



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion TC0024.

Strategic Housing Development	403 residential units (332 houses and 71 apartments), 164 student units (476 bed spaces), retail unit, café, crèche and gym facilities.
Location	Maria Villa, Maynooth, County Kildare.
Planning Authority	Kildare County Council.
Prospective Applicant	Cairn Homes Properties Ltd.
Date of Consultation Meeting	23 October 2017.
Date of Site Inspection	18 October 2017.
Inspector	Stephen Rhys Thomas.

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The site is located on farmland associated with Maria Villa, a large country house and a protected structure close to the town centre of Maynooth. Maynooth is a large university town in the north east of County Kildare. The town is well served by public transport; including regional and local bus services and a suburban rail train station. The M4 motorway that links Dublin with the west of Ireland passes to the south of the town and is accessed via junction 7.
- 2.1.2. The large site extends from the gate lodge of Maria Villa southwards to the town centre and eastwards along the Lyreen River. The northern portion of the site backs onto Moyglare Hall. A section of the site is situated south of the Lyreen River and has road frontage along the Dunboyne Road opposite Castlepark housing estate.
- 2.1.3. The overall site is characterised by grassland associated with the grazing farmland around Maria Villa. There are mature hedgerows throughout the site and a large number of mature trees. The land gently undulates, with notably steep level changes along the Lyreen River and less so along the Crewhill Stream. The areas around the watercourses are densely wooded with the exception of the flood plain south of the Lyreen River, which is flat and backed by a steep escarpment. The Lyreen River and its associated margins are a defining feature of the southern portion of the site.
- 2.1.4. The site is located close to the town centre of Maynooth. The southern tip of the site is separated from the park associated with Pound Lane by the Lyreen River. The proposed entrance along Moyglare Road is 350 metres from the Manor Mills shopping centre to the south. The entrance at Dunboyne Road is 500 metres from

Main Street. There is student accommodation associated with a language school adjacent to the site and Maynooth University across the Moyglare Road to the west. There is also a primary and secondary school nearby to the west. Moyglare Hall housing estate to the north is a combination of mostly two storey houses with some duplex/apartment units. The lands to the north east are undeveloped farmland and the lakes associated with Meadow Lodge Fishery, which can be reached from the site by a single arch stone bridge. A water treatment works and a pocket of undeveloped land are located to the south of the site.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development of 403 residential units and comprises:

- 178 three bedroom houses (detached, semi-detached and terraced).
- 153 four bedroom houses (detached, semi-detached and terraced).
- 4 one bedroom apartments.
- 19 two bedroom apartments.
- 21 two bedroom duplex apartments.
- 6 three bedroom apartments
- 21 three bedroom duplex apartments.
- 1 two bedroom refurbished and extended existing gate lodge.

164 Student apartments (476 bed spaces), comprising:

- Block A, three storeys,
- Block A1 and A2, two storeys,
- Blocks B, C, D and E, four storeys.

Additional development includes:

- Crèche 620 sq.m
- Café 196 sq.m
- Gym 1,145 sq.m
- Retail unit 444 sq.m

- 3.1.2. The applicant has applied for a ten year permission. The development includes the demolition of a two storey building. The site will be accessed from the Moyglare and Dunboyne Road and a road bridge is proposed across the Lyreen River.
- 3.1.3. The development will result in a net residential density of 34 units per Hectare (inclusive of student apartments), on a site of 21.21 Hectares, of which 16.2 Hectares is zoned Residential, 0.33 Hectares is zoned Commercial, 4.75 Hectares is zoned open space. The public open space is 1.6245 Hectares (15%).

4.0 **Planning History**

Subject site:

PA reference 05/3054 and An Bord Pleanála reference PL09.221881 permission for 124 dwelling units. July 2007.

PA reference 109/521 permission for 100 dwelling units and a crèche. December 2009.

Nearby sites:

PA reference 16/167 and An Bord Pleanála reference PL09.247614 permission for demolition of a dwelling and construction of 34 dwellings. March 2017.

PA reference 062051 and An Bord Pleanála reference PL09 .226688 permission granted for demolition of dwelling and construction of 77 no. residential units. November 2008. Extension of duration refused (**13/852**) due to the lack of Appropriate Assessment. February 2014.

5.0 **National and Local Planning Policy**

5.1 Section 28 Ministerial Guidelines

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Architectural Heritage Protection – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments’, as amended by Circular PL 11/2016 (Ensuring Delivery of Build-To-Rent Housing Projects)

5.2 Statutory Plan for the area

The operative local plan for the area is the **Maynooth Local Area Plan 2013-2019**.

The majority of the site is subject to zoning objective ‘C’ – New Residential and a broad strip along the Lyreen River is zoned ‘F’ – Open Space and Amenity. Smaller portions of the site along the Moyglare Road are subject to zoning objective ‘B’ – Existing Residential and zoning objective ‘E’ – Community and Educational.

A roads objective traverses the mid portion of the site, and includes junction improvements at (I) Moyglare Road and (H) Dunboyne Road, map 1.

Map 2 highlights areas where development proposals must prepare a site specific flood risk assessment. The site is located in such an area.

Map 4 indicates groups of trees that are of special amenity value on the site, some of these tree groupings are on the subject site.

Map 5 details the location of green infrastructure throughout the LAP lands, hedgerows and treelines are identified on the site.

Map 6 sets out the land use objectives for Maynooth.

Maynooth is a Large Growth Town II with a surplus capacity for residential development. Table 11 sets out the Additional New Residential zoned sites for Maynooth and shows a capacity for 402 units over 11.5 Hectares of zoned land at Mariavilla. Table 12 shows indicative density levels.

Part B of the LAP deals with policies and objectives, some relevant items include:

HP 1: To facilitate sustainable development in Maynooth in line with its designation as a Major Growth Town II in the RPGs and the CDP and to ensure that this development reflects the character of the existing and historic town in terms of

structure, pattern, scale, design and materials with adequate provision of open space, and which also protects the amenities of existing dwellings.

HP 2: To ensure that the density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale and design and materials with adequate provision of open space.

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

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

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

AR 11: To create a 50m set back either side of the Lyreen River at Mariavilla where possible, to create a linear park that will link with Pound Park and Carton Estate and also to create a linkage to Carton Avenue.

The LAP is supported by a Strategic Flood Risk Assessment.

Kildare County Development Plan 2017-2023, is the operative development plan.

The Development Plan includes chapters on relevant topics including housing, density, student accommodation, urban design, infrastructure, movement/transport, landscape and development management standards.

Section 1.6 details student accommodation standards and Objective SNO 6 states: Facilitate the development of appropriately located and designed student accommodation to allow Maynooth University to continue to develop as a national and international centre for education and research.

6.0 Forming of the Opinion

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

6.1 Documentation Submitted

The prospective applicant is required to submit certain information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included: OS location map, complete application form, site layout plans, a landscape masterplan, draft NIS report, environmental report, tree and hedgerow – site survey assessment, landscape design rationale report, architectural design statement, planning report/cover letter, engineering drawings and services report, energy reports for residential and student accommodation, daylight and sunlight analysis, site specific flood risk assessment report, traffic impact assessment, statement of consistency with planning policy report, part V proposals, a legal opinion on student housing and Part V, preliminary construction management plan, construction and operation waste management plan and a completed pre-connection enquiry feedback form from Irish Water.

I have reviewed and considered all of the above mentioned documents and drawings.

6.2 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a copy of their record of the section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 09/10/2017.

The planning authority's 'opinion' included, *inter alia*, the following: reference to relevant planning history; a description of the site and surrounding area; an assessment of the proposed development in the context of the current County Development Plan and the Maynooth Local Area Plan 2013-2019; details of the prospective development including density; housing mix and compliance with LAP policy; archaeology and other heritage issues; natural heritage; density and plot ratio; residential mix; concentration of apartments; public open space provision; Part V compliance, traffic and transport; parking; permeability and connections; open space provision; residential infringement on lands zoned for amenity; surface water and flood risk; foul and water supply; visual impact and overshadowing. The planning authority concluded that the principle of the development is generally consistent with the proper planning and sustainable development of the area. However, the proposal is contrary to the land use zoning and zoning objectives of the LAP.

The planning authority's opinion also concluded with a list of matters that require further consideration and amendment. These related to: a new pedestrian linkage across the Lyreen River to the town centre, a new pedestrian bridge over the Crewhill Stream and connections to Moyglare Hall and the Ladas Property on Mill Street, there is an overconcentration of apartments and duplex units, student apartments should comply with the standards advised in the Design Standards for New Apartments, traffic modelling should be undertaken to better understand the impact of the proposal, there is a lack of car parking throughout the development, Part V proposals are deficient, the scale and massing of development along the Moyglare Road is not appropriate, some views of development from within the site are not appropriate and more visual impact studies are necessary, additional cross sections are required to better assess the complex topography of the site and there are issues in relation to flood risk mitigation measures.

The planning authority's submission also included internal reports from the Heritage Officer, Fire Officer, Architectural (Planning) Report, Conservation Officer, Transportation Department, Environment Section, Housing Department and Water Services Department.

There were 4 formal pre-application consultation meetings held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). These were held on the 28/02/2017,

17/05/2017, 22/06/2017 and 08/08/2017. The planning authority have submitted copies of documents outlining matters discussed at those consultation meetings. Issues raised at those meetings included, inter alia, the following: the new link road, further discussions with Maynooth University required, increase in traffic, detailed carriage width and junction design issues, linkage with greenways, open space and watercourses, Irish Water infrastructure, archaeological and natural heritage assessments, duplex units are not favoured, impacts upon protected structures, encroachment of housing on amenity zoned land, EIA requirements, Part V and houses that back onto the link road.

All of the documentation submitted by the planning authority has been reviewed and considered by the undersigned as part of the opinion forming.

6.3 Consultation Meeting

A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 23 October 2017, commencing at 2.30 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Residential Density.
2. Part V – student accommodation.
3. Residential Layout – Zoning and open space/amenity.
4. Traffic, Transport and Parking.
5. Flood Risk Assessment.
6. Any other matters.

In relation to Residential Density issues, ABP representatives sought further elaboration/discussion on the following: density proposed in the context of the Sustainable Residential Development Guidelines given the location of the site close to the town centre.

In relation to Part V – student accommodation issues, ABP representatives sought further elaboration/discussion on the following: clarification on whether or not student accommodation is to be considered for inclusion to meet Part V requirements and the appropriateness of the unit mix and the location/distribution of conventional social housing.

In relation to Residential Layout – Zoning and open space/amenity issues, ABP representatives sought further elaboration/discussion in the context of section 28 guidelines, on the following:

- Greater clarity on the inclusion of nine houses on lands zoned for open space and amenity as a material consideration or not,
- the arrangement of duplexes and houses that back on to a link street may not be satisfactory,
- roads are duplicated in places and this leads to a roads dominated layout,
- passive supervision of the public realm is poor in places,
- key pedestrian linages to the park at Pound Lane and north to Moyglare Hall housing estate are omitted.

Discussion and elaboration revolved around the Design Manual for Urban Roads and Streets (DMURS) and the Sustainable Residential Development in Urban Areas guidelines.

In relation to Traffic, Transport and Parking issues, ABP representatives sought further elaboration/discussion on the following:

- car parking and student accommodation,
- the over-designed appearance of junctions at Moyglare Road and Dunboyne Road, accordance with DMURS is advised,
- the function of the street linking Moyglare and Dunboyne Road in the context of DMURS and the town centre location of the site.

In relation to Flood Risk Assessment (FRA) issues, ABP representatives sought further elaboration/discussion in relation to the scope of the draft FRA and the need for the consideration of flood events and bridge/culvert structures.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting TC0024' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. I am satisfied, notwithstanding residential development proposed on F - open space and amenity zoned lands, that given the nature and extent of that portion of the proposal, it would not be integral to the delivery of the overall scheme. The development would not necessarily constitute a material contravention of the land use zoning. As such, further to the applicant's response to the 'Opinion', this matter can be further considered and determined at application stage.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: density; public open space - design, layout and unit mix; part V, details of which are set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development

(Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 **Recommended Opinion**

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Residential Density

Further consideration is required with respect of the documentation relating to the residential density of the site. This consideration should include a planning

justification or rationale for the proposed development having regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') as they refer to city and town centre sites. Particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Maynooth Town Centre and to established social and community services in the immediate vicinity. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

2. Public Open Space

Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the open space proposed particularly in the context of the surveillance of the open spaces (pocket parks and linear spaces), addressing level changes (Lyreen River and Crewhill Stream), the usability of the active open space on the site and the integration with adjacent public open spaces (Pound Lane Park) in the context of the landscaping proposals. Particular attention should be focused on the design rationale for the placement of houses on lands zoned F - Open Space and Amenity in the Maynooth Local Area Plan. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Design, Layout and Unit Mix

Further consideration of documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and also reference to the Design Manual for Urban Roads and Streets. In addition to density which is addressed above, the matters of unit mix, the configuration of the layout in terms of connections to adjacent sites, design and alignment of roads, avoidance of street duplication giving rise to a roads dominated layout, the creation of a high quality urban extension to Maynooth Town Centre and the creation of character areas that reference the landscape character of the site should be given further consideration. Particular regard should be given to *Chapter 4 – Street Design* of the Design Manual

for Urban Roads and Streets, which refers to a need to consider the multifunctional role of the street and apply a package of 'self-regulating' design measures. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Part V of the Planning & Development Act 2000 (as amended).

Further consideration is required in respect of the documentation relating to obligations under Part V of the Planning and Development Act 2000 (as amended). The further consideration should have regard to the requirements of the Housing Section of Kildare County Council in relation to this matter, as well as guidance from the Department of Housing Planning & Local Government.

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

1. Full and complete analysis and drawings that detail the visual impact of the proposed development along Moyglare Road. Specific attention should be paid to the design rational for greater scale and massing along the road in the context of development in the vicinity and the proximity to Maynooth Town Centre. Information should include elevation and section drawings, long sections and photomontage images.
2. A detailed landscaping plan which clearly shows the proposed treatment of boundaries and indicates retention of existing features such as trees or hedgerows, vernacular farm gates and existing stone bridges, where applicable.
3. An assessment of the traffic impact of the proposed development in the context of the delivery of a linkage street between Moyglare Road and Dunboyne Road.

4. Full and complete long section drawings that show the relationship between proposed development and the varied topography of the site, specifically in the vicinity of the Lyreen River and Crewhill Stream.
5. Flood Risk Assessment. Additional documentation relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') and take account of the impact of proposed bridges and culverts.
6. A sufficiently detailed phasing arrangement for the proposed development should be provided.

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

1. the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Protected structure)
2. the Heritage Council (Protected structure)
3. An Taisce — the National Trust for Ireland (Protected structure)
4. National Transport Authority (Impact on public transport in the Greater Dublin area)
5. Inland Fisheries Ireland (re. works over, along and adjacent to a river)
6. Irish Water

PLEASE NOTE:

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

Stephen Rhys Thomas
Planning Inspector

9 November 2017