



Development

Mixed Use Development is proposed to comprise of a restaurant unit and 25 residential apartments, in 4 'blocks' and all associated site works.

Location

Main Street Newtownmountkenedy Co. Wicklow at the site of 'Bawn House' and adjacent land (total 0.1687ha) at the corner of Main Street and Glenbrook Road. , at the corner of Main Street and Glenbrook Road , Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2460778

Applicant(s)

H.T. Carroll Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Sarah Fanning
Newtown 2050 Newtownmount Kennedy
& District Forum now know as
Newtownmountkenedy Community
Forum

Newtown 2050 Newtownmount Kennedy
& District Forum now know as
Newtownmountkenndy Community
Forum

Observer(s)

None

Date of Site Inspection

10th April 2026

Inspector

Frank O'Donnell

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1.0 Site Location and Description

- 1.1. The subject appeal site is located in the centre of Newtownmountkennedy on the western side of the Main Street (R772). The site has a stated site area of 0.1687 hectares and includes 'Bawn House', which is a 2 storey dwelling structure, and adjacent lands to the rear (west), all of which are vacant at present. The site also includes Bawn Mews which is a single storey structure to the north of Bawn House, and a former 2 storey retail unit (B.P. O'Byrne's) located to the south of Bawn House, both said structures are proposed to be demolished. The site is bounded to the north by the rear of Dunnes Stores Shopping Centre building, with residential uses above, which extends to a height of 3 storeys, to the northwest and west by a higher level open courtyard which serves Apartments (Mountkennedy Court) and a Creche and to the south by Glenbrook Road. The site is level with Main Street and is significantly lower than the lands to the rear west. 'Bawn House' is a terraced three-bay two storey house, building in c. 1860 and listed in the National Inventory of Architectural Heritage (NIAH) as being of Regional Importance, see Reg. Ref. No. 16307003.
- 1.2. There is a Protected View (no. 44) located further to the north on Main Street (View River Valley).
- 1.3. There are 2 no. Protected Structures of note in the general vicinity of the subject appeal site, namely the Village Inn (Ref. 13-42) located c. 16 metres to the south and St. Joseph's Church (Ref. 13-39) located c. 31 metres to the south.
- 1.4. The existing streetscape comprises a mix of 1 and 2 storey structures and includes more modern 3 storey buildings further to the north.
- 1.5. The subject appeal site, as per the Local Authority Planners Report, is stated to be on the Vacant Sites Register.

2.0 Proposed Development

- 2.1. The proposed development, as initially presented to the Local Authority, comprised a Mixed Use Development in the form of a ground floor restaurant unit and 25 no. Apartments, presented in 4 no. blocks and all associated site works.

2.2. The overall proposal was amended at **Further Information** stage. The main changes presented, can be summarised as follows:

- The overall number of Apartments has been reduced from 25 no. Apartments, as initially proposed, to **21 no. Apartments**. This reduction in the number of Apartments is achieved by the reconfiguration of the Ground Floor of Block no. 1 resulting in the omission of 1 no. 1 Bed (2P) Apartment (previously referenced as Apartment no. 1-A) and the omission of the third floor of Block no. 1 which previously included 3 no. Apartments.
- Block no. 1, in addition to the proposed restaurant on the Ground Floor, which has an increased Gross Floor Area (266 sqm versus 257 sqm originally proposed) and reconfigured internal floor plan layout, now includes 1 no. 1 bed (2P) Apartment (54 sqm) and 3 no. 2 bed (4P) Apartments (76 to 84 sqm) at both First and Second Floor Level. (8 no. Apartments in total within Block no. 1). Block no. 1 comprises 3 no. storeys and is indicated to have an overall parapet height of 11.00 metres (parapet height 90.55 metres reduced from an initial parapet height of 94.2 metres, i.e. 3.65 metres lower). A roof garden, which includes communal open space (115 sqm) with an associated service/ access block measuring c. 2.5 metres in height, has also been permitted at roof level of within Block no. 1. Other changes to Block no. 1 include the replacement of balconies onto Main Street with winter gardens.
- Block no. 2 is a five storey building (over ground floor parking area & entrance). The first, second, third and fourth floors of Block no. 2 each comprise 2 no. 2 Bed (4P) Apartments (77 to 80 sqm). Block no. 2 is shown to have an overall height of 17.15 metres (parapet height 95.15 metres) and comprises 6 no. Apartments in total.
- Block no. 3 is a three storey building which comprises 1 no. 1 Bed (2P) (54 sqm) Apartment on the each of the respective ground, first and second floors, 3 no. Apartments in total. The overall height of Block no. 3 measures 10.6 metres (parapet height of 88.9 metres).
- Block no. 4 is a two storey building which comprises of Bawn House and an associated rear two storey flat roof extension. Block no. 4 provides 1 no. 1 Bed (2P) Apartment (60 and 61 sqm respectively) on each floor (Apartments

4A and 4B) (2 no. Apartments in total). The parapet height of the rear two storey extension to Block no. 4 is consistent with the existing ridge line of Bawn House.

- Other changes to the original proposals include:
 - The replacement of balconies on Main Street with winter gardens,
 - an increase in car parking spaces from the original 12 no. spaces to 15 no. spaces,
 - an increase in the number of secure bicycle spaces from the original 55 no. spaces (provided in the form of 45 no. secure bicycle storage spaces for residents, along with 6 no. visitor bicycle stands and 4 no. visitor spaces for restaurant patrons) to 56 no. spaces (provided in the form of 48 no. bicycle spaces in secure cycle storage areas with lockers, plus 8 no. bicycle spaces for visitors in secure sheltered areas),
 - an increase in the number and area of communal open spaces, from the original 1 no. communal open space at third floor level within block no. 1 to 2 no. communal open spaces at roof level within Block no. 1 (118 sqm) and Block no. 2 (50 sqm),
 - an increase in planting and landscaping areas.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Local Authority issued a Notification of Decision to **GRANT** permission in January 2026 subject to 17 no. conditions. Condition no. 3 relates to final finishes and materials to be agreed by way of condition prior to commencement and excludes the proposed zinc finish to block no. 1.

3.1.2. Condition no. 4 is also a prior to commencement condition which relates to the final design for the entrance/ junction area, confirmation that pedestrian priority and surface treatments are delivered in accordance with DMURS, confirmation of operation speeds and final sightline provide, a detailed refuse collection strategy and an updated Road Safety Audit to address items 3 and 5 of the submitted Audit and

confirmation that the alternative proposals to address these issues are accepted by the auditor.

- 3.1.3. Condition no. 5 relates to compliance with “*Recommendations for Site Development Works for Housing Areas*” (Department of the Environment and Local Government 1998), for the proposed roads and footpaths, subject to amendments/ submissions in relation to tree planting and grass margins, roads to be kerbed on both sides, the submission and agreement of CBR tests and the exact specification of road prior to commencement and the testing of road materials, at a reputable laboratory, at the developers own expense and made available for inspection if and when requested by the Local Authority.
- 3.1.4. Condition no. 8 relates to a pre-commencement Construction Management Plan and Demolition Waste Management Plan.
- 3.1.5. Condition no. 10 relates to the disposal of surface water as per the Civil Engineering Planning Report received on 10th December 2024.
- 3.1.6. Condition no. 13 deals with boundary treatments which shall be as per the details shown on the Landscape Plan (drawing no. LP-001) received on the 17th October 2025.
- 3.1.7. Condition no. 17 a) is a prior to commencement condition which relates to the written agreement of Uisce Éireann for the provision of water services necessary to serve the proposed development. Condition 17 b) confirms the role of the Local Authority as a Planning Authority, does not commit the Local Authority to the provision of any water services to serve the proposed development and stipulated that details of connections and the specification of materials to be used for the water services are a matter for Irish Water.
- 3.1.8. The Local Authority issued a Request for **FURTHER INFORMATION** in February 2024, on 8 no. main points which relate to a revised Design Statement to address design concerns relating to the impact of the proposed development upon the existing character and setting of the streetscape or alternatively a revised design proposal to address same, Potential Impacts to Residential Amenity in terms of access to sufficient Daylight and the stated extent of Dual Aspect Apartments to be achieved noting that many Apartments had openings which overlook a blank wall and revised proposals to address same, a Redesign of the proposed Private Amenity

spaces fronting onto Main Street, a Redesign of the proposed Communal Amenity Space which was considered to favour the occupants of Block 1, Potential Impacts to Residential Amenity in terms of Daylight and Overshadowing, Traffic and Pedestrian Safety and Compliance with DMURS, Car Parking, Bicycle Parking and Landscaping Plan.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The **Local Authority Planner** considered the proposed mixed use development and associated demolition to be acceptable in principle. Concerns were raised in relation to the scale and design of the proposed development having regard to its setting and context in the streetscape. The inclusion of balconies, the use of brick and a failure to include pitched roofs which address Main Street were raised as specific design concerns in addition to the inclusion of private amenity areas along Main Street, to the front of Blocks 1 and 3. The absence of an Architectural Heritage Impact Assessment (AHIA) was noted and while the proposed colour pallet was considered to compliment nearby Protected Structures, most notably St. Jospeh's Church, a concern was raised in relation to compliance with Heritage Objective NK21 of the NTMK town plan. Having regard to the Protected View to the North, the proposed development was considered to have been acceptable.
- Although the existing residential development to the rear (west) was considered to be sufficiently distant from the proposed development, the Local Authority Planner considered that it should be demonstrated the proposed development would not overshadow the private amenity areas of said adjacent scheme to an unacceptable degree. Although the quantum of private amenity space proposed was deemed to be acceptable, the extent of communal space provision was not considered sufficient and overly favoured occupants of Block no. 1. Concerns were raised in relation to the design of the proposed bike stores and additional bike spaces for the restaurant were considered necessary. Other general design concerns included Apartment size, Floor to Ceiling Heights, the Outlook from Apartments, potential Overlooking/ Loss of Privacy, the low quantum of Car Parking proposed and Landscaping.

- Following receipt of the Response to Further Information, which included significant design alterations, the **Local Authority Planner** recommended that a Grant of planning permission be issued.

3.2.2. Other Technical Reports

- The **Transportation and Infrastructure Delivery Department** recommended that Further Information be requested in relation to the design of the proposed access arrangements, a report/ comment on the impact of said access on existing car parking, detailed drawings for same having regard to DMURS, sightline drawings in accordance with DMURS (noting comments on Section 2.5.1 of Traffic and Transportation Assessment TTA), the provision of an Autotrack Drawing demonstrating that there is appropriate turning available for refuse trucks and that all car parking spaces are usable, details of road and footpath widths provided on a drawing, commentary as to how anticipated AM and PM retail trips can be accommodated, whether there is a reliance on on-street car parking or other private parking as the TTA infers such will be accommodated within the scheme and the provision of a Quality Audit, including a Road Safety Audit. Points 5 & 6 of the Request for Further Information relate to the issues raised by the Transport and Infrastructure Delivery Department.
- Following receipt of the Response to Further Information, the Transport and Infrastructure Delivery Department considered that although the 5 no. points raised under FI item no. 5 had been addressed there were still concerns in relation to certain elements including the reliance on an assumed 30 km/h design speed, access arrangements for refuse vehicles and aspects of the Road Safety Audit. It is recommended by the Transportation and Infrastructure Delivery Department that said issues require clarification and should be addressed by condition at decision stage.
- The **Municipal District Area Engineer** (Report dated 17th December 2025) noted that no details were provided for connection into storm water pipe and that the existing line must be surveyed to make sure there is capacity, that no details were provided in relation to the loading bay for the restaurant which raises a concern in relation to pedestrian conflicts with on-street car parking,

that additional pressure would be put on Main Street in terms of traffic impact whereas the traffic report suggests otherwise, that the stated rubber kerbing is not acceptable from a maintenance standpoint, that although there is reduced car parking proposed within the development and this may be part of the Newtown plan it has not been formally approved through a Part 8 process and that the proposed height is not acceptable or in keeping with the area. The Area Engineer recommended Refusal. Where permission is granted, the Area Engineer recommended that the traffic lights should be linked with the traffic lights at Fishers junction where a mova control system has been installed and that the Municipal District Engineer (MDE) should be consulted in advance, that the ramp on the Glenbrook Road should be moved to avoid traffic stopping on site and that line marking should be improved on Glenbrook Road.

- The **Housing Department** (Report dated 20th November 2025) raised no objection to the proposed development.
- The **Waste Management Section** (Report/ Email dated 12th December 2024) raise no objection to the proposed development. A comment is provided as follows: *'As far as practicable, material arising from the demolition of the side extension and chimney shall be recovered for re-use at a suitably permitted waste facility in accordance with the one of the strategic goals of the Wicklow County Council Climate Action Plan, 2024 – 2029.'*

3.3. Prescribed Bodies

- **Transport Infrastructure Ireland (TII)** made 3 no. submissions to the proposed development.
- The first TII submission (dated 18th December 2024) request that
'the Planning Authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".'

- The second and third TII submissions (dated 22nd October 2025 and 14th November 2025) both refer to the further information submitted and state that their position remains as set out in their letter of 18th December 2024.

3.4. Third Party Observations

- 3.4.1. A total of 8 no. Third Party Observation submissions were received by the Local Authority in respect of the proposed development, primarily from local residents but including 1 no. local interest group. All submissions are generally in objection to the proposed development. The issues raised in the said Third Party Submissions are similar to those referred to in the decision of the Local Authority and as raised in the Appeal. They also include concerns in relation to a devaluation in property values and planning precedents.

4.0 Planning History

- 4.1. The following is a summary of the Planning history on the subject appeal site:

- **VS/NTMK/11 (Case Ref. no. ABP-316248-23):** Vacant Sites Levy. Appeal against a Section 18 Demand for Payment. **DEMAND CONFIRMED** by an Bord Pleanála (now An Coimisiún Pleanála) in March 2024.
- **20/818:** Applicant: HT Carroll Ltd. Permission for conversion of Bawn House into 2 no. 1 bed Apartments, conversion of Bawn Mews into 2 no. 2 bed Apartments and Change of Use of Shop front to a live/ work 1 bed residential unit. Permission was **GRANTED** in February 2021 subject to 7 no. conditions.
- **17/1517:** Applicant: Aquafawn Ltd. Permission for minor internal alterations and new traditional shop front to existing shop unit (previously known as PB O'Byrne), minor internal alterations to 2 no adjacent residential units to the north (Bawn House and Bawn Mews) all together with associated site works. Permission was **GRANTED** in April 2018 subject to 2 no. conditions.
- **07/197:** Applicant: Kevin Gallagher. Permission for demolition of existing O'Byrnes shop and 1 no single storey residential unit and replacement of same with a mixed use 2/3 storey commercial - residential development comprising 9 no 2 bed apartments 4 no. ground floor retail units (9,456 sqm) including alteration and refurbishment of existing two storey office /

commercial building, and 3 no. first floor office units (185 sqm) landscaped roof garden with car parking under together with associated miscellaneous site works. Permission was **GRANTED** in November 2007 subject to 34 no. conditions.

- **05/4115 (Appeal Ref. No. 27.216209):** Applicant: Kevin Gallagher. Demolition of existing shop and 1 no. single storey residential unit and construction and replacement of same with a mixed use 2/3 storey commercial/ residential development. Permission was **REFUSED** in September 2006 for 2 no. reasons relating to i) substandard residential amenity and ii) traffic congestion.

4.2. Relevant Nearby Planning History

Site located c. 64 metres further to the south

- **2560509 (Appeal Ref. No. PL-500128-WW):** 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). Permission was **REFUSED** in March 2026 for the following Reasons and Considerations:

Having regard to the prominent town centre location of the site, which fronts onto Market Square and Main Street and adjoins a protected structure, it is considered that the proposed provision of an external residential access staircase and platform lift onto Market Square, and the scale, prominence, and materiality of these elements, would constitute an inappropriate, incongruous and visually intrusive form of development that would detract from the established character and architectural coherence of the streetscape, and would adversely affect the setting of the adjoining protected structure. Furthermore, it has not been demonstrated to the satisfaction of the Commission how the proposed development would integrate with the approved public realm works to the front of the site or, in the event of the works not progressing, with the existing public realm. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Site located c. 80 metres further to the southeast on the east street

- **21/731 (Appeal Ref. no. PL27.314323-22):** Demolition of non-habitable house, construction of 4 commercial units and 41 apartments in 2 separate blocks , 65 car parking spaces, upgrading of existing vehicular access from An tSráid Mhor, boundary treatment, landscaping and drainage installations. Permission was GRANTED in February 2024 subject to 20 no. conditions.

5.0 Policy Context

- ***Wicklow County Development Plan, 2022 to 2028***

5.1. Development Plan

5.1.1. I have reviewed the Development Plan and I have referenced the Chapters, Sections and Objectives further below which I consider to be of relevance to the assessment of the proposed development. Volume 1 of the Development Plan relates to the Written Statement. Variation no. 5 (Core Strategy & Housing Objectives) came into effect on 30th March 2026. In the Wicklow Settlement Hierarchy set out in Table 3.2 of Chapter 3 (Core Strategy) of Variation no. 5, Newtownmountkennedy is identified as a Level 4 settlement, 'Self Sustaining town' in the County settlement hierarchy.

5.1.2. As set out in **Chapter 4 (Settlement Strategy)** of the Development Plan, Newtownmountkennedy had a population of 3,552 persons in 2016 and has a population target of 5,179 persons for Quarter 2 of 2028, a difference of 1,627 persons. A key priority for Level 4 Self Sustaining Towns, such as Newtownmountkennedy, is the delivery of compact growth, regeneration and revitalisation of town centres. Proposals for regeneration and renewal should be heritage led where possible and informed by healthy placemaking. In addition, sustainable mobility will be promoted as part of any new development within Level 4 settlements.

Settlement Strategy Objectives

- **CPO 4.2:** *To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.*

- **CPO 4.3:** *Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.*
- **CPO 4.9:** *To target the reversal of town and village centre decline through sustainable compact growth and targeted measures that address vacancy, dereliction and underutilised lands and deliver sustainable renewal and regeneration outcomes.*

5.1.3. **Chapter 5 (Town & Village Centres – Placemaking & Regeneration)** of the Development Plan includes the following objectives:

Healthy Town Centres – Vitality & Viability

- **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 5.2:** *To protect and increase the quality, vibrancy and vitality of town and villages centres by promoting and facilitating an appropriate mix of day and night time uses, including commercial, recreational, civic, cultural, leisure and residential uses and to control uses that may have a detrimental impact on the vitality of the streetscape and the public realm.*
- **CPO 5.3:** *To particularly promote and facilitate residential development in town and village centres:*
 - *Promote the ‘active’ use of above ground floor levels, and in particular to promote the concept of ‘living over the shop’ in centres. Where a ‘living over the shop’ use is proposed, a relaxation in density, car parking and open space standards will be considered, where the development meets very high quality of design and accommodation.*
 - *Other than in the retail core area, residential development shall be the primary development objective for lands zoned town centre or village centre. This shall not preclude commercial development on lands zoned*

town centre or village centre when suitable sites are not available in the core retail area.

- *For smaller towns that do not have a defined core retail area the priority will be to facilitate uses which are consistent with maintaining activity and vitality in the town centre and addressing vacancy. While this may allow for the development of residential only developments in the town centre, any such proposals shall fully justify how such use will not diminish vibrancy in the town centre, or result in the town not being able to meet the retail / services needs of the local population.*
- **CPO 5.4:** *To limit the concentration or clustering of uses that have bland inactive frontages and that fail to interact with the streetscape including car parks, blank shop frontages and ground floor offices. Such uses undermine the vitality of the town or village centre.*

Regeneration & Renewal

- **CPO 5.6:** *To seek funding and focus new investment into the core of towns and villages in order to reverse decline, foster resilience and encourage new roles and functions for streets, buildings and sites within towns and villages.*

Town and Village Regeneration & Rejuvenation Priorities

- **Newtownmountkennedy:** *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.*
- **CPO 5.7:** *To identify and pursue transformational regeneration and renewal proposals and public realm initiatives that revitalise town and village centres, encourage more people to live in town and village centres, facilitate and incentivise new economic activity and provide for enhanced recreational spaces.*

- **CPO 5.8:** *To target development that will regenerate and revive town and village centres, address dereliction and vacancy and deliver sustainable reuse and quality placemaking 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.*
- **CPO 5.11:** *To identify obsolete and potential renewal areas within town and village centres and facilitate the re-use and regeneration of these areas and derelict lands and buildings with a view to consolidating the core of town and village centres.*
- **CPO 5.12:** *To encourage the redevelopment of brownfield sites in order to maximise the sustainable regeneration of underutilised/vacant lands and/or buildings particularly in town and village centres.*

Heritage

- **CPO 5.17:** *To harness and integrate the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive reuse, recognising its important contribution to placemaking. New development should respect and complement the historic fabric of existing towns and villages – the traditional street patterns, plot sizes, mix of building types, distinctive paving and attractive street furniture.*
- **CPO 5.18:** *To protect, integrate and enhance heritage assets, including attractive streetscapes and historic buildings, through appropriate reuse and regeneration and restrict inappropriate development that would undermine the settlement's identity, heritage and sense of place.*

Design

- **CPO 5.21:** *To strengthen the urban structure of towns and villages by ensuring that any new development contributes to a coherent urban form, focused on a high quality built environment of distinct character. New development shall incorporate a legible and permeable urban form that protects and complements the character of the street or area in which it is set in terms of proportion,*

enclosure, building line, design and by the marrying of new modern architecture with historic structures.

- **CPO 5.22:** *Within town and village centres, particularly the retail core, new development is required to provide for active street edges. Ground floor units should be occupied predominantly by uses that promote a high level of activity and animation. In order to maximise street activity, set-backs should be minimised and there should be a high frequency of entrances (every 5 to 10 metres).*
- **CPO 5.23:** *To require that new town centre development particularly public realm improvement works incorporates the principles of universal design to create an environment that is accessible, usable, convenient and a pleasure to use for all users.*
- **CPO 5.24:** *In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town / city cores, planning authorities are required to explicitly identify areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the NPF and RSES. In this regard, the identification of locations for increased building height shall be carried out in the preparation of Local Area Plans for settlements in Tiers 1-3 of the County Settlement Hierarchy as these are deemed the only settlements of sufficient scale and diversity in urban grain to accommodate such increases in height.*

5.1.4. **Chapter 6 (Housing)** of the Development Plan was updated under Variation no. 6. In the case of Newtownmountkennedy and other Self Sustaining Towns, a density range of between 30 dph to 40 dph is recommended for mainly residential schemes on Centrally Located sites may be appropriate or for more mixed use schemes.

Housing Objectives – Design

- **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 6.5:** *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; and*
 - *Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.*
- **CPO 6.6:** *To require that all planning applications for multi-unit residential development are accompanied by a Design Statement. Design Statements shall include a detailed assessment of existing environment and historic character and demonstrate how the design has evolved in response to these underlying characteristics and fabric of the town / village. The Design Statement should address each of the 12 criteria set out in the Urban Design Manual (DECLG May 2009). The layout, access, road widths and open space should be cognisant of town and village character.*
- **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).

- **CPO 6.8:** *Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time and in particular to require that all new residential developments in excess of 20 residential units to provide a minimum 5% universally designed homes in accordance with the requirements of 'Building for Everyone: A Universal Design Approach and the Universal Design Guidelines for Homes in Ireland (2015).*

Density

- **CPO 6.13:** *To require that new residential development represents an efficient use of land and achieves the minimum densities as set out in Table 6.1 subject to the reasonable protection of existing residential amenities and the established character of existing settlements. In promoting higher densities and more compact development, new development should demonstrate compliance with:*
 - *the Sustainable Urban Housing Guidelines for Planning Authorities (DEHLG 2009) and accompanying Urban Design Manual – A Best Practice Guide;*
 - *Quality Housing for Sustainable Communities (DoEHLG 2007);*
 - *Design Standards for New Apartments Guidelines for Planning Authorities (2018)*
 - *Design manual for Urban Roads and Streets; and*
 - *any subsequent Ministerial guidelines.*
- **CPO 6.14:** *To densify existing built-up areas subject to the adequate protection of existing residential amenities.*
- **CPO 6.15:** *Higher density proposals should be designed to a high standard, incorporate a mix of housing types and sizes and deliver compact urban forms that enhance the local built environment and contribute towards a sustainable*

mix of housing options. Proposals should provide an appropriate design response to the site, be designed to a high quality and afford adequate protection for residential amenity of neighbouring properties.

- **CPO 6.16:** *To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well-designed high quality outcomes and public safety is not compromised and the environment is suitably protected.*

Height and Scale

- **CPO 6.17:** *To facilitate development incorporating higher buildings (i.e. buildings that exceed the contextual prevailing height) where it has been adequately demonstrated that the development complies with the assessment criteria set out in Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG 2018) or any subsequent height guidelines.*

In accordance with the SPPR 3 of Urban Development and Building Heights Guidelines, where:

- *an applicant for planning permission sets out how a development proposal complies with the Urban Development and Building Heights Guidelines, particularly SSPR1 and SPPR2 thereof; and*
- *the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the NPF and Guidelines;*

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

In accordance with the SPPR 1 of Urban Development and Building Heights Guidelines, Planning Authorities are required explicitly identify areas where increased building height will be actively pursued for redevelopment, regeneration and infill development to secure the objectives of the NPF and

RSES. In this regard, the identification of locations for increased building height shall be carried out in the preparation of Local Area Plans for settlements in Tiers 1-3 of the County Settlement Hierarchy as these are deemed the only settlements of sufficient scale and diversity in urban grain to accommodate such increases in height.

- **CPO 6.18:** *To ensure that building height within future development makes a positive contribution to the built form of the area, is not obtrusive and does not adversely impact on the streetscape, local amenity or views. Require all development proposals, including infill development, to include an analysis of the impact of building height and positioning of buildings on:*
 - *The immediate & surrounding environment - streetscape, historic character;*
 - *Adjoining structures;*
 - *Open spaces and public realm;*
 - *Views and Vistas.*

Dwelling Mix / Sizes / Locations / Formats

- **CPO 6.27:** *To require new multi-unit residential development to provide an appropriate mix of unit types and sizes to ensure that there is a range of unit types available to suit the needs of the various households in the county, in accordance with the Design Standards for new Apartments, Guidelines for Planning Authorities (2020).*
- **CPO 6.28:** *Apartments generally will only be permitted in settlements Levels 1 to 6 and in accordance with the location requirements set out in Section 2.4 of the Design Standards for New Apartments, Guidelines for Planning Authorities (2020). All apartment development should be served by high quality usable open space.*
- **CPO 6.34:** *Support the change of use of vacant commercial premises in town/village centres to residential purposes outside of the retail core areas as identified in Chapter 10, subject to CPO 10.9.*

5.1.5. **Chapter 8 (Built Heritage)** of the Development Plan includes the following Objectives:

Architectural Heritage Objectives

- **CPO 8.10:** *To protect, conserve and manage the built heritage of Wicklow and to encourage sensitive and sustainable development to ensure its preservation for future generations.*
- **CPO 8.12:** *To have regard to ‘Architectural Heritage Protection: Guidelines for Planning Authorities’ (Department of Arts, Heritage and the Gaeltacht, 2011) in the assessment of proposals affecting architectural heritage.*

Other Structures & Vernacular Architecture Objectives

- **CPO 8.18:** *To seek (through the development management process) the retention, conservation, appropriate repair and reuse of vernacular buildings and features such as traditional dwellings and outbuildings, historic shopfronts, thatched roofs and historic features such as stonewalls and milestones. The demolition of vernacular buildings will be discouraged.*
- **CPO 8.19:** *Development proposals affecting vernacular buildings and structures will be required to submit a detailed, true measured survey, photographic records and written analysis as part of the planning application process.*

Historical & Cultural Heritage Objectives

- **CPO 8.25:** *To protect and facilitate the conservation of structures, sites and objects which are part of the County’s distinct local historical and cultural heritage, whether or not such structures, sites and objects are included on the RPS.*

5.1.6. **Chapter 10 (Retail)** of the Development Plan includes the following Objectives:

Town & Village Centres

- **CPO 10.1:** *To ensure the continued vibrancy and vitality of town and village centres, to direct new development and investment into towns and villages in the first instance and to particularly prioritise actions that enhance business,*

retail, leisure, entertainment and cultural uses, as well as making town and villages centres an attractive place to live.

- **CPO 10.2:** *To facilitate measures to improve the accessibility of centres by developing a pedestrian and cyclist friendly environment, which improves safety and limits traffic congestion where possible. It is the objective of the Council to promote accessibility to public transport. Development with a high potential for public transport utilisation by employees and visitors should be sited with ease of access to public transport facilities.*

Retail - Uses

- **CPO 10.11:** *To promote the revitalisation of vacant / derelict properties / shop units. Where no viable retail use can be sustained, alternative uses will be assessed on their own merits against the requirements of the proper planning and sustainable development of the areas within which they are located. This objective will be used to ensure that all proposals for the reuse of existing retail floorspace can be evaluated against the proportion of overall vacancy and to reduce the possibility of dereliction.*
- **CPO 10.12:** *To manage the provision of non retail uses at ground floor level within the retail core area of town centres in order to protect the retail viability of centres and to maintain the visual character of streets. This objective aims to prevent the proliferation of 'dead frontages' on key streets. In particular, active use of corner sites, particularly within larger centres, is considered pivotal in creating a sense of vibrancy.*
- **CPO 10.13:** *To promote an appropriate mix and balance of different types and styles of retail within centres and to control the number of bookmakers, off-licences (including off-licences in convenience stores), take-aways, 'cash for gold' and 'Pound' type shops, and other uses that can adversely affect the character of a centre. The mix and balance of different type of retail (including retail services) is important to attract people to centres, and to ensure centres remain the main meeting point for the community. Too many of certain types of outlet can destroy the balance of a centre.*

- **CPO 10.14:** *Conscious of the fact that planning has an important role to play in promoting and facilitating active and healthy living patterns for local communities, the following criteria will be taken into account in the assessment of development proposals for fast food/takeaway outlets⁶, including those with a drive through facility:*
 - *Exclude any new fast-food / takeaway outlets from being built or from operating within 400m of the gates or site boundary of schools or playgrounds, excluding premises zoned town centre / village / neighbourhood centre;*
 - *Fast food outlets/takeaways with proposed drive through facilities will generally only be acceptable within Major Town Centres or District Centres and will be assessed on a case-by-case basis;*
 - *Location of vents and other external services and their impact on adjoining amenities in terms of noise/smell/visual impact.*

5.1.7. Chapter 15 (**Waste & Environmental Emissions**) of the Development Plan includes the following Objective:

- **CPO 15.1:** *To require all developments likely to give rise to significant quantities of waste, either by virtue of the scale of the development or the nature of the development (e.g. one that involves demolition) to submit a construction management plan, which will outline, amongst other things, the plan to minimise waste generation and the plan to protect the environment with the safe and efficient disposal of waste from the site.*

5.1.8. Chapter 17 (**Natural Heritage and Biodiversity**) of the Development Plan includes the following Objective:

- **CPO 17.38:** *To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.*

5.1.9. Schedule 17.11 (View of Special Amenity Value or Special Interest) of Chapter 17 includes the following Protected View the location of which is indicated on the Newtownmountkennedy Heritage Map (Map no. 2) of the Newtownmountkennedy Local Area Plan to be to the north of the subject appeal site on Main Street

- **View no. 44:**
 - **Origin of View:** Main Street, Newtownmountkennedy
 - **Description:** View River Valley

5.1.10. Appendix 1 of the Development Plan relates to **Development and Design Standards.**

- **Newtownmountkennedy Local Area Plan, 2022 to 2028**

5.2. Local Area Plan

- Zoning

5.2.1. The subject appeal site is zoned Town Centre (TC) in the Newtownmountkennedy Local Area Plan (LAP). The relevant zoning objective is *'to provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use.'* The Description for Town Centre provided in Section 1.2.1 (Zoning Objectives Table) is *'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 emphasise on regeneration, infill town and historic centre conservation; ensuring priority for public transport where applicable, pedestrians and cyclists, while minimising the impact of private car based traffic and enhance and develop the existing centre's fabric.'*

5.2.2. Section 1.1.4 of the LAP relates to Town Centre and Retail. A total of 14 no. Town Centre & Retail Objectives are set out in Section 1.1.4, which include the following:

- *To support the continued enhancement of the existing Town Centre of Level 4 towns as the heart of the settlement;*

- *Ensure that the town centres are attractive places to live in, to work in and to visit, easy to get to, easy to walk and cycle within and are competitive places to conduct business;*
- *Facilitating a diverse mix of uses, and particularly encourage residential usage at appropriate town centre densities, and the concept of 'living over the shop';*
- *Create compact towns by reusing existing buildings and maximising the potential of infill and brownfield sites;*
- *Encourage the redevelopment and regeneration of vacant, underutilised and derelict sites;*
- *To apply the Vacant Sites Levy on qualifying vacant lands identified in each town as being within the 'regeneration and renewal' zone;*
- *The redevelopment of lands within the town core areas, particularly those sites with frontage onto the main streets and squares of Level 4 towns, shall provide for a street fronting building of a high quality design or for a high quality urban space, including hard and soft landscaping, and appropriate street fixtures and furniture, in order to enhance and create a more attractive streetscape;*
- *To allow a relaxation in certain development standards in the town centre zones in the interest of achieving the best development possible, both visually and functionally while maintaining the highest quality of design in all new developments;*
- *...*
- *Embracing the historic character and heritage attributes of each town centres and strengthen the strong sense of place;*
- *...*
- *Facilitate an expansion of retail floorspace to reduce leakage of expenditure from both the town itself and the wider County. Guide and promote the expansion of retail floorspace first and foremost within the core retail areas and thereafter in accordance with the sequential approach to retail development;*

5.2.3. Section 1.1.7 of the LAP relates to Built Heritage & Natural Environment and includes the following **Heritage Objectives**:

- *To protect natural, architectural and archaeological heritage, in accordance with the objectives set out in the County Development Plan, as are applicable to each town.*
- *To enhance the quality of the natural and built environment, to enhance the unique character of the town and environs as a place to live, visit and work;*

5.2.4. Part 3 of the LAP provides Specific Objectives for the Town. Section 3.3 relates to Residential Development where the stated future target growth for Newtownmountkennedy, as per the Core Strategy, is stated to be c. 630 units. In the built up area a minimum of 30% of the targeted housing growth shall be directed to the built up area generally comprising of lands zoned 'town centre' and 'existing residential'. There is no quantitative restriction inferred in the LAP as to the number of units which can be delivered on lands zoned Town Centre (TC) or Existing Residential (RE). Section 3.5 relates to Town and Retail and includes the following Objectives:

Town Centre & Retail Development Objectives

- **NK8:** *To work with the local community and other stakeholders to design, secure funding for and implement significant improvements to the town centre from the Y-junction at Fisher's as far as the Woodstock Road junction, including but not limited to:*
 - *The provision of mechanisms to slow traffic through this area;*
 - *alterations to the layout of the road carriageway and on-street car parking to allow for the provision of new or improved pedestrian and cycling facilities and additional pedestrian crossing points;*
 - *the creation of new civic spaces at suitable locations and in particular at the existing plaza at the Parkview Hotel;*
 - *improved hard and soft landscaping and tree planting, lighting, seating and other street 'furniture';*

- *the improvement of safety and appearance of key junctions, for example at the entrance to the car park at Dunnes, The Roundwood Road junction at the Church leading up to the schools and the junction at the Woodstock Road;*
- *the provision of improved facilities for public transport providers and users, including improved access to bus stops (particularly crossing points for passengers), shelters, covered bicycle parking, information points with maps, routes, timetables, real-time information and designated taxi ranks at / near the bus stops on Main Street;*
- *The provision of bicycle parking and electric car charging points.*
- **NK9:** *To avail of opportunities to remove public on street car parking on the Main Street, subject to due consideration of the commercial needs of Main Street, including loading parking.*
- **NK11:** *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, materials and finishes.*
- **NK16:** *To maintain / upgrade and provide new regional and local routes as may be necessary, in accordance with the Principles of Road Development as set out in Section 5.8.3 of the NTA Transport Strategy with overall objective to:*
 - *Develop orbital roads around the town centre accompanied by and facilitating enhanced public transport, cycling and pedestrian facilities in the relevant centre;*
 - *Develop appropriate road links to service development areas;*
 - *Enhance pedestrian and cycle safety through the provision of safer road junctions, improved pedestrian crossing facilities and the incorporation of appropriate cycle measures including signalised crossings where necessary;*

- *Address localised traffic delay locations, in cases where the primary reason for intervention is to address safety or public transport issues at such locations; and*
- *Implement various junction improvements and local reconfigurations on the regional and local road network.*

In particular, to require the provision of the following new roads in conjunction with the development of Action Areas 1 and 2:

- *Newtownmountkennedy western distributor route with east-west connections into the town centre (Road Objective R01); and*
- *Distributor route from Garden Village / Ballyronan interchange to the Woodstock Road (Road Objective R02)*

5.2.5. Section 3.8 of the LAP relates to Built & Natural Heritage and includes the following Objectives:

Heritage Objectives

- **NK20:** *To ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.*
- **NK21:** *To consolidate and safeguard the historical and architectural character of Newtownmountkennedy town centre through the protection of individual buildings, structures, shopfronts and elements of the public realm that are of architectural merit and / or contribute greatly to this character. All proposals for development within the historic core of Newtownmountkennedy and in the vicinity of recorded monuments and protected structures shall be accompanied by an archaeological / architectural impact assessment clearly demonstrating that the development proposed will not adversely impact on the integrity, heritage value or setting of valuable features and showing how the development has been designed to protect and enhance the heritage of the area.*

5.2.6. As per Map no. 4 Regeneration & Renewal Area, the entire subject site is located within a defined regeneration boundary for the Town.

- *Newtownmountkennedy Town Centre First Plan*

5.2.7. The Newtownmountkennedy Town Centre First Plan is a non-statutory community led framework plan for the town. The plan aims to shape a resilient, connected, and vibrant town centre and implementation will be supported by national funding streams. The subject appeal site is located within the defined town centre study area, the defined regeneration zone, is identified as a site where new development is planned and is within 5 minutes walking distance of the majority of existing town centre services, including public transport.

5.2.8. The Plan includes 5 no. Project Themes covering the main topics of Mobility, Public Realm, Green Space, Community Amenities, and Employment and Commerce. The Plan includes a total of 6 no. Appendices which include Appendix 1 (Outline Heritage Report), Appendix 3: Newtownmountkennedy Town Refurbishment Project Pedestrian Connectivity Between Main Street and Estates, Appendix 4: Newtownmountkennedy Town Refurbishment Project Parking Assessment Report, Appendix 5: Town Team Shopfront and Signage Design Guidelines and Appendix 6: Newtownmountkennedy Town Centre Riverside Walk. The plan is understood to have been launched in December 2025.

5.3. **Ministerial Guidance**

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2024
- Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011

5.4. **Natural Heritage Designations**

5.4.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- The Murrough c. SPA (Site Code 004186), c. 4.3 km to the east;

- The Murrough Wetlands SAC (Site Code: 002249), c. 4.93 km to the east.

6.0 EIA Screening

6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The proposed development is the subject of 2 no. Third Party Appeals, as follows:

- Sarah Fanning
- Newtownmountkenndy Community Forum

7.1.2. The main Grounds of Appeal for the First Appeal (**Sarah Fanning**) can be summarised as follows:

- Scale and Height:
 - The Scale and Height of the proposed development is at odds with previous planning decisions in relation to building height.
 - The proposals will introduce high rise blocks into a traditional Irish village. A four storey residential building is not conveyed in the Wicklow County Development Plan for Newtownmountkenndy.
 - Government guidance in relation to building heights is concerned with high density in urban centres not rural villages.
 - The proposals are out of scale and character for the area particularly the nearby hotel and St. Josephs Church (1864). The proposals fail to respect old buildings and streetscapes, see Objective NK11 of the

Newtownmountkennedy Town Plan, 2022 – 2028 and CPO 5.6 of the Development Plan.

- Sustainable Settlement Patterns:
 - The Development Plan encourages compact growth, sustainable settlement patterns and compact and the use of brownfield sites. The Appellant fully supports this objective but considers that any proposed development must be appropriate to the site.
- Quality of Place:
 - The proposed development does not promote healthy placemaking as it does not support quality of place. The proposals will impact upon existing residents in terms of increased costs for lighting and heating and could potentially impact on existing Building Energy Ratings (BER) thereby resulting in a depreciation in property values. Existing residents have enjoyed unimpeded sunlight into the communal garden and their houses for over 20 years and the proposed development will negatively impact same.
 - The Appellant refers to Section 3.2 (Overall Vision & Development Strategy) of the Newtonmountkennedy Town Plan, 2022 to 2028 in relation to securing a high quality living environment for existing and future residents.
- Overlooking of Creche:
 - The proposed development will overlook the rear garden space of the existing Creche and will thereby remove its privacy.
- Parking
 - The proposed parking for the restaurant is not fit for purpose. 12 no. car parking spaces is totally insufficient. The proposed arrangements will serve to result in over-spill car parking which is acknowledged in the Development Plan, see Section 3.7 (Service Infrastructure) of the Newtonmountkennedy Town Plan, 2022 to 2028.

7.1.3. The main Grounds of Appeal for the Second Appeal (**Newtownmountkenndy Community Forum**) can be summarised as follows:

- Appeal submission is made in a constructive and forward looking spirit. The development of this vacant site which has been idle for 20 years is welcomed by the entire community.
- **Design and Format:** The proposal does not however offer meaningful commercial or retail value to the main street as had been originally envisaged. 4 no. previously planned retail units have been removed to be replaced by 1 no. commercial restaurant. The proposed full 4 storey residential elements depart from the traditional living over the shop arrangement. The Community consider there is an opportunity for the developer to redesign the proposals to the original shopfront design concept. This would significantly strengthen the scheme and provide better support to the viability of the town centre in the long term.
- **Traffic and Public Safety and Parking Management:** Objective NK8 of the Newtownmountkenndy (NTMK) Plan specifically relates to improvements to the safety of the Dunnes entrance. It is the opinion of the Community Forum that the proposed development represents an opportunity to finally address the Traffic Concerns at this location. The comments of the Area Engineer are highlighted in relation to the lack of a loading bay for the restaurant and resultant traffic safety concerns arising.
- Planning Conditions should be included which require a re-design and upgrade of the Dunnes Stores entrance and associated junction, prior to occupation. Such conditions would serve to ensure compliance with Objectives NK16, NK8 and the advice of the Area Engineer.
- 12 no. Car Parking Spaces for 25 no. Apartments and a Restaurant will result in Car Parking overspill to the surrounding area which will in turn result in knock on traffic and safety implications for the Dunnes Junction. Appropriate traffic management, a revised site layout or complementary mitigation measures delivered by way of condition would serve to address the concerns of the forum.

- **Planning Policy, Primary Retail Function of the Town Centre and Alignment of the Town Centre First (ACT) Masterplan:** The proposed scheme, which is predominately residential, with limited retail provision does not fully reflect the shared objectives set out in the Wicklow County Development Plan, 2022 to 2028, the Newtownmountkennedy Local Area Plan and the Newtownmountkennedy Town Centre First (ACT) Masterplan (TCF).
- There is a danger that Apartment led proposals along Main Street will serve to shift the focus for the town centre from Commercial to Residential uses.
- Instead of refusing permission, the Appellant requests the Commission to consider whether modifications to the existing proposals are required to ensure the vibrancy and self-sustaining nature of the Town Centre.
- A requirement of Objective CPO 5.3 of the Wicklow County Development Plan is that the result of residential development should not be that the town is unable to satisfy the retail and service needs of its population. The forum is of the opinion that modest alterations to the existing proposals to provide more shopfronts could address its concerns in this regard whilst maintaining commercial viability for the Applicant.
- Objective NK8 includes reference to Dunnes Car Park '*..the improvement of safety and appearance of key junctions, for example at the entrance to the car park at Dunnes Stores..*'. The decision to Grant permission is at odds with the recommendations of the Council's own experts. Instead of availing of the opportunity to further strengthen this corner, the inaction of the Local Authority allows for possible future litigation.
- Objective CPO 5.22 states, inter alia that '*within town and village centres, particularly the retail core, new development is required to provide for active street edges. Ground floor units should be occupied predominantly by uses that promote a high level of activity and animation.*'
- The proposal new access vehicular creates a dead zone on Main Street which is in violation of Objective CPO 5.4 to '*to limit the concentration or clustering of uses that have bland inactive frontages and that fail to interact with the*

streetscape including car parks.. This arrangement will serve to act as a pedestrian deterrent, will lead to a lead degradation of safety, does not promote active frontages, will lead to anti-social behaviours as highlighted in the Shopfront and Signage Design Guidelines where obscuring the internal and external connection serves to diminish visual interest and perceived safety. The proposals are at odds with the sequential approach set out in the Retail Planning Guidelines, 2012, where the prioritisation of retail uses in the town centre is highlighted. The Local Authority has facilitated this requirement to be bypassed. The provision of residential uses is critical to the continuity of the 'Primary Retail Core'.

- The proposed development serves to destroy the setting of Bawn House and is contrary to Objective NK21.
- By supplementation or replacement of the restaurant with 4 no. retail units, as originally proposed, is preferable to the subject proposal.
- The proposed development, as presented, contradicts all of the 5 no. interconnected themes of the Newtownmountkennedy Town Centre First Masterplan, i.e. Mobility and Active Travel, Public Realm and Civic Spaces, Nature Assets and the Forest Town identity, Community Services, Employment and Commerce. This will lead to a cumulative impact of the destruction of WCC's 'Self-Sustaining' Concept, is part of a trend by the Local Authority which is transforming Newtownmountkennedy into an area of uncontrolled residential sprawl. This will ultimately lead to expenditure leakage which the CDP explicitly aims to reduce. The proposals offer nothing to the public realm.
- The proposals serve to weaken the town centre function of the site.

7.2. Applicant Response

7.2.1. The Applicant submitted 1 no. Response to each of the 2 no. Third Party Appeals, which can be summarised as follows (**Sarah Fanning**):

- Building Heights:
 - The proposed development is not high rise which is defined as 6 stories in height and there are no tower blocks. Newtownmountkennedy is a

Level 4 Self-Sustaining Town, not a village. The site is not identified as being in a 'Visually Vulnerable Area' in the Development Plan.

- The Local Authority assessed the proposal against the Protected View and concluded that it was acceptable. There are no Protected Structures or trees on site.
- The scheme has been designed to assimilate into the existing streetscape, includes the retention of Bawn house and breaks up the scale of the design into separate blocks resulting in increased light penetration and minimising visual impact. The Local Authority has determined the design and scale to be acceptable.
- Neighbouring Properties, including Creche garden:
 - The Local Authority has deemed the proposed development, and the potential impacts of same on neighbouring properties to be acceptable. As per the submitted Shadow Analysis, there are no impacts to the private amenity spaces or existing residential units to an unacceptable degree.
 - The scheme avoids Overshadowing of the adjacent Apartment development at Mountkennedy Court, allows for light penetration, to avoid Overshadowing of Mountkennedy Court, minimises Overlooking and will not impact existing BER ratings. The residents of Mountkennedy Court have not appealed the decision to Grant Permission.
 - No concerns were raised by the operators of the Creche. Potential Overlooking of Creche is addressed by using opaque glazing to the relevant balconies (western side).
- Parking: There are 15 no. car parking spaces proposed. This quantum of Car Parking and the planning case for same is set out in various documents attached to the planning file. The Local Authority considered this quantum of Car Parking to be acceptable.
- Planning Policy: The proposed development accords with National, Regional and Local Planning Policy.

- **(Newtownmountkenndy Community Forum)**
- The Appellants support the development of the site and are not requesting refusal.
- Planning Ref. 07/197 is out of date. The demand for retail units has significantly decreased since 2007, the nature of the market has changed and there is increased vacancy and dereliction. The proposal is for a viable use which provides frontage to the main street.
- The site is centrally located and avails of existing established retail, employment and local services nearby. Not all ground floors need to be commercial.
- Residential Units: The proposed development includes only 2 storeys of residential over the ground floor restaurant. The 3 stories of Block 1 is similar in scale to the nearby Hotel and Dunnes site. Less than 3 Stories would not be commercially viable and would not meet density requirements. In order to minimise visual impact on the streetscape, the higher building is positioned to the rear. 21 no. residential units is considered modest and aligns with Government Policy. The Local Authority has deemed the proposed development to be acceptable.
- Incorrect references to previous applications: Reg. Ref. No. 20/818 included 2 no. residential units onto Main Street and was Granted permission without any retail or car parking. Reg. ref. no. 20/818 only relates to a small portion (one fifth) of the overall subject appeal site. The said 2 no. applications Ref. 07/197 and 20/818 are therefore not comparable to the subject case.
- Incorrect descriptions of proposed development: The Appellant consistently refers to 25 no. Apartments and 12 no. Car Parking Spaces and a 4 Storey building onto Main Street, which is not correct. The Applicant is not referring to the revised proposals presented in Response to Further Information. This discrepancy needs to be taken into consideration when reviewing the case presented by the Appellant.
- Parking: The proposed Car Parking arrangements of 15 no. spaces caters for the Residential element of the proposal, is supported by the justifications set

out in the Traffic and Transportation Assessment (TTA) (Chapter 2.5.4) and aligns with policy guidance set out in the Development Plan and the Apartment Guidelines 2020. The site is in a strategic location, adjacent to accessible public transport with accessible car parking nearby. The proposals have been endorsed by the Local Authority.

- Junction of Glenbrook Road/ Main Street: The Design Team has set back the building along the Glenbrook Road by 2.5 metres to allow for future widening and junction improvements. This is in line with the Local Area Plan and will be to the future wider benefit of the town. The Transportation & Infrastructure Delivery Section of the Local Authority did not recommend refusal but instead recommended that further clarification needed could be addressed by condition at decision stage. Although the MD Area Engineer did recommend refusal, an initial observation was not made at the initial planning stage. The concerns of the MD were raised after Further Information stage and relate to items which can be dealt with by way of condition. The Local Authority deemed the proposed development to be acceptable.
- Block Positioning/ Active Street Frontages: Bawn House is proposed to be retained for residential use. The adjoining building has intentionally been kept to a low height. There is a green space provided to the south of Bawn house between it and the next building which will enhance the streetscape. Further south there is a 3 storey building proposed. A long standing existing entrance at this location onto main street is being maintained. Passive supervision will be provided at all times as a result of the proposed residential development. The restaurant represents a viable use, intended for long term occupancy and will provide an active street frontage onto Main Street.
- ACT Town Centre First Masterplan: The proposed development, as presented, does not conflict with the 5 no. themes of the non-statutory ACT Town Centre First Masterplan. The provision of Apartments in the town centre aligns with the vision of the Masterplan.
- The proposed development, as presented, aligns with National, Regional and Local Planning Policy.

7.3. **Planning Authority Response**

- None

7.4. **Observations**

- None

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the reports of the planning authority and having inspected the site, and having regard to relevant local/regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Design and Layout
- Traffic Impacts
- Planning Policy, Primary Retail Function of the Town Centre and Alignment of the Town Centre First (ACT) Masterplan
- Other matters
 - *Surface Water*
 - *Devaluation in Property*
 - *Planning Precedents and Planning History*
 - *Condition no. 16 of Local Authority Notification of Decision to Grant Permission*
 - *Residential Density*

8.2. Design and Layout

- *Proposed Demolition*

8.2.1. I note the proposed development includes the demolition of 2 no. existing buildings, i.e. Bawn Mews, which a single storey former dwelling structure, and a 2 storey former retail building. The subject site is not located within an Architectural Conservation Area (ACA) and neither of the said structures are listed in the Record

of Protected Structures nor indeed are they listed on the National Inventory of Architectural Heritage (NIAH). Both buildings are vacant, are in a poor state of repair and the site itself is on the vacant site register. The 2 no. buildings are not, in my opinion, of any exceptional built heritage value such that would warrant their retention.

8.2.2. I note, as per the Internal Report from the Waste Management Section, that although no objection is raised in relation to the principle of the proposed demolition, it is stated that *'in so far as is practicable materials arising from the demolition of the side extension and chimney shall be recovered for re-use at a suitably permitted waste facility ...'*. I note Condition no. 8 of the Notification of Decision to Grant permission relates to the lodgement of a pre-commencement Construction Management Plan and Demolition Waste Management Plan. I further note Objective CPO 15.1 of the Development Plan which is concerned with the management of construction waste.

8.2.3. Having regard to the foregoing and the fact that Bawn House is proposed to be re-use and refurbished for residential use, I am satisfied that the scale of the proposed demolition, as presented, is acceptable and that in the event of a Grant of permission being issued, the concerns of the Waste Management Section can be addressed by way of an appropriate pre-commencement condition.

- *Height and Scale*

8.2.4. The Appellant considers the height and scale of the proposed development to be out of character with the village setting. I note that Newtownmountkennedy, although originally a village, is designated as a Self-Sustaining Town in the Wicklow County Development Plan, 2022 to 2028. The context, setting and character of the subject appeal site and its surroundings is therefore, in my opinion, that of a town as opposed to a village.

8.2.5. The Applicants' amended the original proposal as part of the Response to the Request for Further Information and, in doing so, reduced the height and scale of same. In particular, Block no. 1 has been reduced in height and scale to 3 storeys from the initial 4 storey proposal. I further note that the tallest building, Block no. 2, which is 5 storeys in height, is positioned to the rear of the site and is set back c. 11 metres from the eastern site frontage. I note the established surrounding character and scale of buildings in the general area including Bawn House, a two storey

dwelling on the subject appeal site, which is proposed to be renovated and retained, the adjacent 3 storey Dunnes Stores shopping centre building and associated mono-pitch roof to the north, the nearby 3 storey Parkview Hotel located further to the north and other 3 storey buildings positioned further to the north along Main Street (R772). I note the western side of Main Street, further to the south, mainly includes 2 storey buildings with a few 3 storey buildings and that the eastern side of Main Street comprises predominantly single storey structures at present. I note as per appeal ref. no. ABP-314323-22, the site of which is located c. 80 metres to the south of the subject appeal site on the east side of Main Street, that 2 no. 4 storey blocks (3 no. residential floors over ground floor commercial) have been permitted, which face directly onto Main Street. This said site is currently under construction.

8.2.6. I note the difference in site levels between the subject appeal site and the site to the rear (west) and I further note the existing high retaining wall and fence positioned along the western site boundary. I also note the relationship between the proposed development, as amended, the surrounding streetscape to the north, south and east and the existing apartment scheme and creche to the rear (west). The 2 no. revised Contextual Elevation Drawings (Drg. No's: 2421-A-404-FI (Rev. 1) and 2421-A-404-B-FI (Rev. 1)) together with the revised Architectural Design Report and associated photomontages, in my opinion, best illustrate the reduced height, scale and massing of the proposed development and its proposed relationship to the surrounding streetscape.

8.2.7. On approach to the site from the south along Main Street, St. Josephs Church (Protected Structure, Ref. 13-39), which is positioned on higher ground, is shown to have ridge height of 95.3 metres which is 4.7 metres above the proposed parapet height of Block no. 1 (90.6 metres) and slightly above the proposed parapet height of Block no. 2 (95.15 metres). As Block no. 2 is proposed to be located on lower ground and is set back c. 11 metres into the subject appeal site, I am satisfied that St. Joseph's Church, which is positioned adjacent to the street, remains the most prominent building along the streetscape on approach from the south. The Village Inn Public House (Protected Structure Ref. 13-42) is a 7 bay Public House located c. 16 metres to the south of the subject appeal site. I note that although the proposed parapet height of Block no. 1 (90.6 metres) is c. 2.3 metres above the ridge height of the Village Inn (88.3 metres), there is a generous separation distance observed

between the respective sites and buildings such that, in my opinion, Block no. 1 does not present an overbearing or dominant impact upon the character and setting of said Protected Structure. I also note Block no. 1 is proposed to be set back into the site to allow for the potential future road widening of the Glenbrook Road.

- 8.2.8. On approach to the subject appeal site from the north along Main Street from the junction of Monalin Road, the western side of main street is dominated by modern 3 storey buildings which include ground floor retail and commercial uses with residential uses above. Parkview Hotel and Dunnes Stores, both 3 storey buildings, are located to the immediate north of the subject appeal site. In my opinion, both the proposed 3 storey Block 3 and Block 1 and indeed the 2 storey Block 4 which includes Bawn House, are of a comparable scale and height to the established prevailing building heights along the approach to the site from the north. The tallest building, Block no. 2, is positioned to the rear of the site and, on approach from the north, would not, in my opinion, be immediately noticeable until one is close to the site and has passed the Parkview Hotel.
- 8.2.9. As the subject appeal site is predominantly vacant at present, and as St. Joseph's Church is of significant height and scale and is positioned on higher ground on this approach, it naturally appears as a prominent building on this approach where views of the roof, upper side gable and bell housing are visible. I note as per CGI View 1 of the Architectural Design Report submitted as part of the Response to the Request for Further Information, that although proposed Block no. 1 partially obscures the current view of the side roof of St. Josephs Church, the building is not entirely obscured with part of the roof and bell housing shown to be visible. The scale and height of the previously proposed 4 storey Block no. 1, as shown on page no. 13 of the initial Architectural Design Report (December 2024) would, in my opinion, have entirely obscured views of St. Josephs Church from this viewpoint. I note, that as one travels further south towards the subject appeal site, that the Church comes more into view. As shown on the aforementioned Contextual Elevation Drawings and proposed CGI View 3 of the aforementioned Architectural Design Report, the proposed Church, in my opinion, owing to its size, height, scale and position on higher ground relative to proposed Block no. 1, would retain its dominance in the streetscape on approach from the north, particularly as one passes the centre of the subject appeal site and the views of the Church become more apparent.

8.2.10. Block no. 2 (parapet height 95.15 metres) is proposed to be located to the rear (west) of the site behind Block no's 3 and 4 and is proposed to be set back c. 11 metres from the Main Street and c. 44 metres from the edge of the Glenbrook Road. I note as per Elevation Drawing no. 2421-A-402-FI, Rev. 1, that the parapet height of Block no. 2 is proposed to be marginally higher (c. 1.75 metres) than the existing top of the mono-pitch roof (ridge height 93.40 metres) of the adjacent Apartment building (Mountkennedy Court) on the adjacent site to the rear (west). Owing to the established setting and context of the subject appeal site, in particular, its relationship to the adjacent site and building to the rear (west) and the associated significant differences in site levels, its relationship to established commercial developments on the lands to the immediate north and its proposed position relative to Main Street and Glenbrook Road, it is my opinion that the proposed 5 storey building height and scale of Block no. 2, is appropriate for this town centre location and would not be out of character with the established pattern of development in the area.

- *Additional Built Heritage Issues*

8.2.11. I note the concerns of the Appellants in relation to the impact of the proposed development upon the established Built Heritage of the area. I have already discussed further above the relationship between the proposed development and nearby Protected Structures further to the south. Bawn House on the subject appeal site is listed on the NIAH as being of Regional Importance, Ref. No. 16307003. The house is appraised in the NIAH as being '*well preserved house of c. 1860 which in its original condition adds much to the streetscape.*' The proposed development, as presented, includes the refurbishment and extension of Bawn House for residential purposes. The existing dwelling is understood to be vacant at present. The redevelopment of Bawn House is, in my opinion, a positive intervention which serves to ensure the longevity of the building into the future. The rear 2 storey extension will not be readily visible from the adjoining Main Street and is in any case subservient to the main structure. I note the poor condition of the existing buildings to the north (Bawn Mews) and south (2 Storey former Shop – B.P. O'Byrne) which are proposed to be demolished, the principle for which, as discussed further above, is considered to be acceptable.

8.2.12. I also note the existing scale of surrounding buildings further to north and northwest which, in my view, serve as relevant existing design references, particularly in terms of scale and height. The proposed 3 storey Block no. 3, although higher than the ridge height of Bawn House, is lower than the overall height of the Dunnes Stores Building and is stepped off the existing front building line of Bawn House. There is a proposed graduation in building heights in a north to south direction along the Main Street from the Dunnes Stores Building to Block no. 3 to Bawn House. As shown on supporting photomontages, on approach from the north, Bawn House, which is not overly dominated by the proposed new 3 storey block no. 3, remains a prominent building in the streetscape. I note the proposed separation distance between Block no. 1 and Bawn House (c. 17 metres) which is greater than the existing distance between Bawn House and the Dunnes Stores building (c. 10.9 metres). Owing to the separation distance proposed to be observed between Block no. 1 and Bawn House, it is my opinion that the established and future Built Heritage of the structure will not be unduly impacted upon and that its context and relevance in the streetscape will be maintained and indeed enhanced.

8.2.13. I note the established character and building heights of structures located on the east side of Main Street, proximate to the subject appeal site, where the general character is single storey and where there is 1 no. 2 storey, albeit with a lower ground floor level relative to the adjacent street. I note 1 no. house in particular, which more or less faces Bawn House, is also listed on the NIAH as being of Regional Importance, Reg. No. 16307004. The relevant appraisal on the NIAH for this said structure is *'although now somewhat altered this is still a rare example of a vernacular cottage within an urban setting.'* I estimate this structure to be within c. 13.5 metres of Bawn House which is greater than the existing c. 10.9 metre distance between Bawn House and the existing Dunnes Stores Building. Having regard to the existing relationship between Bawn House, the 3 Storey Dunnes Stores Building (including monopitch roof) and the said single storey structure on the opposite side (east) of Main Street, it is my opinion that an additional building, Block no. 3 as proposed, would not serve to impact negatively upon the established character and setting of said single storey structure to an unacceptable degree.

8.2.14. In conclusion, and having regard to the foregoing, it is my opinion that the proposed development, as presented, which includes the redevelopment and reuse of an

existing former dwelling structure which is of built heritage value, is such that it will not serve to impact negatively upon the established built heritage assets of the area and is therefore acceptable from a built heritage perspective. In reaching the above conclusion, I have had regard to Objective CPO 5.6 of the Wicklow County Development Plan, 2022 to 2028, Objective NK11 and Objective NK21 of the Newtownmountkennedy Town Plan, 2022 to 2028 and the findings and recommendations of Appendix 1 (Outline Heritage Report) of the Newtownmountkennedy Town Centre First Plan.

- *Protected View*

8.2.15. I note the concerns of the Appellants in relation to the impact of the proposed development upon an existing Protected View. The relevant view is referenced in Chapter 17 (Natural Heritage & Biodiversity) of the Wicklow County Development Plan, 2022 to 2028, (View no. 44) where the stated Origin of the View is Main Street, Newtownmountkennedy and the stated Description is View River Valley. I interpret this to mean the view of River Valley from Main Street is the view to be protected. I note the route of the Newtownmountkennedy River runs in a general west to east direction and transects Main Street further to the north where there is an existing plaza area and associated river walkway positioned between Dunnes Stores and the Parkview Hotel. The proposed development, as presented, has been designed to have regard to the scale of existing buildings along Main Street and has intentionally positioned the taller building (Block no. 2) to the rear of the site. Having regard to the location of the subject appeal site to the south of the River Valley and associated Protected View and noting the scale and height of existing buildings adjacent to the River Valley and plaza, it is my opinion that the proposed development, as presented, would not give rise to any discernible impact upon Protected View no. 44, and is therefore acceptable in this regard.

- *Sunlight and Daylight*

8.2.16. I note the concerns of the Appellant in relation to the issue of a loss of Sunlight to the adjacent apartment development to the rear (west). In particular, the Appellant is concerned that the proposed development will serve to negatively impact existing unimpeded sunlight into the communal garden of said existing apartment development. I note the Applicants' Response to this issue wherein the Shadow

Analysis submitted in Response to Further Information is referenced and where it is considered that the proposal will not impact the private amenity spaces or existing residential units to an unacceptable degree.

- 8.2.17. As per the revised Applicants Cover Letter presented as part of the Response to Further Information, the Applicant, under point no. 4, explains the orientation of the site and the location of the adjacent Apartment development to the west of same. As the sun moves around to the south and west during the course of the day, it is explained that any shadowing is coming from the other direction and it therefore not falling onto the neighbouring lands to the west.
- 8.2.18. I note the said Shadow Analysis document submitted in Response to Further Information, which is presented in 4 no. pages and relates to the key dates of 21st March, 21st June and 21st December (9 am, 12 pm and 3 pm). The Applicants' Shadow Analysis states that the proposed development, as amended, will not overshadow the private amenity spaces or the residential units to the northwest of the subject lands, or any neighbouring buildings to an unacceptable degree. I agree with this analysis and I am satisfied that the proposed development, as presented and amended, will not give rise to an unacceptable degree of overshadowing or loss of daylight to the existing amenity spaces to the west and Apartments to the northwest.
- 8.2.19. I note the Appellants concerns that the proposed development will impact negatively upon the BER rating of surrounding residential properties. Owing to the separation distances proposed to be observed between the proposed development and the existing apartment development to the west/ northwest, in addition to the existing differences in site levels and the minimal impact the proposed development will have upon the said adjacent apartment development in terms of overshadowing and loss of sunlight, I am satisfied that the proposed development, if permitted, would not give rise to an discernible impact upon the existing or indeed future BER ratings of said adjacent apartment development.
- 8.2.20. I separately note the Applicants' Daylight Analysis Report and the findings therein. I am satisfied that the proposed development, as presented, would be acceptable and would facilitate an acceptable degree of Daylight penetration for the overall scheme.

8.2.21. In conclusion, the proposed development, as presented, in my view, is acceptable in terms of Sunlight/ Overshadowing impacts and Daylight penetration. In this regard, it is my opinion that the proposed development, as presented, serves to promote healthy placemaking and supports quality of place.

- *Overlooking*

8.2.22. The issue of potential overlooking of the adjoining creche outdoor play space is raised by one of the Appellants. I note the proposed relationship of the proposed development, as amended in response to the Request for Further Information, to the adjacent Creche and associated rear Creche play space. At its closest point, I would estimate the subject appeal site to be within c. 8.5 metres from the eastern edge of the external Creche play space. The closest and most relevant proposed Apartments to the play space is Apartment 1J located at Second Floor Level within proposed Block no. 1. I note as per the Proposed Second Plan drawing no. 2421-A-102 FI (Rev. 1), that there are no west facing windows on the west elevation of Bedroom no. 2 and that the kitchen window on the same elevation is proposed to be opaque. There is a west facing window which is proposed to serve the dining/ living room and a proposed balcony on the side (south) elevation which is shown to be open. The Applicant, as part of the Appeal Response, submits that no concerns have been raised by the operators of the Creche and that potential Overlooking is addressed by using opaque glazing to the relevant balconies (western side).

8.2.23. I estimate the proposed dining/ living room window, which is within c. 1 metres of the shared western site boundary, to be at least 22 metres away to the southwest of the Creche Play Space. The western side of the proposed balcony would be further away. As neither the said dining/ living room window or balcony directly overlook the rear Creche Play Space and both observe a generous separation distance of over 22 metres, I am satisfied that no undue overlooking of the existing rear Creche Play Space is likely to occur from Block no. 1.

8.2.24. I note the proposed position of Block no. 2 relative to the site to the west. Both the third and fourth floors have windows and openings on the proposed west and south elevations. All windows on the second, third and fourth floors of the west elevation of Block no. 2 are shown to be of opaque glazing and therefore no overlooking issues arise. Direct views of the rear Creche Play Space from either of the front (south)

balconies of Apartment no's 2A and 2C on the first and second floors would not, in my opinion, be available owing to the difference in site levels and the presence of existing boundary screening. In this regard, I refer to proposed Section Drawing (Proposed Sections A301/1 & A301/2, Drg. No. 2421-A-301 FI, Rev, 1) which shows the proposed relationship between proposed Block no. 2 and the said adjacent site to the west. At the relevant third and fourth floor Apartments in Block no. 2, (see Apartments 2E and 2G) the south facing balconies are proposed to have opaque glazing on their respective western sides. This serves to address any potential overlooking issues to the west. I estimate that the centre of the relevant south facing balconies (see Apartments 2E and 2G) would be over 16 metres from the northeast corner of the rear Creche Play Space. Having regard to the orientation and nature of the proposed balcony space for the said 2 no. Apartments relative to the rear Creche Play Space, the separation distances proposed to be observed and the proposed obscured glazing on the side (west) elevations of same, it is my opinion that the proposed development, as presented, serves to achieve a satisfactory level of privacy for future residents and adjoining properties and would not result in any significant overlooking or loss of privacy.

- *Design Options*

8.2.25. I note as part of the Response to Further Information that the Applicant presented 2 no. Design Options (A + B) for the inclusion of a roof garden to Block no. 2 (Option A) and the exclusion of a roof garden (Option B). The Applicants' proposals are further explained in the Applicants' Further Information Cover Letter, see item 3 b). Having regard to the proposed location of Block no. 2, to the rear of the subject appeal site, it is my opinion that Option A (inclusion of Roof Garden) is acceptable. The proposed metal façade cladding to the stairwell would not, in my opinion, be readily visible from Main Street level and occupies a relatively small footprint at roof level. The acceptance of Design Option A should be addressed by way of condition in the event of a Grant of permission being issued.

- *Conclusion on Design and Layout*

8.2.26. In conclusion, it is my opinion, having regard to the setting, context and town centre location of the subject appeal site, that the proposed development, as presented, would represent an acceptable form of development, particularly in terms of its

proposed height and scale, would not serve to impact negatively upon the established built heritage assets of the area, would not unduly impact upon the existing Protected View, would not serve to impact negatively upon surrounding established residential and commercial amenities in the area in terms of Overlooking or a significant loss of Sunlight or Daylight. Therefore, the Design and Layout of the proposed development is, in my opinion, appropriate and is consistent with the proper planning and sustainable development of the area.

8.3. Traffic Impacts

- *Car Parking/ Cycle Parking*

8.3.1. The Appellant considers the 12 no. car parking spaces proposed to be totally insufficient and that this arrangement will serve to result in overspill car parking in the area. I note, as per the approved development, that there are in fact 15 no. car parking spaces proposed.

8.3.2. I note point no. 6 of the Request for Further Information is concerned, in part, with the quantum of Car Parking proposed as well as the potential for off-site Car Parking. I note the Applicants' Response to this point (no. 6) of Further Information. The revised scheme is for 21 no. Apartment units and the Applicant submits that there is therefore parking provided for 71% of the residential units. The Applicants justification for the quantum of Car Parking is set out in Chapter 2.5.4 of the Traffic and Transport Assessment (TTA). The Applicant calculates, as per the recommendations set out in Table 2.3 of Appendix 1 of the Wicklow County Development Plan, 2022 to 2028, that there is a maximum car parking demand for of 25.2 spaces based on the 21 no. Apartments proposed.

8.3.3. The Applicant references a maximum car parking standard for 'other retail' of 4 spaces per 100 sqm. The restaurant is indicated to have a gross floor area of 257 sqm which, if classified as 'other retail', generates a Car Parking demand for an additional 8 no. spaces, thereby equating to an overall maximum demand of 33 spaces.

8.3.4. There is a separate category for a Restaurant Dining Room, as per the above referenced table 2.3, of 10 spaces per 100 sqm gross floor area. I note the internal layout for the proposed Restaurant which comprises 3 no. Dining Areas, in the form of the Restaurant Front Dining Room (78 sqm), the Dining Room (23 sqm) and an

Outdoor Dining Area (13 sqm). I estimate the combined Restaurant Dining Areas to extend to a maximum of c. 114 sqm which under the Restaurant Dining Room category equates to a maximum car parking demand of 10 no. spaces. This, in turn, equates to an overall higher maximum car parking demand for 35 no. spaces (i.e. 25 plus 10). The proposed development, at 15 no. car parking spaces, falls far short of this maximum demand (35 no. spaces).

- 8.3.5. I note the Applicants' case for the quantum of car parking proposed which, it is argued, is strategically justified based on a number of factors including Policy Alignment, Strategic Location, Public Transport Accessibility, Alternative Parking Availability and Sustainable Travel Integration.
- 8.3.6. I note the stated frequency of public transport in the TTA where hourly buses run from the nearby bus stop into Dublin City and additional half-hourly bus services connect to Greystones and Bray where the DART and Intercity Rail Services are available.
- 8.3.7. While I note the Applicant, as part of the Policy Alignment justification, refers to the Sustainable Urban Housing: Design Standards for New Apartments (2020), the applicable SPPR for Car Parking is SPPR 3 - Car Parking of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024, see Section 1.1 of same where it is stated that planning authorities and An Bord Pleanála '*...shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines..*'. I note the maximum car parking rates set out in Section 5.25 (SPPR 3) of the Compact Settlement Guidelines, 2024, where, as per Chapter 3 (Table 3.8), a definition for a peripheral location is provided. Based on the frequency of public transport connections, it is my opinion, that the subject appeal site falls within said definition of a peripheral location where as per SPPR3 – Car Parking of the said guidelines, the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 spaces per dwelling. As the Development Plan Car Parking standard of 1.2 no. car parking spaces per dwelling, is below the stated maximum standard of 2 spaces per dwelling as per SPPR 3, I am satisfied therefore that this maximum rate for residential car parking of 1.2 spaces per dwelling applies.

8.3.8. I note the Applicants case in relation to Sustainable Travel Integration and Section 2.5.5 of the TTA which deals with Cycle Storage. In summary, it is proposed to provide a total of 59 no. bicycle parking spaces for the 21 no. Apartments and 4 no. bicycle parking spaces for the proposed restaurant, a total of 63 no. bicycle parking spaces. The quantum and format of cycle storage proposed, in my opinion, satisfies the Bicycle Parking Standards set out in Table 2.4 of the Appendix 1 of the Development Plan.

8.3.9. In conclusion, having regard to the town centre location of the subject appeal site, the availability of nearby public transport, the availability of alternative parking in the vicinity of the subject appeal site, including Main Street, the provision of 1 no. mobility impaired car parking space, the justifications presented by the Applicant for the quantum of car parking proposed and the provisions of Section 2.1.7 (Car Parking) of Appendix 1 of the Development Plan, where car parking standards set out in Table 2.3 shall be taken as maximum standards and to the net planning gain the proposed development presents, it is my opinion that there is sufficient justification presented to accept the quantum of car parking provision proposed. I am therefore satisfied that the proposed development is acceptable in terms of Car Parking and Bicycle Parking provision.

- *Lack of Loading Bay/ Adjacent Junction*

8.3.10. I note the concerns of the Appellant in relation to the lack of a loading bay to serve the proposed restaurant. This issue is also mentioned in the Report from the Area Engineer where a concern is raised that vehicles will park on the footpath and obstruct pedestrians. I note there are existing on-street car parking spaces located on Main Street to the front of the subject appeal site and further to the north to the front of the Dunnes Stores Building. As part of the submitted Traffic and Transportation Assessment, the Applicant refers to the Newtownmountkennedy Town Centre Refurbishment Project. Details of this Part 8 Project are available to view on the Local Authority website and I note as per Drawing no. 0004 (Rev. C02) – General Arrangement of said Part 8 project, that a loading bay is proposed to the front (east) of the existing Dunnes Stores building located further to the north. Such a loading bay could, in my opinion, readily serve the proposed development.

8.3.11. The issues of Autotrack drawings and Refuse vehicle access were raised under Point no's 5 d) and 5 e) of the Request for Further Information. I note the Applicants' Response which included Autotrack Drawings. I am satisfied that the Applicant has suitably demonstrated that the car park is accessible for Cars and Light Vans. The Applicant submits that no refuse collection is to take place on site and that bins will be presented to the public road. I note Condition no. 4 b) of the Notification of Decision to Grant permission relates to this issue and seeks, inter alia, a detailed refuse collection strategy. In the event of a Grant of permission being issued, it is my opinion that this issue be similarly conditioned. Having regard to the foregoing, I am satisfied that the proposed restaurant can be suitably serviced.

8.3.12. I note the concerns of the Appellant in relation to the capacity of the adjacent junction. This issue arose as part of the Applicants Traffic and Transportation Assessment (TTA) where it was found that the cumulative traffic impact of the proposed development together with anticipated committed development in the area would not give rise to an increase in traffic generation of greater than 5% for both AM (3.5%) and PM (4.7%) at the adjacent signalised junction, see Section 4.5 and Table 4.11 of the TTA. As it is anticipated that there is sufficient capacity at the said junction to cater for the proposed development in addition to other planned development, I am satisfied that the Applicant has suitably addressed this issue and that there is no requirement for further upgrades of said signalised junction. I note the Area Engineer, in reference to the existing junction, states that if permission is granted, the traffic lights should be linked with the traffic lights at Fishers Junction and that a mova control system has been used at Fishers Junction. As it has been demonstrated that the existing junction has sufficient capacity to cater for the existing development and as an upgrade of the existing traffic lights is not proposed and does not form part of the subject application, it is my opinion that the current arrangements are satisfactory and that there is therefore no requirement to link the existing traffic lights with the traffic lights at Fishers Junction.

- *Dunnes Stores Junction*

8.3.13. I note the Appellant refers to Objective NK8 of the Newtownmountkennedy Local Area Plan which refers, inter alia, to '*..the improvement of safety and appearance of key junctions, for example at the entrance to the car park at Dunnes...*'. The entrance

to the Dunnes Stores Car Park is located c. 40 metres to the west of the junction of Glenbrook Road and Main Street. The Appellant also refers to NK16 which is a general Roads objective relating to the maintenance and upgrade of roads within the town including the implementation of various junction improvements and local reconfigurations on the regional and local roads network. There is no direct reference in Objective NK16 to the junction at the entrance to Dunnes Stores Car Park. The Appellant considers that planning conditions should be included which require a re-design and upgrade of the Dunnes Stores entrance and associated junction, prior to occupation.

8.3.14. I note the Applicant proposes to provide a setback for Block no. 1 along Glenbrook Road which it is stated is *'to allow for the widening of Glenbrook Road'*. Having regard to the Applicants' proposals, it is my opinion that the proposed development serves to facilitate future road safety and appearance improvements to the entrance to Dunnes Car Park. In this regard, I am satisfied that the proposed development does not therefore conflict with Objective NK8 nor indeed Objective NK16 of the Newtownmountkennedy Local Area Plan and that there is no requirement to attach specific conditions in relation to the upgrade of the Dunnes Car Park junction in the case of a grant of permission being issued.

- *Confirmation of operating speeds and final sightline provision (New Issue)*

8.3.15. Point no. 5 c) of the Request for Further Information related to the issue of sightlines from the proposed entrance onto the public road. Condition no. 4 b) of the Notification of Decision to Grant permission is a Pre-Commencement condition and includes a requirement to provide confirmation of operating speeds and final sightline provision. I note the Applicant has shown sightlines of 24m x 2.4 metres which is based on recommendations contained in Table 4.2 of DMURS and assumes a design speed of 30 km/h. The Applicant considers the position of the entrance, proximate to a signalised junction in the town centre represents a location where speeds are naturally reduced. In my opinion, a similar condition to condition no. 4 b) of the Notification of Decision to Grant permission should be attached in the event of a grant of permission being issued. As this is a New Issue, the Commission may wish to seek the views of the parties.

- *Refuse Access (New Issue)*

8.3.16. Point no. 5 e) of the Request for Further Information related to the issues of appropriate turning for refuse vehicles and the usability of all car parking spaces. I note the Applicants Response to these issues and the assessment of same by the Local Authority where it was considered the Applicant had not fully addressed the issue of Access for Refuse Vehicles. I note the proposed remedy to this issue as per Condition no. 4 b) of the Notification of Decision to Grant permission which is a Pre-Commencement condition and includes a requirement to provide a detailed refuse collection strategy. In my opinion, a similar condition should be attached in the event of a grant of permission being issued. As this is a New Issue, the Commission may wish to seek the views of the parties.

- *Quality Audit/ Road Safety Audit (New Issue)*

8.3.17. Point no. 5 g) of the Request for Further Information related to the issue of a Quality Audit including a Road Safety Audit. In response, the Applicant provided a Quality Audit and a Stage 1 / 2 Road Safety Audit. The Local Authority noted that certain aspects of the audit recommendations, namely Items 3 – Footpath Locations to Rear of Parking Spaces and Item 5 – Vehicle Swept Path Analysis, had not been accepted and that the designers response does not clearly demonstrate whether the auditor is satisfied with the alternative measures proposed. The Local Authority considered this issue could be addressed by way of condition and as part of Condition no. 4 b) of the Notification of Decision to Grant permission, which is a Pre-Commencement Condition, an updated Road Safety Audit to address items 3 and 5 of the submitted Audit and confirmation that the alternative proposals to address these issues are accepted by the auditor has been imposed. In my opinion, a similar condition should be attached in the event of a grant of permission being issued. As this is a New Issue, the Commission may wish to seek the views of the parties.

- *Conclusion in relation to Traffic Impacts*

8.3.18. In conclusion, having regard to the acceptable quantum of Car Parking and Cycle Parking proposed, the planned Town Renewal Scheme which includes provision for a Loading Bay further to the north along Main Street, the anticipated capacity of the existing adjacent junction (Glenbrook Road/ Main Street) to cater for increased traffic movements arising as a result of the proposed development, the general accessibility

of the site for most vehicle types and the proposed set back along Glenbrook Road which facilitates future road widening and access improvements to the existing junction to the west with Dunnes Stores Car Park, it is considered that, subject to the attachment of appropriate conditions in relation to confirmation of operating speeds and final sightline provision, a refuse collection strategy and measures to address certain minor Road Safety Audit issues, in the event of a Grant of permission being issued, the proposed development would be acceptable in terms of its anticipated traffic impact and would therefore be in accordance with the proper planning and sustainable development of the area.

8.3.19. In reaching the above conclusion, I have had regard to the submissions received from Transport Infrastructure Ireland. As noted further above, it is considered that the existing adjacent junction has sufficient spare capacity to accommodate the proposed development and the anticipated increase in the volume traffic movements arising as a result of the proposed development are not considered to be such that they would have the potential to impact negatively upon the existing carrying capacity of the National Road Network. I am also unaware of any current proposals for works to provide a Luas Light Rail System in the area which would be of relevance to the proposed development on the subject appeal site.

8.4. Planning Policy, Primary Retail Function of the Town Centre and Alignment of the Town Centre First (ACT) Masterplan

8.4.1. The Appellants refer to numerous planning objectives contained in the Wicklow County Development Plan, 2022 to 2028, the Newtownmountkennedy Local Area Plan and the Newtownmountkennedy Town Centre First Masterplan in support of the respective planning cases presented. Each of the respective objectives is discussed further below.

- *Wicklow County Development Plan, 2022 to 2028 (Objective CPO 5.3)*

8.4.2. Objective CPO 5.3 is set out in Chapter 5 (Town & Village Centres – Placemaking & Regeneration) of the Development Plan with a stated purpose *‘to particularly promote and facilitate residential development in town and village centres ...’*. In my opinion, the proposed development, which relates to a vacant site in the town centre and which provides a commercial use on the ground floor and residential uses for the remainder of the scheme, complies with the provisions of Objective CPO 5.3, would

serve to assist in revitalising the town centre and has the potential to act as a catalyst for further appropriate town centre development into the future. In addition, the proposed commercial use (restaurant) and residential use are identified in the Newtownmountkennedy Local Area Plan as uses which are generally appropriate in town and village centres. I do not accept the opinion of the Appellant that the proposed development, in of itself, creates a danger for Apartment led proposals along the Main Street to shift the focus away from commercial to residential uses as there is a substantial ground floor commercial use (Restaurant) proposed. The Appellant suggests that the proposed development be modified to secure active ground floor uses along Main Street. While there may be merit in such a proposal, such modifications, to include more active ground floor uses, would be outside the scope of this appeal.

- *Objective CPO 5.4*

8.4.3. Objective CPO 5.4 of the Wicklow Development Plan is concerned with limiting the concentration or clustering of uses that have bland inactive frontages and fail to interact with the streetscape including car parks, blank shop frontages and ground floor offices. Such uses are considered to undermine the vitality of the town or village centre. In my opinion, the proposed development, as amended in Response to the Request for Further Information, presents an active frontage along Main Street and along Glenbrook Road to the south, which serve to successfully interact with the streetscape. I note the previous proposals included ground floor apartment patios along the street frontage, which have since been omitted. The proposals would not, in my opinion, represent uses which would serve to undermine the vitality of the town. I note the concerns of the Appellant as to the potential for future anti-social behaviour arising as a result of the proposed development. In my opinion, an acceptable level of ground floor passive surveillance would be achieved which would serve to contribute in alleviating such concerns. In the event of a Grant of permission being issued, it is my opinion that a condition should be attached the effect of which would serve to ensure an appropriate level of passive street visibility is provided. In reaching this conclusion, I have had regard to the recommendations contained in the Shopfront Design and Signage Design Guidelines attached as Appendix 5 of the Newtownmountkennedy Town Centre First Plan and, in particular, the guidance in relation to Windows, Glazing and Display Areas.

- *Objective CPO 5.22*

8.4.4. Objective CPO 5.22 of the Wicklow Development Plan is concerned with the promotion of active street frontages, ground floor uses with a high level of activity and animation, the minimisation of set-backs and a high frequency of entrances (every 5 to 10 metres). Along the site frontage onto Main Street, it is proposed to provide 2 no. building entrances (Block no. 1 – Restaurant and Block no. 4 Bawn House) and a vehicular entrance to rear residential car park. This is in addition to an existing gated side pedestrian access along the northern site boundary with Dunnes Stores, pedestrian access to the upper floors of the Dunnes Stores Building and ground floor pedestrian access to the ground floor retail unit of same said building. In my opinion, the proposed development, together with other established uses at this location along Main Street, provides a high frequency of entrances and promotes active street frontages as per Objective CPO 5.22.

- *Newtownmountkennedy Local Area Plan, 2022 to 2028 (Section 3.2)*

8.4.5. The Appellant refers to Section 3.2 (Overall Vision & Development Strategy) of the Newtownmountkennedy Local Area Plan, 2022 to 2028 in relation to securing a high quality living environment for existing and future residents. As set out further above, it is my opinion that the proposed development, as presented, is acceptable in terms of its potential impact upon the existing residential amenities of surrounding properties. In my opinion, the proposed development, as presented, which is compliant with relevant government guidelines and standards, would serve to achieve a high quality living environment for future residents.

- *Newtownmountkennedy Local Area Plan, 2022 to 2028 (Objective NK21)*

8.4.6. Objective NK21 of the above Local Area Plan, is concerned with the Historic and Architectural character of the town centre. As set out further above, it is my opinion that the proposed development, as presented, is acceptable in terms of its overall impact on the established Built Heritage of the area.

- *Retail Planning Guidelines, 2012*

8.4.7. The Appellant refers to the Retail Planning Guidelines, 2012, in terms of the sequential approach to retail development and the promotion of active street frontages. The subject appeal site is located in a town centre and there is no retail

development proposed. In my opinion, as set out further above, the proposed development serves to promote active street frontages. The Retail Planning Guidelines do not, in my opinion, prohibit the development of town centre commercial and residential uses as proposed.

8.4.8. The Appellant considers the proposals, by reason of the lack of retail provision, will ultimately lead to the leakage of expenditure which it is necessary to avoid and will, in turn, lead to a weakening of the town centre function of the site. This, in my opinion, must be balanced against the overall positive planning gain of the proposed mixed use development located on a brownfield infill site in the town centre, which has been vacant for an extended period of time. In my view, the proposed development, will serve to contribute to strengthening as opposed to weakening the town centre function of the site.

- *Newtownmountkennedy Town Centre First Plan*

8.4.9. The Newtownmountkennedy Town Centre First Plan is a non-statutory community led framework plan which is understood to have been launched on 8th December 2025, i.e. after the lodgement the Applicants' Response to the Request for Further Information and prior to the decision of the Local Authority to Grant permission issued on the 6th January 2026. The Appellant considers the proposed development, as presented, contradicts all 5 no. interconnected themes of the Newtownmountkennedy Town Centre First Plan. For ease of reference, the 5 no. themes relate to Mobility and Active Travel, Public Realm and Civic Space, Green Space, Community Amenities, and Employment and Commerce. In relation to Mobility and Active Travel, the proposed development, as presented, in my opinion, will not interfere with the stated 8 no. individual Mobility projects identified. In addition, the proposed development is in a town centre location and thereby serves to reduce car journeys, promotes active travel, provides a new footpath along Glenbrook Road and has had regard to the Town Renewal Scheme. I note the 4 no. Public Realm Projects, the 6 no. Green Space Projects and the 3 no. Community Amenity Projects. The proposed development does not, in my opinion, serve to interfere with any of the identified Public Realm, Green Space or Community Amenity Projects.

8.4.10. A total of 3 no. Employment & Commerce Projects are identified. In relation to EC1 Town Centre Densification, the proposed development provides a local business space and diverse housing in the form of the redevelopment of Main Street with a denser infill development. The proposed development does not, in my opinion, serve to interfere with any of the remaining 2 no. Employment & Commerce Projects. In summary, it is my opinion that the proposed development represents an appropriate infill / town centre development which does not serve to impact negatively upon or interfere with the delivery of the general 5 no. project themes and aspirations set out in the Plan.

8.4.11. I note the 6 no. Appendices to the Plan. I note Appendix 1: Outline Heritage Report and its relevance to the proposed development on the subject appeal site which I have considered in the Built Heritage Section above. I further note Appendix 5 of same which relates to Shopfront Design and Signage Design Guidelines and to which I have had regard to as part of my assessment further above.

8.5. Other Matters

- *Surface Water*

8.5.1. The MD Area Engineer raised a concern in relation to the capacity of the existing public surface water sewer to cater for the proposed development. It is stated in the MD Area Engineers Report that *'no details have been provided in connection into storm water pipe. Existing line must be surveyed to make sure there is capacity.'*

8.5.2. I note as per the Q. 20 of the Application Form, the Applicant states it is proposed to provide Sustainable Urban Drainage Systems (SuDs), Bioretention, Attenuation and that reference is made to the Civil Engineering Report. Section 5.0 of said Report relates to Surface Water Drainage where it is noted there is an existing 150mm diameter surface water pipe located along the site frontage and where a new connection to same from the proposed on site internal surface water network is proposed to be established. I note the proposed on site SuDs measures, that it is proposed to attenuate surface water on site and to flow control same at greenfield runoff rates prior to outfall to the aforementioned 150 mm diameter surface water drainage sewer on Main Street. The proposed Surface Water Drainage arrangements are shown on Civil Engineering Drawing (Drg. No. 231524-ORS-ZZ-00-DR-CE-400).

8.5.3. I note, as per the Local Authority Planners assessment, that aside from referencing the comments of the MD Area Engineer no specific concern is raised in relation to the issue of the capacity of the existing public surface water sewer. I further note that condition no. 10 of the Notification of Decision to Grant permission states: '*Surface water shall be disposed in accordance with the Civil Engineering Planning Report prepared by ORS Consulting Engineers received on the 10th December 2024.*'

8.5.4. It is accepted that the proposed Surface Water drainage arrangements assume there is capacity in the existing 150 mm diameter public surface water sewer to cater for the proposed development and that the precise connection details have not been provided. In the event that there is insufficient capacity in the public surface water sewer to cater for the proposed development, it is my opinion, this issue as well as final connection details can be suitably addressed by way of condition in the event of a Grant of permission being issued.

- *Devaluation in Property*

8.5.5. The issue of an anticipated Devaluation of Property is raised in one of the third party submissions to the planning application. I note however that the Objector in that case has not provided any evidence in support of this contention. Having regard to the assessment and conclusions set out above, it is my opinion that the proposed development would not seriously injure the amenities of the area to such an extent that it would adversely affect the value of property in the vicinity.

- *Planning Precedents and Planning History*

8.5.6. The Appellant refers to a previous Grant of permission on the subject appeal site which included retail units of the Ground Floor, as planning reg. ref. no. 07/197 refers. The Applicant submits this said permission is out of date, that the demand for retail units has significantly decreased since permission was granted and that there is increased vacancy and dereliction in the area. I would agree with the Applicant that the proposed development provides a viable use and an active frontage to Main Street. It is not, in my opinion, essential for a retail use to be provided on the ground floor.

8.5.7. Reference is also made to a separate previous Grant of permission on the overall subject appeal site for the conversion of Bawn House into 2 no. Apartments and a Change of Use of Shop front to a live/ work 1 bed residential unit, as planning reg.

ref. no. 20/818 refers. I would agree with the Applicant that this permitted development only related to a small portion of the overall site, included ground floor residential uses and proposed no retail element or car parking and that it therefore, along with planning reg. ref. no. 07/197, is not directly comparable to the proposed development on the subject appeal site.

- 8.5.8. I note reference is made in the Third Party Submission to the planning application from one of the Appellants to certain previous planning applications in the general area. Referenced planning application reg. ref. no. 2360394 relates to a separate site further to the south along Main Street positioned to the immediate south of St. Josephs Church. This is at a higher elevation to the subject vacant site. Under planning reg. ref. no, 2360394, permission for a proposed 3 storey building, immediately adjacent to the Protected Structure was Refused permission for 1 no. reason relating to its anticipated negative impact on the streetscape and setting of the Protected Structures in the vicinity. The said site, in my opinion, does not share the same characteristics to that of the subject appeal site, which is further removed from sensitive Protected Structures, is at a lower level and is of sufficient size and configuration to allow for the proposed development to successfully integrate with its surroundings. The 2 no. cases are therefore not directly comparable, in my opinion.
- 8.5.9. Other references cases include planning reg. ref. no. 09/52 which relates to a Grant of permission for a 3 storey development on a site located c. 260 metres to the south of the subject appeal site. It is accepted that this said permission, which was granted in 2009, established the principle for 3 storey development on the eastern side of Main Street. It should be noted however that since that decision, permission has been granted under planning reg. ref. no. 21/731 (Appeal Ref. No. ABP-314323-22) for a four storey development on a site on the same side of the road but closer to the subject appeal site (i.e. within c. 80 metres to the south). I do not therefore consider planning reg. ref. no. 09/52 to be the most relevant precedent planning case in the locality.
- 8.5.10. Planning Reg. Ref. no. 22/494, as referenced in the submission relates to an entirely separate location in Blessington, County Wicklow and therefore, in my opinion, has no relevance to the subject proposals.

- *Condition no. 16 of Local Authority Notification of Decision to Grant Permission*

8.5.11. I note condition no. 16 of the Local Authority Notification of Decision to Grant permission which relates to the control of first occupation of any residential unit to individual purchasers or by those eligible for the occupation of social and/ or affordable housing, including cost rental housing, and shall not be sold to a corporate entity. I note 2 no. sample conditions (RCIIH 1 and RCIIH 2) set out in the Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2023 which relates to mixed unit-type development, comprising partly of houses and/or duplex units (RCIIH 1) and all houses and/or duplex unit-type development (RCIIH2). As the proposed development does not fall within either of the aforementioned categories, it is my opinion that a condition, such as RCIIH 1 or RCIIH 2, does not apply in this instance. I also consider, in the event of a Grant of permission being issued, there is no requirement to attach a condition such as Condition no. 16 of the Local Authority decision.

- *Residential Density*

8.5.12. I note as per recommendations set out in Table 6.1 (Density Standards) of the Wicklow County Development Plan, 2022 to 2028, that in the case of Small Towns and Villages, including Newtownmountkennedy, it is stated that: '*Centrally located sites: 30 – 40+ units per hectare for mainly residential schemes may be appropriate or for more mixed use schemes.*' It should be noted however that this figure is a minimum, not a maximum. I note the proposed residential density has been reduced to c. 124 dwellings per hectare (21 no. units) from the original c. 147 dwellings per hectare (25 no. units).

8.5.13. I note that development proposals for a similar residential density to that of the subject proposals have been granted in the general locality. In particular, I note planning reg. ref. no. 21/731 (Appeal Ref. No. ABP-314323-22) which relates to a site estimated to be c. 80 metres to the southeast of the subject appeal site, was permitted at an estimated residential density of c. 120 dwellings per hectare. Other relevant decisions include planning reg. ref. no. 22/611 (Appeal Ref. no. PL27.315394-22) where a residential density of c. 123 dwellings per hectare has been granted.

8.5.14. I note recommendations set out in the Sustainable Compact Settlement Guidelines, 2024 where, in the case of determining the appropriate density in small and medium sized towns, it is stated that '*...the planning authority should differentiate between self-sustaining towns that have a good employment and service base and can accommodate development of greater scale, commuter towns that have a more limited employment and services base and smaller towns that are at the lower end of the population range*'. Newtownmountkennedy is considered to be a commuter town with limited employment and services. Table 3.6 of the same Guidance relates to Area and Density Ranges for Small to Medium Sized Towns where, in relation to the centre of such settlements it is stated that '*...it is a policy and objective of these Guidelines that the scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure)*.'

8.5.15. As set out further above, the proposed development is considered to represent and appropriate scaled and sympathetic infill development. There are no significant infrastructure capacity constraints identified and the site is adjacent to public transport. In this regard, it is my opinion, owing to its central location, the established surrounding character and form of the area and the apparent lack of any significant capacity constraints in local services, that the subject appeal site represents a suitable location where increased residential densities can be considered. Having regard to the established residential densities in the general area, it is my opinion that the residential density proposed is acceptable in this instance and is in accordance with the proper planning and sustainable development of the area.

9.0 AA Screening

9.1. 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 the urban area of Newtownmountkennedy, at a distance of approximately 4.3 km from the Murragh c. SPA (Site Code: 004186), and 4.9 km from the Murragh Wetlands SAC (Site Code: 002249) which are the closest European Sites.

9.2. The proposed development is for the construction of a restaurant and apartments. 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 separation distance from the nearest European site and lack of meaningful connections.
- The finding of the Applicants' Appropriate Assessment Screening Report.
- The screening determination of the Planning Authority.

9.3. 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.

10.0 Water Framework Directive

10.1. The Newtownmountkennedy_020 River (IE_EA_10N020600) lies within c. 24 metres to the north of the subject appeal site (Waterbody Status: Moderate). The site lies above the Wicklow Groundwater body ((EU Code: IE_EA_G_076) (Waterbody Status: Good). The proposed development is detailed in section 2.0 of my report. No specific water deterioration concerns were raised in the planning appeal or observations.

10.2. I have assessed the proposed development and associated works 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.

10.3. 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.

10.4. The reason for this conclusion is as follows:

- Nature of works e.g. modest scale and nature of the development;
- Location-distance from nearest water bodies and/or lack of hydrological connections;

10.5. 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.

11.0 Recommendation

11.1. I recommend that the proposed development be granted, subject to the conditions set out below.

12.0 Reasons and Considerations

12.1.1. Having regard to the provisions of the Wicklow County Development Plan, 2022 to 2028, the Newtownmount Kennedy Local Area Plan, the Town Centre (TC) zoning objective for the area, and having regard to the scale, form, and design of the proposed mixed use commercial (restaurant) and residential development, and to the pattern of development in the area, including protected structures, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an acceptable form of mixed use development, and would not seriously injure the character and amenities of the area or of property in the vicinity. The proposed development would, therefore, accord with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 17th day of October 2025 and

the 6th day of November 2025 , except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. (a) Prior to the commencement of development, the developer shall liaise with the Transportation and Infrastructure Delivery Department and the Area Engineer and shall agree the following works:

- Final design details for kerbline, levels and construction tie-in;
- Confirmation that pedestrian priority and surface treatments will be delivered in accordance with DMURS.
- Confirmation of operating speeds and final sightline provision.
- A detailed refuse collection strategy.
- Proposals for EV parking.
- Proposals to remove the existing ramp at Glenbrook Road, where deemed necessary.
- An updated Road Safety Audit to address items 3 and 5 of the submitted Audit and confirmation that the alternative proposals to address these issues are accepted by the auditor.

Reason: In the interests of public safety and to cater for the orderly development of the area.

3. The design and layout of the proposed road and footpaths shall comply with the requirements of the planning authority for such infrastructure.

Reason: In the interests of public safety and to cater for the orderly development of the area.

4. Design Option A (inclusion of Roof Terrace to Block no. 2) shall be provided, unless the prior written agreement of the Planning Authority for the omission of same is first obtained.

Reason: In the interest of visual amenity.

5. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. The hours of operation, including any deliveries or associated services, shall be between 08.00hrs to 2300hrs on Monday to Sunday inclusively. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: in the interest of orderly development.

7. Apart from the signage approved as part of this permission, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: in the interest of orderly development.

8. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

9. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

11. Details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of public safety and visual amenity.

12. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. Prior to the commencement of development the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

14. Proposals for a street/development name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

15. The applicant shall submit a Car Park Management Plan and details of car parking design, layout and management to the planning authority for agreement in writing prior to the commencement of development.

Reason: In the interest of sustainable transport and safety.

16. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interests of amenity, ecology and sustainable development.

17. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall

only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - b) Location of areas for construction site offices and staff facilities;
 - c) Details of site security fencing and hoardings;
 - d) Details of on-site car parking facilities for site workers during the course of construction;
 - e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection.

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as

amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Frank O'Donnell
Planning Inspector

14th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500683-WW-26
Proposed Development Summary	Mixed Use Development is proposed to comprise of a restaurant unit and 25 residential apartments, in 4 'blocks' and all associated site works.
Development Address	Main Street Newtownmountkennedy Co. Wicklow at the site of 'Bawn House' and adjacent land (total 0.1687ha) at the corner of Main Street and Glenbrook Road. , at the corner of Main Street and Glenbrook Road , Wicklow.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to	

<p>be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><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. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p><u>Class 10 Infrastructure Projects</u> Class 10 b) i) Construction of more than 500 dwelling units. Class 19 b) iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</p>

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500683-WW-26
Proposed Development Summary	Mixed Use Development is proposed to comprise of a restaurant unit and 25 residential apartments, in 4 'blocks' and all associated site works.
Development Address	Main Street Newtownmountkennedy Co. Wicklow at the site of 'Bawn House' and adjacent land (total 0.1687ha) at the corner of Main Street and Glenbrook Road. , at the corner of Main Street and Glenbrook Road , Wicklow.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The proposed development comprises a mixed use scheme which includes a restaurant unit and 21 no. Apartments. The proposals include the demolition of 2 no. existing structures stated to have a combined floor area of 152 sqm. The subject appeal site has a stated site area of 0.169 hectares. The proposals do not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development)	The proposed development site is a brownfield infill site located in a central urban area. The site is removed from sensitive natural habitats and designated sites

<p>in particular existing and approved land use, abundance/capacity of natural resources, absorption 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>and landscapes of identified significance in the County Development Plan. The site is not located within an Architectural Conservation Area (ACA) or an area of archaeological significance. There are no Protected Structures on the subject site or within the immediate vicinity of same. There is a Protected View (no. 44) located further to the north on Main Street (View River Valley) however it is considered the proposed development will not serve to interfere or impact negatively upon same.</p>
<p>Types and characteristics of potential impacts (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>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant</p>	<p>EIA is not required.</p>

effects on the environment.	
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)