



An
Bord
Pleanála

Inspector's Report ABP-315617-23

| | |
|-------------------------------------|--|
| Development | Alterations to the existing single storey shopping centre. |
| Location | Greenfield Shopping Centre, Maynooth Park, Maynooth, Co. Kildare |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | 221256 |
| Applicant(s) | Greenfield Shopping Centre Ltd. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Greenfield Shopping Centre Ltd. |
| Observer(s) | Cllr. Angela Feeney Maureen Mooney and others Georgina Donovan Veva Kearins Cllr Tim Durkan Jennifer Reilly |

Caitriona Fitzpatrick
Patrick Power
Catherine Murphy
Peter Cassells
William Donovan
Bernard Durkan TD
Maynooth Community Council

Date of Site Inspection

14th June 2023.

Inspector

Lucy Roche

Contents

| | |
|---|----|
| 1.0 Site Location and Description | 4 |
| 2.0 Proposed Development | 4 |
| 3.0 Planning Authority Decision | 7 |
| 3.1. Decision | 7 |
| 3.2. Planning Authority Reports | 9 |
| 3.3. Prescribed Bodies | 10 |
| 3.4. Third Party Observations | 10 |
| 4.0 Planning History..... | 11 |
| 5.0 Policy Context..... | 12 |
| 5.1. Local Policy | 12 |
| 5.4. Natural Heritage Designations | 17 |
| 5.5. EIA Screening | 17 |
| 6.0 The Appeal | 17 |
| 6.1. Grounds of Appeal | 17 |
| 6.2. Planning Authority Response | 19 |
| 6.3. Applicants Response to Local Authority | 21 |
| 6.4. Observations | 22 |
| 6.5. Further Responses..... | 25 |
| 7.0 Assessment | 26 |
| 8.0 Recommendation..... | 52 |
| 9.0 Reasons and Considerations..... | 52 |
| Appendix | 56 |

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 0.3871 hectares, comprises the Greenfield Shopping Centre, a single story, flat roofed shopping precinct located at the junction of Straffan Road and Maynooth Park in Maynooth, Co. Kildare. The site lies approximately 1km south of Maynooth town centre. The existing Centre has a stated GFA of c1,377sqm and includes a chemist, take-away, convenience store, butchers, Barber, hairdressers, dry cleaner, restaurant, and charity shop. There is surface car parking for approximately c70 vehicles to the south and west of the main building.
- 1.2. Vehicular access is available via the southwest, off Maynooth Park and southeast, off Laurence Avenue. Separate pedestrian access is available off Straffan Road to the northwest.
- 1.3. Existing development in the surrounding area is predominantly residential, comprising mainly single and two-storey houses in detached, semi-detached and terrace formats. Of note is the row of single storey dwellings which border the site to the northeast. A petrol filling station borders the site to the northwest while a creche facility lies to the northwest, on the opposite side of Straffan Road. The area is well served by public transport and is within walking distance (c600m) of Maynooth Train Station.

2.0 Proposed Development

- 2.1. The proposal is for:
 - Alterations to the existing single storey shopping centre including:
 - The provision of a new cafe unit (130sq.m) at ground floor level with associated outdoor seating area, fronting onto Straffan Road to the west.
 - The provision of a new retail unit (54sq.m) at ground floor level, located adjacent to the south-eastern site boundary; and
 - Alterations to the existing signage and elevational treatment of the existing retail/commercial units.

- The upward extension of the existing structure to provide for 24 no. build-to-rent apartments on first to third floor levels comprising: 9 no. one-bedroom units, 13 no. 2-bedroom units, and 2 no. three-bedroom units all of which will be served with private amenity space in the form of balconies/terraces. The proposed residential units will be located above the existing shopping centre and proposed commercial/retail units. The proposed residential scheme includes for the provision of communal facilities/amenities to serve the proposed residential units in the form of a concierge office at ground floor level, a common room at first floor level and landscaped communal roof terraces at first floor level (342sq.m) and second floor level (250sq.m).

2.2. The proposed development will also include:

- Alterations to the existing surface car parking to provide for a total of 43 no. car parking spaces (including 2 no. accessible parking spaces and 1 no. go-car car-share space), a new deliveries area is also proposed to the front of the existing commercial units at ground floor level.
- Provision of a total of 76 no. bicycle parking spaces at surface level.
- Alterations to the existing main vehicular entrance off Maynooth Park and internal road layout.
- Provision of new footpaths and pedestrian circulation space.
- Provision of a bicycle and bin store adjacent to the northern site boundary, with access available from Straffan Road.
- Provision of a bin store to the rear of the proposed retail unit at ground floor level; and
- Landscaping, boundary treatments, signage, infrastructural works, foul and surface water drainage, ESB substation, ESB room and Water Storage room and all associated site works necessary to facilitate the proposed development.

2.3. Table 2.1 below provides a summary of the key aspects of the proposed scheme:

Table 2.1: Site Statistics and Development Details:

| | | |
|--|--|---|
| Site Area | 0.3871ha | |
| No. Of Residential Units (proposed) | 24 | |
| Gross Floor Area | Existing | 1,377sqm |
| | Proposed | 2,472.8sqm, as follows: <ul style="list-style-type: none"> • 184sqm Commercial • 2,206.2sqm Residential |
| | Total | 3,849 |
| Demolition | 0sqm | |
| Housing Mix | Refer to table 2.2 below | |
| Density | 62units /ha | |
| Site Coverage | 45% (as stated) | |
| Plot Ratio | 0.99 (as stated) | |
| FFL | 62.15 | |
| Height | 17.0.98m (ground to fourth floor parapet) | |
| Material Finishes | Selected Brick and ALU panelling, glazed balustrades | |
| Parking | Car Parking | 43 spaces (including: 1no Go-Car Space, 2no accessible spaces and 4no. EV charging points) |
| | Cycle Parking | 76 spaces |
| Open Space | Communal | 592sqm |

2.5. Table 2.2 below provides detail of the proposed housing mix.

| Table 2.2 Housing Mix | | | | | |
|-----------------------|--------|-------|-------|-------|-------|
| Unit Type | Studio | 1 Bed | 2 Bed | 3 bed | Total |
| No. of Units | 0 | 9 | 13 | 2 | 24 |
| % Total | 0 | 38 | 54 | 8 | 100 |

2.6. The application is accompanied by:

- Planning Report
- Draft BTR Agreement
- Design Statement
- Housing Quality Assessment
- Photomontages
- Traffic and Transport Assessment
- Outline Construction Management Plan
- Mobility Management Plan
- Structural Planning Note
- Daylight Analysis and Overshadowing Study

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council decided to refuse permission for three reasons as follows:

1. SPPR3 of the Urban Development and Building Height Guidelines for Planning Authorities requires development to comply with certain prescribed development management criteria while Policy HP02 in the Maynooth LAP 2013-2019 seeks *‘to encourage the appropriate intensification of residential development in existing residential areas and the town centre, subject to compliance with the relevant development management criteria and the protection of amenity of adjoining residents’*. Having regard to the scale and massing of the development and its proximity to site boundaries and adjoining dwellings particularly the single story dwellings to the northeast, it is considered that the proposed development would have a significant negative impact on the amenity of the adjoining residential properties by reason of its scale and proximity to the existing dwellings, overbearing appearance, poor architectural expression on elevations in particular the north-western, south-eastern and northeastern elevations and excessive overshadowing.

Accordingly, it is considered that the proposed development constitutes overdevelopment of the site which would contravene HPO2 off the Maynooth Local Area Plan 2013 - 2019 and SPPR 3 of the Urban Development and Building Height Guidelines, would depreciate the value and seriously injure the residential amenity of property in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Proposed unit no's 2, 14, 23, 10, 11 and 12 are single aspect north facing units, overlooking a service station, limited communal amenity area and rooftops. The proposal to provide 6no. single aspect north facing unit units with very poor amenity value for future occupants represents over development of the site and a substandard residential amenity for future occupants. And would be contrary to the proper planning and development of the area.
3. The Planning Authority considers that, based on the information provided with the application, the applicant has not adequately demonstrated the traffic impact of the proposed development and that there is sufficient capacity in the existing transport network to accommodate the proposed development. It is considered that six-year-old traffic count data is out of date and does not comply with Section 2.6 of the Transport Infrastructure Ireland's Traffic and Transport Assessment Guidelines, that the applicant has not demonstrated the capacity of the existing transport network to facilitate the additional traffic movements generated by the proposed development, that there is a shortfall of car parking as required under Table 17.9 of the Kildare County Development Plan 2017 to 2023 for retail development, that there is a lack of detail regarding HGV movements during the construction and the lack of information regarding construction stage impacts generally. Having regard to the high turnover rate of existing car parking spaces in Greenfield Shopping Centre, existing traffic congestion in the area and the concentration of vulnerable road users in the area, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users, would seriously injure the amenity of nearby

residents and of vulnerable road users in the area and would therefore be contrary to proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Local Authority Case Planner has regard to the locational context and planning history of the site, to relevant national and local planning policy, and to the third- party submissions and interdepartmental reports received.
- The Case Planner finds the principle of development to be acceptable having regard to the high-level policies and objectives regarding urban development and the need to create compact settlements.
- However, the Case Planner considers that the design does not successfully integrate with the surrounding area and would impact on the residential amenity of surrounding dwellings; that the general character, scale, massing, and design of the building does not address the existing pattern of development and does not assimilate into the existing streetscape and that the proposal is likely to create a traffic hazard due to a reduction in car parking in tandem with an increase in services and units as well as additional traffic utilising the surrounding road network.
- The report concludes with a recommendation to refuse permission as per KCC decision.

3.2.2. Other Technical Reports

Water Services: Requests further information in the form of a site survey to clarify location and level of on-site sewers; Confirmation of Feasibility (CoF) from Uisce Eireann; foulds and storm water design calculations; A surface water drainage and SuDS Strategy, flood risk assessment and additional / improved design details.

Strategic Projects and Public Realm:

Raises concerns regarding the architectural quality of the design and quality of the public realm. Further information requested regarding cycle parking, SuDS, and public realm improvements.

EHO: No objection subject to conditions

Municipal District Engineer:

Considers the Transport and Traffic Assessment and recommends refusal based on a number of concerns including: noted errors and lack of detail in the TTA; reduced parking and impact on Straffan Road Junction.

Transport Dept: Recommends refusal due to concerns relating to the shortfall in car parking provision, additional traffic movements and traffic hazard posed by HGV's during construction.

Housing: Recommends refusal.

Chief Fire Officer: No objection. Application to obtain a Fire Safety Certificate

3.3. Prescribed Bodies

Uisce Eireann: Requests further information in the form of a site survey to identify the location on-site sewers; Confirmation of Feasibility (CoF); foulds and storm water design calculations.

3.4. Third Party Observations

Several (+60) third-party observations were received by the Planning Authority during their consideration of the application. All submissions received raised objections to the proposed scheme. The report of the Local Authority Case Planner includes a list of the Third Parties and the main issues raised. The issues raised in the third-party submissions are comparable to those cited by Observers to this appeal and which are summarised in section 6.4 below.

4.0 Planning History

There is an extensive planning history associated with this site, details of which are summarised in the report of the Local Authority Case Planner. The following application is of note:

KCC Reg. Ref:21/97 Permission refused (2021) for (I) Alterations to the existing shopping centre and an extension of circa 265 sqm at ground floor level comprising: new retail unit (95 sqm) and new Coffee Shop (107 sqm) with outdoor seating area to the west, fronting onto Straffan Road and new retail unit (63 sqm) to the southeast, fronting onto Laurence Avenue. (ii) The construction of 34 No. apartments on first to fourth floors, comprising: 17 No. 1 bed units, 15 No. 2 bed units and 2 No. 3 bed units all with balconies or terraces, located above the existing shopping centre and proposed commercial units. (iii) Communal terraces at first and fourth floor levels. (iv) Bin and bicycle storage at ground floor level. (v) Minor alterations to vehicular entrance, alterations to the existing car parking and internal road layout. (vi) Relocation of existing freestanding vertical sign. (vii) Associated boundary treatment, landscaping, SUDS drainage and all other ancillary development works necessary to facilitate the development.

Permission was refused for five reasons as follows:

1. Impact on residential amenity by virtue of overlooking.
2. Poor standards of residential amenity – lack of dual aspect apartments
3. Lack of daylight/sunlight analysis – risk of overshadowing
4. The scale of the development would negatively impact on the amenity of adjoining properties by way of overbearing appearance and poor architectural expression on southeastern and northeastern elevations.
5. Traffic due to the lack of demonstration of the capacity of the transport network to facilitate the additional traffic movements generated and the lack of detail regarding HGV movements during construction.

5.0 Policy Context

5.1. Local Policy

The application was assessed by Kildare County Council in accordance with the policies and objectives of the Maynooth Local Area Plan 2013-2019 and the Kildare County Development Plan 2017-2023. The Kildare County Development Plan 2017-2023 has been superseded by the Kildare County Development Plan 2023-2029 (KCDP 2023-2027) which came into effect on the 28th of January 2023. I have assessed the proposal under the provisions of the operative plan for the area, namely the Kildare County Development Plan 2023-2029.

5.2. Kildare County Development Plan 2023-2029

5.2.1. Core Strategy and Settlement Strategy (Chapter 2)

Maynooth, together with the town of Naas, is designated as a “Key Town” at the top of the settlement hierarchy. Key Towns are large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.

The preferred development strategy will focus on inter alia, achieving critical mass in the Metropolitan Area Strategic Plan (MASP) area (Maynooth, Leixlip, Celbridge and Kilcock) and in the key towns of Naas and Maynooth.

Table 2.8 (core strategy) identifies a housing unit target of 997 for Maynooth to the end of Q4 2028, with a target residential density of 35-50 units per hectare. No additional residential zoned land requirement is identified to accommodate this housing target. Footnote no. 10 to this table identifies an additional population allocation for Maynooth of up to 10,000 persons from the redistribution of NPF City and Suburbs allocation, with the precise figure to be determined at LAP stage.

It is the Objective of the Council to:

Policy CS O1: Ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy...’

Policy CS O5: Promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements

5.2.2. Housing (Chapter 3)

It is the Policy of the Council to

Policy HO P5: Promote residential densities appropriate to its location and surrounding context.

Policy HO P6: Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re-use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

It is the Objective of the Council to:

Objective HO O5: Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites.

Objective HO O6: Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.

Objective HO O8: Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the

County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.

Objective HOO16: Promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood. Apartment development must be designed in accordance with the provisions of Sections 15.2, 15.3 and 15.4 (Chapter 15), where relevant, to ensure a high standard of amenity for future residents.

HO O17 Require new apartment developments to comply with the Specific Planning Policy Requirements and standards set out in the Apartment Guidelines for Planning Authorities...

5.2.3. Urban Design, Place Making and Regeneration (Chapter 14)

It is an objective of the Council to

Objective UD O11: Comply with the provisions of the Guidelines for Planning Authorities on Urban Development and Building Heights (2018) by providing for the following.

(a) Support increased building height and densities in appropriate locations, as outlined in Table 14.4, subject to the avoidance of undue impacts on the existing residential or visual amenities.

(b) Utilising increased building heights to support mixed use development, including downsizing opportunities and residential units that facilitate an adaptable layout to suit long term changes in homeowner requirements.

(c) In mixed use schemes, development proposals shall include details of the sequencing of uses to enable the timely activation of supporting infrastructure and services. New development greater than 4 storeys will be required to address the development management criteria set out in section 3.2 of the Urban Development and Building Heights Guidelines (2018).

5.2.4. Development Management (Chapter 15)

The development management standards for new development are set out in Chapter 15 of the development plan.

5.2.5. **Maynooth Local Area Plan 2024-2030**

A pre-draft consultation period commenced in October 2022 for the Maynooth Local Area Plan 2024-2030. This is to be a joint local area plan prepared by Kildare and Meath County Councils that will cover the settlement of Maynooth and its environs. No draft plan has been published to date.

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

The site is zoned '*N*' *Neighbourhood Centre* with the objective to provide for and protect local neighbourhood facilities. Neighbourhood centres are intended to serve the immediate needs of the local working and residential population and complement, rather than compete with the established town centre. Medical clinics and professional offices, workshops, crèches, small convenience stores or cafes are all envisaged in this zone. Residential was listed as a land use that was 'open for consideration' within this zone.

It is the policy of the Council:

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.

5.3. **National Policy and Guidance**

The following policy documents are relevant to the current application and appeal before the Board.

- **National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.** The NPF forecasts that Ireland will continue to experience population growth above the EU average over the next 20 years, with an expected increase of around one million people above 2016 levels by 2040. The strategy to accommodate this growth in a sustainable way focuses on 10 national strategic outcomes that include Compact Growth, Sustainable Mobility, Enhanced Amenity and Heritage, a Low Carbon and Climate Resilient Society and the Sustainable Management of Water, Waste and Environmental Resources

- **Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)**

The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009, which in turn replaced the Residential Density Guidelines issued in 1999. They build on and update previous guidance to take account of current Government policy and economic, social and environmental considerations. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

- **Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2023** set out national policy and

standards for apartment development, in order to ensure greater consistency of national policy across local authority areas. This includes recommended standards in relation to housing mix and minimum floor areas.

- **The Urban Development and Building Height Guidelines** for Planning Authorities 2018 set out national policy considerations in relation to building height in order to guide planning authorities in developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.

5.4. Natural Heritage Designations

The appeal site is not located on or within proximity to any designated site. The closest site, the Royal Canal NHA (Site Code 002103) is situated c450m to the north while the Rye Water Valley/Carton SAC (Site Code 001398) is located to the northwest, at a distance of c1.8km.

5.5. EIA Screening

See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal lodged on behalf of the applicants, Greenfield Shopping Centre Ltd, against the decision of Kildare County Council to refuse permission for development at Greenfield Shopping Centre, Maynooth, Co. Kildare.

The issues raised in the grounds of appeal can be summarised as follows:

- The proposed mixed-use development on the subject lands should be considered acceptable in principle, It would complement the neighbourhood centre function.
- The proposal has been designed with due regard to the refusal reasons issued by Kildare County Council under the previous planning application, pre-planning consultation and relevant planning policy.
- The subject lands are well served by public transport, as such the site represents an ideal opportunity to create a reduced car dependency mixed-use development which actively promotes a modal shift towards more sustainable modes of transport.
- The proposed residential scheme, due to its height and density provides a strong frontage to Straffon road and will improve the vitality and vibrancy of the Greenfield Shopping Centre while also fostering a new residential community.
- The protection of the existing commercial units has been a central theme to the proposed development. Significant research has been undertaken to develop a construction sequence which will allow existing operations on site to continue during construction with minimal disruption to existing building units and surrounding residents.
- The residential amenity afforded to existing residents within the vicinity of the subject site has also been a key consideration. Significant separation distances have been adopted between the subject proposal and adjacent residencies and care has been given to the placement of windows, balconies, and communal open space to ensure that any impacts are minimised. Any proposed development of the subject site will result in a degree a physical change and will alter the interfaces between existing structures however any such impacts need to be balanced against the wider strategic objectives for development of suburban sites.
- The assessments undertaken at application stage demonstrate that the proposed development fully complies with the industry standards for daylight/sunlight.

- The proposed development has been designed to provide its occupants with a high standard of residential amenity. Each unit complies with or exceeds the minimum standards set out in the Apartment Guidelines. A significant quantum of communal open space is provided for incoming residents.
- The proposed development is consistent with the various quantitative standards set out in the Maynooth Local Area Plan 2013 to 2019 including HPO2.
- The proposed development accords with Objective 35 of the National Planning Framework which sets a target for at least 40% of all new housing to be delivered within the existing built-up areas of cities towns and villages on infill sites or on brownfield sites.
- The proposed development is consistent with national and local policies which promote higher density development close to strong public transport corridors.
- The development is compliant with the objectives of the Urban Development and Building Height Guidelines.
- An alternative design option for this scheme has been prepared as part of the first party appeal which addresses the concerns of Kildare County Council raised as part of their assessment of the application. These amendments could be adopted in part or in full by the board by way of condition.
- The following has been submitted in support of the proposal:
 - Alternative Design Option Drawings and accompanying statement.
 - Revised Outline Construction Management Plan, Structural Planning Note and Traffic and Transport Assessment
 - Revised Drainage and Watermain Engineering Report and Drainage Plans

6.2. Planning Authority Response

The Planning Authority's response to the issues raised in the first party appeal is set out in correspondence received 7th of March 2023. The submission, which includes

an addendum report from Kildare County Council's Roads and Transportation Section, can be summarised as follows:

- The proposal to provide 1.8m high opaque guards to balconies on north facing units is considered inappropriate as it would further reduce residential amenity of already compromised single aspect units.
- KCC notes the Boards decision in respect of KCC Ref:21/162 - ABP-307653-20 where permission was refused as internal amenity of proposed units would be significantly diminished as well as having an overbearing visual impact.
- The proposal to remove the third floor would improve the negative visual impact on dwellings to the rear to a minor degree. The council still considers there would be a significant negative visual and overbearing impact on existing single-story dwellings to the north. The removal of the third floor would also result in an aggravated massing and block effect of the remaining monotype structure particularly when viewed from the south.
- In relation to traffic and transportation the Planning Authority still has substantial concerns regarding the adequacy of the proposal and its impact on the surrounding road network.
- The development is substandard and would have a negative impact to all in the community, including proposed residents, existing nearby residents and existing tenants of the shopping centre.
- The Planning Authority therefore respectfully requests that the Board uphold the decision to refuse permission.

Roads and Transportation

- Transportation has concerns about the shortfall in car parking provision, additional traffic movements from the proposed development and traffic hazard posed by HGV's during the construction.
- The proposed scheme would require additional parking, however a net loss in parking is proposed. A parking shortage could lead to obstruction of the carriageway. The proposal to direct overflow parking to the surrounding road network is not acceptable due to safety concerns for vehicles and VRU's.

- A single loading bay is not sufficient, particularly with the large shortfall in parking provided.
- The removal of the pedestrian access from Straffan Road reduces permeability and connectivity for VRU's.
- The M4 Junction 7 is already at capacity particularly during peak hours. The Straffan Road / Celbridge road Junction in Maynooth and the surrounding road network cannot facilitate further traffic and construction traffic congestion.
- Transportation has serious concerns about the construction of the proposed development while the existing commercial development operates. The site area is too confined and unsafe to operate.
- The structural design of the proposed development does not seem to have been confirmed and could be subject to change. There seems to be an issue with access to the rear of the building and many piles may not be sufficient to support the proposed additional floors.
- The developer has not provided an auto-track analysis for existing commercial and HGV deliveries or a Structural Assessment Report
- Issues raised in the Road Safety Audit do not appear to have been addressed in the design.

6.3. Applicants Response to Local Authority

The applicant's response to the issues raised by the Local Authority / Transportation Department of Kildare County Council is set out in correspondence received on the 3rd of April 2023. The main points can be summarised as follows:

- The submission reiterates and elaborates on the points raised in the first party appeal, in which the applicants have set out the rationale and justification for the proposal. The applicants are satisfied that the scheme has been designed to ensure the protection of the residential amenity of adjoining residential properties, to enhance the visual amenity of the site's frontage to Straffan Road, to provide a suitable and efficient residential density (compact growth)

and to ensure that the existing level of commercial activity on site is maintained and improved.

- The alternative design options presented for consideration by the Board, including the application of opaque glazing to balconies / windows, are intended to enhance the residential amenity of the unit proposed while also addressing the concerns of the Planning Authority in terms of overlooking, visual outlook.
- There are significant differences between the proposed development and the scheme refused under KCC Ref:21-162 / ABP-307653-20.
- Not all tenants within the shopping centre opposed the scheme.
- A road safety Audit was prepared and submitted as part of the application.
- The submission is accompanied by:
 - A submission from by Tent Engineering Ltd which response to the issues raised by KCC's Transport Department.
 - Details of the proposed staging area, including a letter of agreement from the landowner.
 - A letter from Aidan M.Bracken of ABBD Civil Engineering acting as an independent engineer. The letter supports the structural integrity of the existing building and the proposed construction methodology.
 - Photographs of the existing Loading Bay in operation to demonstrate conflict with VRU access.

6.4. Observations

12 third party observations have been received from

- Maureen Mooney and Others
- Georgina Donovan:
- Veva Kearins:
- Cllr Tim Durkan
- Jennifer Reilly:
- Greenfield Residents Associate C/O Caitriona Fitzpatrick

- Patrick Power:
- Catherine Murphy TD
- Peter Cassells:
- Greenfield Tenants C/O William Donovan
- Bernard Durkan TD
- Maynooth Community Council

The issues raised in the observations received have been grouped and can be summarised as follows:

Principle of Development

- Development of this nature should be located on a greenfield site.
- The area is not suitable for apartments. Queries raised in relation to the future tenancy of the BTR units and whether the proposal represents a valid BTR scheme.
- The proposal would set an unfavourable precedent for similar developments of this nature (residential on top of retail) and would erode the quality of residential development in Kildare.
- The proposal would contribute little or nothing to the housing shortage.
- The proposed café and additional retail unit would detract from the town centre and would be contrary to the retail Strategy for the County.
- The proposal is contrary to Objective HPO2 of the Maynooth LAP and to Objective HO 06 of the KCDP.

Density, Design, and Urban Form

- The proposed development due to its height, scale, design, and material finish is out of keeping with existing development in the area.
- The proposal would dominate the streetscape.
- Overdevelopment of the site.
- The density of development is excessive.

- The proposed residential scheme does not accord with the Neighbourhood zoning as it would have a negative impact on existing retail units.
- The submission of alternative design proposals and new reports etc along with the adoption of a new County Development Plan has affected third-party ability to appeal. The Board should consider whether the proposal amounts to a new application and / or whether it is fair to allow an appeal to proceed. The new design proposals should be assessed by Kildare County Council.

Impact on Existing Properties:

- The proposal will have a negative impact on the residential amenities of neighbouring properties by way of overlooking, overshadowing / loss of light, noise and visual intrusion.
- Impacts during construction (traffic, noise, emission, nighttime deliveries, damage to property etc) are also raised.
- The proposal would result in a materially affect the value of properties in the area.
- The proposed scheme will have a negative impact on existing retail / commercial units during construction and as a result in the loss of parking. The closure of existing businesses would have a knock-on negative impact on local residents.
- Lack of detail regarding ventilation for existing and proposed retail units.

Residential Amenity – Future Occupants:

- The orientation of some of the buildings would mean that they get very little sunlight. This would not be offset by the limited communal space and no real public open space within a reasonable distance.

Traffic and Parking:

- The non-provision of parking for the proposed apartments has not been adequately justified. Insufficient parking for future residents and existing / proposed commercial units.
- The lack of parking on site result in overflow parking to adjoining residential neighbourhood.

- Increase traffic movements in the area would lead to further congestion and traffic hazards.
- Closure of existing pedestrian access of Straffan Road is an inconvenience to VRU's.
- The applicants have failed to demonstrate that the proposed development provides a safe option in terms of access / egress and meets the road traffic safety requirements as set out in the CDP.
- It would appear from the plans submitted that it is proposed to build on an existing right-of-way that would further reduce access and egress from the site.

Other:

- The proximity of the proposed apartments to the existing petrol filling station is a safety risk.
- The ability of the existing structure to accommodate the proposed development is a concern. No structural report has been submitted.
- There is a lack of space to the rear of the building to accommodate construction.
- Details of 'staging area' not provided.
- No social infrastructure audit submitted. There is lack of school places in the area.
- The proposal will impact have an impact on the main sewer line serving Laurence Avenue. No response from Irish Water re: pre-connection inquiry. The appeal is premature on this basis.
- Queries whether planning permission is required for the installation and use of CCTV in a public car park.
- The site / redline boundary does not match the mapping records lodged with the Land Registry.

6.5. Further Responses

Peter Cassells:

- Mr Cassells reiterates the points raised in his observation and concurs with the concerns / observations made by the Planning Authority / Roads and Transportation Section in their submission to the appeal.

Greenfield Residents Associate C/O Caitriona Fitzpatrick

- Response supports the issues / concerns raised by the Planning Authority and Kildare's Roads and Transportation Section in their submission to the appeal.

Patrick Power:

- This submission further highlights the potential impact of the development on Mr. Power's property and includes supporting photographs.

7.0 Assessment

7.1. Introduction:

7.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Alternative Design Options
- Principle of Development
- Urban Form
- Impact on Existing Properties
- Residential Amenity – Future Occupants
- Access, Traffic and Parking
- Other Matters
- Appropriate Assessment

7.2. Alternative Design Options for Consideration by the Board

- 7.2.1. The applicants are seeking full planning permission for the proposal as originally submitted to Kildare County Council on the 24th of October 2022 and as outlined in Section 2.1 of this report, and they ask that the Board consider this option in the first instance. However, in response to KCC decision to refuse permission and the issues raised in the report of the Case Planner, the applicants have submitted alternative design options for consideration by the Board. The alternative design options have been prepared in two stages as follows:

Stage 1:

- Alterations to fenestration details along the south-eastern elevation, fronting Laurence Avenue, including the provision of Opaque windows at first and second floor levels and the provision of a projecting angled window at second floor level to eliminate the occurrence of overlooking from this elevation.
- The size of apartment No.21 at second floor level has been reduced in size creating a stepped elevation along the sites north-western frontage.
- The orientation and size of the windows and balconies serving apartments 2 and 14 have been revised to mitigate views over Maxol Service Station.
- Internal layout of apartments No's 1 and 13 revised so that there are no storage areas over 3.5sqm.

Stage 2:

- Stage 2 of the alternative design option provides for the omission of the third floor in its entirety.

- 7.2.2. Following consideration of the plans and particulars submitted, I am satisfied that the revised design proposals, do not represent a significant variation on the scheme as originally presented to the Planning Authority in particular, I am satisfied that the alternative design options would not result in any new or additional undue impacts on the amenities of third parties. The proposed amendments shall be considered as part of the assessment.

7.3. Principle of Development

- 7.3.1. The application was assessed by Kildare County Council in accordance with the policies and objectives of the Kildare County Development Plan 2017-2023 and the Maynooth Local Area Plan 2013-2019 (Maynooth LAP). The Kildare County Development Plan 2023-2029 (KCDP 2023) came into effect on the 28th of January 2023, and is now the operative plan for the area.
- 7.3.2. The Board will note the timing of the Maynooth LAP 2013-2019 and the fact that the Draft Maynooth LAP 2024-2030 has not yet been published. Notwithstanding, I consider the zoning objective attributed to the site under the 2013 plan to be relevant to the consideration of this appeal, as it informs on the nature of development the Local Authority has deemed appropriate for the site. Furthermore, I note that the zoning of the site, under the 2013 plan, was considered by the Planning Authority in their assessment of the application and was referenced in several of the third-party submissions / Observations received.
- 7.3.3. Under the 2013 plan the site is zoned 'N' Neighbourhood Centre with the objective *to provide for and protect local neighbourhood facilities*. The zoning reflects the established use of the site as a neighbourhood centre. As per the details set out in the LAP, neighbourhood centres are intended to serve the immediate needs of the local working and residential population and to complement, rather than compete with the established town centre. Small convenience stores and cafes are envisaged in this zone while 'Residential' is listed as a use that is 'open for consideration'. For clarification, it is noted that uses that are 'open for consideration' within a particular zone are uses that may be acceptable in circumstances where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone or the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area.
- 7.3.4. The proposal includes for the provision of a new cafe unit (130sq.m) and retail unit (54sq.m) at ground floor level. Both uses would accord with the zoning objective under the 2013 plan and would accord with the established use of the site as a neighbourhood centre. The nature and scale of the commercial / retail development

proposed is, I consider, commensurate to needs of the local community and is unlikely to detract from or undermine the viability of Maynooth town centre. I have no objection to this aspect of the proposed development, in principle.

7.3.5. The proposal also includes for the upward extension of the existing neighbourhood centre to provide 24 no. build-to-rent apartments on first to third floor levels. The development of these lands for residential purposes, as proposed, would I consider, support the consolidation and sustainable intensification of the existing built-up area of Maynooth in accordance with National, Regional and Local Planning Policy, including KCDP Policy HO P6 which seeks to *promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for, inter alia, infill development*, and KCDP Objective CS O4 *which promotes compact growth*.

7.3.6. In conclusion, the proposed scheme would allow for the retention and expansion of the existing commercial / retail offerings on site while also facilitating the intensification of an accessible and well serviced site for residential purposes, in a housing crisis. On this basis, I consider the proposed development to be acceptable in principle. How the proposed apartment scheme will 'fit' with the established pattern and character of the area and its impact on the amenities of existing properties on and in the vicinity of the site are I consider relevant considerations in the assessment of the proposed development. These issues shall be considered later in this report.

"Build-to- Rent"

7.3.7. As regards the nature of the proposed residential development as a "build to rent" (BTR) scheme, I note Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2023 (Apartment Guidelines), provides guidance on build-to-rent and shared accommodation / co-living sectors. The guidelines define BTR as *"purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord."*

7.3.8. While the 2023 Guidelines recognise BTR as having an important role in the solution to increasing housing supply nationally and in achieving compact growth, they also recognise that this form of development exists and operates successfully outside of the planning system. Therefore, the 2023 Guidelines no longer consider BTR as a distinct development type with its own flexible design standards. Instead, it provides that future BTR schemes are subject to design standards applicable to all apartment development as set out in Section 3.0 of the 2023 Guidelines. However, it further provides that all current appeals, or planning applications that were subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the previous version of the Apartment Guidelines. As the proposed scheme was lodged with the Planning Authority on the 24th of October 2022, compliance with the previous version of the Apartment Guidelines, that included SPPRs 7 and 8 is relevant.

7.3.9. I therefore refer the Board to the provisions of Specific Planning Policy Requirement 7 (SPPR7) of the Apartment Guidelines, which provides that: Build-to-Rent development must be:

(a) Described in the public notices associated with a planning application specifically as a 'Build-to-Rent' housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately (my emphasis) for that period.

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities,

concierge and management facilities, maintenance/repair services, waste management facilities, etc.

- (ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

7.3.10. In this instance, the public notices refer to the scheme specifically as a 'Build-to-Rent' housing development. A copy of a draft legal agreement referred to in SPPR7 has been enclosed. This document indicates that the applicant is willing to accept a condition requiring that the residential units remain in use as BTR accommodation owned by an institutional entity and that no unit shall be sold (save for part V compliance) for a period of 15 years.

7.3.11. In terms of communal recreational amenity, c57.5sqm of internal floor space has been provided within the proposed scheme for residential support services and amenity. This equates to 2.4sqm per apartment and includes a concierge / management office at ground floor level and a multi-purpose common room at first floor level. In the event of a grant of permission, the Board may wish to consider the inclusion of a condition requiring that the rooms denoted for use as residents support facilities, services and amenities be retained for these functions and that they be appropriately furnished.

7.3.12. To conclude on the question of the principle of the proposed build to rent scheme I consider that given the policy context, the proposed build-to-rent units are acceptable in principle subject to detailed considerations. The overall quality of residential amenity afforded to future occupants of the proposed scheme is discussed later in this report.

7.4. Urban Form – Height, Density and Design

7.4.1. The National Planning Framework (hereafter NPF) is the Government's high-level, strategic plan for shaping the future growth and development of the Country to

2040. The NPF forecasts that Ireland will continue to experience population growth above the EU average over the next 20 years, with an expected increase of around one million people above 2016 levels by 2040. The strategy seeks to accommodate this growth in a sustainable way, focusing on 10 national strategic outcomes, including Compact Growth, whereby an emphasis is placed on the renewal of existing settlements, rather than continued sprawl. In order to achieve compact growth, it will be necessary to support more intensive use of existing buildings and properties, particular those in areas well served by public transport. To this end, national planning policy and guidance seeks to promote higher densities and taller buildings in all existing built-up areas, subject to the protection of historic fabric, character, amenity, natural heritage, biodiversity, and environmental quality. This policy position is reflected in the policies and objectives of the KCDP 2023, including for example Objective UD O11 which, under point (a) *seeks to support increased building height and densities in appropriate locations, as outlined in Table 14.4, subject to the avoidance of undue impacts on the existing residential or visual amenities.*

Building Height

- 7.4.2. The proposed scheme would see the existing single storey structure on site extended upwards to four storeys (three storeys + fourth storey set-back) and to a maximum height of 17.098m. Existing development within the vicinity of the site ranges from one to two storeys, the proposal would therefore represent a departure from the prevailing building height in the area. I refer the Board to Objective UD O11, and Table 14.4 of the KCDP in which the Council sets out its objective to achieve prevailing building heights of at least three to four storeys, in locations outside of defined town centre areas. The proposed scheme would achieve this objective at the appeal site and as such I have no objection, in principle, to the height of the building proposed. On this basis, I do not recommend the omission of the third floor as suggested by the applicant as alternative design option (Stage 2).
- 7.4.3. The Planning Authority in their assessment of the application and in their decision to refuse permission (Refusal Reason #1) raised concerns regarding the mass and scale of structure and its impact on adjoining residential properties. They determined that the proposal would contravene SPP3 of the Urban Development and Building

Height Guidelines, 2018 (Building Height Guidelines) on this basis. The Board will note that the Planning Authority considered the proposed scheme against the policies and objectives of the KCDP 2017-2023, which has since been superseded by the KCDP 2023 and which takes into consideration the provisions of the 2018 Guidelines.

- 7.4.4. On the matter of compliance with SPPR3, I refer the Board again to KCDP Objective UDO11, which states under point (c) that new development greater than 4-storeys will be required to address the development management criteria set out in section 3.2 of the Urban Development and Building Heights Guidelines (2018). As the proposed scheme does not exceed four storey and as it would otherwise accord with KCDP Objective UD O11, I do not consider it necessary to address the development management criteria set out in Section 3.2 of the Guidelines. On this basis I would not recommend that the Board up-hold the Council's decision to refuse permission on the grounds of non-compliance with SPP3 of the Building Height Guidelines. Notwithstanding, the impact of the proposal on the residential amenities of adjoining properties is, I consider, a relevant consideration that will be addressed separately below.

Density:

- 7.4.5. The PA in their assessment of the application, calculate the residential density of the proposed development at 62dph. This calculation is based on the provision of 24 residential units on a site area of 0.3871ha. The appeal site comprises an infill site within the existing built-up area of Maynooth. The site is well serviced by public transport, being c500m of Maynooth Train Station and c200m from several bus stops, as such can be considered to be within a public transport corridor.
- 7.4.6. Table 3.1 of the KCDP 2023 sets out general density parameters for new residential development and provides that in large towns such as Maynooth, sites on public transport corridors could accommodate housing at a rate of 50dph. No density perimeters are set for inner suburban / infill sites.

- 7.4.7. While the proposed development would exceed the density parameters for sites on public transport corridors, it nevertheless provides for a comparatively small-scale development of 24 no. apartment units, on a well serviced site, within the built-up area of Maynooth and within walking distance of a range of shops and amenities. On this basis and having regard to national policy and the Objectives of the KCDP, namely Objective HOO7 which seeks to *promote, where appropriate, increased residential density*, and Objective HOO6 which seeks to *ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development in new residential developments*, I consider that the density of development proposed is acceptable in principle, provided that it can be established that the site can cater for the number of units proposed and that the development would not give rise to a negative impact on the character and residential amenity of the area it is to be located within/ adjoins.

Design

- 7.4.8. It is proposed to retain the existing shopping centre structure in its entirety and to extend it with a new café unit to the northwest, and a new retail unit to the southeast. It is then proposed to extend the structure upwards with the construction of two full floors above the extended shopping centre and a partial third floor its northern end, overlooking Straffan Road and the petrol filling station. Upper floors are to be supported on a steel frame which is to be constructed over the existing building. The apartment units will be pre-formed off site and craned into place during a focused period of night work to reduce construction impacts. A new overhang will be cantilevered over the existing shop units providing a covered walkway to the front of the units and new cladding will be applied to provide a coherent palette of material for the entire structure. The building is to be finished primarily in brick with metal cladding used as an external finish on the fourth storey and as a feature on elevations to add contrast and visual interest. The resulting structure is that of a modern, cohesive, mixed-use building that would be akin to many such structures now commonplace in Irish towns and cities.
- 7.4.9. While I accept that the proposed structure due to its scale, mass and architectural detailing, would represent a new intervention in this built-up area, which is currently

dominated by traditional residential development (houses), the proposal, in my opinion, represents an appropriate design response for this prominent corner site and would make a more positive contribution, in urban design terms, to the surrounding area than the existing single storey structure. However, I do agree with the opinion expressed by the Strategic Projects and Public Realm section of Kildare County Council in their report to the Planning Authority (Nov.2022), that the public realm areas within the proposed development could be improved with additional planting, high quality materials, permeable paving, etc. This matter could be addressed by way of condition in the event of a grant of planning permission.

7.5. Impact on Existing Properties:

- 7.5.1. The Planning Authority in their assessment of the application and in their decision to refuse permission (Refusal Reason #1) raised concerns regarding the impact of the proposed scheme on the residential amenities of adjoining properties, in particular the single storey dwellings to the northeast, by way of overbearing / visual intrusion, overshadowing, and depreciation in value. Their concerns are centred around the height, scale, mass and design of the proposed structure and its proximity to site boundary / adjoining properties (particularly the single storey detached dwellings to the northeast). Additional concerns of overlooking, noise / nuisance and impacts during construction/ night working have also been raised by observers to this appeal.
- 7.5.2. While the impact of the proposal on the amenities of existing properties is a relevant consideration in this assessment, it is I consider important to note that any new development within established urban/ residential settings will alter the context of the site and the receiving environment and that a degree of impact on the amenities of existing properties is inevitable. I therefore submit that any impacts identified must be balanced against the need to develop infill sites at higher and more sustainable densities in accordance with nationally adopted strategies. This approach would I consider accord with the objectives of the KCDP, including, Objective *HO O6* which seeks to *ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.*

7.5.3. I intend to consider each issue of concerns separately as follows:

Overbearing / Visual intrusion

7.5.4. The existing shopping centre is located between 1 and 2m meters from the opposing boundary to the northeast. This boundary is shared with a row of single storey detached dwellings which themselves are set back c12m from the boundary and c15m from the rear wall of the shopping centre.

7.5.5. The proposed apartments are set back from the rear elevation of the existing building with separations distances of 10m or more available between the apartments and the opposing site boundary. Additional setbacks are provided for Units at second and third floor levels, with the exception of second floor Unit No. 21 which retains a c11.9m setback. In my opinion, separation distance of 11+ meters at second floor level are adequate for amenity purposes however should the Board disagree, I note that the applicants alternative design options, submitted for consideration as part of this appeal, include the option of redesigning Unit No.21, from a 2-bedroom unit to a one-bedroom unit with reduced floor area. These proposed design alterations would facilitate the provision of an additional set-back of 2m from the opposing boundary at second floor level.

7.5.6. The proposed building setbacks at first and second floor levels allow for the provision of communal open space which too are set back from the boundary at a distance of c4m at first floor level and c11.8m at second floor level. These areas are to be bounded by opaque panels in the form of timber fencing to prevent overlooking. The use of opaque glazing in place of timber fencing would in my opinion provide a more durable and visually appropriate boundary treatment, particularly when viewed from neighbouring properties. I would recommend a condition to this effect in the event of a grant of permission.

7.5.7. The proposed apartments and Communal Open Space areas are to be supported on structural steel trusses, erected to a height of 9.647m and positioned proximate to the northeast site boundary. Steel trusses would be visible from neighbouring properties.

- 7.5.8. While I note the single storey nature of the existing dwellings to the northeast and while I accept that the proposed development will be visible from the rear of these properties and will alter the outlook from same, I am of the opinion, having regard to the location of the proposed development in a built-up urban area, the design and layout of the proposed scheme and the separation distances between the existing properties and the proposed development, that the proposal would not have a significant undue overbearing visual impact on existing residential.
- 7.5.9. In the wider context, whilst I acknowledge that the proposed development, with a maximum height of c17.01m, would be visible from the properties in the area and will change the outlook from these properties, I consider that the extent of visual change would be in character with the constantly evolving and restructuring urban landscape and would not adversely impact on the residential amenities of the properties as to warrant a refusal of permission.

Overlooking / Loss of Privacy

- 7.5.10. On the issue of overlooking / loss of privacy, I refer the Board to SPPR1 of the new Sustainable and Compact Settlement Guidelines which refers to Separation distances. The Guidelines stipulate that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- 7.5.11. Following consideration of the plans submitted with the application, I am satisfied that separation distances of at least 16m between opposing windows above ground level will be maintained in all cases and that no design alteration is necessary. I am also satisfied that potential overlooking from first and second floor communal open space areas and private balconies, has been adequately mitigated by way of

separation distance and design, including the provision of opaque screening. Again, I recommend the provision of opaque glazing as opposed to timber fencing.

Overshadowing:

7.5.12. Included with the application is a Daylight Analysis and Overshadowing Study prepared by H3D. This document includes an amenity overshadowing study which considers the impact of the proposed scheme on the rear gardens of 15 neighbouring properties. The report refers to the guidance set out in Section 3.3.17 of the BRE's Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011) which outlines that for a space to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on the 21st of March. I note that similar guidance is provided in the 2022 edition.

7.5.13. The study found that on the 21st of March, all 15no spaces analysed would continue to receive at least 2 hours of sunlight over 50% of their area, in accordance with BRE recommendations. On this basis and having regard the location of the development in a built-up urban area it is my opinion the degree of impact that would arise is acceptable in allowing for the development of this site.

Noise / Nuisance

7.5.14. The development of the appeal site as proposed should not in my opinion result in levels of noise or light pollution beyond what would normally be deemed appropriate within built-up residential areas. However, I do agree with the Planning Authority and observers that there is a lack of detail in the information provided in relation to the ventilation systems for existing and proposed retail/commercial uses. At present, existing refrigeration and mechanical ventilation units are situated on the roof of the shopping centre and as such would have to be relocated to facilitate the proposed development. The location and design specification of such facilities should be carefully considered to ensure no adverse impacts in terms of noise / odour on future occupants of the scheme or on neighbouring properties. I am satisfied that this matter could be addressed by way of condition in the event of a grant of permission.

Impacts During Construction

7.5.15. Concerns are raised in relation to the nuisances that would arise from the construction of the proposed development, particularly in relation to the proposals for night-time working. While I accept that construction phase of this development would give rise to nuisances, these would be for a limited duration, and it is standard practice to impose conditions that seek to ensure that the associated nuisances are controlled to lessen amenity impact.

7.5.16. The physical development of the site is complicated by its location within the built-up area, the restricted nature of the site and its proximity to boundaries, and the need carry out construction while existing retail / commercial units are in operation. Therefore, the construction phase of the development needs to be carefully considered, planned, and implemented to ensure that adverse impacts on existing businesses and on neighbouring properties are minimised. The Board will note that a Structural Planning Note and Outline Construction Management Plan (updated at appeal stage) have been submitted in support of the application. In addition, the applicants appeal submission (April 2023) includes proposals for the provision of an off-site staging area, site car park, site hard standing and construction platform on third party lands, approximately 600m to the south of the site. I consider such an arrangement to be acceptable in principle. However, I note the concerns raised by the Planning Authority and Transportation Section of Kildare County Council in their response to the first party appeal, and the uncertainties around the design and method of construction etc. I would therefore recommend that in the event of a grant of permission, the Board include a condition requiring the submission for agreement, of the final structural design for the proposed scheme along with the submission of a detailed and site-specific construction management plan.

Devaluation of Property

7.5.17. Third parties, as residents of the area, are concerned that the development of this site as proposed would result in a depreciation in the value of their properties. However, having regard to the assessment and conclusions set out above I am satisfied that the proposed development would not seriously injure the amenities of

the area to such an extent that would adversely affect the value of property in the vicinity.

Conclusion

7.5.18. In conclusion, I am satisfied that sufficient information has been provided with the application and appeal to allow for an assessment of the impacts of the proposal on properties within the vicinity of the site. I submit that the impacts identified must be balanced against the need to develop urban infill sites at higher and more sustainable densities in accordance with nationally adopted strategies. Such strategies do have the potential to impact the amenities of neighbouring properties. In this instance the proposed development will alter the outlook from neighbouring properties particularly on the neighbouring single storey dwellings to the northeast, however, I submit that the degree and scale of impacts arising are acceptable in allowing for the development of the site and would not justify a refusal of permission. The development of this site as proposed is likely to cause a degree of disruption during the construction phase, however, I believe that any such impacts can be adequately mitigated by condition.

7.5.19. Furthermore, I consider the scheme as originally presented to be generally acceptable and that the alternative design options presented for consideration by the Board, comprising alterations to fenestration details along the south-eastern elevation, fronting Laurence Avenue to eliminate the occurrence of overlooking from this elevation and the redesign of apartment No.21 at second floor level to create a stepped elevation along the sites north-western frontage are unwarranted.

7.6. Amenity of Future Occupants:

7.6.1. The Planning Authority in their assessment of the application and in their decision to refuse permission (Refusal Reason No.2) raised concerns regarding the inclusion of north facing, single aspect apartments, (Unit no's 2, 14, 10, 11, 12 and 23) within the proposed scheme and the lack of residential amenity that would be afforded to the future occupants of these units.

- 7.6.2. The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement (SPPR 4) of the Apartment Guidelines, that in more central and accessible urban locations the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33%, whereas in suburban or intermediate locations the foregoing requirement is increased to 50%. Where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature.
- 7.6.3. In this instance, 14 of the proposed 24 units are dual aspect; this equates to 58% of the total provision which exceeds the minimum requirements under SPPR 4. Of the 10 no single aspect apartments proposed, 4 no are southwest facing and as such would receive adequate daylight/sunlight. The 6 no apartment units referenced by the Planning Authority in their reason for refusal, have a northeastern orientation rather than true north. Unit No's 10, 11 and 12 directly overlook an area of communal open space which would improve the outlook and amenity value for these units. Units 2, 14 and 24 have a poorer outlook as they address the existing filling station to the north.
- 7.6.4. The applicants alternative design options (Stage 1) submitted to the Board for consideration, include for alterations to the orientation and size of windows serving units 2 and 14. The balcony areas serving these units have also been increased, with 1.8m high opaque screens proposed to obscure views of the filling station. These proposed design alterations do, I consider, improve the amenity value of these units and I note that similar alterations could be applied to Unit no. 24, the corresponding unit on the third floor, should the Board deem it appropriate.
- 7.6.5. A Daylight and Overshadowing Analysis was submitted in support of the application. Section 2 of this document considers the Average Daylight Factor (ADF) for all habitable rooms proposed within the scheme. The Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The report references British Standard BS8206 Part 2,

Lighting for Buildings, Code of Practice for Daylighting and BRE209 “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” (2011). Both of these documents are referenced in the KCDP 2023-2029 (Section 15.2.3 Overshadowing). While I note and acknowledge the publication of the updated BRE209 guidance in 2022 and the updated British Standard (BS EN 17037:2018 ‘Daylight in buildings’, which replaced the BS8206 2008 in May 2019 (in the UK), I am satisfied that this updated guidance does not have a material bearing on the outcome of the assessment.

- 7.6.6. The BRE 209 Guidance with reference to BS8206 – Part 2, sets minimum values for ADF that should be achieved. These are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidelines notes that non-daylight internal kitchens should be avoided where possible, especially if the kitchen is used as a dining area too. If the layout means that a small, internal galley-type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining (LKDs) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. The proposed scheme comprises apartments with combined LKDs and therefore consideration should be given to achieving the higher ADF target of 2%.
- 7.6.7. Using the above targets, the applicants Daylight Study found that all occupiable rooms within the proposed scheme, including those within Unit No’s 2, 14, 10, 11, 12 and 23 would have adequate access to daylight, with all such rooms achieving ADF’s of between 2.3%-13.4%.
- 7.6.8. Having regard to above, I consider that the proposed BTR units, including Unit no’s 2, 14, 10, 11, 12 and 23, would achieve sufficient levels of daylight/sunlight to provide an adequate level of amenity for future residents. On this basis, I do not recommend that the Board uphold Refusal Reason No.2 of the Planning Authority’s decision.

Apartment Guidelines

- 7.6.9. Having regard to the nature of the proposed residential development as a BTR apartment scheme, I consider it appropriate to assess the design details of the proposed apartment units having regard to the requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, updated 2023. As discussed previously, SPPR's 7 and 8 of the 2020 Guidelines are also relevant to the consideration of this application.
- 7.6.10. A Housing Quality Assessment was submitted as part of the application (updated at appeal stage). This document indicates that all apartment floor areas exceed the requirements of SPPR 3 and either meet or exceed the required minimum floor area and standards set out in Appendix 1. As per SPPR 8 there is no restriction on dwelling mix within BTR schemes. The proposed development exceeds the ceiling height requirements set out in SPPR 5 and while SPPR6 (Lift and Stair Cores) does not apply to BTR schemes it is noted that the proposal provides for two stair and one lift core, serving a maximum of 12 apartments per floor.
- 7.6.11. SPPR 8 (ii) allows flexibility in relation to the provision of storage and private amenity space, associated with individual units as set out in Appendix 1 of the Guidelines. In this case, each of the proposed units are served by private amenity space, in the form of balconies. The proposed private amenity space is contiguous to the main living space and the quantum of amenity space provided is in accordance with the requirements set out in Appendix 1 of the Guidelines. In terms of storage, the proposal accords with the minimum requirements set out in Appendix 1 of the Guidelines. Some storage areas do exceed the maximum permitted standard of 3.5m. This issue has been addressed as part of the applicant's alternative design option (stage 1) except for third floor Unit No. 24. This unit contains a windowed storage room of 5.5sqm, which could in theory be utilised as a separate but sub-standard space. I am however satisfied that this issue could be addressed by way of condition / redesign in the event of a grant of permission.
- 7.6.12. Section 5.5. of the Apartments Guidelines states that the provision of dedicated amenities and facilities specifically for residents is usually a characteristic element of BTR. The provision of such facilities contributes to the creation of a shared environment where individual renters become more integrated and develop a sense

of belonging with their neighbours in the scheme. SPPR 7 (b) of the Guidelines outlines that BTR developments must be accompanied by detailed proposals for supporting communal and recreational amenities. The proposed BTR scheme incorporates 57.5sqm of internal floor space for residential support services and amenity, this equates to 2.4sqm per unit. The areas proposed comprise a concierge / management office at ground floor level and a multi-purpose common room at first floor level. A communal laundry facility has not been provided due to the presence of an existing dry cleaners within the Greenfield Shopping Centre. In addition to the internal amenity spaces, the proposed scheme provides for communal open space areas totalling c592sqm which exceeds the required standard set out in Appendix 1 of the Guidelines (c150sqm).

7.6.13. Having examined the details of the scheme and the submitted drawings I am satisfied that the development meets or exceeds the quantitative requirements of the Apartment Guidelines for BTR development, and it would provide an adequate level of amenity for future occupants. In relation to the alternative design options presented for consideration by the Board, I would support the proposed alterations to Unit No's 2 and 14 as I consider that they would improve the amenity value afforded to these units and I would recommend similar alterations be applied to the corresponding units at third floor level, Unit No.23. I would also recommend changes to the internal layout of Unit No's 1, 13 and 24 to ensure that storage areas do not exceed 3.5sqm.

7.7. Access /Traffic and Parking

7.7.1. The Greenfield Shopping Centre is bounded by road on three sides, Straffan Road (R406) to the northwest, Maynooth Park to the southwest and Laurence Avenue to the southeast. Straffan Road connects the site to the M4 motorway at Junction 7, c700m to the south.

7.7.2. Access to the site is available off Maynooth Park and Laurence Avenue with a separate pedestrian access off Straffan Road. The proposed scheme would see the existing entrance off Maynooth Park retained and upgraded as the main vehicular, pedestrian and cycle access to the site. This entrance will serve a reduced parking area of 40no car parking spaces (including 2 accessible spaces and 1 go-car car

share space and 4 EV Charing points), 32no. cycle parking spaces and a dedicated delivery area, all arranged around a new one-way internal road and central painted traffic island. The existing entrance off Laurence Ave is also to be retained. This entrance will serve the existing charity shop and three parking spaces (43no in total). The existing pedestrian access off Straffan Road is to be replaced with a new gated entrance leading to a storage area for bins and bicycle parking for residents (44no. spaces). The removal of the pedestrian access from Straffan Road has been raised as a concern by both the Local Authority and third parties. I agree with the concerns raised and would recommend, in the interest of permeability and connectivity for VRU's, that the scheme be amended to include dedicated pedestrian access from both Straffan Road and Laurance Avenue. I consider that this issue may be addressed by way of condition in the event of a grant of permission.

- 7.7.3. In accordance with the information provided (Local Authority reports and third-party submissions), the road network serving the site and surrounding area is well trafficked with congestion occurring at peak times. The Planning Authority in their assessment of the application and in their decision to refuse permission (Refusal Reason #3) cited concerns in relation to the capacity of the existing transport system and its ability to facilitate the additional traffic movements generated by the proposed development during both operational and construction phases.
- 7.7.4. A Traffic and Transport Assessment (TTA) together with a Mobility Management Plan and Road Safety Audit were submitted with the application. However, concerns were raised during the assessment of the application, regarding the adequacy of these reports and the reliance on out-of-date survey data. The Board will note that both the Municipal District Engineer and Transport Department recommended that permission for the development be refused.
- 7.7.5. An updated Traffic and Transport Assessment (TTA) has been submitted in support of this first party appeal. This updated TTA includes results of a traffic count, conducted over a three-day period from Thursday the 5th to Saturday the 7th of January 2023. The count was carried out at six road junctions in proximity to the development site, over a 12-hour period each day. The results indicate that the peak traffic levels through the junctions occurred between the hours of 08:00 - 09:00 in the

morning with a total of 144 traffic movements, and 16:30 – 17:30 during the evening with a total of 283 traffic movements.

- 7.7.6. The TAA then considers the impact of the proposed development, using TRICS data to inform the expected volume of traffic from the proposed build-to-rent apartment units. As per the details provided the proposed residential units would contribute an additional 3 vehicular trips during both the morning and evening peaks. This is described as a 'minor impact' on the existing development. I note that no additional trips have been attributed to the proposed café or retail unit, notwithstanding, I am satisfied on the basis of the information available and having regard to the nature and scale of the development proposed, that the additional traffic movements generated during the operational phase of the development would be unlikely to have a significant impact on the overall carrying capacity of the existing road network.
- 7.7.7. The Board will note that an Outline Construction Management Plan (updated at appeal stage), and Structural Planning Note have also been submitted in support of the application. To minimize the impacts upon the surrounding road network during the construction phase, the OCMP recommends that all construction traffic access the site via the M4, Junction 7 and Straffan Road. The applicant proposes to engage with Kildare County Council to ensure deliveries occur outside of peak hours. In addition, the applicants appeal submission (April 2023) includes details of a proposed off-site staging area, site car park, site hard standing and construction platform to be located on third party lands, approximately 600m to the south of the site. The staging area proposal is intended to allow deliveries to take place outside of peak times without impacting on residents. While I consider this approach to be acceptable, in principle, I note the concerns raised by the Planning Authority and Transportation Section of Kildare County Council in their response to the first party appeal. Given the restricted nature of the site, its location within a built-up area and the intention of the applicants to carry out construction while existing retail / commercial units are in operation, the construction phase of the development needs to be carefully considered, planned, and implemented to ensure that it does not result in a hazard for pedestrians or other road users and to ensure that impacts on the existing properties / businesses and on the surrounding road network are

minimised. I would therefore recommend that in the event of a grant of permission, the Board include a condition requiring the submission of a detailed and site-specific construction management plan, to and for the written agreement of the Local Authority in advance of any works.

Parking

- 7.7.8. The Greenfield Shopping Centre currently comprises nine retail / commercial units with ancillary parking for c71no vehicles. All but one of the units appeared to be occupied and in operation on the date of inspection. Parking within the centre is controlled with a maximum 2-hour stay permitted; signage observed during site inspection, indicates that clamping is in operation. There are no other public parking facilities within the vicinity of the site. Whilst I did not observe any parking shortage during my inspection of the site (which occurred outside of peak times) I did observe a steady flow of inbound and outbound traffic from the parking area. I also observed cars parking on the public road, along Laurence Avenue. Signage in this area indicates that uncontrolled parking on the footpath is an issue for residents.
- 7.7.9. In terms of parking provision, the standards set out in Table 15.8 of the KCDP 2023 allow for a maximum of c97 spaces to serve the existing retail / commercial units on site and a maximum of 156no spaces to cater for the proposed mixed-use development, as follows:

| Table 7.1 Maximum Car Parking Standards as per Table 15.8 of the KCDP 2023-2029. | | | | | | | |
|--|--|-------|--------------------|-----------------------------|---------------------------------|-----------------------------|-----------------------------|
| Land Use | Max. Parking Standard as per KCDP 2023-2029 | | Existing Centre | | Proposed Additional Development | | Extended Centre |
| | | | No. of Units / GFA | Max No. of spaces required. | No. of Units /GFA | Max No. of spaces required. | Max No. of spaces required. |
| Apartment | 1.5 spaces per unit + 1 visitor space per 4 apartments | | - | - | 24 apts. | 42 | 42 |
| Retail | Convenience > 1000 sq m GFA | 1 per | 1,115 | 74 | 54 | 3.6 | 77.6 |

| | | | | | | | |
|----------------------|---------------------------------|---------------|-----|-------------|-----|-------------|--------------|
| | | 15 sqm GFA | | | | | |
| Restaurant / Café | 1 per 10sqm gross floor area | | 209 | 21 | 130 | 13 | 34 |
| Takeaway | 1 per 20sqm gross floor area | | 53 | 2.6 | - | - | 2.6 |
| Total | | | | 97.6 | | 58.6 | 156.2 |

7.7.10. As previously noted, the existing retail / commercial units are currently served by 71no car parking spaces, c26no below the maximum permitted standard, this equates to an existing shortfall of c23%. The proposed scheme would result in a loss of 28no car parking spaces. Of the 43no spaces remaining, 42 are to be dedicated to both the existing and proposed retail/commercial units with the remaining space allocated for use as a 'go-car', car share space for future residents of the apartment scheme.

7.7.11. Other than the 'go-car' car sharing space, no car parking is to be provided for or allocated to the 24no build-to-rent apartments. The lack of parking for the proposed residential units has been justified on the grounds of compliance with SPPR8 of the Apartment Guidelines (2020), which relates Build-to Rent apartments and which in respect of parking states that:

There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services.

7.7.12. Having regard to the location of the proposed development in Maynooth, in an area that is well served by public transport and within walking / cycle distance of a variety of local services and amenities, I am satisfied that a reduction in car parking provision for the proposed BTR units is acceptable in principle. However, I am not satisfied, based on the information available, that the overall quantum of parking proposed is sufficient to cater for the nature and scale of development proposed.

7.7.13. A Car Parking accumulation survey was completed on the 5th, 6th, and 7th of January 2023. The survey was carried out over a 12-hour period, each day and the occupancy noted at the start of the survey and car park accumulation and turnover data extracted from entry/exit counts at each entrance in 15-minute intervals. The results of the survey are summarised in Section 4.6.1 of the TTA. In accordance with the details provided:

- The results indicate that the car park is underutilised for large parts of the day.
- Results from Thursday 5th of January reveal the car park usage exceeds the proposed 43 spaces for less than 50% of the 12hr day. Of these exceedances more than half are less than 10% exceeding the proposed 44 spaces (car parking accumulation of 49 spaces or less). The highest accumulation was noted to be between 3pm and 5pm, which likely coincides with school pick up times.
- A similar trend was noted for the parking survey conducted on Friday the 6th of January. Results on Saturday 7th of January reveal the car park usage did not exceed the proposed 43 spaces at any point during the day.

7.7.14. The results of the survey suggest that there is currently an oversupply of parking on site, and while I accept that this may be the case, particularly outside of peak times, I am concerned that a reduction in parking provision to 43no spaces or 28% of the maximum permissible standard, would not be sufficient and would have an adverse impact on the functionality and viability of existing retail / commercial units. These units currently benefit from a level of convenience offered to customers - in terms of parking and accessibility. A significant reduction in parking provision has I consider the potential to deter visitor / customers from the centre and I am not satisfied that this matter has been adequately addressed in the application.

7.7.15. Furthermore, a shortfall in parking provision on site has the potential to result in congestion and overflow parking on the surrounding road network, this in turn may lead to the obstruction of the carriageway and traffic safety concerns. It is contended in the grounds of appeal and in the further submission received in April 2023, that

the applicant will be able to control unauthorised parking in the facility. The applicant has identified the use of the site as a school pick-up and drop off point as a contributing factor to parking demand during peak times and has stated that this practice will be 'actively discouraged'. However, in my view, the increase in parking demand during school pick-up and drop-off times is likely a result of individuals choosing to carry out multi-stop journeys, whereby they utilise the services provided at Greenfield shopping centre during the school run. Discouraging such journeys may have a knock-on impact for businesses.

7.7.16. In conclusion, while I acknowledge the need to reduce parking and to encourage active travel, I am not satisfied, on the basis of the information available, that the quantum of parking proposed to serve this mixed-use development is sufficient and that this deficiency would not have adverse impacts on existing businesses and on the surrounding road network, I recommended that permission be refused on this basis.

Cycle Parking:

7.7.17. It is a specific planning policy requirement (SPPR4) of the new Sustainable and Compact Settlements Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. The guidelines require a general minimum standard of 1 cycle storage space per bedroom with additional visitor parking. – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers.

7.7.18. The proposed scheme allows for the provision of 76no spaces comprising 44no spaces for future residents, and 32no spaces for visitors / commercial customers. The quantity of parking proposed is acceptable however the design of parking areas does not accord with SPPR4, and no provision has been made for mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual

lockers. This matter could be addressed by way of condition in the event of a grant of permission.

7.8. Other

- 7.8.1. Observers are concerned that the proposal involves works on an existing right-of way that if permitted would further reduce access and egress from the site. No right of way is indicated on the submitted plans however details available on Land Direct indicate that a right-of way does exist along sections of Maynooth Park and LA bounding the site. Having considered the plans submitted it does not appear to be that the proposed development would not obstruct the Right-of-Way however this is ultimately a legal matter for the applicants and concerned parties.
- 7.8.2. A Social Infrastructure Audit was not included with the application. Notwithstanding, I am satisfied that the area is sufficiently serviced to accommodate a development of the nature and scale proposed. The site comprises a neighbourhood centre which is to be extended as part of this application and which offers a variety of services and amenities to support the day to day needs of future occupants. The site is within walking distance of Maynooth Town Centre and there are schools and childcare facilities in the area. The development of this site as proposed is unlikely to overwhelm retail, education, and social services in the area.

7.9. Appropriate Assessment (AA)

- 7.9.1. A Stage 1 Screening for Appropriate Assessment was not submitted with the application / appeal. In accordance with obligations under the Habitats Directives, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.9.2. The proposed development is for alterations and extensions to the Greenfield Shopping Centre in Maynooth, including the construction of 24no build-to-rent

apartments at first to third floor level. The development would be connected to the mains water and wastewater services.

- 7.9.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.9.4. The closest European site is the Rye Water Valley/Carton SAC, (Site code 001398), which is approximately 1.8km to the north-east of the site as the crow flies. Any potential impacts on European sites would be limited to the discharge of surface waters during the construction stage of the development. However, the development site is within a serviced urban area, at some remove from the European sites. There is also no direct or indirect hydrological connection between both sites.
- 7.9.5. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the nature and scale of the proposed development within a serviced site, and the separation distances to the nearest European site, no Appropriate Assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission for this development be refused.

9.0 Reasons and Considerations

- 1 Having regard to the nature and scale of the proposed development, its location within an established and functioning neighbourhood centre, the restricted nature of the site, the high turnover rate of existing car parking

spaces and the lack of public parking facilities in the wider area, the Board Considers that the development of this site as proposed, which would see the expansion of retail / commercial offerings along with the addition of 24no residential units with a significant reduction in on-site parking provision, would lead to pressure for parking in the vicinity of the Neighbourhood Centre, resulting localised traffic congestion and haphazard parking. Furthermore, the Board considers that the reduction in parking provision on site would have a negative impact on the functionality and viability of the existing neighbourhood centre. The proposed development would therefore be contrary to the proper planning and development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lucy Roche
Planning Inspector
11th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|---|--|---|----------------------------------|
| An Bord Pleanála Case Reference | 315617-23 | | |
| Proposed Development Summary | Alterations and Extensions to Greenfield Shopping Centre | | |
| Development Address | Greenfield Shopping Centre, Maynooth Park, Maynooth, Co. Kildare | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | X |
| | | No | |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | | |
| No | X | The development involves 184sqm of commercial floor space and 24 no. residential units on an overall site of 0.3871ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA. | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | | Threshold | Comment (if relevant) |
| No | | N/A | |
| Yes | X | Class (10)(b) of Schedule 5 Part 2 of the Planning and Development | Proceed to Q.4 |

| | | | | |
|--|--|--|--|--|
| | | <p>Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:</p> <p>Construction of more than 500 dwelling units</p> <p>Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.</p> <p>Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> | | |
|--|--|--|--|--|

| 4. Has Schedule 7A information been submitted? | | |
|--|---|----------------------------------|
| No | X | Preliminary Examination required |
| Yes | | Screening Determination required |


Inspector: _____

Date: _____

Appendix 2 Form 2

EIA Preliminary Examination

| | | |
|---|---|------------------------------|
| An Bord Pleanála Case Reference | 315617-23 | |
| Proposed Development Summary | Alterations and Extensions to Greenfield Shopping Centre | |
| Development Address | Greenfield Shopping Centre, Maynooth Park, Maynooth, Co. Kildare | |
| The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations. | | |
| | Examination | Yes/No/ Uncertain |
| Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants? | <p>The site is located within an urban area of Maynooth, c1km south of the main street and c600m south of the Train Station. The area is served by public mains water and sewerage. The nature of the development (retail and residential) is compatible with existing lands uses in the area and not exceptional within the context of the existing environment.</p> <p>Localised construction impacts will be temporary.</p> <p>The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable within the town centre and within proximity to residential areas.</p> | No |
| Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having | <p>The size of the development is not exceptional in the context of the existing built-up urban environment.</p> <p>There is extant permission (granted 2024) for 2 residential developments on lands c400m to the southeast of the proposed development site, on Celbridge Road. Together these permissions allow for the construction of 105 residential units and a creche facility. Permission also exists for a new discount food store c400m to the south of the site</p> | No |

| | | |
|---|---|--|
| regard to other existing and/or permitted projects? | on Straffan Road. There is potential for cumulative impacts arising during construction particularly in relation to traffic. Should the construction phase of these developments or other development in the area co-exist with the proposed scheme it is noted that they would each be subject to approved construction management plans which would manage impacts during construction. | |
| Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? | There are no ecologically sensitive locations in the vicinity of the site. The site is not within a European site. Any issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. | No |
| Conclusion | | |
| There is no real likelihood of significant effects on the environment. EIA not required. | There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out | There is a real likelihood of significant effects on the environment. EIAR required. |
|  | | |

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____