



An
Bord
Pleanála

Board Order

PL 27.248652

Planning and Development Acts 2000 to 2017

Planning Authority: Wicklow County Council

Planning Register Reference Number: 16/1227

Appeal by Ronan and Pauline Byrne care of Delahunty and Harley of 122 Merrion Road, Ballsbridge, Dublin against the decision made on the 17th day of May, 2017 by Wicklow County Council to grant subject to conditions a permission to Chris, Simon and Robin Ball care of Arc Design of Willow Grove, Delgany, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of one number single storey four bedroom house, one number single storey three bedroom house and one number two storey four bedroom house with the provision of three number bored wells and three number wastewater treatment systems and percolations areas to current EPA standards for each dwelling house along with all associated site works. Provision of a new access road off Bellvue Hill accessing the three number dwelling sites. The formation of new entrance piers and splayed walls off Bellvue Hill Road allowing for sufficient sight lines to meet standards along with all associated site works on lands to the rear of 'Silver Birches', Bellvue Hill, Delgany, County Wicklow.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the zoning objective for the site set out in the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019, the pattern of development in the area and to the nature, form and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would have no adverse impact in terms of surface water disposal or foul drainage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 submitted on the 7th day of April 2017, 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 interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

4. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

5. (a) A scheme indicating boundary treatment along the L-1030-0 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the boundary consisting predominantly of trees, shrubs and hedging of native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and in the interest of visual amenity.

6. All trees and mature vegetation along the eastern boundary of the site to the rear of the existing houses along Bellevue Hill shall be retained and maintained, with the exception of the following:
 - (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

- (c) Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

7. The existing forestry and tree planting on the remainder of the site shall be retained and maintained in accordance with the details set out in the Continuous Forestry Plan submitted on the 7th day of April, 2017. Where any tree fails, it shall be replaced with a tree of similar species.

Reason: In the interest of visual amenity.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. (a) The proposed effluent treatment and disposal systems shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 10th day of November, 2016 and the 7th day of April 2017, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the systems shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Within three months of the first occupation of the dwellings, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment systems have been installed and commissioned in accordance with the approved details and are working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

10. 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. These shall include that all surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties. Prior to the commencement of development, the applicant shall submit details of proposed surface water disposal arrangements for the written agreement of the planning authority.

Reason: In the interest of public health and to ensure a proper standard of development.

