

Board Order PL 27.249280

Planning and Development Acts 2000 to 2017

Planning Authority: Wicklow County Council

Planning Register Reference Number: 17/338

Appeal by Delgany Hills Management Company Limited care of Frank Ó'Gallachóir and Associates Limited of 94 Rathdown Park, Greystones, County Wicklow and by Anne Whelan of Apartment 13, Delgany Hills, Church Road, Delgany, County Wicklow against the decision made on the 25th day of August, 2017 by Wicklow County Council to grant subject to conditions a permission to Targeted Investment Opportunities ICAV care of Bridgedale of Unit 11, Block F, Maynooth Business Campus, Maynooth, County Kildare.

Proposed Development: A mixed use development with access via Delgany Hills estate to the west and Killincarrig Road to the north-east consisting of:

- (a) demolition of existing 353 square metres two-storey Killincarrig House and associated structures, which are located within the Killincarrig Architectural Conservation Area,
- (b) one number three-storey apartment block providing 22 number apartments consisting of five number one-bedroom,15 number two bedroom and two number three bedroom units, 40 number surface level car parking spaces and 53 number cycle spaces,

- (c) nine number two-storey houses consisting of one number detached threebedroom unit and eight number three bedroom semi-detached units,
- (d) two-storey mixed-use building with two number ground floor retail units (234 square metres gross floor area) with eight number car parking spaces and two number cycle spaces and associated signage and two number two-bedroom apartments at first floor level with three number associated surface level car parking spaces and five number cycle spaces,
- (e) internal roads, footpaths, associated landscaping, boundary treatment and all associated and ancillary works, and
- (f) upgrades to the existing footpath and construction of a cycle path along the R761 and R762 roads.

All at Killincarrig, Delgany, County Wicklow.

Decision

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

Matters Considered

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

Reasons and Considerations

- 1. Under objective HER4 of the Greystones-Delgany and Kilcoole Local Area Plan 2013 2019 it is an objective to protect and retain trees which contribute to the biodiversity value and the character and amenity of the area. The development of this site is governed by a requirement to protect trees as identified by T22 on Map B of the Plan. The proposed development would result in removal of a large number of mature trees particularly along the northern boundary of the site, which are considered have an intrinsic value and which contribute significantly to the amenities of the area. It is considered that the proposed development, by reason of its layout and design, would seriously injure the amenities of the area, would materially contravene Objective HER4 and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2. The proposed development is partially located within Flood Zone A and the proposed access road and parking would be subject to flooding. It is considered that, notwithstanding the proposed mitigation measures, the proposed development would be at risk of flooding, and could result in flooding of adjacent lands, and that this risk cannot be removed pending works outside the site (on the R762), to alleviate overland flooding. The proposed development would, therefore, be premature pending such flood relief works, and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of

2018