



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500128-WW

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|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Development of 3-storey building incorporating retail at ground floor and five duplex units on upper levels. Adjacent sites include a Protected Structure (Ref No 13-40) and Part 8 application (Ref No 22019). |
| <b>Location</b>                     | Main Street, Newtownmountkennedy, Co. Wicklow.                                                                                                                                                                  |
| <b>Planning Authority</b>           | Wicklow County Council.                                                                                                                                                                                         |
| <b>Planning Authority Reg. Ref.</b> | 2560509                                                                                                                                                                                                         |
| <b>Applicant(s)</b>                 | Paul and Grace Kavanagh                                                                                                                                                                                         |
| <b>Type of Application</b>          | Permission                                                                                                                                                                                                      |
| <b>Planning Authority Decision</b>  | Grant, subject to conditions.                                                                                                                                                                                   |
| <b>Type of Appeal</b>               | Third Party Normal Planning Appeal                                                                                                                                                                              |
| <b>Appellant(s)</b>                 | Paul and Grace Kavanagh                                                                                                                                                                                         |
| <b>Observer(s)</b>                  | Malcolm Stares                                                                                                                                                                                                  |

**Date of Site Inspection**

22<sup>nd</sup> January 2026

**Inspector**

Terence McLellan

## 1.0 Site Location and Description

- 1.1. The subject site measures 0.046ha and occupies a corner plot on the western side of the Main Street in Newtownmountkennedy, at the junction with the R765. The existing building on the site is vacant and comprises a single storey traditional commercial frontage and a two-storey equivalent industrial type building to the rear. The site directly fronts onto the small formal public space on the Main Street known as Market Square. A vehicular access to a small, gated rear yard is provided from the R765 to the north side of the site. On the opposite side of the R765 is St Joseph's Church, a Protected Structure. The rear boundary to the west comprises a retaining wall and trees/shrubbery, accounting for the significant change in level between the site and the adjoining residential plot to the west. To the south, the site abuts another Protected Structure, the two storey Newtownmountkennedy House Pharmacy, currently in use as a takeaway.
- 1.2. The site itself and the Market Square sit at a higher level than the Main Street proper, being connected to the Main Street by stairs at the southern end. The Market Square is semi-enclosed with a wall and railings to account for the change in levels and the Robert Monteith monument is incorporated within same, directly on the corner. Buildings on the main street are generally in a traditional style, ranging from single to three storeys. On the eastern side of the Main Street, slightly to the south of the subject site, permission has been granted for mixed use commercial and residential development rising to four storeys which is currently under construction.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing building and redevelopment of the site to provide a three-storey building comprising retail at ground floor level and five two-bedroom duplex units on the upper levels. The duplex units would be accessed from an external stair and platform lift located on the front elevation, providing deck access to the units which would be set well back from the ground floor frontage. Proposed materials include natural slate roof tiles, stone, render and perforated/solid metal panelling. Minor design amendments were made at Further Information stage to address potential overlooking of adjoining lands and the mesh cladding on the external stair and platform lift.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Permission was granted by Wicklow County Council on the 28<sup>th</sup> September 2025 subject to 15 generally standard conditions. Conditions of note include:

6. Prior to the commencement of development, the applicant shall submit for the written agreement of Planning Authority full details of the proposed tie-in between the building and the public footpath along the site frontage, including:
  - a) Finished levels at building entrances and public footpath interfaces,
  - b) Proposed surface finishes / kerb treatments,
  - c) Confirmation that the design is compatible with WCC planned public realm improvement works (Part 8 Ref Number 22019),

**Reason:** In the interest of traffic/ pedestrian safety and proper planning and sustainable development.

7. Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the Planning Authority, arrangements for the removal and safe storage of the flag poles and Monteith Monument until such time that they can be appropriately reinstated as part of the WCC planned public realm improvement works (Part 8 Ref Number 22019).

**Reason:** In the interest of the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. The first Planner's Report contains the following points of note:

- Principle of development is acceptable in terms of land use and the zoning objective. The retail unit is ideally placed in terms of Market Square.
- The proposal is in keeping with the scale and character of the Main Street and does not compete with the Protected Structures.

- Scale, massing and design are acceptable and the previous reasons for refusal have been addressed. The development would not have an impact on the Protected Structures.
- Regarding the metal structure to the front of the proposed development that will screen the external stairs and platform lift, this element of the proposal is acceptable once the proposed finishes to the access steps and screen structure positively contribute to the streetscape and Market Square. To be addressed by Further Information.
- Density and plot ratio are acceptable.
- Parking provision on site would be problematic. Residential development with no car parking provision may be considered where the residential element is of an exceptional high quality and amenity and where secure and adequate storage for bikes is provided.
- Suitable cycle parking is provided.
- In terms of the proposed changes to the level of Market Square, it is noted that the Roads Section are leading the Part 8 redevelopment and raised no objection to the proposal, subject to a condition.
- The proposed development in conjunction with the works proposed under Part 8 will improve accessibility in the public realm.
- Daylight and sunlight matters are broadly acceptable, but consideration needs to be given to the private terraces. To be addressed by Further Information.
- There is some potential for overlooking of the yard area to the south. To be addressed by Further Information.
- There would be no undue overlooking or loss of privacy/amenity to the property to the west due ground levels differences and the utilisation of a 1.8m high obscured glazing around the private terraces. The development potential of this site would not be compromised.
- The duplex units comply with housing quality standards, including private and communal amenity spaces.

3.2.2. The first Planner's Report concluded in a Further Information request to address:

- Daylight and sunlight to the private terraces.
- Potential overlooking of the rear yard to the south.
- Details of the mesh clad structure housing the external stair and platform lift, including:
  - details of the materiality, colour, finish, and durability, to demonstrate that it will contribute to and not detract from the visual appearance of the proposed development and Market Square itself.
  - Details of the hard finishes to the proposed steps leading up to the apartments

3.2.3. The subsequent Further Information submission was addressed in the second Planner's Report which contained the following points of note.

- The upper-level terraces meet the floorspace, daylight, and sunlight requirements. The terrace leading off the kitchen area will not achieve the minimum BRE standards, but this is an additional open space, above the required minimum as outlined in the apartment guidelines.
- Screening has been proposed to address overlooking. A condition will be attached requiring that the southern boundary of the west facing terraces shall comprise a 1.8metre high solid concrete/block boundary as opaque glazing on the boundary is not appropriate.
- Design and finish of the external stair/platform lift is acceptable, will enhance the streetscape at this location, and the design and finish will align with the east facing screening on the communal terrace.

### 3.3. Other Technical Reports

3.3.1. **Fire Service (14.07.2025):** Recommend conditions.

3.3.2. **Roads (16.07.2025):** Recommend conditions, including details of tie-in between the building and the public footpath, compatibility with the planned Part VIII works, and the submission of a Construction Environmental Management Plan.

3.3.3. **Waste Management (21.07.2025):** Recommend conditions.

### 3.4. Prescribed Bodies

3.4.1. None.

### 3.5. Third Party Observations

3.5.1. Three observations were received in response to the planning application and two subsequent observations in response to the Further Information. These are summarised in the Planner's Report and are on file for the Commission's information. I have reviewed the observations, and I am satisfied that the substantive matters raised are generally reflected in both the grounds of appeal and the observation made on the appeal.

## 4.0 Planning History

### *Subject Site*

4.1.1. **Planning Authority Reference 23/60394:** Permission was refused by Wicklow County Council in July 2024 for the demolition of the existing building and redevelopment to provide a three-storey building with retail at ground floor level and eight apartments on the upper levels. The scheme was subject to design changes at Further Information stage and the number of residential units was reduced to five. Permission was refused for the following reason:

1. Having regard to:

- i. the form and appearance of the proposed development, in particular the gable ended bays, terraces and enclosed balconies facing the Main Street, together with the blank flank wall facing St Joseph's Church (RPS), and the inclusion of timber detailing on the front elevation;
- ii. the proximity of St Joseph's Church RPS No. 13-39 and RPS No. 13-40. Newtownmountkenedy House' Pharmacy;
- iii. the existing built form of the area, in particular the traditional Irish Townscape Buildings along Main Street;

it is considered that the proposed development would form a visually discordant feature within the streetscape which would impact negatively on the setting of

the Protected Structures in the vicinity and would seriously detract from the character and visual amenities of the immediate area. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area

#### *Relevant local sites*

##### Killmacullagh, Main Street, Newtownmountkennedy (to the south)

- 4.1.2. **ACP Reference 317785/Planning Authority Reference 23175:** Permission was granted by the Commission in October 2024 for the construction of 27 dwellings, car parking and all ancillary associated site works.

##### Rear of Blossom Hill, Newtownmountkennedy (to the south on residential zoned land located off the main Street).

- 4.1.3. **ACP Reference 315394/Planning Authority Reference 22611:** permission was granted by the Commission in January 2024 for the construction of a 2/3 storey building comprising five apartments, private and communal amenity spaces, refuse and cycle storage, five car parking spaces, and pedestrian connection revisions to accommodate new car parking spaces.

##### Killmacullagh, Main Street, Newtownmountkennedy (to the south-east of the site)

- 4.1.4. **ACP Reference 314323/Planning Authority Reference 21731:** Permission was granted by the Commission in February 2024 for the construction of four commercial units and 41 apartments in two separate blocks, 65 no. car parking spaces, upgrading of existing vehicular access from An tSráid Mhor, boundary treatment, landscaping and drainage installations.

## 5.0 Policy Context

### National Policy

#### 5.1. The National Planning Framework: First Revision April 2025

- 5.1.1. The NPF addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places and deliver compact urban growth. It seeks to prioritise development that can encourage more people to live or work in existing settlements, including through the

provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Relevant National Policy Objectives (NPOs) include:

- 5.1.2. NPO 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- 5.1.3. NPO 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- 5.1.4. NPO 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- 5.1.5. NPO 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.
- 5.1.6. NPO 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 5.1.7. NPO 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.1.8. NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

## **Regional Policy**

### **5.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

- 5.2.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP), and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

### **Local Policy**

#### **5.3. Newtownmountkennedy Town Plan 2022 - 2028**

- 5.3.1. The Newtownmountkennedy Town Plan 2022 – 2028 ('the Town Plan') is included under Volume 2 of the Wicklow County Development Plan 2022 – 2028.

#### Zoning

- 5.3.2. The site is zoned 'Town Centre' under the Town Plan (Map No. 1), where the objective is to provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use.
- 5.3.3. The zoning objective seeks to develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure and residential uses, while delivering a quality urban environment, with emphasis on regeneration, infill town and historic centre conservation; ensuring priority for public transport, pedestrians and cyclists, while minimising the impact of private car based traffic and to enhance and develop the existing centre's fabric.
- 5.3.4. Objective NK11 states that 'all development proposals in the 'town Centre' zone shall respect the character and setting of the historic Main Street, including but not limited to Protected Structures therein, and integrate in a satisfactory manner with the existing Georgian character and streetscape in terms of massing, rhythm, materials and finishes'.

#### Protected Structures

5.3.5. There are two Protected Structures relevant to the site as follows:

1. RPS No. 13-40. Newtownmountkennedy House' Pharmacy. This Protected Structure abuts the site to the south. The description on the RPS states: House with a full-height, two-storey bow. The next house, to the North, has a similar bow.
2. RPS No. 13-39. Saint Joseph's Church. This is located to the north of the site on the opposite side of the R765. The description states: Late-19th century, gothic-revival church with walls of coursed-rubble shale with granite dressings, buttresses and pointed windows, transepts and high-pitched roofs.

#### 5.4. Wicklow County Development Plan 2022-2028

5.4.1. The Wicklow County Development Plan 2022-2028 ('County Development Plan') took effect on 23<sup>rd</sup> October 2022.

5.4.2. Chapter 4: Settlement Strategy

- Newtownmountkennedy is a Level 4 Self Sustaining Town as per the County Wicklow Settlement Strategy (Map No. 04.01).
- Self-Sustaining Towns require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. There is a strong emphasis on aligning population growth with employment growth to make these towns more self-sustaining and capable of accommodating additional growth in the future.
- Some of these settlements have experienced significant housing growth in recent years and are now in need of catch-up facilities and employment growth. There is potential to pursue further placemaking improvements within the town centres to create a stronger urban structure, deliver improved community and recreation facilities, strengthen the towns' identities and sense of place and provide for a high quality of life.
- Delivering compact growth, regeneration and revitalisation of the town centre is a key priority. Sustainable mobility should be facilitated and promoted as part of any new development within these settlements. Proposals for regeneration and renewal should be heritage led where possible and informed by healthy placemaking.

5.4.3. The following objectives are considered relevant:

- CPO 4.2: Seeks to achieve compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements.
- CPO 4.3: Seeks to increase the density in existing settlements through a range of measures.
- CPO 4.13: To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.

5.4.4. Chapter 5: Town and Village Centres – Placemaking & Regeneration

- Section 5.4.1 of the of the County Development Plan is in relation to Renewal & Regeneration. It states that investment in regeneration, renewal, public realm improvements, amenity projects and placemaking actions is essential to transform the capacity and harness the potential of our towns and villages. There are many sites and buildings throughout the County that are underutilised. The potential of these assets needs to be harnessed.
- It is a Town Regeneration and Rejuvenation Priority (Page 132) to deliver a placemaking project for Newtownmountkennedy that will address the need to deliver catch-up facilities and regeneration of the town centre. The project includes provision of a new community centre and sports facilities, public realm improvements, and improvements in permeability. Extension of the existing riverine park into lands to the east of the main street, via a shared main street plaza, with green connections to other watercourses and recreational lands such as the Coillte forest to the north of the town.

5.4.5. The following objectives are considered relevant:

- CPO 5.1: To protect and maintain the viability of town and village centres, target the reversal of decline and deliver sustainable reuse and regeneration outcomes.
- CPO 5.9: To facilitate and support well-designed development that will contribute to regeneration and renewal, consolidation of the built environment and include interventions in the public realm and the provision of amenities.

#### 5.4.6. Chapter 6: Housing

- CPO 6.3: New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.
- CPO 6.4: All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).
- CPO 6.5: To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:
  - Strengthening the character and urban fabric of the area.
  - Reinforcing local identity and sense of place.
  - Optimise the opportunities afforded by the historical and natural assets of a site / area.
  - Providing a coherent, legible and permeable urban structure.
  - Promoting an efficient use of land.
  - Improving and enhancing the public realm.
  - Conserving and respecting local heritage.
  - Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic.
  - Promoting accessibility for all.
  - Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.
- CPO 6.7: The design and layout of new residential and mixed-use development shall deliver highly permeable, well connected streets which facilitate active street frontage in accordance with best practice set out in the Sustainable

Residential Development in Urban Areas Guidelines for Planning Authorities (DEHLG May 2009) and the Design Manual Urban Roads and Streets (DTTS & DECLG 2013).

- Section 6.3.5 of the County Development Plan is in relation to 'Higher Densities'. It states that higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. The capacity of a site to absorb higher densities is influenced by a range of factors including the local setting, development context, neighbouring uses, access, topography etc. The preparation of a design statement, including a detailed contextual and site analysis, will help determine a site's capacity and the appropriate density.
- Table 6.1 Density Standards – For 'Small Towns and Villages' which includes for Newtownmountkennedy:
  - Centrally located sites: 30 – 40+ units per hectare for mainly residential schemes may be appropriate or for more mixed-use schemes.

#### 5.4.7. Volume 3, Appendix 1: Development and Design Standards

- The County Development Plan, under 'Volume 3 - Appendix 1 – Development Design Standards', sets out the requirements with respect to development and design standards. It sets out the principal factors that should be considered in the design of new development, including residential development.

#### 5.4.8. The following development standards are relevant:

- Section 3.2.2: The core town centre area, which is usually the historic core, will normally be zoned 'town centre' or 'primary area', which allows for a wide range and mix of uses. New development in such areas will normally comprise infill or brownfield sites, or redevelopment opportunity sites put together through the acquisition of a number of underperforming or derelict sites. Regardless of the type of site, new development shall generally respect and have regard to the pattern of development in that area, with regard to building form, massing, height and design features, unless the relevant local plan specifies otherwise. In particular:

- New developments will require to be 'integrated' with the existing built fabric, in the sense that it will knit together, both physically and visually with the surrounding buildings.
- New developments will be required to form new street frontage or to bridge existing gaps in the streetscape. Where an access point is required, this should be in the form of a tunnel or arch. Where appropriate or necessary, buildings may however be stepped backwards or forwards, to add visual interest and variety to the town, subject always to this not undermining or interfering with an established streetscape.
- The development of new streets and squares will be encouraged, as well as the opening up of new links between sites or from backlands to the street front.
- Where the plot width of the site is considerably wider than the prevailing plot width along the street, the new building's facade will be required to be broken into visually distinguishable elements, to allow for a more seamless transition between existing and new.

#### Section 8.5 Residential Public Open Space

- Public open space will normally be required at a rate of 15% of the site area – areas within the site that are not suitable for development or for recreational use must be excluded before the calculation is made.
- The need to provide public open space in town centre developments may be waived, particularly where public amenity space such as a town park or beach is in close proximity.

#### **5.5. Ministerial Guidelines**

- Architectural Heritage Protection, Guidelines for Planning Authorities (2011). These Guidelines relate to protecting structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and preserving the character of architectural conservation areas.
- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and

medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.

- Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025). These guidelines seek to achieve both high quality apartment development and a significantly increased overall level of apartment output. Standards are provided for apartment sizes, dual aspect ratio and private/communal amenity space.

## **5.6. Natural Heritage Designations**

5.6.1. The subject site is not located within or immediately adjacent to any European Sites. The nearest European Sites are as follows:

- Carrigower Bog SAC (Site Code: 000716), c. 3.3km to the north-west.
- The Murrough SPA (Site Code: 004186) c. 4.3km to the east.
- The Murrough Wetlands SAC (Site Code: 002249), c.4.9km to the east.

## **5.7. EIA Screening**

5.7.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. Two Third Party appeals have been received in response to the decision of Wicklow County Council to grant planning permission for the proposed development. The Appellants are John Synnott (and others) and Huw O'Toole (Chairperson of the

Newtownmountkennedy Community Forum). The appeals raise similar issues, and the various grounds of appeal can be summarised under the following headings:

#### 6.1.2. Transport

- The development does not include any car parking and does not comply with the CDP's minimum parking standards. Other schemes have been refused due to parking shortfalls.
- The provision of zero parking contradicts Council policy to remove on street parking and will worsen parking problems.
- Public transport is oversubscribed and cannot mitigate zero parking provision.
- Inadequate footpath widths are provided on the path leading to the school. This is a significant safety hazard.

#### 6.1.3. Town Centre

- The development results in the loss of multiple retail units and replacement with a single retail unit, thereby reducing the commercial mix and vitality.
- The scheme would provide dead frontage and residential dominance.
- The development prioritises residential bulk over a functional retail presence.
- The Planning Authority have used the site's vacancy as a justification for the approval. This is flawed and does not justify poor design or non-compliance with standards.

#### 6.1.4. Procedural Matters

- Further Information requests were not fully satisfied, such as the lack of daylight and sunlight assessment for the residential terraces which remains unresolved. Appropriate standards have not been demonstrated.
- Further Information design matters were not suitably addressed.
- Previous reasons for refusal have not been overcome, including matters with regards to the roofline and the blank façade facing St Joseph's Church.
- Key objections regarding parking, breach of Part M requirements, and the removal of the Monteith Monument have not been resolved.

- The Planning Authority have been selective and inconsistent in applying development plan standards.
- The development relies on the Part 8 Civic Space which is unacceptable, speculative, and proves the development is unsuited to the context.
- Approval would set a negative precedent in terms of the erosion of policy integrity, arbitrary enforcement, and the use of vacancy to justify poor quality development.

#### 6.1.5. Design and Heritage

- The proposal was approved despite retaining characteristic features such as prominent gables and front balconies that were previously considered unacceptable.
- The bulk, design and height, including multiple gables, is visually discordant with the traditional streetscape.
- The development has been approved with the prominent mesh metal entrance and on street balconies, both of which were previously considered unacceptable and out of character with the historic streetscape.
- The metal mesh stair is highly visible, unsightly, and out of context.
- The Council have conditionally approved the removal of the historic Monteith Monument, sacrificing its preservation for the developer's convenience.
- The removal of a heritage feature to facilitate private development is inconsistent with the Architectural Protection Heritage Guidelines, which require preservation in situ, where feasible.
- The development fails to integrate with historic built fabric.
- The design and scale will injure the setting and architectural integrity of St Joseph's Church.
- The development fails to meet Part M requirements, and the Planning Authority have dismissed breaches as being outside the remit of planning.

#### 6.1.6. Precedent Cases

- It is submitted that the development has been approved with various elements that have been considered unacceptable on other cases, such as design, balconies, car parking, daylight, and open space provision.

## 6.2. Applicant Response

6.2.1. A First Party response has been received from the Applicants, Paul and Grace Kavanagh, in addition to a response from the scheme architects, Mola Architecture. The main points can be summarised as follows:

### Paul and Grace Kavanagh

- Committed to changing derelict and vacant properties in the town centre to vibrant commercial mixed use.
- Other three storey developments in the town centre include the Parkview Hotel and two storeys over commercial developments like Dunnes.
- Agree with Wicklow County Council's forward planning guidelines.
- Live locally and are invested in how the community works., seeking to address dereliction.
- Member of the new 'Town Team', aware of planning pressures and serial objectors.
- One of the objectors claims to be from the Newtown Team, but this is not the new 'Town Team', it is an amalgamation of Town Forum and Newtown 2050 (an inactive organisation). Submit that the objection may be vexatious or malicious.
- The Applicants have been involved in various improvement projects over the years.
- During Covid the Applicants set up the Artisan Market in the square and opened some of the shops to host artists works, plants and Christmas tree sales etc. all free with the aim of bringing life to the town.
- Consultants advise that commercial space should be more than 240m to ensure viability as a retail let, confirmed by auctioneers.

- Potential for the space to be used as a library but this can't progress without permission.
- Engineering recommendation was to demolish and rebuild.
- Purchased the property in 2018 to block a casino type development. It has been derelict for 20 years and there are currently no services to the building.

### Mola Architecture

- Zero car parking is acceptable having regard to the site location, site characteristics, and policy provisions.
- The Market Square is not in the Applicant's ownership. It is proposed as a public civic space under Wicklow Part 8 proposals which will improve the public realm, remove car parking from this area, and create a small civic plaza on the main street which is a positive contribution to the streetscape.
- The development would provide animation, surveillance, and would frame the space.
- The retail units have been vacant for twenty years.
- The proposed retail unit is 80% of the ground floor, not 50% as noted by the Appellant, and is comparable to the existing retail footprint.
- The provision of a single, large, corner retail unit will be more economically viable and will offer greater vitality, animation, and surveillance to the square.
- Residential stairs, lift, cycle and refuse store occupy a small portion of the ground floor footprint, in order to comply with residential standards.
- The Further Information response demonstrates compliance of sunlight to the living room terraces.
- All issues raised at Further Information stage were addressed.
- The current design has no front facing gables and has a parallel pitched roof to match those of the main street.
- The proposal has a hip end roof that corresponds to the angle of St Joseph's Church and is appropriate for a corner building.

- The proposal is modest in scale and is a good transition between the two storey buildings and the more dominant church, bookending the main street at an important junction.
- The Monteith Monument is outside of the Applicant's ownership and subject to Wicklow County Council's Newtownmountkennedy Town Centre Refurbishment Works.
- Interface works between the development, and the Market Square can be addressed by condition.

### 6.3. Planning Authority Response

6.3.1. No response on file.

### 6.4. Observations

6.4.1. An observation has been received from Malcolm Stares raising the following substantive points:

- The reduction in levels would have a serious negative impact on disabled access to the adjoining shop.
- Provision of a compliant ramp would not be achievable, and the Planning Authority are incorrect to state that this is not within the remit of planning.
- No consent has been given for the works to the front of the site and lowering the levels by 900mm as proposed would require public consultation.
- The development would not be in accordance with the Part 8 proposal which makes no mention of reducing levels and seeks to improve the existing steps, fit handrails to the steps, fit bicycle stands and install bollards to the north to prevent vehicle access.
- No internal dimensions are provided. The units are undersized in area and dimension and are poorly laid out.
- Private and shared amenity space is deficient and enclosed.
- The development is not compliant with fire safety regulations.

- No dimensions have been given for the external stair. Width and riser height are not compliant with Part M.
- Platform lifts generally have a rise of four feet, the proposal is for more than nine feet and is inappropriate.
- The platform lift surrounded by a steel cage is not appropriate for the streetscape.
- Levels shown on the drawings are incorrect and misleading.
- The site can reasonably accommodate four residential units with the footprint moving away from the southern boundary to reduce the impact on the adjoining Protected Structure.
- Planning permission has been refused for other developments proposing balconies to the front.

## 7.0 **Assessment**

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

- Zoning and Retail
- Design and Heritage
- Quality of Accommodation and Residential Amenity
- Transport
- Part 8 Works
- Other Matters

### 7.2. **Zoning and Retail**

7.2.1. The grounds of appeal state that the proposal would result in the loss of multiple retail units and that it would reduce both commercial mix and vitality. It is stated that the development prioritises residential bulk over functional retail space, with excessive

dead frontage. It is further submitted that the Planning Authority have used the vacant nature of the site to justify approval of the development, which the Appellant's considered to be poorly designed and non-compliant with standards.

7.2.2. The Applicant submits that the development would provide animation, that retail would constitute 80% of the ground floor, that it would be comparable to the existing unit in floorspace terms, and that a single large retail unit is more economically viable, offering greater vitality, animation and surveillance to the square.

7.2.3. The site is zoned Town Centre. The proposal is for retail at ground floor and residential accommodation on the upper levels. It is therefore compliant with the land use requirements of the zoning objective. It is my view that the proposal is a suitable land use response to this town centre site and that this would be in accordance with Section 1.1.4 of the Newtownmountkennedy Town Plan, which seeks to encourage the redevelopment and regeneration of vacant, underutilised and derelict sites, noting that the site is long term vacant. Although I acknowledge the Appellant's concerns regarding the loss of multiple small units, I accept the Applicant's argument that a larger single unit would be more marketable.

7.2.4. In terms of retail use, I agree with the Applicant that c. 80% of the ground floor area is proposed as retail use. However, in terms of the development's c. 22 m frontage, only c. 13m is given over to active retail frontage, with the remaining 9m frontage to the south entirely taken up by retail and residential servicing elements and the residential stair/lift enclosure. Given the prominent location of the site on the Main Street and fronting onto a public space (Market Square), which the Council seeks to improve, I find the concerns raised by the Appellant's in this regard to be reasonable. These matters are considered further in the Design and Heritage Section below.

### 7.3. **Design and Heritage**

7.3.1. The Appellant's raise a significant number of design concerns, including that the height, scale, and massing of the proposed development would be excessive, and that the detailed design and roofline would be visually discordant within the streetscape. It is submitted that the development has not addressed previous reasons for refusal such as the roofline, and that permission has been refused for other developments proposing balconies to the front. A significant matter raised by the Appellant's relates

to the external stair and platform lift on the basis that it would be overly prominent, unsightly, and out of character with the historic streetscape.

- 7.3.2. The Applicant submits that the design has no front facing gables and that the roof form proposed would be appropriate for the setting. It is the Applicant's position that the proposal is modest in scale and represents a good transition between the two storey buildings and the church, bookending the Main Street at an important junction.
- 7.3.3. The subject site fronts onto the Market Square, a small, formal public space at a central and prominent location within the town. It is noted in the Newtownmountkennedy Town Centre First Masterplan as being a core area of historical significance in addition to being the main area within the town centre that is suitable as an outdoor area of congregation which takes consideration of the historical presence of the area. In terms of historical significance, it should be noted that the site abuts a Protected Structure to the south. St Joseph's Church is to the north of the site on the opposite side of the R765 and is also a Protected Structure.
- 7.3.4. Development of the site therefore has an important role to play, having regard to the prominent location of the site in the centre of the town, fronting onto a public/civic space and between two Protected Structures. Objective NK11 states that 'all development proposals in the 'town Centre' Zone shall respect the character and setting of the historic Main Street, including but not limited to Protected Structures therein and integrate in a satisfactory manner with the existing Georgian character and streetscape in terms of massing, rhythm, materials and finishes'. Section 3.2.2 of the CDP states, in reference to town centres, that new development shall generally respect and have regard to the pattern of development in that area, with regard to building form, massing, height and design features.
- 7.3.5. The design and heritage matters raised in the appeal are therefore finely balanced. In my opinion, the overall height, scale, and massing are acceptable in this location having regard to the existing character of the Main Street, the relationship with the neighbouring buildings, and the emerging development to the south-east. I consider the roof form to be acceptable, and I note that the gables referred to by the Appellant are to the rear of the site and will therefore have little impact on the character of the Main Street.

- 7.3.6. However, I have concerns regarding the detailed design of the development, most notably the stair/lift enclosure and the frontage onto the Market Square. The stair and lift enclosure would project from the front elevation of the proposed development. It would be positioned immediately adjacent to the Protected Structure adjoining the site to the south and would be aligned with the door of said building. The platform lift rises to a height of 4.7m above the proposed ground level and would be clad in metal (anodized bronze aluminium). The stairs would wrap around the lift enclosure and would be clad in perforated aluminium.
- 7.3.7. In my opinion the stair and lift enclosure would be an overly prominent and incongruous feature within its setting onto the Market Square, having regard to the established character and streetscape of the Main Street. Furthermore, the immediate proximity of this access stair and lift enclosure to the adjoining Protected Structure, including its overall design and materiality, is such that it would result in an unduly dominant and poorly integrated feature that would compromise the setting of the Protected Structure.
- 7.3.8. This matter would be compounded by the extent of servicing elements on the Market Square frontage. As stated previously, a significant proportion of ground floor frontage (c. 9m/40%) is inactive, comprising commercial and residential refuse stores, cycle stores and postbox areas. These areas lack animation, and their inactive nature is intensified somewhat by the recessed nature of this space, which lacks any form of surveillance. Furthermore, whilst the small residential lobby providing access to postboxes and cycle parking might offer some degree of animation and activity, it is completely screened from the street by the external lift and stair enclosure.
- 7.3.9. I accept that there are some site constraints that have resulted in these service elements being placed on the principal street facing elevation, and that to bring forward development on the site it is likely that some servicing elements would need to be located on this frontage. However, taken cumulatively with the stair and lift enclosure, I am of the view that the proposal represents a failure to optimise the primary frontage onto the Market Square and Main Street and that this would compromise the vitality and attractiveness of the street and the proposed civic space.
- 7.3.10. From my assessment of the plans, I see no reason why the lift/stair could not be provided to the rear of the site and accessed from an amended residential lobby

continued through the ground floor of the building. This would require the access deck to be moved to the rear, which in my mind would be a more appropriate location, shifting the upper levels of the building forward to align with the ground floor building line would not have any significant visual or heritage amenity impacts, would be more in line with the established building line on Main Street, and would in turn increase the separation distance between the site and the adjacent residential plot to the west. However, these works would be outside the scope of a planning condition. As such, I recommend that the development is refused on the design matters referred to regarding the stair and lift enclosure and the ground floor frontage.

- 7.3.11. The grounds of appeal also raise concerns regarding the conditional approval of the Monteith Monument and flagpoles, stating that the removal of a heritage feature to facilitate private development is inconsistent with the Architectural Heritage Protection Guidelines, which require preservation in situ, where feasible.
- 7.3.12. The Applicant submits that the Monteith Monument is outside of their ownership and that it is subject to the Council's town centre refurbishment works project. The Planning Authority have imposed a condition requiring the developer to submit (for written approval) arrangements for the removal and safe storage of the flag poles and Monteith Monument until such time that they can be appropriately reinstated as part of the Part 8 works.
- 7.3.13. At the outset I would note that the Monteith Monument and flagpoles are not heritage assets in respect of being Protected Structures or located within an ACA. I have no objections to their temporary removal and reinstatement. However, as noted by the Applicant themselves, the monument and flag poles are outside of their ownership and outside of the red line. There are therefore questions regarding the enforceability of the Council's condition, although I consider that this matter could be addressed by Further Information in the event that the Commission decide to grant permission.

#### **7.4. Quality of Accommodation and Residential Amenity**

- 7.4.1. It is stated in the grounds of appeal that the residential units are undersized, poorly laid out, not compliant with fire safety regulations, and that private/shared amenity space is deficient and enclosed. It is stated that appropriate standards have not been demonstrated and that the daylight and sunlight to terraces remains unresolved.

- 7.4.2. I have assessed the development against the requirements of the Apartment Guidelines, including SPPR2 (minimum floor areas), SPPR3 (dual aspect), and SPPR4 (floor to ceiling height), in addition to Section 3.7 (internal storage), 3.8 (private amenity space), 3.9 (security considerations) and to the minimum floor areas and standards set out in Appendix 1 of same.
- 7.4.3. I consider that all of the apartments would exceed the minimum floorspace standards set out in the guidelines, even when accounting for the internal staircase circulation space. Bedrooms meet the minimum width and floorspace requirements. Living rooms fall slightly short of the 3.6m minimum width at c.3.4m however the guidelines provide flexibility of up to 5% and in this context the shortfall is very minor and would not significantly compromise the quality of accommodation.
- 7.4.4. All of the units would be dual aspect which is positive and having considered the Applicant's Daylight and Sunlight Analysis Report, I consider that they would be internally well lit. In terms of amenity spaces, each unit would be served by a small first floor terrace off the kitchen space in addition to a larger terrace at second floor level coming off the main living space. I acknowledge that the first-floor rear terrace would not meet the BRE daylight/sunlight standards, however, as noted by the Planning Authority, the larger second floor terrace would meet the BRE requirements, as well as meeting the space standards set out in the Apartment Guidelines and on balance, I consider this to be acceptable.
- 7.4.5. The Applicant proposes the first-floor terrace to the front of the property as a communal amenity space area. In my mind, this is an access deck as opposed to a communal amenity space. In that respect I do not consider that the scheme is providing communal amenity space. I consider this to be acceptable, having regard to the town centre location, the size of the site and its characteristics, in addition to the dispensation provided in Section 4 of the Apartment Guidelines that states that communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality, for building refurbishment schemes or urban infill schemes of up to 0.25ha.
- 7.4.6. In terms of layout, the units would have bedrooms looking to the east over the open aspect of the Market Square and the Main Street. Kitchens and living rooms would face west onto the shared boundary with the adjacent residential plot to the west. The

first-floor terraces would be separated from this boundary by between 1.1m and 2m whilst the second-floor terraces would have a separation distance of between 2.3m and 4.7m. Due to the proximity of the site to the west boundary and to mitigate potential privacy impacts on the adjacent residential land, it is proposed that all terraces be fully enclosed by 1.8m high obscure glazed screens. As such, the sole outlook from the first-floor kitchen/diners and the second floor living rooms would be onto private terraces that are fully enclosed by 1.8m high obscure glazed screens. There is therefore a risk that these rooms could feel particularly enclosed, with a sense of visual containment and a lack of any outward views. However, given the size of the windows proposed, the depth of the terrace, the opportunities for planting and the well lit nature of the living rooms, I consider this to be acceptable on balance, having regard to the town centre location,

## **7.5. Transport**

- 7.5.1. The principal transport matters raised in the appeal relate to the proposed provision of zero car parking, which the Appellants consider to be non-compliant with the CDP, noting that other schemes in the area have been refused due to parking shortfalls. It is the Appellants' position that the development would worsen parking problems and that public transport availability would not mitigate this as it is oversubscribed. Further concerns are raised regarding inadequate footpath widths to the north, which lead to the school, and that this presents a safety hazard.
- 7.5.2. The Applicant submits that the proposal for zero car parking is acceptable having regard to the site's location and characteristics as well as CDP provisions. The Planning Authority concluded that zero parking would be acceptable having regard to the high quality of the development, cycle parking provision, the site's location and the positive benefits of the development, and wider Council objectives to remove on-street parking on the Main Street.
- 7.5.3. In terms of the CDP parking requirements, Objective CPO 12.56 states that parking standards will be taken as maximums in locations where public transport and parking enforcement are available. In other locations, they will be taken as a minimum. The site has access to public transport, but it appears that there is no parking enforcement in place. In that respect, the CDP standards should be taken as a minimum.

- 7.5.4. However, in my opinion, the site characteristics and constraints are such that the provision of car parking on site would be very difficult and perhaps disproportionate to the scale of the development proposed. I also note that the Compact Settlement Guidelines state that car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. The site is located on the main street, with ready access to the shops and services of the town.
- 7.5.5. The site also has access to public transport and whilst I acknowledge the Appellant's concerns that the public transport is oversubscribed, and also note that no supporting information on this matter has been provided by the Applicant in response, given the scale of the development, I do not consider that it would have any significant impact on public transport capacity. Overall, I am satisfied that zero parking provision would be acceptable on this particular site.
- 7.5.6. Objective CPO 12.56 also states that in situations where a developer cannot meet the necessary car parking requirement on or near the development site, the developer may request the Local Authority to accept a special payment in lieu, to be utilised by the Local Authority in providing car parking in the area. Although such a condition hasn't been imposed by the Planning Authority, it would be open to the Commission to include it in the event that permission is granted.
- 7.5.7. On the matter of pavement widths to the north, I note that there is pavement only so far as the existing crossover at the site access. From my site inspection it is clear that there is no reasonable prospect of providing further pavement on the subject site side of the road, due to the retaining wall of the adjacent plot to the west and the narrowing road width. In any event, there is a sufficiently wide pavement on the north side of the road, which is also the same side as the school.

## 7.6. **Part 8 Works**

- 7.6.1. The Observer raises various concerns regarding the Applicant's proposal to reduce the level of the site and the Market Square by c.900mm on the basis that there is no consent for these works, and that the Applicant's proposal would not be in accordance with the Council's Part 8 scheme. It is argued that the reduction in levels would have a significant impact on the ability of mobility impaired people accessing the adjoining

shop, that the provision of a compliant ramp would not be achievable, and that the Planning Authority were incorrect to state that the matter was not within their remit.

- 7.6.2. The Applicant submits that whilst the Market Square is not within their ownership, it is proposed as a public civic space under Wicklow Council's Part 8 scheme that seeks to improve the public realm, remove car parking, and create a small civic plaza on the as a positive contribution to the streetscape. The Applicant argues that interface works between the development and the Market Square can be addressed by condition.
- 7.6.3. The Planning Authority considered the proposal acceptable subject to a condition recommended by the Roads Section requiring written approval of details of tie-in between the building and the public footpath including finished levels at building entrances and public footpath interfaces, surface finishes/treatments, and confirmation that the design is compatible with the part 8 scheme.
- 7.6.4. The Commission will note that the Market Square is not within the Applicant's control and sits outside of the red line boundary. The Applicant states that the Market Square works, including the landscaping and changes to levels, are being undertaken as part of the Council's Part 8 project.
- 7.6.5. The Applicant's drawings indicate that the level of both the site and the Market Square would be reduced significantly. These drawings also show the introduction of steps to the north where there is currently level access whilst removing the existing steps to the south. The existing trees are also shown as removed.
- 7.6.6. From the information available to me from the Council's documents, the Part 8 scheme (Newtownmountkenedy Town Centre Refurbishment Project) does not include any change in levels. The Part 8 scheme provides for resurfacing/repaving works, the provision of demountable bollards to the retained existing level access to the north, the provision of handrails and tactile warning paving to the existing steps to the south, the provision of steps to the east on the long edge with Main Street, the provision of stainless steel 'Sheffield' bicycle stands, and the retention of the existing trees.
- 7.6.7. Clearly the proposal for the Market Square put forward by the Applicant/shown on the Applicant's drawings, is fundamentally at odds with the Part 8 scheme proposed by Wicklow County Council. Whilst I note the condition recommended by the Roads Section, it is not clear how this could be complied with given the disparity between the two schemes.

7.6.8. Notwithstanding the conflict between the scheme shown on the Applicant's drawings and that shown on the Part 8 drawings, I note that there is also contradiction as to who is undertaking the works. The Applicant states that the changes to the Market Square detailed on their drawings is being undertaken as part of the Part 8 works. The Planner's Report contradicts this, stating that

*'The Applicant is proposing to change the ground level on Market Square to allow at grade access to the proposed ground floor retail unit. While this will introduce the need for steps to provide access from the north of the site to the retail unit at ground floor level, it will remove the need for steps on the southern end of the existing Market Square. Universal access will be provided to the new ground floor retail unit and the adjoining takeaway via a level access along the public footpath running along the northern and eastern edge of Market Square, re-joining with the existing public footpath running south.'*

7.6.9. This indicates that the Applicant is undertaking the level works and also indicates that the proposal is different to the Part 8 scheme as it will introduce the requirement for steps to the north and removal of the steps to the south. The Planner's Report continues, stating that the application was referred to the Roads section who are leading the redevelopment of the Market Square under Part 8 and that they raised no objection to the proposed development or the proposed changes to the Market Square subject to the condition previously referred to.

7.6.10. I therefore share the concerns of the observer. Clearly there is a disparity between the Applicant's proposal and the Part 8 proposal, such that the Council's condition cannot be complied with. Secondly, in the event that the proposals for the Market Square as presented by the Applicant are in fact being delivered by the Applicant, as indicated by the Planning Authority, then they are outside of the red line boundary with no letter of consent. Given the change in levels, the development would therefore rely on works outside of the red line. Whilst I do not recommend refusal on this matter, I do consider that clarity should be sought by way of Further Information should the Commission be minded to grant permission.

## 7.7. Other Matters

7.7.1. Various procedural concerns are raised regarding the Planning Authority's assessment including that key objections have not been resolved that there are

inaccuracies on the drawings, that Further Information matters were not fully resolved and that the application of policy has been selective and inconsistent, particularly having regard to precedent cases in the area.

- 7.7.2. It is not a matter for the Commission to address perceived or actual deficiencies in the Planning Authority's assessment. In any event, other than the Part 8 issues previously referred to, I consider that the information submitted is sufficient to allow for a full assessment of the development proposals and I note that the Planning Authority validated the application and addressed the concerns raised in observations as part of the Planner's Report.
- 7.7.3. Various concerns have been raised in the appeal and in the observation regarding compliance of the development or features of the development with Part M of the Building Regulations in addition to fire safety regulations. A grant of permission in itself does not exempt compliance with other regulatory/legislative codes. The issue of compliance with Building Regulations (Part M) or the fire safety regulations will therefore be evaluated under a separate legal code and as such is not a matter for the Commission for the purposes of this appeal.

## **8.0 Appropriate Assessment Screening**

8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Newtownmountkennedy, at a distance of approximately 3.3km from the Carrigower Bog SAC (Site Code: 000716), which is the closest European Site. The proposal is for a three storey mixed-use development comprising retail floorspace at ground floor and five duplex units on the upper levels. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and scale of the works and the availability of wastewater services.
- The significant separation distance from the nearest European site and lack of meaningful connections.
- The screening determination of the Planning Authority.

8.2. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

## 9.0 Water Framework Directive

9.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the development of a retail unit and five duplex units. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the works;
- The location of the site in a serviced area, the distance from nearest water bodies, and the lack of direct hydrological connections.

9.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 10.0 Recommendation

10.1. I recommend that the Commission refuse planning permission, for the reason stated.

## 11.0 Reasons and Considerations

1. Having regard to the prominent town centre location of the subject site which fronts onto the Market Square and Main Street, and adjoins a Protected Structure, it is considered that the provision of an external residential access staircase and platform lift onto the Market Square, the scale, prominence, and materiality of these elements, and the high proportion of inactive service elements on the main frontage, would constitute an inappropriate, incongruous and visually intrusive form of development that would detract from the established character and architectural coherence of the streetscape, would adversely affect the setting of the adjoining Protected Structure, and would undermine the vitality of the primary commercial frontage. The development would therefore be contrary to the proper planning and sustainable 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.

---

Terence McLellan  
Senior Planning Inspector

12<sup>th</sup> February 2026

## Appendix 1

### Form 1 - EIA Pre-Screening

|                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                                                                                                                                       | PL-500128-WW                                                                                                                                                                                                    |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                                                                                                                         | Development of 3-storey building incorporating retail at ground floor and five duplex units on upper levels. Adjacent sites include a Protected Structure (Ref No 13-40) and Part 8 application (Ref No 22019). |
| <b>Development Address</b>                                                                                                                                                                                                                                                                                                                                                                  | Main Street, Newtownmountkennedy, Co. Wicklow.                                                                                                                                                                  |
|                                                                                                                                                                                                                                                                                                                                                                                             | <b>In all cases check box /or leave blank</b>                                                                                                                                                                   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.                                                                                                                                      |
|                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> No, no further action required.                                                                                                                                                        |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                                                                                                                                             |                                                                                                                                                                                                                 |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>                                                                                                                                                                                                                             |                                                                                                                                                                                                                 |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                 |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>                                                                                                               |                                                                                                                                                                                                                 |

|                                                                                                                                                                                                                                                                     |                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.<br><br><b>No Screening required.</b>                               |                                                                             |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.<br><br><b>EIA is Mandatory. No Screening Required</b>                                                                                                         |                                                                             |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.<br><br><b>Preliminary examination required. (Form 2)</b><br><br><b>OR</b><br><br><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b> | Class 10 Infrastructure Projects.<br>10 (b) (i) - threshold >500 dwellings. |

|                                                                                                                                                                 |                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b> |                                                                           |
| Yes <input type="checkbox"/>                                                                                                                                    | <b>Screening Determination required (Complete Form 3)</b>                 |
| No <input checked="" type="checkbox"/>                                                                                                                          | <b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> |

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2

### Form 2 - EIA Preliminary Examination

|                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                                              | PL-500128-WW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                                | Development of 3-storey building incorporating retail at ground floor and five duplex units on upper levels. Adjacent sites include a Protected Structure (Ref No 13-40) and Part 8 application (Ref No 22019).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Development Address</b>                                                                                                                                                                                                                                                                         | Main Street, Newtownmountkennedy, Co. Wicklow.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> | <p><b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b></p> <p>The proposed development is for mixed use retail and housing on appropriately zoned town centre land. In terms of scale, it would be consistent with the surrounding townscape. Demolition works would be small scale in the context of the environment. Use of natural resources would largely be limited to land take and generally consistent with other developments of this scale and nature.</p> <p>Construction materials and activities would be typical for an urban residential development of this nature and scale. The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature, could be suitably managed through a Construction Management Plan. In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature.</p> |
| <p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption</p>                                                       | <p><b>Briefly comment on the location of the development, having regard to the criteria listed</b></p> <p>The development would conform to the town centre zoning and use/scale would be consistent with the surrounding area. There would be no significant impact on any protected areas, protected views, or natural</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| <p>capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>                                                                                | <p>heritage or European Sites. Concerns raised regarding the impacts of the design of the development on the neighbouring Protected Structure would be localised and not significant in the context of Environmental impact Assessment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | <p><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>All development has the potential for some impact/disturbance during the construction phase, such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Management Plan.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p> <p>No transboundary issues arise and the development would not be particularly complex. Relevant conditions have been imposed to mitigate potential impacts.</p> <p>Cumulative impacts have been addressed. As set out above, I have given consideration to the adjoining housing development, including the proposed number of dwellings, site size, and recent developments. I am satisfied that the EIA thresholds have not been reached and that cumulatively, there would not be a significant impact on the environment.</p> |
| <b>Conclusion</b>                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>There is no real likelihood of significant effects on the environment.</b></p>                                                                                                                                                                                                  | <p><b>EIA is not required.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)