing apartments to the south due to the excessive heights of the proposed blocks. Block A should be reduced in height by 1 storey, Block C by 2 storeys and balconies overlooking the adjoining property should be omitted.
- The proposed housing mix would not be in keeping with HP5 or HP6 of the local area plan which seeks to avoid an overconcentration of flats.
- A submission was received from the owner of the adjoining site to the north along the river, upon which the board granted permission for under Reg. No. ABP-301230-18 on 21<sup>st</sup> June 2018. It welcomed the proposed to provide a pedestrian link from the authorised development to Mill Street through the proposed development. However the link should also allow access for cyclists, for which the proposed link would be too narrow, steep and indirect. Concern was expressed about the proximity of Block B in the proposed development. The proposed Block E is setback 11-16m from the shared boundary, while the proposed Block B would be only 2.8-7.7m from the boundary. This would undermine the amenity of residents in both buildings due to overbearing and overshadowing. The proposed development does not respect the flood risk zones in the manner of the adjoining development and so compensatory flood storage should be required by condition.
- A submission was received from the owner of an equestrian farm to the north of Maynooth. It objected to the proposed development on the grounds that it would, in conjunction with other development in Maynooth, would give rise to



traffic congestion and to noise, disturbance and pollution that would threaten the operation of the farm. This would contravene national policy and the provisions of the county development plan to support the equine industry. The EIA screening does not take account of the cumulative effects of development and the traffic that it would generate on the farm.

## 8.0 Planning Authority Submission

- 8.1. The submission from the planning authority included a summary of the views of the **elected members** stated in a meeting for the municipal district of Maynooth. These indicated concern with the capacity of the site to absorb a development of the scale and mass proposed. More photomontages should be submitted showing the proposed development and the authorised one on the neighbouring site from the proposed riverside open space. Concerns were expressed about the impact of the proposed development on the church and on the character of the area, and about archaeology and ecology. The proposal would represent over-development of the site. Pitched roofs should be provided, with finishes of cut stone and plaster onto Mill Street. It is not clear that the cumulative impact on flood management has been considered. There is a need for a community centre in Maynooth that could be accommodated on the site.
- 8.2. The **Chief Executive's opinion** is that the proposed development would be visually obtrusive and would have a negative impact on the nearby protected structures and ACA and the setting of the river, and that it would be substandard in terms of amenity and open space.
- 8.3. With regard to the development plan and local area plan, the proposed uses are permitted under the A1 – Town Centre zoning of the site under the Maynooth LAP 2013-2019. However the predominance of apartments would not achieve a suitable mix of uses for such a central site. The development plan does not recommend a specific density for town centre sites, but the location of the site would justify a high density subject to satisfactory design and compliance with standards. The plot ratio of 1.35 is within the range of 1.0-2.0 set out in table 17.1 of the development plan. Both the western and southern elevations of the protected structure at St. Mary's Church are principal elevations. As the proposed would obscure views of the both, it

would contravene policy PS3 of the development plan. Photomontages have not been provided from the direction of the river and Pound Street, as required by the board's opinion. The elevation at the level of the car park would be visually obtrusive at pedestrian level. Block A would detract from the setting of St. Mary's Church. The development may also overshadow the church's windows. The development would be out of scale and character of the town when viewed from along the river. The proposed development would not respect the historic town in terms of structure, pattern, scale, design or materials.

- 8.4. The size of the proposed apartments complies with the requirement of the 2018 design standards, and a suitable range of units would be provided. It is noted that 58% of the proposed units would be single aspect, several of which would be north facing but not overlooking any significant amenity space. In the absence of a shadow analysis study it is not possible to determine that there would be no overlooking or overshadowing of adjacent properties. It is noted that the board's decision regarding development on the adjoining site required the nearest block E there to be relocated by 12m. Units 5-11 and 4-8 do not appear to have storage space in line with the 2018 design standards. Adequately shared private amenity space would be provided. However the winter gardens on the northern side of Block A would be only 7m from the church wall.
- 8.5. The proposed open space by the river is between 4m and 8m and so it too narrow to comply with objective FRA8 of the LAP. It would not be an attractive pedestrian link to Mill Street. The central open space is disjointed by various routes and surface treatments and would not have a clear connection to the proposed park nearby. The other areas of open area between the buildings and the site's boundaries are too narrow to provide amenity space. The open space provision does not comply with section 17.4.7 of the development plan. There should be more planting in the proposed space in front of the Block A along Mill Street
- 8.6. The proposed childcare facility is considered acceptable and in compliance with the apartment guidelines.
- 8.7. The report from the **Water Services Section** stated that the analysis with regard to flood risk was unacceptable because it used the site levels that pertained before its excavation as the baseline comparator. This would set an undesirable precedent.

So the applicant has not established that the development would not give rise to increased flood risk on other land due to the loss of floodplain storage. It was therefore recommended that permission be refused. The use of a bespoke river model rather than the OPW's CFRAMS model was also questioned.

- 8.8. The report from the **Transportation Section** stated that the development would increase traffic between two congested junctions and would seriously increase traffic congestion in Maynooth. The development would not provide permeability for cyclists and pedestrians to the adjoining authorised housing scheme or a cycle path along the river to the Pound. The internal design departs from DMURS due to the inadequate pedestrian and cycle facilities, Provision should be made for a bus stop. It recommended that permission be refused.
- 8.9. The planning authority recommended that permission be refused for 4 reasons. The first stated that the development would have a negative impact on the church and the river and would seriously injure the visual amenities of the area, materially contravening provisions of the local area plan and the county development plan. The second stated that it had not been demonstrated that the development would not pose an increased risk of flooding on other land due to the use of pre-excavation levels on the site as a baseline comparator. The third stated that the development would be substandard in relation to storage space for some of the apartments, the orientation of private amenity space on the northern aspect of the development, the disjointed nature of the central open space, and the insufficient width of the riverside park and other marginal open spaces. The fourth reason referred to the requirement for various amendments and additional information in respect of the development including photomontages from the other side of the river and a shadow analysis.

## 9.0 **Prescribed Bodies**

- 9.1. **The National Transport Authority** stated that the site was accessible by sustainable transport modes. The NTA has agreed to provide funding to improve facilities for sustainable transport along Mill Street, but the proposed uncontrolled junction would worsen traffic congestion. Vehicular access should not be from Mill Street but from an alternative access via the undeveloped land to the north-east. A Part 8 scheme is being prepared for a cycleway along Mill Street. Facilities for buses

are required along the Moyglare Road, and it is recommended that provision is made for an island bus stop along the front of the site. The proposed junction does not provide adequate priority for pedestrians and cyclists, and additional permeability should be provided to the next site. Car parking should not be provided for the proposed café/restaurant. Cycle parking should be provided near each stair core.

- 9.2. **Transport Infrastructure Ireland** stated that it had no comments.
- 9.3. **Irish Water** stated that it could facilitate connections to the proposed development.
- 9.4. **Inland Fisheries Ireland** stated that proper measures need to be taken to control emissions to water from the site during the construction and the occupation of the proposed development.

## 10.0 Assessment

10.1. The planning issues arising from the proposed development can be summarised under the following headings-

- Appropriate assessment
- Screening for environmental impact assessment
- Policy and the principle of development
- Drainage and water supply, including flood risk
- Urban design
- The standard of amenity for the occupants of the proposed development
- Impact on the amenity of adjoining properties
- Impact on St. Mary's Church
- Access and parking
- Other issues

### 10.2. Appropriate assessment

10.2.1. The site is not in or immediately adjacent to any Natura 2000 site. The proposed development would not be likely to have any significant direct effect on any such site, therefore, either individually or in combination with any other plan or project. The site is beside the Lyreen River c1.5km upstream of the Special Area of Conservation (SAC) at Rye Water Valley/Carton sitecode 001398. The potential for a significant effect on that SAC arising from possible emissions to water from the proposed development therefore needs to be considered. The conservation objectives for the site are to maintain or restore the favourable conservation condition of the following priority Annex I habitat –

7220 Petrifying springs with tufa formation (Cratoneurion),

and of the following Annex II species –

1014 Narrow-mouthed Whorl Snail *Vertigo angustior*

1016 Desmoulin's Whorl Snail *Vertigo moulinsiana*

There are no other Natura 2000 site upon which the proposed development would have the potential to have any likely significant effect, either alone or in combination with any other plan or project. The appropriate assessment for the adjoining development authorised by the board under ABP-301230-18 referred to Natura 2000 sites in Dublin Bay, but stated that they would not be effected by the release of sediment during construction or by the discharge of foul effluent during occupation of the authorised development. There is therefore no likelihood that the proposed development, which is substantially smaller than the authorised one, would be likely to have a significant effect on those Natura 2000 sites either individually or in combination with the authorised development or other plans or projects,

10.2.2. The application was accompanied by a Natura Impact Statement. It states that the river forms a pathway between the application site and the SAC. The priority habitat of Petrifying springs with tufa formation that is the subject of one of the SAC's conservation objectives is fed by groundwater, and therefore there is no potential that it would be effected by the proposed development. However the release to the river of sediment during the construction of the development or wastewater or other pollutants during its occupation could have a significant effect on water quality and thus on the riparian habitats of the species of snail that are the subject of the other two conservation objectives of the SAC. The submitted statement therefore concludes that a stage 2 appropriate assessment is required in respect of the SAC. It describes the measures to avoid such impacts. During construction these would include-

- the adherence with guidance from Inland Fisheries Ireland on the control of water pollution from construction sites;
- the installation of a surface water drainage system for construction that would include swales around the working area with runoff diverted via interceptors to settlement ponds prior to leaving the site. Temporary hoardings would be erected where soil stripping would occur near the riverbank, and this area would be landscaped early in the construction process. All spoil would be stored at least 20m from the riverbank.
- the preservation of a buffer zone of 10m along the river;

- controls on the storage and handling of lubricants and fuels during construction;
- the avoidance of wet concrete operations in or adjacent to watercourses;
- the use of chemical toilets with off-site disposal of effluent; and
- the implementation of a pollution prevention plan and monitoring of that implementation

10.2.3. The statement also specifies that surface water runoff from the completed development would be diverted to attenuation tanks with a capacity of 530m<sup>3</sup> that would limit the runoff to a greenfield rate to 10 l/s, and would pass through hydrocarbon and silt interceptor before outfall to the river. Wastewater from the completed development would flow to the municipal system which has adequate capacity to properly treat and dispose of it, as has been confirmed by Irish Water and the council. The statement says that the proposed measures represent best practice and have been successfully implemented for a range of developments. Based upon their implementation the statement concludes that the project would not have the potential to result in likely significant effects to the integrity and conservation status of European sites either alone or in combination with other plans or projects.

10.2.4. The measures described in the Natura Impact Statement are standard measures whose efficacy is well established from the experience in many previous projects and which is beyond reasonable scientific doubt. Their implementation would avoid the release of sediment and pollutants during either the construction or occupation of the development and thus would prevent the development having an adverse effect on the achievement of the conservation objectives of the SAC. As stated in the NIS they represent good construction practice, and their observance would be required by the proper planning and sustainable development of the area in order to protect water quality whether or not there was a potential downstream effect on a Natura 2000 site. It is therefore debatable whether they should be regarded as mitigation measures for the purposes of avoiding a likely significant effect on the SAC or as integral parts of the development that would be included in any competently executed construction project which means that the likelihood of a significant effect would not arise in the first place. The former approach is adopted for this appropriate assessment because it would be consistent with that adopted by the board for the appropriate assessment prior to the recent grant of permission for

housing on the adjoining site under ABP-301230-18, and because their combined effect needs to be assessed in this case.

10.2.5. The proposed mitigation measures would be sufficient to prevent the development adversely affecting the achievement of the conservation objectives of the SAC downstream of the site whether considered by itself or in combination with the authorised development on the adjoining site or other authorised projects or plans. Given the standard nature and widespread previous use of those measures, this conclusion can be reached beyond reasonable scientific doubt. It is therefore reasonable to conclude on the basis of the information on the file, which is adequate to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Special Area of Conservation at Rye Water Valley/Carlton sitecode 001398, or any other European site, in view of the site's conservation objectives.

### 10.3. **Screening for environmental impact assessment**

10.3.1. The proposed development would involve the construction of dwellings and urban development in a business district, and so would fall within Class 10(b) of Part 2 of Schedule 5 to the Planning and Development Regulations, 2001 as amended. However the size of the proposed development (135 dwellings with 519m<sup>2</sup> of other floorspace) and that of the site (1.05ha) would fall well below the thresholds of 500 dwellings and 2ha set at Class 10(b) (i) and (iii) respectively. A determination as to whether the proposed development requires environmental impact assessment therefore depends on the application of the criteria set out in Schedule 7 to the regulations regarding the characteristics of the proposed development, its location and the characteristics of its potential impacts. In this regard it is noted that the proposed development would be mainly for residential use with a small element of complementary service use and so it would not involve activities that used significant amounts of natural resources, involved the production of wastes or a created a risk of accidents. As stated in the appropriate assessment above, the proposed development would not be likely to give rise to emissions to water that would be likely to cause pollution or nuisances or have impacts on wetlands, or to otherwise affect Natura 2000 sites. Its size would be well below the thresholds set out in schedule 5 of the regulations. The likely environmental effects of the adjoining authorised development have already been assessed by the board, and the current



proposal would not give rise to significant cumulative effects that could not have been previously assessed. The location of the site is on vacant brownfield land within an existing town (which would be a substantial distance from the equestrian farm cited in one of the submission from the public). The proposed development would not require demolition of significant structures. The development would not impinge on landscapes of cultural, historical or archaeological significance. Its potential impacts would not be significant in terms of their extent, magnitude or complexity. Therefore, having regard to the criteria set out in Schedule 7 to the planning regulations, it is concluded that the proposed development would not be likely to have significant effects on the environment and an environmental impact assessment is not required, nor is the submission of an environmental impact assessment report.

#### **10.4. Policy and the principle of development**

10.4.1. The site is zoned for development as part of Maynooth's town centre under the applicable local area plan. The provision of residential accommodation there is in line with the designation of Maynooth as a large growth town in the county development plan, as well as with the objectives of the National Planning Framework to provide additional development within the existing built up area of towns. The proposed density of 129 dph complies with the advice in the sustainable urban residential guidelines to provide increased densities in town centres, as well as the recommendation that minimum net densities of 50dph should be provided along public transport corridors. The proposal for housing in the form of apartments on this site is in keeping with the advice at section 2.4 guidelines in design standards for new apartments that accessible and central sites are suitable for schemes comprised wholly of apartments. It would also be in keeping with policy HP6 of the local area plan regarding the provision of apartments in the town centre. The suburban residential developments around Maynooth are predominantly of houses, and the provision of another 135 apartments in its town centre would provide a mix of housing types in the settlement that served the needs of a wider range of the community than would otherwise be the case. The provision of a childcare facility complies with the guidelines on childcare facilities issued by the minister in 2001. The applicant proposes to provide 13 apartments under Part V of the planning act. The housing section of the council indicated their agreement in principle to this

proposal. The proposed café/restaurant would be in keeping with the town centre location and zoning of the site. The development of a community centre in the town may be desirable, as stated in submissions on the application. However there is no compelling rationale in planning policy that would justify imposing a requirement to provide it as part of a private development on this site.

#### **10.5. Drainage and water supply, including flood risk**

- 10.5.1. The site lies on the banks of the Lyreen River. The current levels of the ground mean that is mostly lies within flood zone A, as defined in the Flood Risk Management Guidelines, where there is a risk of fluvial flooding of more than 1% AEP. The submissions from the applicant state that the current levels on the site are the result of excavations that were carried out for an authorised residential development that was not completed, and argue that the current levels reflect a temporary situation which was never intended to persist. The levels on the site prior to those excavations were retrieved from the details submitted for the planning application Reg. Ref. 05/2420 and provided in the Site Specific Flood Risk Assessment submitted with the current application. They indicate that a lesser proportion of the site was within flood risk zone A before the excavations. In either event, the proposed housing would be a vulnerable category of category of development that would require justification under the guidelines.
- 10.5.2. The applicant has provided a copy of the justification test that was carried out prior to the zoning of the site for development under the local area plan by the planning authority. It referred to the designation of Maynooth as a large growth town in the Regional Planning Guidelines in the county development plan and the town centre location of the site, as well as to a previous grant of permission for residential development upon it. The site specific flood risk assessment for this application also includes a rationale for a grant of permission under the development management justification test set out in the flood risk guidelines. It cites the zoning of the site as part of the town centre in the local area plan. It also states that the proposal has been subject to a flood risk assessment which demonstrates that it would not exacerbate flood risk elsewhere, would include mitigation measures to minimise flood risk, that the residual flood risk is acceptably low, and that the required measures would be compatible with wider planning objectives regarding good urban design.

10.5.3. The flood risk assessment submitted by the applicant is based on a model of the Lyreen River which indicates that the 1% AEP flood level is 51.81m OD. The assessment raises this to 52.02m to make allowance for climate change or potential changes to the catchment. The minimum floor level of the development is set at 52.58m OD and so it would be more than 500mm above the 1% AEP flood level. This would be the level of the basement car park. The minimum floor level of the apartments would be 56.18m. The development would include a surface water management system that is designed to attenuate runoff rate to the greenfield of rate of 10.1l/s using cells of 504m<sup>3</sup>. The location of the cells on the site would be determined prior to construction by the design engineer but indicative locations are shown on a plan. The submitted flood risk assessment included the results of a modelling exercise to show the potential impact of the proposed development on the risk to flooding of other land. It indicates that the development would lead to a loss of 1,202m<sup>3</sup> of flood storage on the site which could raise the water levels in the river channel by up to 70mm, if compared to the situation that would have prevailed before the site was excavated in anticipation of an abortive residential development, or by 120mm if compared to the existing levels on the site. Given the topography of the riverbanks this would not lead to a significant increase in the extent of the flood risk zones upstream or downstream of the site, according to the applicant's assessment.

10.5.4. However the Water Services Section of the planning authority has questioned the use of a bespoke river flood model and advised that the appropriate model to use the OPW's CFRMAS model which indicates that the river is more sensitive to changes in channel roughness. It states that the drainage design is preliminary in nature and not detailed enough to allow a proper assessment to be made. It objects to the use of pre-excavation levels as a baseline comparator because it equates to raising existing site levels and so the applicant has not demonstrated to the planning authority's satisfaction that the proposed development does not pose an increased floor risk to third party properties due to the consequent loss of floodplain storage.

10.5.5. I would advise the board that the location of the site in the centre of a town which is designated for growth under the applicable regional planning guidelines and county development plan, and which is also within walking distance of railway station, establishes a clear imperative for its sustainable development, as stated in section

10.4 of this report above. Its zoning for town centre development is therefore compatible with the plan-making justification test set out in Box 4.1 of the flood risk management guidelines, which in turn satisfies item no. 1 of the justification test for development management set out in Box 5.1. The applicant has submitted reasonable grounds for its comparison of the likely post-development extent of flood risk along the river with that which prevailed before the excavation of the site. The excavation was carried out in pursuit of a development whose authorised final state would not have provided additional flood storage on the site. Given the imperative to provide a reasonably intense use for such a town centre site, it would not be in accordance with the proper planning and sustainable development of the area to require it to accommodate on an ongoing basis floodwater storage that arose as a result of an abortive development in recent years. The position of the planning authority on this particular issue is not accepted, therefore. In any event the applicant's assessment also compared the situation after development with that which arises from the current situation of the site, and no significant increase was predicted in that case either.

10.5.6. Nevertheless I would share the concerns raised by the Water Services Section of the planning authority regarding the failure to use the CFRAMS model for the assessment and to provide a detailed drainage proposal for the development. Furthermore, as discussed in section 10.6 below, the proposed development would not comply with wider planning objectives in relation to good urban design, partly as a result of the constraints upon a scheme of this scale, form and layout that arise from its situation beside a river in a flood risk zone. It is therefore concluded that the proposal has not been subject to an appropriate flood risk assessment and as such it would not meet criteria no. 2 of the development management justification test set out in the flood risk guidelines particularly with regard to criteria 2(i) and 2(iv).

10.5.7. Irish Water have reported that it can facilitate the proposed connections to the its networks, subject to a valid connection agreement. The development is therefore considered acceptable with regard to foul drainage and water supply.

## 10.6. **Urban design**

10.6.1. The comments in the submission from the public and the elected members of the planning authority that favour traditional architectural forms are noted. However a

design using contemporary or modern styles would not necessarily be inappropriate for this site given its situation on the other side of the river from the historic core of the town within the ACA and the diversity of buildings types on the neighbouring sites.

10.6.2. The development would face the public realm along Mill Street at the front of the site, and also at the open space on the other side of the river off Pound Lane to the south-east. The proposed frontage onto Mill Street would observe a building line established by the front of the church and would augment the public realm by providing an accessible landscaped space along the street backed with active frontage at the café/restaurant. The scale, form and design of the proposed Block A would be suitable to its context along this street. This element of the proposed development would therefore be acceptable. The frontage onto the river opposite the park would not be. It would present a high stone wall along a substantial stretch of the river close to its bank, above which the apartment blocks would present a vista dominated by buildings of substantial mass and extent that would not be justified by their detailed design. The consequence of these features would be a significant injury to the character of the town.

10.6.3. The proposed buildings would be close to the boundaries of the site, apart from that onto Mill Street. As discussed below, this approach seriously hinders the extent to which the development would successfully integrate into the built fabric of the town by impinging on the trees and stained glass windows at St. Mary's Church, diminishing the amenity provided in the open space along the river bank, restricting the potential for pedestrian and cycle movement through the site and prejudicing the development potential of the land zone residential immediately to the north. This characteristic of the proposed development is therefore problematic.

#### **10.7. The standard of amenity for the occupants of the proposed development**

10.7.1. The proposed apartments comply with the applicable specific planning policy requirements of the Guidelines for Planning Authorities of Design Standards for New Apartments issued in March 2018. With regard to SPPR 1, 24 % of the proposed apartments would be one-bedroom units. Each of the apartments would exceed the minimum floor areas required under SPPR 3 by 10% or more. 42% of the apartments would have dual aspect, which exceeds the minimum of 33% that would

apply for this town centre site under SPPR4. Floor to ceiling heights on the ground floor would meet the minimum of 2.7m specified in SPPR 5, as would the heights on upper floors. There would be no more than 8 apartments per stair core on each floor, which would be well below the limit of 12 set in SPPR6.

- 10.7.2. The size of the rooms within the apartments would comply with the minimum floor areas set out in appendix 1 of the guidelines, as would the private open space provided on balconies. The planning authority has reported that the configuration of the storage space in some of the proposed apartments, units 5-11 and 4-8, is not in keeping with the requirements. Given that the floor areas of the apartments exceed the required minima, it is considered that this issue could be resolved without required significant other changes to the proposed development and so could be addressed by condition.
- 10.7.3. The proposed development would include a number of apartments whose aspect would be predominantly north facing, including units 5.7 and 5.13 in Block A and units 5, 6, 7, 13, 14, 15, 21, 22, 23, 29, 30,31 37 off stair core 2 in Block B. Section 3.18 of the guidelines stated that such units can be considered where overlooking a significant amenity space. The units in Block A would face the side of the church which would be 8m away. Their outlook would therefore be inadequate. The units in Block B would overlook an open space associated with the institution to the north. However the land that they would overlook is zoned residential rather than institutional and an assumption that it would remain in its current open condition would not be justified by the proper planning of the area. The apartments would be between 10m and 1.5m from the boundary at this location. The development would therefore prejudice the development of adjoining zoned land in order to maintain a reasonable outlook for some of the proposed apartments. It is also considered that the generally east facing unit 1-3 at ground floor level in Block B would have an inadequate outlook due to its proximity to the back of the church (9m) and their relative levels and orientation. The ground floor apartments would be provided with privacy strips which vary in depth, but are frequently shown as 1m wide. This would fall short of the depth of 1.5m recommended in section 3.41 of the guidelines and would not be sufficient to protect the amenity of the those apartments.
- 10.7.4. The development would require 921m<sup>2</sup> of communal open space to comply with the standard set in appendix 1 of the guidelines. Roof gardens would be provided on the

blocks with a combined area of 1,006m<sup>2</sup>, and there would be various open spaces at the centre of the site with a total of area of 654m<sup>2</sup>. The proposed development would therefore comply with that requirement of the guidelines. The linear open space along the river would provide another 944m<sup>2</sup> of open space. The total amount of open space would therefore comply with the development plan requirement of 10% of the site area. The quantity of open space in the development is therefore acceptable, even if the narrow marginal areas between Block B and the site boundary are disregarded. However I would concur with the planning authority's concerns regarding the quality of the central open space and that along the river. The central open space is disjointed by the access route and turning head within the site. The amount of land given which it occupies is excessive for an occasional delivery and emergency access route that would not require separate footpaths and where large vehicles would only be turning in exceptional circumstances. The riverside walk would be narrow with poor pedestrian connectivity at both ends and would be flanked by a wall 6.4m high wall. While the car parking at basement level has been set back by 10m from the river, the width between the wall and the river bank would be little more than 6m at some points. It would therefore be an unattractive space that would not provide the requisite level of amenity. The proposed development would therefore contravene the requirement at FRA8 of the local area plan. Although that policy appears in the section of the plan relating to flood risk, it specifies that the buffer zone it requires along the Lyreen River is 10m wide and it that it should not include hard landscaping. The quality of the proposed open space is therefore unsatisfactory.

#### **10.8. Impact on the amenity of adjoining properties**

- 10.8.1. The proposed 4-storey Block C would be considerably higher than the 2-storey part of the apartment scheme beside it at Millrace Manor, particular as the ground floor level of the proposed apartments would be c3m higher than that of the existing ones. However the proposed block would be to the north of the existing apartments on a similar alignment, with its western elevation facing the gable of the existing block and the car park serving it. It is not considered, therefore, that the proposed development would unduly overlook, overshadow or overbear those apartments in a manner that seriously injured their residential amenity.

10.8.2. With regard to the student accommodation in Block E of the development authorised on the adjoining site to the north-east under ABP-301230-18, it is noted that the board's decision required that block to be relocated by 12m in a direction that would move it further from the proposed Block B in this scheme. The daylight and sunlight analysis and the submission from the other applicant referred to the proposed location of Block rather than its authorised one. The relocation would be likely to significantly mitigate the overshadowing of the particular ground floor units which were shown not to comply with the BRE guidelines according to the applicant's analysis. In this circumstance it is not considered that the proposed development would seriously injure the amenities available to the occupants of the authorised development on the adjoining site.

### 10.9. **Impact on St. Mary's Church**

10.9.1. The proposed development would not directly affect the protected structure at St. Mary's Church or its curtilage or attendant grounds. The proposed development would, however, change the setting of the church. It would block views of its southern elevation which is currently prominent in views from Mill Street. This impact would alter the way the church would be seen from the town centre around it, and I would not accept its categorisation as negligible in the architectural heritage impact assessment submitted with the application. However, the principal façade of the church is its western one which directly faces Mill Street and the Kilcock Road, as is clear from its orientation relative to the altar and aisle of the church and to the public streets, and the cut stone finish on that elevation which contrasts with the roughcast render on the wall on its southern side. The proposed development would not, therefore, block or obscure a view of a principal elevation of the protected structure in a manner that would contravene policy PS3 of the development plan. The proposed block A would respect the building line and heights along Mill Street established by the front wall of the church, allowing the bell tower to maintain its prominence, and would provide a coherent streetscape. The roof of block A would be significantly lower than the roof ridge of the church. It would not, therefore, undermine the primacy of the principal elevation of the church along Mill Street. It would also respect the layout of the town and the character of the ACA to the south. The erection of a building along Mill Street in this position was previously authorised by the planning authority. The setback of the fourth floor of the western part of Block



B would ensure that the part of the development closest to the rear of the church was also lower than the roof of the church and so that part of the scheme would not undermine the dominance of the church either. It is therefore concluded that the form, scale and layout of the form, scale and layout of the proposed development would not unduly interfere with the setting of St. Mary's Church in a manner that unduly detracted from its architectural, social, historical or social interest, or that injured the built heritage of the area or departed from the advice at section 5.1 of the architectural heritage guidelines. This conclusion differs from that of the planning authority on the question.

10.9.2. The loss of the low stone wall along the front of the site is acceptable in this context. However it is clear from the daylight and sunlight analysis submitted by the applicant that the proposed development would affect the level of light reaching the stained glass windows on the southern and eastern sides of the church (numbered 5 and 7 in the analysis). The vertical sky component for the window over the altar would be reduced from 39.4% to 24.5%, its annual probable sunlight hours from 38.9% to 25.6%, while there would be a reduction in the annual probable sunlight hours for the window on the southern elevation from 85.1% to 67.5%. The application of tests in the BRE guidance for residential amenity is not appropriate to this issue. The function of the stained glass windows in the church would be significantly affected by this loss of light, which would therefore injure the special artistic interest of these features on the protected structure.

10.9.3. I would have concern about the impact of the development on the trees along the southern side of the curtilage of the church given the limited setback of 1.1m of the proposed building from the shared boundary on which those trees which stand. In this regard it is noted that the submitted landscape proposals do not contain specific measure to protect those trees, which are identified as nos. 1 to 6 in the submitted arborist's report. Those trees provide an ornament to the setting of the church and would help to soften the contrast with the modern development proposed on the site. Therefore the absence of measures to secure their preservation during construction is considered to be a significant omission even though the trees stand just outside the site itself. This would not be consistent with policy PS2 of the development plan or the advice at section 13.8 of the architectural heritage protection guidelines.

## 10.10. Access and parking

10.10.1. The proposed vehicular access to the site on Mill Street is from a main road between two significant junctions, those being the ones with Main Street and with the Moyglare and Kilcock Roads. The proposed development may therefore have a substantial impact on traffic in Maynooth. A traffic and transport assessment was submitted with the application which used trip generation figures from the TRICS database that indicate that the proposed development would generate 17 and 21 vehicular movements to the junction at Main Street in the am and pm peak hours respectively, and 16 and 21 movements at the junction with the Kilcock Road in those hours. The number of movements recorded during traffic counts in February 2018 through the junction with Main Street was 1,459 in the am peak hour and 1,399 in the pm peak hours, while the corresponding figures for the Kilcock Road junction were 1,417 and 1,311. The assessment concludes that, because the proposed development would only increase by the number of traffic movements at those junctions by between 1.1% and 1.6% at peak hours, it would not generate any material impact of their operation, and also that its impact elsewhere on the road network would be negligible. An analysis of the junctions' operation using the PICARDY software yielded results that are consistent with that opinion. The conclusions stated in the submitted assessment are accepted as a general proposition, and it is considered unlikely that the volume of traffic that would be generated by the proposed development would have a significant impact on the road network in the vicinity.

10.10.2. Nevertheless there are specific features of the access to the proposed development that give rise to concerns. Traffic waiting to turn right into the development could cause queuing on Mill Street that would impede the clearance of its junction on Main Street a short distance to the south. Those movements may therefore would have a disproportionately large impact on the capacity of the streets in the town relative the their number. The advice in the submission from the NTA that vehicular access to the site from the road network would preferably be from the adjoining lands to the north-east is therefore well founded. However the authorised development on the adjoining lands does not appear to be configured to allow for such access, and it may be that some interference with the flow of traffic on Mill

Street is an unavoidable consequence of the redevelopment of this urban brownfield site. Its impact could be limited if the number of car parking spaces provided on the site were reduced in line with the advice at section 4.19 of the guidelines on apartment standards, which would justify considering a provision of less than one space per apartment with minimal parking for the proposed creche and café/restaurant. The creche would benefit from a more convenient arrangement for dropping off children without having to enter the basement car park, as there is a distinct possibility that the current proposal might be neglected by parents who would then park cars on the street or the footpath instead. A clearer arrangement for deliveries to the café/restaurant would also be desirable to avoid good vehicles stopping on the public road. A high volume of bicycle storage would be provided at basement level generally in accordance the standards set down at section 4.15 of the guidelines on apartment standards. It would be preferable if bicycle parking were provided at a wider range of places within the scheme for the convenience of occupiers and visitors, and that some of it could be accessed directly from the street at the same level.

10.10.3. The proposed development shows a pedestrian link to the adjoining lands to the north-east along the river. However I would agree with the comments in the submission from the adjoining landowner that the quality of the link through the authorised development is poor, as it consists of a relatively narrow footpath of 1.8m along a high wall with a sharp turn and steep ramp along the south-western face of proposed Block C. It would also result in a lost opportunity to provide a more convenient cycle link from the adjoining lands to the town centre. Neither is it clear from the submitted drawings how the proposed link would meet the footpaths along the river in the adjoining scheme authorised under ABP-301230-18. Condition no. 3a) of the board's decision in that case specified the location for another pedestrian link to the current site beside a relocated block E in the authorised scheme. It is not clear how well such a link could be accommodated in the proposed development either. The submission from the NTA refers to the preparation of a Part 8 scheme to improve facilities for sustainable travel modes along Mill Street. The proposed development does not refer to any such proposals. At the moment the footpath along this side of Mill Street is clearly inadequate to cater from the pedestrian movement along it. At the time of inspection several people were observed having

to step into the carriageway to pass pedestrians going the other way. While the provision of further public space in front of the Block A would ameliorate this problem to some extent, its proposed layout would not provide an unimpeded footpath of the width required on this town centre street with significant pedestrian traffic. The proposed development would further diminish the pedestrian environment along Mill Street by introducing a wide opening into a private development with corner radii of 6m, a carriageway width of 5.5m with a narrow footpath of 1.8m on its northern side only. These dimensions would contravene the applicable standards set out in DMURS and would give undue priority to vehicular movements over pedestrians. The pedestrian connections and permeability that would be provided by the proposed development would therefore be unsatisfactory.

#### **10.11. Other issues**

10.11.1. The submissions that refer to the folded limestone beds and varves that can be observed on the site. The planning act allows objectives to be included in development plans for the preservation of site and features of geological interest, under item 6 in Part IV of its First Schedule. The Kildare County Development Plan 2017-2023 sets its objectives in this regard in Table 13.4. It does not include the features on the site. It would not be considered reasonable, therefore, to prevent or inhibit in the course of an application for permission the development of the current site in line with its zoning under the local area plan in the course of an application for permission for permission in order to preserve a feature when such preservation is not an objective of the development plan to do so.

10.11.2. The site is in the town centre of Maynooth and is zoned for development. It is not considered likely that its development in accordance with national and local policy would injure the operation of equestrian farms in the rural area around the town either alone or in cumulation with other planned or authorised development.

### **11.0 Recommendation**

11.1. I recommend that the board refuse permission for the development.

## 12.0 Reasons and Considerations

- 1 The proposed development would significantly detract from the character and amenities of the town, and in particular from the amenities of the lands along the Lyreen River and the open space at Pound Lane, due to the aspect that it would present towards the river which would be dominated by a high wall over which the proposed apartment buildings would appear as structures of substantial mass and extent. This impact would be contrary to the proper planning and sustainable development of the area.
  
2. The proposed development would diminish the level of light reaching the stained glass windows on the eastern and southern elevation of the St. Mary's Church and would threaten the trees along the southern edge of its curtilage. It would therefore materially affect a protected structure by detracting from its artistic interest and injuring its setting.
  
3. Adequate access would not be provided to, from or through the proposed development that would integrate with existing and authorised development in the vicinity and which would provide suitable facilities for travel by sustainable modes. In particular -
  - The proposed development would fail to provide convenient and attractive routes for pedestrians and cyclists from the adjoining lands through the site towards the town centre, either along the river or otherwise, that would be properly co-ordinated with the authorised development on those lands.
  
  - The proposed junction on Mill Street would hinder pedestrian movement along that street. The frontage of the development onto that street has not been co-ordinated with the proposed works to improve cycle and pedestrian facilities along Mill Street
  
  - The proposed amount of car parking has not been significantly reduced to reflect the town centre location of the site in accordance with the advice given at section 4.19 of the Guidelines for Planning Authorities on Design

Standards for New Apartments issued by the minister in March 2018. This would exacerbate the impact of the proposed development on the road network in the area. The proposed bicycle parking would be not be at convenient locations as advised by section 4.17 of those guidelines

- Suitable facilities would not be provided to allow dropping-off at the childcare facility or deliveries to for the café/restaurant that did not require the use of the basement car park, which would likely to result in vehicles stopping on the public road or footpath for such purposes.

The proposed development would therefore contrary to the proper planning and sustainable development of the area.

- 4 The proposed development would fail to provide an acceptable standard of amenity for its future occupants in accordance with the provisions of the Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in March 2018, the Kildare County Development Plan 2017-2023 and the Maynooth Local Area Plan 2013-2019 because –
  - It would contain several apartments with a single aspect whose orientation was predominantly towards the north, which would be in close proximity to the site boundary and which would not overlook any significant amenity, which would be contrary to the advice at section 3.18 of the guidelines. An adequate outlook would not be available to those apartments, or to the ground floor apartment whose single eastern aspect would face the rear of the church.
  - A privacy strip of 1.5m would not be provided to all ground floor apartments in accordance with the advice at section 3.41 of the guidelines.
  - The amenity provided proposed central open space would be compromised by the width and extent of the vehicular route that would be run through it.
  - The amenity provided by the open space along the river would be compromised by its narrow width, which would contravene policy FRA 8 of the local area plan, the high wall alongside it, and the failure to provide convenient and attractive access at either end of it.

The proposed development would therefore be contrary to the above mentioned guidelines and plans, and to the proper planning and sustainable development of the area.

- 5 Having regard to the use of a bespoke river flood model rather than the CRAMS model prepared by the OPW in the Site Specific Flood Risk Assessment submitted with the application, to the preliminary nature of the submitted drainage designs and to the failure to address flood risks within the proposed development in a manner that is compatible with wider planning objectives in relation to good urban design due to the unsatisfactory nature of the proposed frontage and open space along the Lyreen River, the board does not consider that the proposal has been subject to an appropriate flood risk assessment that would satisfy criterion no. 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.

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Stephen J. O'Sullivan

Planning Inspector

5<sup>th</sup> September 2018