



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308507-20

Strategic Housing Development

349 no. residential units replacing the permitted 81 no. dwellings at the Dunboyne Road permitted under ABP-301230-18 and associated site works.

Location

Mariavilla, Dunboyne Road, Co. Kildare

Planning Authority

Kildare County Council

Prospective Applicant

Cairn Homes Properties Ltd.

Date of Consultation Meeting

10th February 2021

Date of Site Inspection

3rd February 2021

Inspector

Sarah Moran

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located on the western side of the Dunboyne Road at the northern edge of the built up area of Maynooth, Co. Kildare. It is c. 600m from the town centre and c. 1 km from the train station. The site is located within the large SHD permitted at Mariavilla on a c. 21.26 ha site located between the Moyglare Road and the Dunboyne Road under ABP-301230-18 (see planning history below). The current development site has a stated area of c.3.5 ha and is located on the north eastern side of the overall Mariavilla lands, between the Lyreen River and the Dunboyne Road frontage. It is bisected by the recently constructed spine route, Lyreen Avenue, which includes a bridge over the Lyreen River to the west of the subject site. The site is bound to the north by the Meadow Lodge Fishery, accessed from the Dunboyne Road, and by further agricultural lands. There is also a Kildare County Council (KCC) wastewater pumping station, which fronts onto the Dunboyne Road, to the south of the development site. There are several large housing developments on the opposite side of the Dunboyne Road including Castlepark estate, Pebble Hill, Lyreen Park and Carton Square.

3.0 Proposed Strategic Housing Development

- 3.1. The development permitted at this part of the overall Mariavilla site under ABP-301230-18 comprised 81 units (41 no. houses and 40 apartments), with the apartments laid out in two no. 4 storey blocks on either side of Lyreen Avenue,

adjacent to the Dunboyne Road access. The current proposal seeks a revised development for the site area, which involves the following key points:

Site Area	c. 3.5 ha
No. of Residential Units	349 apartments 106 no. 1 bed units (30%) 224 no. 2 bed units (64%) 19 no. 3 bed units (6%)
Height	7 no. 4-6 storey blocks
Residential Density	179.5 units/ha (on C zoned land)
Dual Aspect	50.4% dual aspect, no single aspect facing north
Amenity Space	Gym, cinema room, lounge and meeting rooms. Communal open space 5,393 sq.m. (27% of total site area excl. Zone F) Public open space on F zoned lands at Lyreen River
Roads	Connection to signalised junction at Dunboyne Road access via 2 no. junctions on Lyreen Avenue.
Cycle Parking	677 no. cycle parking spaces (230 no. at basement level and 447 surface cycle spaces)
Car Parking	282 no. car parking spaces (104 no. surface car parking and 178 basement) incl. 14 no. accessible spaces
Part V	Transfer of 35 no. units on site to KCC

- 3.5. The development will result in a total of 729 no. residential units on the overall Mariavilla lands, as compared to the total of 461 no. units granted under ABP-301230-18. The submitted Planning Report provides the following comparison between the permitted and proposed developments overall:

Unit Type	Permitted (%)	Proposed (%)
3 bed house	219 (47.5%)	185 (25.4%)
4 bed house	100 (21.7%)	93 (12.8%)
1 bed apt	26 (5.6%)	121 (16.6%)
2 bed apt	55 (11.9%)	255 (35%)
3 bed apt	5 (1.1%)	19 (2.6%)
2 bed duplex	28 (6.1%)	28 (3.8%)
3 bed duplex	28 (6.1%)	28 (3.8%)
Refurbished gate lodge	1 (< 1%)	2 (<1%)
Total	462 units	729 units

- 3.6. The prospective applicant intends to submit an EIAR with the application. The submitted Environmental Report notes that section 13 of Schedule 5 (Part 2) of the Planning & Development Regulations 2001 (as amended) requires mandatory EIAR for any change or extension that would exceed 50% of the appropriate threshold, or 250 units in this case, given that the proposed development involves 349 no. units.

4.0 Planning History

- 4.1. The planning history of the overall lands and surrounding area is set out in detail in section 4.0 of the Inspector's Report of the parent permission ABP-301230-18.
- 4.2. **ABP-301230-18 Mariavilla SHD**
- 4.2.1. The permitted SHD development, granted by the Board on 3rd July 2018, involves the construction of 462 no. dwellings comprising 319 no. houses, 142 no. apartments and 1 no. refurbished gate lodge (a protected structure); 106 no. student accommodation units (483 no. bedspaces); neighbourhood centre containing a crèche, café, gym and retail unit. The development also involves infrastructural and other works including a central spine route, 'Lyreen Avenue', linking the Moyglare Road and the Dunboyne Road; new signalised junctions at both road frontages; vehicular and pedestrian/cycle bridge over the Lyreen River and vehicular and

pedestrian/ cycle connections over the Crewhill Stream; pedestrian plaza at the Moyglare Road entrance with a local neighbourhood node and open space, landscaping and amenity areas including the Lyreen Riverside Park. Much of the permitted development has already been constructed, including Lyreen Avenue and housing on the to the west of the Lyreen River.

4.3. ABP-303356-19 and ABP-304991-19 Mariavilla S146B Cases

- 4.3.1. ABP-303356-19 related to a proposed alteration to the development permitted under ABP-301230-18 described as follows:

Condition 3 (g)

All rear gardens of houses shall be bounded with concrete post and base with concrete panel fencing, which shall be a minimum of 1.8 meters high, except where bounding public open spaces and roads, where the walls shall be two meters in height and either capped and rendered or have a brick finish.

- 4.3.2. ABP-304991-19 related to another proposed alteration to ABP-301230-18, which was described as follows:

Condition no. 11:

The development, including all roads, footpaths, cycle paths, verges, public lighting, open spaces, surface water drains, attenuation infrastructure and all other services, as permitted under this order, and as amended by the conditions of this permission, shall be carried out and completed in accordance with the “taking in charge” standards of the planning authority. The areas to be taken in charge, upon completion of the development, shall be in accordance with the areas shown on drawing number C-166-TIC-010-C, unless otherwise agreed with the local authority.

The areas not to be taken in charge, as defined by this condition, shall be maintained by a properly constituted private management company, details of which shall be agreed in writing with the planning authority.

All of the areas of public open space to be taken in charge shall be maintained by the developer until such time as the development is taken in charge by the local authority.

- 4.3.3. In both cases, the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the alteration would not

result in a material alteration to the terms of the development, the subject of the permission and altered ABP-301230-18 accordingly.

4.4. **ABP-301775-18 and ABP-306068-19 Adjacent Site to South on Mill Street**

- 4.4.1. Relating to adjacent lands fronting onto Mill Street, to the rear of St. Mary's Church and bounding the Lyreen River. There have been two SHD applications on this site since the permission of ABP-301230-18.
- 4.4.2. Permission was sought for a mixed use development under **ABP-301775-18** comprising 135 no. apartments in 3 no. blocks; crèche; restaurant/café; 190 no. basement car parking spaces; 370 bicycle storage spaces; refuse storage areas at basement level; provision of open space areas and all associated site works. The Board refused permission on 21st September 2018 for 5 no. reasons relating to (1) detrimental impacts on the setting of the protected structure St Mary's Church; (2) the development, by reason of its bulk, design and location, would significantly detract from the character and amenities of the town of Maynooth, and in particular from the amenities of the lands along the Lyreen River and the open space at Pound Lane, development would be visually obtrusive, would fail to enhance the visual corridor of the Lyreen River; (3) development would not integrate with existing and authorised development in the vicinity nor provide adequate pedestrian and cyclist permeability, also excessive car parking and inadequate Traffic Impact Assessment; (4) 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 Sustainable Urban Housing: Design Standards for New Apartments and the policies and objectives of the Kildare County Development Plan 2017-2023 and the Maynooth Local Area Plan 2013-2019; (5) inadequate Flood Risk Assessment contrary to the Guidelines for Planning Authorities on the Planning System and Flood Risk Management.
- 4.4.3. Permission was sought for 120 no. apartments, crèche and associated site works under **ABP-306068-19**. The Board refused permission on 30th March 2020 for 2 no. reasons relating to (1) inadequate Flood Risk Assessment contrary to the Guidelines for Planning Authorities on the Planning System and Flood Risk Management and (2) the Board was not satisfied, on the basis of the information provided with the application, including the Natura Impact Statement, that the proposed development

individually, or in combination with other plans or projects would not adversely affect the integrity of European site(s) No. 001398, in view of the site's Conservation Objectives.

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual);
- Design Standards for New Apartments – Guidelines for Planning Authorities (as updated December 2020);
- Design Manual for Urban Roads and Streets (DMURS);
- The Planning System and Flood Risk Management (including the associated Technical Appendices);
- Childcare Facilities Guidelines for Planning Authorities;
- Urban Development and Building Heights – Guidelines for Planning Authorities;

5.2. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy

5.2.1. Maynooth is designated as a Key Town within the Dublin Metropolitan Area in the RSES, with the following objective in the Settlement Strategy:

Provide for the sustainable, compact, sequential growth and urban regeneration in the town core of identified Key Towns by consolidating the built footprint through a focus on regeneration and development of identified Key Town centre infill /brownfield sites.

5.2.2. The following Regional Policy Objectives apply for Maynooth Key Town:

RPO 4.33: Support the continued development of Maynooth, co-ordinated with the delivery of strategic infrastructure including pedestrian and cycle linkages within the town and to the Royal Canal Greenway, DART expansion and road linkages forming

part of the Maynooth Outer Orbital Route in a manner which supports future development and population growth and builds on synergies with Maynooth University promoting a knowledge-based economy.

RPO 4.34: Support Maynooth as a key town to act as an economic driver for north Kildare and provide for strategic employment at key locations to improve the economic base of the town and provide for an increased number of local jobs.

RPO 4.35: A cross boundary Joint Local Area Plan (LAP) shall be prepared by Kildare County Council and Meath County Council to provide a co-ordinated planning framework for the Maynooth area. The Joint LAP shall identify a boundary for the plan area, strategic housing and employment development areas and infrastructure investment requirements and promote greater co-ordination and sequential delivery of serviced lands for development.

RPO 4.36: To promote the consolidation of the town centre with a focus on the regeneration of underused buildings and strategic sites and the establishment of residential uses to encourage greater vibrancy outside of business hours and the enhancement of the public realm.

- 5.2.3. Table 5.1 'Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing' of the Dublin Metropolitan Area Strategic Plan (MASP) sets out the following in relation to Maynooth:

Residential: Significant strategic residential capacity at Railpark lands and to the north and west of the town near Maynooth University.

Employment/Mixed Use: New Research & Technology Park adjoining Maynooth University.

Phasing/Enabling Infrastructure: Short to Medium term DART expansion, road upgrades, bridge, Maynooth Outer Orbital Route, waste water and local water network upgrade.

5.3. Kildare County Development Plan 2017-2023 Including Development Plan Variation No. 1

- 5.3.1. Development plan Variation No. 1, adopted 9th June 2020, had the primary purpose to align the County Development Plan with the National Planning Framework (NPF)

and RSES. The revised Settlement Hierarchy identifies Maynooth as a Key Town at the top of the hierarchy along with Naas. The following policies apply:

CS 1 Provide new housing in accordance with the County Settlement Hierarchy.

CS 2 Direct appropriate levels of growth into the designated growth towns as designated in the Settlement Strategy.

CS 4 Deliver sustainable compact urban areas through the regeneration of towns and villages through a plan-led approach which requires delivery of a least 30% of all new homes that are targeted in these settlements to be within their existing built up footprint.

CS 5 Support the development of the identified Key Towns of Naas and Maynooth and the Self-sustaining Growth Towns of Leixlip and Newbridge as focal points for regional critical massing and employment growth.

- 5.3.2. The revised Settlement Strategy as per Variation No. 1 states in relation to Maynooth:

It is acknowledged that Maynooth is designated as a Key Town in the Regional Spatial and Economic Strategy for the Eastern and Midlands Region, and also forms part of the north-west corridor area under the Metropolitan Area Strategic Plan (MASP) and provides significant levels of employment through Maynooth University, the M4 Business Park and other businesses. It is also recognised that the town is served by high capacity public transport which will continue to improve with the electrification of the railway line over the next 6-8 years. The population of the town in 2016 was 14,585 with a housing stock of 5,171 units.

The town has experienced significant levels of new residential development both in private housing and student accommodation over the past 5 years and with extant permissions and pipeline developments, will see these levels continue for the next years. New housing development on the Dunboyne, Celbridge and Dublin Roads provide for an additional 1,400 units and the proposed new neighbourhood at Railpark, which will be facilitated by the LIHAF (Local Infrastructure Housing Activation Fund) funded Maynooth Eastern Relief Road will deliver between 800 and 900 units. There is further potential for the consolidation of the town through the redevelopment of a number of town centre sites. The delivery of these additional 2000+ units will result in a 38.6% increase in housing stock over a relatively short

period of time. In order to allow these developments to be realised and for the town to continue to develop at a sustainable rate it is proposed that Maynooth will retain its current county allocation of 10.9%. Such a provision over the short-term (for the duration of this CDP up to 2023) will provide an opportunity for the town to absorb recent and pipeline developments. In allowing this ‘absorption period’, the Council will also be in a position to identify other social and physical infrastructure needs (through the preparation of an infrastructural assessment in accordance with Appendix 3 of the NPF) which will inform the sustainable development of the town into the future.

- 5.3.3. Table 3.3, which sets out the Settlement Hierarchy, indicates an allocated growth % of 10.9% of the current county allocation for the period 2020-2023, with a population growth of 1,839 persons and a NPF target of 1,533 no. residential units for the period to 2026 and 657 units for the period 2020-2023. The following policies and objective apply:

CS 1 Provide new housing in accordance with the County Settlement Hierarchy.

CS 2 Direct appropriate levels of growth into the designated growth towns as designated in the Settlement Strategy.

SS 1 Manage the county’s settlement pattern in accordance with the population and housing unit allocations set out in the RSES, the Settlement Strategy and hierarchy of settlements set out in Table 3.1.

SS 2 Direct growth into the Key Towns, followed by the Self-Sustaining Growth Towns and the Self-Sustaining Towns, whilst also recognising the settlement requirements of rural communities.

SO 1 Support the sustainable long-term growth of the Key Towns (Naas and Maynooth) and the area to the north-east of the county located within the MASP and zone additional lands, where appropriate, to meet the requirements of the Core Strategy and Settlement Hierarchy of this Plan.

5.4. Maynooth Local Area Plan 2013-2019 (Incorporating Variation No. 1)

- 5.4.1. There are two zoning objectives applying to lands within the development site as per LAP Map 6. Zone F ‘Open Space and Amenity’ (c. 1.58 ha) along the Lyreen River on the western side of the site:

To protect and provide for recreation, open space and amenity provision.

Zone C 'New Residential' (c. 1.94 ha) on the eastern side of the site fronting onto the Dunboyne Road:

To provide for new residential areas. This zoning provides for new residential development areas and for associated local shopping and other services incidental to new residential development.

- 5.4.2. LAP Map 1 indicates a roads objective across the development site, to connect to the Dunboyne Road. This has been constructed as Lyreen Avenue, part of the Mariavilla SHD.

- 5.4.3. The following LAP housing policies are noted:

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 4: To refuse permission for residential development on zoned open green spaces and/or on lands which are designated as public space.

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

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

HP 6: To restrict apartment developments generally to the University campus and town centre locations or suitably located sites adjoining public transport connections.

Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment. Duplex units shall not generally be permitted.

LAP section 12.2 sets out a density range of 30-50 units/ha for the development site.

6.0 Forming of the Opinion

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

6.2. Documentation Submitted

6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Completed application form; Planning Report and Statement of Consistency; Material Contravention Statement; Social Infrastructure and School Provision Assessment; Architectural Design Statement; Housing Quality Assessment; Environmental Report; architectural Drawings plans elevations sections (including schedule of drawings and accommodation); Draft Part V Proposals; Irish Water Confirmation of Feasibility; Traffic and Transport Assessment; Construction and Environmental Management Plan; DMURS Design Statement; Infrastructure Design Report; Engineering Drawings and Schedule; Site Specific Flood Risk Assessment; Landscape Design Statement; Landscape Drawings; Miscellaneous Reports/Docs; Energy Statement; Construction & Demolition Waste and By-Product Management Plan; Operational Phase Waste Management Plan; Appropriate Assessment Screening Report; Natura Impact Statement; Utilities Summary Report; Archaeology Report; Arboricultural Report and drawings.

- 6.2.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.
- 6.2.3. I have reviewed and considered all of the above-mentioned documents and drawings.

6.3. Material Contravention Statement

- 6.3.1. The documentation submitted includes a Material Contravention Statement in relation to LAP Policy HP6 as set out above. The Statement notes that the Board may potentially consider that the development materially contravenes Policy HP6. It seeks to justify the provision of apartments at this location in the context of national policy to consolidate urban areas and increase residential density in settlements as per the National Planning Framework, Rebuilding Ireland, the RSES and the Apartment Guidelines. The statement notes that the development is located within 1 km of Maynooth University. In addition, it is close to Dublin Bus routes and c. 1.1km from Maynooth train station and the development will underpin significant public investment in public infrastructure under the Dart+ programme. The Statement also refers to SPPR 4 of the Building Height Guidelines, which requires a greater mix of building heights and typologies in the future development of suburban locations and to avoid mono-type building typologies, particularly in developments of 100 units or more. The Statement submits on this basis that the Board may grant the development with regard to section 5(6) of the 2106 Act and section 37(2)(b) (i), (ii) and (iii) of the Planning and Development Act 2000 (as amended).

6.4. Planning Authority Submission

- 6.4.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on 20th November 2020. The planning authority's 'opinion' included the following matters.

6.4.2. Kildare County Council Planning Comment

- The development is acceptable in principle with regard to the LAP zoning objectives. It is generally consistent with the policies and objectives of the development plan and the LAP. However, there are several matters that require further consideration.
- The type of residential units proposed would contravene LAP policy HP6. The submitted Material Contravention statement is noted. The planning authority considers that apartments are acceptable at this location with regard to the NPF, which supersedes the LAP and the designation of Maynooth as a Key Town within the Metropolitan Area under the RSES, also the relative connectivity of the development to Maynooth's public transportation network.
- The PA notes that the housing allocation for Maynooth under the varied development plan is 1,533 units. With regard to relevant policies and objectives of the NPF and the RSES, the proposed development of 349 no. units is considered to be in accordance with the current County Development Plan.
- The proposed residential density of 179.5 units/ha is outside the density parameters of the LAP. The permitted and proposed developments on the overall Mariavilla lands would result in 729 no. additional residential units on 14.38 ha of 'Zone C' lands (excluding permitted student housing lands of 1.87ha) resulting in a density of 50.1 units/ha across the C zoned lands. This density is acceptable with regard to the LAP.
- The proposed plot ratio is generally acceptable with regard to the proposed level of open space and the relative connectivity of the site to Maynooth via the surrounding road network.
- There are discrepancies in the documentation submitted regarding the stated areas of public open space within the site. The applicants are required to submit clear quantities of public open space provision relating to the lands zoned C New Residential, as this has not been clearly outlined in the information submitted and is critical to the assessment of the application. Development plan section 17.4.7 requires 15% of the total (gross) site area as public open space and it is considered that this figure has not been met. Communal open space provision should be in accordance with the Apartment Guidelines.

- The use of rooftops for amenity space or green roofs should be explored, in terms of increasing amenity, biodiversity and SUDS.
- The development complies with SPPR 1 of the Apartment Guidelines with regard to housing mix.
- The development does not comply with section 3.7 of the Apartment Guidelines as 14% of the overall development is 2 bed 3 person apartments, not <10% as required by section 3.7.
- The PA is concerned that the development will result in an undue level of overshadowing within the development, undermining the quality and usability of the communal open space areas.
- The proposed Part V allocation is unclear. It is noted that most of the Part V units are in Apartment Block B3, the PA has stated a preference for pepper potting the Part V units.
- The SHD application should be referred to the Kildare Childcare Committee and the Dept. of Education regarding childcare and school capacity.
- The PA considers the development with regard to the 12 Criteria set out in the Urban Design Manual. Due to the very prominent location of the site, a significantly higher architectural quality is needed to justify the scale of the proposed development. The proposed design appears monolithic and does not provide a positive response to the site context. A higher level of architectural detail is required to ensure the appropriate distinctiveness between the blocks and a higher quality architectural approach and finishes.
- The Dunboyne Road frontage needs careful consideration. The PA considers that a set back or staggered approach could be used at the Dunboyne Road frontage of the development to help to integrate with the two storey housing on the other side of the road.
- The PA states concerns regarding the types of balconies used in the development. The proposed metal balustrades are of poor quality and the apartments need to be integrated into the structures.

- There appears to be a significant shortfall in car parking provision throughout the scheme, which will have to be justified by the applicant. Undercroft or underground parking is recommended for Site B to reduce the amount of surface parking and increase the quality of communal open space.
- Kildare County Council Transportation Department notes a car parking shortfall of 371 no. spaces with regard to development plan car parking standards. This needs to be justified by the applicant.
- Kildare County Council Housing Section notes that all of the Part V units are located in one apartment block. KCC would normally require pepper potting of Part V units. However, there has been engagement between the Housing Section and the applicants and it is likely that the Part V units will go to an AHB. The proposed arrangement may meet the requirements of the housing body concerned. Clarification is necessary.
- Kildare County Council Water Services notes constraints in the Lower Liffey Valley Regional Sewerage Scheme (LVRSS) catchment and infrastructural upgrades are required to remove these constraints. Where the prospective applicant requires connections before the completion of IW and developer provided network, alternative solutions should be agreed with KCC and IW. Recommends additional SUDS measures, which may entail a revised site layout. SSFRA required.
- Kildare County Council Environment Section states no objection in principle and recommends draft conditions.
- Kildare County Council Parks Section recommends retention of a qualified Arborist and an Arboricultural Assessment. Also recommendations in relation to landscape design, play areas and boundary treatments.

6.5. Irish Water Submission

- 6.5.1. The Irish Water comment (dated 20th November 2020) refers to a development of 349 no. apartments replacing the permitted 81 no. dwellings at the development site. The comment states that Irish Water has issued the applicant a Confirmation of

Feasibility subject to specific requirements in respect of water supply and wastewater.

6.6. Consultation Meeting

6.6.1. A section 5 Consultation meeting took place on the 10th July 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.6.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:

1. Housing mix, density and quantum of development
2. Public realm
3. Design of apartment blocks
4. Car parking provision
5. Part V
6. Any other matters.

6.6.3. In relation to housing mix, density and quantum of development, ABP representatives sought further elaboration / discussion on:

- The prospective applicant is advised to have regard to the changed local, regional and national planning policy context since the original Mariavilla permission, as well as the evolving housing situation in Maynooth.
- A rationale for the proposed quantum of development and residential density should be submitted with the application.
- The prospective applicant is advised to address the issues of density and quantum of development in the context of national planning policy, the RSES and development plan Variation No. 1 population and housing targets for Maynooth.
- Advised to address the matters of density and quantum of development both in the context of the overall Mariavilla development and as a standalone site.
- Advised to address every aspect of LAP Policy HP6 with regards to potential Material Contravention

- Advised to provide a rationale for the proposed housing mix with regard to Apartment Guidelines, as well as demographic considerations.

6.6.4. In relation to public realm, ABP representatives sought further elaboration / discussion on:

- Prospective applicant is advised to clarify the proposed provision of communal and public open space to serve the proposed development
- Advised to submit a site layout clearly demarcating the F and C zoned lands within the development site
- Advised that the F zoned lands serve the Mariavilla development and the wider area and cannot be taken into account for the proposed development
- Advised to give further consideration to the quantum, design and layout of communal and public open space with regard to achieving a high quality development at application stage.

6.6.5. In relation to design of apartment blocks, ABP representatives sought further elaboration / discussion on:

- Justification required regarding the scale of the proposed development at a prominent and sensitive site on the Dunboyne Road
- A design rationale is required, which addresses sensitive issues including the proximity of existing residential areas
- Prospective applicant is to consider the prominence and visibility of the site
- Clarification is required as to which apartments are counted as dual aspect units with regard to the Apartment Guidelines.
- The prospective applicant is also advised to consider daylight and sunlight analysis with regard to this issue.

6.6.6. In relation to car parking provision, ABP representatives sought further elaboration / discussion on:

- Prospective applicant to provide a rationale for proposed parking provision including design, quantum and management of car and cycle parking

- Prospective applicant to give consideration to electric charging provision for car and cycle parking
- Traffic and transport analysis to consider cumulative traffic impacts including the Mariavilla development and other recent permissions, also the most up to date public transport context.

6.6.7. In relation to Part V, ABP representatives sought further elaboration / discussion on:

- Prospective applicant is advised to address the issues raised by the planning authority
- Consider the ongoing management of the Part V units within the overall development, e.g. communal areas
- Prospective applicant is advised to liaise with Kildare County Council regarding the design/ management of Part V units.

6.6.8. In relation to any other matters, ABP representatives sought further elaboration / discussion on:

- Advised that the scope of the EIAR should be clearly stated, e.g. cumulative impacts.
- EIAR should be up to date with regard to regulatory and legal issues and the changing context of Maynooth.
- The SSFRA should be up to date and should address downstream impacts. Recent nearby refusal on flooding grounds is noted.
- Submitted documents should highlight additional surveys carried out since the original Mariavilla application.

6.6.9. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-308507-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements:

- Quantum of Development, Housing Mix and Residential Density
- Design and Layout of Residential Accommodation

details of which are set out in the Recommended Opinion below.

- 7.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

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

Quantum of Development, Housing Mix and Residential Density

Further consideration/justification of the documents as they relate to the proposed quantum, residential density and housing mix, to include consideration of:

- (i) National planning policy including the National Planning Framework, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual), the Design Standards for New Apartments Guidelines for Planning Authorities (as updated December 2020) and the Urban Development and Building Heights Guidelines for Planning Authorities;
- (ii) Relevant policies and objectives of the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy including the designation of Maynooth as a Key Town within the Metropolitan Area;

- (iii) The housing and population targets for Maynooth as set out in the Kildare County Development Plan 2017-2023 Development Plan Variation No. 1;
- (iv) Relevant policies in the Maynooth Local Area Plan 2013-2019 (Incorporating Variation No. 1), in particular Policy HP6 in relation to the location of apartment development and
- (v) The evolving housing context in Maynooth including recent permissions for residential developments.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to the design and layout of the proposed development.

Design and Layout of Residential Accommodation

Further consideration/justification of the documents as they relate to the design and layout of residential development. The prospective applicant should satisfy themselves that the proposed design and layout provide the optimal urban design and architectural solution for this site and are of sufficient quality to ensure that the development makes a positive contribution to the character of the area over the long term, with regard to the prominent location of the site on the Dunboyne Road and in close proximity to residential areas. In this regard, the submitted documents should allow for further consideration of the following matters:

- (i) The provision of high quality frontages to the Dunboyne Road, to Lyreen Avenue and to the existing Mariavilla development to the west of the site;
- (ii) Detailed consideration of the overall bulk and scale of the apartment blocks in the context of a Visual Impact Assessment;
- (iii) The achievement of a high quality public realm within the development that makes a positive contribution to the appearance and amenities of the area, including consideration of car parking areas, the provision of safe and accessible pedestrian and cycle connections, communal open spaces, play areas, landscaping and tree retention;

(iv) The provision of a high quality elevational treatments and architectural finish for the apartment blocks, including detailed consideration of elements such as external finishes, glazing and balconies.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

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

1. Material Contravention Statement (if considered necessary) in relation to the matters of potential contravention of LAP policies on residential density and Policy HP6.
2. Housing Quality Assessment to include details of compliance with the Design Standards for New Apartments Guidelines for Planning Authorities.
3. Daylight and Sunlight Analysis and Shadow Analysis to consider potential impacts on residential amenities and public open spaces.
4. Existing and proposed ground levels across the site. Detailed cross sections indicating proposed FFL's, road levels, open space levels, etc. relative to each other and relative to adjacent lands and structures, to include the levels of private and public open spaces.
5. Site layout to clearly demarcate the extent of 'F' and 'C' zoned lands at the development site.
6. Landscape design rationale and comprehensive landscaping proposals to include retention of existing trees and hedgerows as possible and details of any integrated SUDS measures, to be accompanied by an Arboricultural Impact Assessment to indicate exact extent of any trees / hedgerows to be removed. To

address matters raised in the report of Kildare County Council Parks Section in the report on file dated 9th November 2020.

7. Photomontages and visual impact analysis and landscaping proposals to include views from the wider area and potential impacts on the visual and residential amenities of adjacent residential properties.
8. Traffic and Transport Impact Assessment, the scope of which is to be discussed with Kildare County Council, to address matters raised in the report of Kildare County Council Transportation Department in the report on file dated 5th November 2020. To also include consideration of potential cumulative impacts including the remainder of the Mariavilla development and other recently permitted residential developments in Maynooth. Rationale for proposed parking provision with regard to national and local planning policy, to include details of car parking management and car club provision (if any). Mobility Management Plan. Statement of compliance with DMURS. Autotrack analysis of the proposed roads and basement layouts.
9. A Building Lifecycle Report, as per section 6.12 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).
10. Rationale for proposed childcare provision (or lack thereof) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
11. Drainage details as per the report of Kildare County Council Water Services dated 10th November 2020.
12. Up to date Site Specific Flood Risk Assessment, to include consideration of adjacent housing permissions/ constructed development and consideration of

potential downstream impacts. To include consideration of matters raised in the report of Kildare County Council Water Services in the report on file dated 10th November 2020.

13. Detailed Part V proposals to address issues raised in the report of Kildare County Council Housing Section dated 9th November 2020.

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

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Relevant Childcare Committee
5. Inland Fisheries Ireland

PLEASE NOTE:

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

Sarah Moran

Senior Planning Inspector

16th February 2021