



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-312078-21

Strategic Housing Development	158 no. apartments, 256 no. bedspace student accommodation, creche and associated site works.
Location	Mariavilla, Moyglare Road, Maynooth, Co. Kildare.
Planning Authority	Kildare County Council
Prospective Applicant	Cairn Homes Properties Ltd
Date of Consultation Meeting	14 th of April 2022.
Date of Site Inspection	31 st of March 2022.

Inspector

Karen Hamilton

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site is located along the eastern side of the Moyclare Road, c.275m to the north of the main street in Maynooth, Co. Kildare. The site fronts onto the Moyclare road and is accessed from a recently constructed link road (Dunboyne Road to Moyclare Road). There is a large recently constructed residential development to the west of the new link road (Lyreen Avenue) and this site was included in the overall development of these lands and the link road.
- 2.2. The Divine Word School of English is located to the east of the site, also with frontage onto the Moyclare Road. The Lyreen River runs along the west of the site, adjacent to the recently constructed link road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of 158 no. apartments and 260 student bedspaces, crèche, retail/café, detailed below:

3.2. Development Parameters

Parameter	Description
Area	c. 2.84ha
Units	158 no. apartments 260 student bedspaces

Density	95.8 units (based on area of c. 1.65ha excluding E zoned lands)
Blocks	7 no. blocks over 2 sites (A & B)
Site A- Student	Internal communal Space- 723m ² Car parking- 44 spaces Bicycle Parking- 338 spaces 260 bedspaces (236 single & 4 double & 14 accessible)
Site B- Residential	Internal communal Space- 362m ² Car parking- 110 spaces Bicycle Parking- 284 spaces 158 units (53 one bed & 93 two bed & 12 three bed)
Dual Aspect	53%
Public Open Space	636m ² Public plaza along Moyclare Road & open space along the river to the north
Other Uses	Crèche (700m ²) Café (151m ²) Retail (178m ²)
Car parking	Total 154 no. spaces Residential- 110 no. spaces (ratio 0.70/ unit) Student- 5 no. spaces Crèche- 10 no. spaces Commercial- 29 no. spaces

4.0 Planning History

4.1. ABP 301230-18

Permission granted for a SHD application for 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.

Conditions of note include:

- Submission of a Section 48 (2) (c) contribution for the pedestrian footbridge over the Lyreen River
- No development until the details of treatment along the Lyreen River were submitted and agreed in writing with the PA.
- Submission of a revised Site-Specific Flood Risk Assessment (SSFRA) to assess the impact on the Crewhill Stream and Lyreen River.

5.0 Relevant Planning Policy

5.1. Kildare County Development Plan 2017-2023

Maynooth

Core Strategy identifies Maynooth as a 'Large Growth Town II', as per the Settlement Strategy for the Greater Dublin Area 2010–2022 and allocates 10% of the County's population to the town for the plan period.

Student Accommodation

- Section 4.7 states that the provision of appropriate student accommodation will enable Maynooth University to continue to develop as a national and international centre for education and research
- Objective SNO6 is to facilitate the development of appropriately located and designed student accommodation to allow Maynooth University to continue to develop as a national and international centre for education and research.

5.2. **Maynooth Local Area Plan 2013-2019**

Zoning

The site is zoned as C New Residential, where it is an objective “*to provide for new residential development*”.

A small portion of the lands to the northwest of the site is zoned as E Community and Education where it is an objective “*to protect and provide for the development of community and educational facilities*”

- Residential Development is Not Permitted
- This zoning objective provides for community and educational facilities including schools, the University, St. Patrick’s College, religious orders, health care, childcare, meeting halls and other community facilities.
- In relation to the university, this zoning is intended to facilitate its existing and evolving requirements including the university campus, associated student accommodation, recreational and cultural facilities and tourism and commercial development associated with the university.

Apartments

housing policy HP5 requires applications for residential developments >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.

Lyreen River

- LAP Map 2 identifies the subject site and the Lyreen River as an area where development proposals are to be subject to a Site-Specific Flood Risk Assessment (SSFRA).

- Policy FRA 8 includes the creation of a buffer zone between the Lyreen River and new development, of an extent to be determined in consultation with a qualified ecologist and following a Flood Risk Assessment but not < 10m. Any hard landscaping proposal shall be located outside of any buffer zone areas.
- Policy NH4 seeks the protection of specific trees of special amenity value at various locations including Maria Villa and the Lyreen River, ref. LAP Map 4.
- LAP Map 5 indicates treelines at the Lyreen River and north of Maria Villa as hedgerows and treelines identified for protection.
- LAP policy GI8 is to retain these key hedgerows and to integrate them into new developments.
- Policy AR4 is to develop appropriately zoned linear open spaces and walkways along the Canal and River Lyreen for amenity and recreational purposes and link the open spaces located along the extent of both.
- Policy AR11 is to create a 50m set back either side of the Lyreen River at Mariavilla where possible, to create a linear park that will link with Pound Park and Carton Estate and also to create a linkage to Carton Avenue.

6.0 Section 247 Consultation(s) with Planning Authority

6.1. One S.247 meeting took place on the 31st of August 2021. The submission by the PA includes a copy of the minutes. These have been summarised below:

- The site has been cleared during the construction of the overall development and used as a compound.
- The student accommodation will be reduced, and residential units increased.
- The student accommodation was for community and educational purposes.
- Material contravention statement would need to be submitted.
- The density and height are interlinked.
- Photomontages should be included to show the proposal from around the town.
- Concern in relation to the height of the buildings.

- Some of the higher density areas do not appear accessible.
- Additional details required in relation to the landscaping, trees along the river, bridge crossing.
- Previous TTA needs revised.
- The Lyreen Park Walk future bridge is a KCC project.
- Part V provision requires discussion.
- The Environment Section require detail on works to lands, waste management, surface water etc.
- Water Services require additional information on the connections, foul sewer, surface water and SuDS.
- Any planning application shall include a SSFRA.

7.0 Prospective Applicant's Case

Statement of Consistency

- 7.1. The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

Statement of Material Contravention

- 7.2. The applicant considers the proposal represents a material contravention of the Kildare County Development Plan 2017-2023 in respect of the following:
- Table 11 (densities) of Maynooth LAP.
 - Building Heights (section 17.2.1 of the Kildare County Development Plan).
 - Parking Provision (section 17.7.6 of the Development Plan).
- 7.3. The applicant submitted a Statement of Material Contravention justifying the proposal under Section 37 (2) (b) as follows:
- Density

Table 11 provides an approximate of 402 units for the overall Mariavilla lands. The overall units c. 1,742 units is above the allocation (density 95.8 units) based on an area of c. 1.65ha excluding E zoned lands.

- Height

Section 17.2.1 of the CDP states that tall buildings are those which exceed 5 storeys and/or 15m. The proposed height range between 4-6 storeys with some 7 storey elements

- Carparking

Table 17.9 of the Kildare CDP would require the provision of some 595 no. spaces. The proposed development provides 274 no. spaces.

8.0 Planning Authority Submission

8.1. 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 their opinions in relation to the proposal on the 21st of December 2021. The opinion noted the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

8.2. Principle of Development

- Policy HP6 restricts apartments unless associated with public transport or within the university campus.
- The location of the site close to public transport connection is considered appropriate.

8.3. Quantitative Assessment

- Maynooth LAP sets out a density range of 30-50. The proposal is for 158 uph.
- The information contained in the housing quality assessment is noted.
- The design of the apartments appears to meet the required standards.
- There is concern the heights may result in an undue level of overshadowing within the proposed scheme and undermine the quality and useability of the communal open space areas.

8.4. Qualitative Assessment

- Greater detail required on the impact on the permitted development, Moyglare Road aspect, and adjoining ACA and protected structures.
- Higher architectural quality is needed to justify the scale of the proposed development.
- Improved 3 D images.
- A pedestrian link to Pound Park is required.
- Greater level of architectural detail between each block.
- Underground parking would remove the surface parking and increase public realm.
- Balconies should be recessed or more integrated with a greater level of amenity for the residents

8.5. Cumulative Impact

- The proposal has been screened out for EIA. The cumulative impact of the Mariavilla development should be considered.

8.6. Built Heritage

- Having regard to the location of the site adjoining the ACA and in close proximity to a number of protected structures a higher quality architectural approach is required to justify the scale and there is some concern in relation to the heights and the impact on the ACA.

8.7. Quantum of Student accommodation

- The proposal includes a reduction of the previously proposed and permitted student accommodation from 430 no. spaces to 260 no. spaces. There is concern, having regard to the shortage of student accommodation highlighted in the recent department circular.

8.8. Childcare

- The level of childcare capacity is deficient. There is no basis to discount the inclusion of two-bedroom apartments in the capacity analysis.

8.9. Documentation

- There is insufficient information submitted to allow a full and proper assessment of the scale and bulk and height at this location. The nearby protected structures should be included

8.10. School Capacity

- There are concerns in relation to the applicant's statement in relation to the 15 no apartments will not lead to a demand of school spaces.

8.11. Balconies

- Should be revised to be recessed and should be glazed and not steel or metal.

8.12. Overshadowing

- There are concerns in relation to the overshadowing of communal amenity space.

Interdepartmental Reports

8.12.1. Transportation Department: Additional Information is required:

- A Mobility Management Plan.
- EV charging spaces.
- Loading bays for each block.
- Pedestrian and cyclist permeability from the linear park to Block B3.
- Independent Road Safety Audit.

8.12.2. Environmental Health Officer (HSE): General comments on Waste, Green Infrastructure, Climate, Amenity and Recreational Areas

8.12.3. Parks Section: Additional landscaping/ trees information to be submitted and provision of a special contribution of the provision of a pedestrian link to Pound Park (similar to previous condition).

9.0 Irish Water

9.1. A submission received from Irish Water (dated 05th of April 2022) confirming that a Confirmation of Feasibility had been issued for 159 no. residential apartments subject to the following contingencies.

In respect of Water:

- The connection point will require, 50m of new 200mm ID pipe.

In respect of Wastewater:

Two possibilities exist to allow for the connection of the proposed development;

- Option 1: Waiting for required works to be completed by IW The Maynooth pumping station does not have capacity for this development. The ultimate solution for this area involves the upgrade of the Maynooth pumping station and the construction of a new rising main to Leixlip. There is an IW project ongoing to deliver this which is programmed for delivery in October 2025, subject to change. The additional discharge to the Maynooth pumping station will also cause a backup of flows in the existing network entering the pumping station causing flooding events in the model. It will be necessary to upgrade approximately 175m of to 600mm and 750mm sewers directly upstream of the Maynooth pumping station. This is not part of the Maynooth Transfer Pipeline Project however Irish Water is currently planning workshops to ascertain the best delivery method for this.
- Option 2: Applicant funded works to accommodate proposed development. The possibility exists for the applicant to fund works to separate storm water from the combined system within the Maynooth pumping station catchment, as identified and agreed to by the LA. The removal of storm flows for a 1 year storm event that are equivalent to 3 times the peak foul flow of the development will be required.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 14th of April 2022, commencing at 10.00, via Microsoft Teams. Representatives of the prospective applicant, Kildare County Council An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Compliance with the Land Use Zoning- Objective E, Community & Education
2. Design and Layout, *inter alia*, height, scale and mass
3. Integration of and impact on existing permitted development, *inter alia*, open space provision
4. Drainage, *inter alia*, surface water treatment
5. Traffic & Transport, *inter alia*, cumulative impact
6. Any Other Business

10.2. In relation to the **Compliance with the Land Use Zoning**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The community and education zoning on the site, the previous grant of permission (ABP 301230-21) and the proposed student accommodation.
- The location of the site and any existing/ proposed links with the Maynooth University.

10.3. In relation to the **Design and Layout**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The visual impact assessment, the location close to Maynooth Town Centre, the protected structures and Architectural Conservation Area (ACA) to the south of the site and the impact on the built heritage.
- The design and layout of the ground floor student amenity areas and the interaction with the public plaza and footpath.

10.4. In relation to the **integration of the existing permitted development**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The interaction of the proposed development with the previously granted and under construction development adjoining the site.
- The phasing of the public open space and integration with the permitted public open space to the north of the site.
- The visual impact on the permitted scheme along Lyreen Avenue and the design of the elevation treatment of both the apartments and the student accommodation.
- The cumulative impact of the proposed development and the permitted and constructed development.
- The requirement for a creche facility.
- The special contribution previously paid by the applicant for a pedestrian bridge over the Lyreen River.

10.5. In relation to the **Drainage**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Irish Water Submission, the requirement to upgrade the wastewater network and the possibility for other consents to deliver the proposed upgrades.
- The SuDS proposals and the inclusion of nature-based solutions for the surface water treatment.

10.6. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The justification of any material contravention having regard to national guidelines and the analysis of high frequency/capacity public transport.
- The location of the car parking along the public open space.
- The justification for the reduction in car parking.
- The inclusion of electric parking spaces.
- The requirement for a Traffic and Transport Assessment.

10.7. In relation to **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The need to correspond with the Fire Department in relation to lighting equipment.

11.0 Assessment

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.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, 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 plans for the area.

Conclusion

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

12.0 Recommended Opinion

The Board 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.

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 **would constitute a reasonable basis** for an application for strategic housing development to An Bord Pleanála.

12.1. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
 - a) Further consideration and/or justification of the documents as they relate to the impact of the proposed development on the character and setting of the surrounding area. those buildings of conservation interest, in the vicinity of the site. The documentation should demonstrate that the proposed development would not have an adverse impact on the architectural or built heritage to the south of the site within Maynooth town. In this regard, the application shall be accompanied by CGIs/visualisations/3D digital modelling and cross section drawings showing the works required on the site, the proposed development relative to existing and proposed developments in the vicinity, in particular along the Lyreen River, including justification for the elevational treatment, height and location of the proposed buildings relative to the surrounding area.
 - b) Further consideration and/or justification of the documents as they relate to the location of the student accommodation relative to the Maynooth University and any links/ integration existing or proposed.
2. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for communal and public open space. The landscape plan shall include a phasing plan clearly indicating the roll out and delivery of the open space areas in line with the adjoining public open space area also within the applicant's control.
3. A Mobility Management Plan.

4. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
5. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

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

1. Irish Water
2. The relevant Childcare Committee

PLEASE NOTE:

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

Karen Hamilton
Senior Planning Inspector

26th of April 2022