



An
Bord
Pleanála

Inspector's Report ABP-305809-19.

Development

Permission for (1) Alterations to previously approved development Reg. Ref. 18/1289. The proposed alterations are as follows: construction of 1 no. additional storey, to approved three-storey building, comprising 1 no. one-bedroom and 2 no. two bedroom apartments each served by private balcony located on the front (southern) elevation, and all ancillary works necessary to complete the development. The proposed development will increase the quantum of residential units within the "Silken Gardens" apartment complex from 14 apartments to a total of 17 no. apartments.

Location

Silken Gardens, Dublin Road,
Maynooth, Co. Kildare.

Planning Authority

Kildare County Council.

Planning Authority Reg. Ref.

19/898.

Applicant(s)

Minbay Limited.

Type of Application Permission.

Planning Authority Decision Refuse.

Type of Appeal First Party

Appellant(s) Minbay Limited.

Observer(s) None.

Date of Site Inspection 20/12/2019.

Inspector A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located approximately 200m to the east of Main Street, Maynooth. The site is located in a backland position, being set back from the public road, Dublin Road, the R148, which connects Maynooth to Leixlip. Access is provided over a small access road, located between two existing residential properties, for a distance of approximately 35m.
- 1.2. To the east, the site bounds the rear gardens of the houses in O'Neills Park, while Carton Avenue lies to the north. Carton Avenue is the tree lined avenue which connects the Carton Estate to Maynooth town centre. To the west and south, the site is bound by residential properties. The existing buildings in the vicinity of the subject site comprise primarily two storey buildings with a small terrace of houses to the south west of the site including attic accommodation.
- 1.3. The existing building on the site is set towards the north of the site with car parking provided for 15 cars to the south of the building. The building, known as Silken Gardens, is a two-storey apartment development which currently has 10 units with two cores. The Board will note that there is an extant permission to develop a second floor to the existing building and provide for an additional 4 units.
- 1.4. The site has a stated area of 0.1708ha.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for (1) Alterations to previously approved development Reg. Ref. 18/1289. The proposed alterations are as follows: construction of 1 no. additional storey, to approved three- storey building, comprising 1 no. one-bedroom and 2 no. two bedroom apartments each served by private balcony located on the front (southern) elevation, and all ancillary works necessary to complete the development. The proposed development will increase the quantum of residential units within the "Silken Gardens" apartment complex from 14 apartments to a total of 17 no. apartments, all at Silken Gardens, Dublin Road, Maynooth, Co. Kildare.
- 2.2. The application included a number of supporting documents including as follows;
 - Plans, particulars and completed planning application form

- Planning Report
- Floor area details
- Waste volume and storage calculations

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. It is considered that the proposed four storey development, by reason of its height, scale, poor quality open space provision and siting would seriously injure the residential and visual amenities of adjoining properties and would represent an over-development of the site. the proposed development would be out of character with the pattern of existing development in the area, would seriously injure the residential amenities of existing and future residents, would depreciate the value of properties in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development would represent a substandard form of residential development by reason of the lack of adequate car parking provision. The proposed development would, therefore, be contrary to the development management standards as set under Section 17.7.6 and Table 17.9 of the Kildare County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.
3. Policy AR 10 of the Maynooth Local Area Plan, 2013-2019 seeks to protect the views and prospects along Carton Avenue. The proposed four storey development by reason of its scale and location in close proximity to Carton Avenue (an historic designated landscape feature connecting the planned town of Maynooth to Carton House and Demesne) and recreational facility, would be seriously injurious to the visual and recreational amenities and heritage of this area and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The Planning Report concludes that proposed development is not acceptable in terms of overlooking, car parking provision and the visual impact associated with a 4 storey development in an area which is otherwise dominated by single storey and two storey developments.

Planning Officer recommends that permission be refused for the proposed development, for reasons relating to impact on residential and visual amenity and out of character with existing development in the area, lack of adequate car parking provision and impact on the views and prospects along Carton Avenue which are protected by the Maynooth Local Area Plan.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

Environment Section: No objection subject to conditions attached to previous grant of permission, 18/1289 refers.

Water Services: No objection subject to compliance with conditions.

Building Control: No objection. The report notes that a Management Company is required as it is an apartment complex and will not be taken in charge by Kildare County Council.

Transportation Department: The applicant is required to submit the level and location of car parking for the proposed development and existing residential development to comply with the development plan requirements.

Part V: Advises that an Exemption Certificate from the requirements of Section 96 of the Planning and Development Act 200, as amended has been issued.

Fire Service: A Fire Safety Certificate shall be obtained.

Maynooth Municipal District Engineer: No objections.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to compliance with conditions

3.2.4. Third Party Submissions

There are no third party objections/submissions noted on the planning authority file.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: 18/1289: Planning permission was granted for an extension to apartment complex comprising:

- (1) Construction of 1 no. additional storey to existing two-storey apartment complex (Silken Gardens) to comprise of 3 no. one-bedroom apartments and 1 no. two- bedroom apartment at second floor level with an internal lift all above the existing 10 no. apartments at ground and first floor level;
- (2) internal modifications / reconfiguration to existing two- bedroom apartments (No's 3 & 6) to provide 2 no. one-bedroom apartments; and
- (3) the provision of a communal terrace at roof level, reconfiguration of existing parking court, the refurbishment of existing communal amenity space situated to the front and rear of the existing apartment complex and all ancillary works necessary to complete the development.

The proposed development will increase the 'Silken Gardens' apartment complex from 10 no. apartments to total of 14 no. apartments. Revised by significant further information consisting of; omission of rooftop garden and revision of front (southern) elevation of the apartment complex.

The PA granted permission following the submission of a response to a FI request which omitted the proposed rooftop garden and a redesign of the plantroom / lift shaft.

ABP ref PL09.248786 (PA ref: 17/380): The Board refused on appeal and against the recommendation of the Inspector, permission for an additional storey containing 5 no. one bedroom apartments on second floor. Convert apartments no. 3+6 into one-bedroom apartments and 3 additional car parking spaces, all at Silken Gardens, Dublin Road Maynooth, Co. Kildare for the following stated reason:

Having regard to the mass, scale, location and size of the site, and to the inadequacy of public open space, the Board considered that the proposed development would result in an unacceptable overdevelopment and intensification of the site, would act as an undesirable precedent for further such development, would seriously injure the residential amenities of existing and of future residents of the development and would, therefore, be contrary to the proper planning and sustainable development of the area.

The decision of the Board also noted as follows:

In deciding not to accept the Inspector's recommendation to grant permission, the Board concurred with the Planning Authority that the proposed development would give rise to an unacceptable loss of communal open space and consequently would seriously injure the residential amenities of existing and future occupants

ABP Ref. PL09.210865 (PA ref: 04/880): The Board granted on appeal, permission granted for demolition of existing boiler house, partial demolition of existing house and construction of single / two storey extension to side / rear of existing house, 10 no. apartments in two storey building of 720 sq.m. with 15 parking spaces.

PA ref: 02/1574: Permission refused by the planning authority for a proposal to demolish the existing dwelling and construct 16 apartments on the site. It was refused for reasons of, inter alia, excessive density and overlooking of adjoining properties in O'Neill's Park.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.1.1. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.1.2. National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2018):

5.2.1. These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government’s action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging ‘build to rent’ and ‘shared accommodation’ sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

5.2.2. The guidelines identify specific planning policy requirements in terms of apartments and Development Plans dealing with the mix of unit sizes, while Chapter 3 deals with Apartment Design Standards, including studio apartments, orientation of buildings and dual aspect ratios, storage provision, private amenity spaces and security considerations. Chapter 4 deals with communal facilities, including car and bicycle parking. Chapter 5 deals with Build to Rent schemes.

5.2.3. The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

5.2.4. The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

5.3. **Urban Development and Building Heights Guidelines for Planning Authorities December 2018.**

5.3.1. In relation to local area plans the guidelines encourage a more proactive and more flexible approach in securing compact urban growth through a combination of both

facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. In relation to building height in town centre locations, such as the appeal site, Paragraph 3.2 of the guidelines require that the applicant demonstrate to the satisfaction of the Planning Authority / An Bord Pleanála, that the proposed development satisfies a number of criteria:

- At the scale of the relevant city / town
- At the scale of the district / neighbourhood / street
- At the scale of the site / building
- Specific Assessments.

5.3.2. Where the relevant planning authority or An Bord Pleanála considers that such criteria are appropriately incorporated into development proposals, the relevant authority shall apply the following Strategic Planning Policy Requirement under Section 28 (1C) of the Planning and Development Act 2000 (as amended).

SPPR 3

It is a specific planning policy requirement that where;

1. An applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. The assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise.

5.4. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

In terms of the design of the proposed development, the Board will note that the existing road network is already in situ.

5.5. Development Plan

5.5.1. Kildare County Development Plan 2017-2023

The Kildare County Development Plan 2017 – 2023, is the relevant policy document relating to the subject site. Chapter 17 deals with Development Management Standards which are applicable.

5.5.2. Maynooth Local Area Plan 2013-2019

The subject site is covered by the Maynooth Local Area Plan, 2013-2019. Part B of the LAP details the policies and objectives while Part C deals with Specific Objectives. The following sections of the LAP are considered relevant:

Section 7.1 relates to Housing as follows:

HP 1: To facilitate sustainable development in Maynooth in line with its designation as a Major Growth Town II in the RPGs and the CDP and to ensure that this development reflects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space, and which also protects the amenities of existing dwellings.

HP 2: To ensure that the 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.

HP 3: To encourage appropriate densities for new housing development in different locations in the town while recognising the need to protect existing residential communities and the established character of the area.

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.

Section 7.1.3 relates to Housing Objectives:

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 pollution and facilitate the creations of balanced communities.

HPO2: 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.

Map 2 identifies the area as being located within an area which requires a specific Flood Risk Assessment.

Section 7.10 relates to the Architectural and Archaeological Heritage of the town and Section 7.10.7 relates to Nature Conservation Outside of Designated Areas.

These policies include:

NH 4: To seek the protection of the following trees and groups of trees of special amenity value at the following locations; (See Map 4 attached)

- On amenity zoned lands to the south of Carton Avenue.

Map 4. Natural and Archaeological Heritage identifies protected trees along the Avenue to Carton Estate located to the rear of the site.

Map 4a identifies 2 views and prospects to be preserved in the vicinity of the site.

Section 7.11 relates to recreation, amenity and open spaces including the following policies:

AR 10: To protect the following views and prospects;

- Along Carton Avenue / Main Street Axis.

The site is zoned A1 Town Centre with the stated objective:

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. It will be an objective of the Council to encourage the full use of buildings, backlands and especially upper floors. Warehousing and other industrial uses will not be permitted in the town centre.

5.6. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Rye Water Valley / Carton SAC (& pNHA) (Site Code: 001398) which is located within 1km to the north east of the site.

The Royal Canal pNHA, Site Code 002103, lies approximately 325m to the south of the subject development site.

5.7. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- By reason of height, scale, open space provision and siting it is considered that the proposed development is representative of proper planning and sustainable development.
- The appeal site is situated within an appropriate location to allow for a reduced quantum of car parking provision.

- The proposed development has an imperceptible impact on the views and prospects which are experienced along Carton Avenue to the immediate north.

It is requested that the decision of Kildare County Council be set aside and that the Board grant permission for the proposed development.

- 6.1.2. In support of the appeal, the first party notes the principle concern of the Boards previous decision was based on the loss of communal open space to serve the development. An alternative design has been presented which will improve the quantum and usability of open space within the extended apartment block, by providing a roof terrace for use by all residents within the scheme. The roof terrace would provide a total of 195m² of communal open space in addition to the 305.1m² currently provided.

6.2. **Planning Authority Response**

The Planning Authority responded to the first party appeal advising as follows:

- The proposed revisions submitted with the appeal increase the overall height of the proposed development by 2.25m and introduces a roof garden. This is a material departure from the proposal lodged with Kildare County Council has the impact on nearby residential amenities has not been assessed by the Council and third parties have not been given an opportunity to comment.
- The PA considers that the photomontages as shown from Carton Avenue do not demonstrate the full visual impact of the proposed development, particularly for the months of the year when leaves are not on the trees.
- The revisions proposed do not address the substantive concerns as expressed by the PA in the reasons for refusal.

All three reasons for refusal remain relevant to any consideration.

6.3. **Observations**

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards, the Development Plan & General Development Standards
2. Visual Impacts
3. Other Issues
4. Appropriate Assessment

7.1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

7.1.1. In the context of the subject appeal, the Board will note the previous An Bord Pleanála decision relating to the subject site, ABP PL09.248786, where permission was sought for the construction of a second floor but refused by the Board as detailed above in Section 4, page 8 of this report. Following this decision of the Board, a further application was made to the Planning Authority for permission to construct a second floor to the existing building on site, PA ref 18/1289 refers. This application was permitted by the PA and as such, once constructed, the apartment building will increase the number of apartments from 10 to a total of 14. No permission was granted for the roof top garden.

7.1.2. The current proposal before the Board seeks to add a third floor to the apartment development (which would result in a 4 storey building) and which will increase the permitted 14 apartment development to 17 units. The development proposes to provide an additional 3 apartment units within the complex including 1 no. one bed and 2 no. two bed units. The Board will note that the proposal did not include a roof terrace, but that this element has been promoted as part of the appeal to address concerns relating to the provision of open space to serve the development. The

subject site lies in a backland location and is zoned town centre. In terms of the principle of the proposed development, I am satisfied that the location and zoning afforded to the subject site means that the development is acceptable.

7.1.3. The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December, 2018 guidelines update the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness, Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines, and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to enable a mix of apartment types, make better provisions for building refurbishment and small-scale urban infill schemes, address the emerging 'build to rent' and 'shared accommodation' sectors and to remove requirements for car-parking in certain circumstances.

7.1.4. Chapter 3 of the Guidelines provide Design Standards and overall, I am generally satisfied that in principle, the proposed development accords with these requirements. The Board will note that the submitted drawings indicate that storage is provided within each apartment which complies with the requirements of the guidelines. However, I am not satisfied in this regard as the plans clearly identify bedroom furniture as general storage areas which is unacceptable. No external storage is proposed. While I note that the guidelines provide for a relaxation in the storage requirements on urban infill schemes, subject to overall design quality, I am not satisfied that the development provides for adequate storage. Should the Board be minded to grant permission in this instance, the storage provision within each apartment should be clearly addressed and alternative layout plans to comply with the guidelines should be submitted for the written agreement of the Planning Authority, prior to the commencement of any development on site.

7.1.5. In terms of open space, the proposed apartments are provided with balconies, all of which appear to meet the minimum requirements, and all private open spaces adjoin and have a functional relationship with the main living areas of the apartments. In the context of communal open space, the Board will note its previous decision relating to the subject site, and the reason for refusal no. 1 of the Planning Authority's decision.

The first party submits that the open space provision for the overall development is 305.1 sq m, provided over two distinct sections, a small area to the south east of the building and a larger area to the north (rear) of the building.

- 7.1.6. The appeal submission notes the comments of the Planning Officer who determined that the proposed 'provision of communal open space meets the requirements of the Apartment Guidelines and is acceptable'. It is therefore submitted that the issue of open space as a planning issue should be dismissed. However, I would suggest that the quality of the open space is an issue given its north facing aspect. The higher the building on the site, the greater the shadow on the open space area. Given the location of the building on the site, and the limited depth of the rear open space area of between 5-10m, the area of open space to the rear is likely to be in shadow most of the time at present. The proposed increased building height, together with the presence of the trees on Carton Avenue, in my opinion, would result in an open space which is not conducive to high levels of residential amenity.
- 7.1.7. In order to address the issue, the first party proposes the provision of a roof terrace to serve, with details only submitted as part of their appeal. The roof terrace would be accessible via the lift and the stairs in the western core, and will require the installation of a further built element on the roof to accommodate these access features. The guidelines note that roof gardens may be provided but that the future maintenance must be considered in order to ensure that it is commensurate with the scale of the development and does not become a burden on residents. The Guidelines also require that the recreational needs of children are considered as part of communal amenity space within an apartment development. I am concerned that the development does not provide for the recreational needs of children in this regard.
- 7.1.8. Overall, and while the principle of the proposed development is acceptable in terms of the zoning objective afforded to the site, I am concerned that the proposed development fails to comply with a number of elements of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December, 2018, and in particular with regard to storage provision, the recreational needs of children or the communal open space area. Should the Board be minded to grant planning permission in this instance, the above issues should be fully addressed.

7.2. Visual Impacts

- 7.2.1. The previously permitted development will result in the construction of the second floor and will have an overall height of approximately 9m, approximately 400mm higher than the highest point of the existing building on the site. If permitted, the current proposal will increase this overall height to 12m, an increase of approximately 3m. The Board will also note the proposal presented in the first party appeal with regard to the provision of a roof terrace to service the development. If permitted, this would further increase the overall height of the development by approximately 2.7m in the area of the lift shaft, to approx. 15m overall.
- 7.2.2. The context of the site, while being located in proximity to the town centre, is quite suburban in nature with a variety of house types adjacent. The site is located to the rear of existing residential properties, which include dormer and two storey houses as well as a terrace of houses. To the north, the site backs onto Carton Avenue, which includes trees identified in the LAP as having a special amenity value. Policy NH4 seeks to protect these trees and therefore, any proposed development must be considered against this requirement. Further to this, Policy AR 10 of the Plan seeks to protect views along Carton Avenue. While permission has been granted for a second floor, it is noted that the previous Inspector also considered that the additional floor would be visible during the winter months as the screening provided by the existing deciduous trees is only for certain months of the year.
- 7.2.3. The design of the permitted second floor saw a step back from the northern elevation which helps to reduce the visual impact. The current proposal however, compounds the visual impact of the development and will impact on the existing visual and wider residential amenities of the area. Not only will the development impact on the protected views along Carton Avenue, it will also represent a significant visual impact on the existing residential amenities of the properties which lie to the east, west and south of the existing building. I consider that the development would be incongruous in terms of its height, massing and scale, which would be out of character with the streetscape and would set an undesirable precedent for future development in this area, contrary to the requirements of the policies of the County Development Plan and the Maynooth Local Area Plan.

7.2.4. With regard to the appeal submission in relation to the roof terrace, I do not consider that proposal is appropriate in the context of the site location and the proximity of adjacent residential development. The proposal also requires an additional built element above the proposed roof line which would contribute to the overall visual impact associated with the development.

7.3. Other Issues

7.3.1. Roads & Traffic

The proposed development will be accessed via the existing road network in the area and the existing access road to the apartment building. Given the location of the site in the town of Maynooth, I am generally satisfied that a residential development is acceptable in principle. However, the site is restricted in terms of the potential to providing adequate car parking to service the residential development. There is a current provision of 15 car parking spaces to serve the existing 10 apartments. This allocation did not increase as part of the recently permitted development which will provide for a second floor and an additional 4 apartment units.

The County Development Plan requires 1.5 spaces per apartment +1 visitor space per 4 units. Overall, there is a requirement of 30 spaces to cater for the proposed 17 units. As such there is a significant shortfall in car parking which was raised as a concern by the Transportation Section of Kildare County Council. Section 17.7.6 of the Kildare County Development Plan allows for a relaxation of the car parking standards for sites that are in proximity to public transport, town centres and public car parks. In the context of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018, sections 4.18-4.20 are relevant and provide that developments within central locations, and comprising wholly of apartments, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.

The Board is advised that the site lies on town centre zoned lands and in proximity to public transport routes. As such, a reduction in car parking provision might be considered acceptable. However, a 50% reduction is considered excessive and may, if permitted, result in adhoc parking along the access road to the site giving rise to a significant traffic hazard.

In this regard, and while I accept the general thrust of the guidelines in this regard, I consider that the proposed development would represent a substandard form of residential development by reason of the lack of adequate car parking provision. The proposed development would, therefore, be contrary to the development management standards as set under Section 17.7.6 and Table 17.9 of the Kildare County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.

7.3.2. **Water Services**

The proposed development will connect to public services. I am satisfied that there are no issues arising in this regard.

7.3.1. **Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.3.2. **Appropriate Assessment**

The site is not located within any designated site. The closest Natura 2000 site is the Rye Water Valley / Carton SAC (& pNHA) (Site Code: 001398) which is located within 1km to the north east of the site. The Royal Canal pNHA, Site Code 002103, lies approximately 325m to the south of the subject development site.

Overall, I consider it is reasonable to conclude on the basis of the brownfield nature of the site and the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 **Recommendation**

I recommend that planning permission be refused for the proposed development for the following stated reasons.

9.0 Reasons and Considerations

1. Having regard to the overall height, mass and scale of the proposed development, the location and quality of the public open space, the Board considered that the proposed development would be incongruous in terms of its height, massing and scale, which would be out of character with the streetscape and would set an undesirable precedent for future development in this area, would seriously injure the visual and residential amenities of existing and future residents of the development and would and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Policy AR 10 of the Maynooth Local Area Plan, 2013-2019 seeks to protect the views and prospects along Carton Avenue. The proposed four storey development by reason of its scale and location in close proximity to Carton Avenue (an historic designated landscape feature connecting the planned town of Maynooth to Carton House and Demesne) and recreational facility, would be seriously injurious to the visual and recreational amenities and heritage of this area and would therefore be contrary to the proper planning and sustainable development of the area.

3. The proposed development would represent a substandard form of residential development by reason of the lack of adequate car parking provision. The proposed development would, therefore, be contrary to the development management standards as set under Section 17.7.6 and Table 17.9 of the Kildare County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

20th January, 2020