

An
Coimisiún
Pleanála

Commission Order
ABP-322268-25

Planning and Development Acts 2000 to 2025

Planning Authority: Wicklow County Council

Planning Register Reference Number: 2460611

Appeal by ISH New Build Fund – Sub Fund of The Platform ICAV care of Tom Phillips Associates of 80 Harcourt Street, Dublin against the decision made on the 18th day of March 2025, by Wicklow County Council, to grant, subject to conditions, a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The reorganisation, subdivision and extension of the existing apartment scheme and units, to provide an additional five number apartment units, increasing the total number of apartments in the building from 25 number to 30 number apartments. The existing unit mix includes three number one-bed apartments, 21 number two-bed apartments and one number three-bed apartments and the proposed amendments would facilitate a unit mix of 10 number one-bed apartments, 20 number two-bed apartments. The proposal includes an extension to the third-floor setback on the northern elevation, into what is currently a communal roof terrace; reconfiguration of the existing units on the north eastern corner of the site on the first, second and third floor levels; a reconfiguration of Apartment Number 321 on the southern elevation; associated elevation changes; private and communal open space provision; reorganisation of the existing roof level to provide a flat roof; additional cycle parking facilities; hard and soft landscaping and all

associated site development works above and below ground, at Riverside Apartments, Main Street, Arklow, County Wicklow.

Decision

Having regard to the nature of the conditions 2 and 5, the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND conditions numbers 2 and 5 so that they shall be as follows for the reasons set out.

2. (a) Unless otherwise agreed in writing with the planning authority, prior to the commencement of any residential unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified residential unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to

those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified residential unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

- 5. (a) The type and layout of cycle parking relating to bike stores 1 and 2 shall accord with Drawing Number 291 REV 1 received by the planning authority on the 13th day of February 2025.
- (b) Parking facilities for the electric and cargo bicycles shall be within a secure cycle cage or store at basement level.

Reason: To promote sustainable transport use and in the interest of the proper planning and sustainable development of the area.

Reasons and Considerations

Noting that Objective CPO 6.2 has remained in the final adopted Wicklow Development Plan 2022-2028, that no challenge to its statutory standing has occurred subsequent to the recommendation of the Office of the Planning Regulator (OPR) and given that a Housing need and Demand assessment (HNDA) will be carried out in due course, as referenced in the Wicklow County Development Plan 2022-2028, it is considered reasonable that the intent of Objective CPO 6.2 is reflected in Condition 2 in so far as it relates only to the additional units proposed under this planning application, with flexibility to allow amendments relevant to housing need and demand, such as tenure policy, in the context of the of the upcoming HNDA.

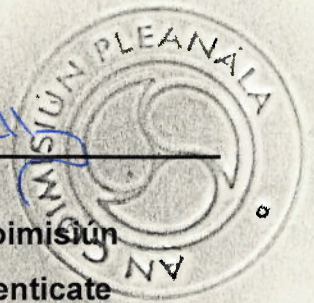
The bicycle storage system proposed by the applicant allows for the efficient use of space at basement level and it accords with Development Plan requirements and SPPR 4 (Cycle Parking and Storage) of the Compact Settlements Guidelines in terms of such facilities located within the footprint of the building, being covered, secure and sheltered.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *1st* day of *August*, 2025.