



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: Ex 39/19

WHEREAS a question has arisen as to whether the conversion of an existing retail unit to two number one bedroom apartments at 2 South Quay, Arklow, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Conor McCarthy care of Conor McCarthy and Associates Limited of Unit A8, Kish Business Park, Arklow, County Wicklow requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 29th day of May, 2019 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Conor McCarthy and Associates Limited referred the declaration for review to An Bord Pleanála on the 25th day of June, 2019:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,

- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Planning and Development (Amendment) (No 2) Regulations 2018 (S.I. No. 30 of 2018),
- (d) Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March, 2018,
- (e) Arklow and Environs Local Area Plan 2018 – 2024, and
- (f) the report of the Inspector

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the external and internal works to facilitate the residential use of the ground floor unit would constitute “works” defined as “development” in section 3 of the Planning and Development Act 2000, as amended,
- (b) the external and internal works and alterations come within the scope of Article 10 (6)(d)(ii) and (iii) of the Planning and Development Regulations, as amended, and are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure and are not considered to materially affect the external appearance of the structure,
- (c) having regard to Article 10(6)(d)(iv) of the Planning and Development Regulations, as amended, the use of the ground floor unit for residential use complies with the TC Town Centre land use zoning objectives for the site as set out in the Arklow and Environs Local Area Plan 2018 – 2024, and

- (d) having regard to Article 10(6)(d)(vi) and (vii), the amended plans and particulars submitted with the referral comply with the requirements of the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March, 2018, in terms of provision of storage for each unit and the rooms for use, or intended for use, as habitable rooms have adequate natural lighting:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that conversion of an existing retail unit to two number one bedroom apartments at 2 South Quay, Arklow, County Wicklow is development and is exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.