

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/429

APPEAL by RGRE J and R Stylebawn Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 15th day of June, 2022 by Wicklow County Council to refuse permission.

Proposed Development: The proposals provides for 99 number residential units comprising: eight number one bedroom apartments, three number two bedroom (three person) apartments, 15 number two bedroom (four person) apartments, 14 number three bedroom houses, 59 number four bedroom houses. The proposed apartments are provided in a single four-storey block comprising basement, lower and upper ground floors and a first floor. The apartments are provided with private and communal amenity spaces. Access is provided from The Glen Road (R762) generally in the location of the existing access, with a new entrance arrangement proposed with associated boundary works. Demolitions and site clearance are proposed to facilitate the development. All associated site development works including landscaping, internal roads including bridge over Three Trout Stream, utilities, water infrastructure and construction phases works and development at Stylebawn House, Delgany, County Wicklow (a Protected Structure) and associated lands. The Glen Road (R762) is located to the north of the site, and Blackberry Lane to the east.

Decision

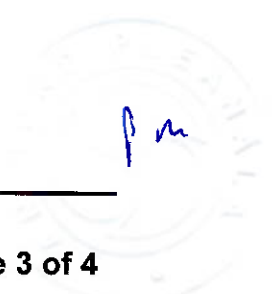
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the undulating nature of the site topography and the extent of cut and fill activities which are proposed to facilitate the development, including the construction of a bridge structure with a nine metre high embankment and retaining wall within three metres of the riparian zone of Three Trouts Stream, the Board is not satisfied that sufficient technical information has been submitted to demonstrate that no significant negative impacts would arise to the water quality and biodiversity of this watercourse. As such, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its inadequate qualitative provision of public and communal open space, would conflict with the provisions of the Wicklow County Development Plan 2022-2028 and the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued by the Department of Housing, Local Government and Heritage in December 2022. The proposed development would, therefore, result in a poor standard of residential amenity for future occupants and would be contrary to the proper planning and sustainable development of the area.



3. It is considered that the proposed internal road layout, which incorporates significant embankment features elevated between six metres and nine metres above the surrounding ground levels, would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. It is considered that the information provided with the application and appeal in relation to the surface water drainage arrangements has not adequately demonstrated that the proposed development would not result in an increased level of run-off from the site and therefore, an increased level of flooding upstream and downstream along Three Trouts Stream. The proposed development would, therefore, pose an unacceptable risk of flooding and would be contrary to the proper planning and sustainable development of the area.



5. The proposed development does not comply with national policy on Childcare Facilities as set out in the Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in June, 2001 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2022 and would be detrimental to the amenities of future residents and, thereby, would be contrary to the proper planning and sustainable development of the area.

The Board noted that the applicant has included revised drawings with the appeal showing the replacement of two number apartments at lower ground floor level of the apartment block with a childcare facility, however in light of the other four grounds for refusal it was considered not necessary to examine this matter further.

Peter Mullan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *23rd* day of *April*, 2024