



An  
Bord  
Pleanála

## Inspector's Report PI 27. 248652

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<b>Development</b>	3 houses, 3 bored wells and 3 wastewater treatment systems and percolation area, new access road and entrance piers off Bellevue Hill and associated site works.
<b>Location</b>	Silver Birches, Bellevue Hill, Delgany, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	16/1227
<b>Applicant(s)</b>	Chris, Simon and Robin Ball
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To Grant Permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ronan and Pauline Byrne
<b>Observer(s)</b>	Mark Sherry and Elizabeth O' Reilly
<b>Date of Site Inspection</b>	6 <sup>th</sup> September 2017
<b>Inspector</b>	Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site is located on lands to the rear of an existing dwelling known as “Silver Birches” at Bellevue Hill, Delgany. The site is located on the western outskirts of the village, on a site that is currently under commercial forestry. To the east of the site is the L-1030-0 road which is characterised by ribbon development. To the west, are further residential estates including Easton and Kindlestown comprising large detached dwellings on their own plots. Delgany golf club is located further to the south. There is an existing laneway known as Larch Hill Lane located to the immediate south of the site. This provides access to further individual dwellings.
- 1.2. The site has an elevated topography with levels increasing from north to south. It has an area of 4.5207 ha.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 3 no. dwellings on separate sites within the existing forest.
- 2.2. Site no. 1 is located centrally within the site. It is proposed to construct a single storey, 4 bedroom dwelling with a floor area of 312 sq. metres and a finished floor level of 119.50m. It is a contemporary design consisting of 4 interconnected elements, each with a pitched roof. The dwelling has a maximum height of approximately 6.1 metres. There is a flat roofed car port located to the north of the dwelling with car parking provision for 4 no. cars. The predominant building material is timber rainscreen cladding to the roof and walls. The dwelling is served by a wastewater treatment system located to the north west of the proposed dwelling.
- 2.3. Site no. 2 is located to the south of the site. It accommodates a large two storey, 4 bedroom dwelling with a floor area of 316 sq. metres. The dwelling has a traditional Georgian style design, an overall height of 9.25 metres and finished floor level of 118.43m. Materials and finishes include smooth coloured render finish and natural blue/black natural slate for the roof. Materials for windows and doors is unspecified. A wastewater treatment system is proposed to the east of the dwelling.

- 2.4. Site no. 3 is located to the north of the site. The 3 bed dwelling is of an unusual contemporary circular design comprising 4 round interconnecting pods. It is a single storey flat roofed structure with a floor area of 331 sq. metres. The dwelling is to be clad with a timber rain screen system and has an overall maximum height of 5.6 metres and a finished floor level of 121m. There is a central reception area to which the 4 pods connect that is finished with smooth render and glazing. 2 no. car parking spaces are provided to the east of the dwelling and a wastewater treatment system is located to the west. Each of the dwellings connect to a new access road which is located to the north of the dwellings.
- 2.5. The proposed access to the site from Bellevue Hill was relocated at Further Information stage. It was originally proposed to provide a new shared entrance onto the L-1030-0. The amended proposal provides for the use of the existing entrance serving Silver Birches. It is proposed to widen the entrance and for the road side boundaries to be adjusted to provide the requisite sightlines. The existing wooden fences and trees along the boundary with the L-1030-0 are to be removed and replaced with a new solid fence. New trees are to be planted behind the fence and a grass verge created.
- 2.6. The application was also amended at Further information stage to provide a new drainage ditch of c. 1.3 metres deep along the southern and eastern boundary of the site to address surface water drainage. An attenuation pond is also proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1 Decision to grant permission subject to conditions. Conditions of note include:

**Condition 3:** No work to commence until such time as the roadside boundary has been set back in accordance with the sightlines approved and no dwelling occupied until such time as the revised roadside boundary has been constructed and planted.

**Condition 4:** Prior to the commencement of development revised surface water details to be submitted to allow each individual dwelling to provide for its own surface water disposal within the boundaries of that particular site.

**Condition 5:** Prior to the commencement of development, the proposed occupants of the dwellings shall enter a legal agreement to ensure the long term maintenance and repair of all infrastructural services and facilities necessary for the development including the access road and drainage arrangements.

**Condition 8:** Finishes of dwellings to be agreed in writing prior to commencement of development.

**Condition 9:** Existing forestry and tree planting to be retained and maintained in accordance with the particulars submitted.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports (09/01/2017 and 16/05/2017)

Key points from these reports include:

- Development in compliance with the zoning objective and acceptable in principle.
- Proposed dwellings could be assimilated into the subject site without adversely impacting on the existing visual amenities of the area.
- Revised access arrangement considered acceptable and area engineer concurred that it is the optimum location.
- Initial concerns regarding the suitability of the existing vegetation to provide a continuous screen to the proposed development addressed to the satisfaction of the Planning Authority in the further information response.
- Noted concerns regarding the proposed attenuation pond but determined that given the extent of the lands, each individual site should be capable of being designed to deal with increased water runoff and that the drainage ditch around the perimeter of the landholding should be adequate to prevent surface water flooding to adjacent lands.

### 3.2.2. Other Technical Reports

#### **Municipal Engineer (21/12/2016 and 15/05/2017)**

- Proposed ponding area is a supplemental measure to take overflow from soak pits in an extreme weather event.

- Notes that the introduction of the proposed drainage ditch will also address issue of surface water runoff through the forest.

### **Water and Environmental Services (16/05/2017)**

- States that there is insufficient information to fully assess the development accurately. Notes a number of technical issues including need to consider climate change in the storm water calculations, accuracy of rainfall data, the need for site specific testing, details of the proposed drainage ditches and ponds etc.

### **Environmental Health Officer (09/12/2016 and 21/04/2017)**

- No objection subject to condition.

## **3.3. Prescribed Bodies**

3.3.1 No reports received.

## **3.4. Third Party Observations**

### **Delahunty and Harley on behalf of Ronan and Pauline Byrne (09/12/2016 and 05/05/2017)**

- Development would constitute sporadic development in a rural area.
- Inadequate information submitted regarding condition of existing trees, boundary treatment and surface water disposal.
- Concern raised regarding the revised surface water arrangements submitted at Further Information stage including the drainage ditch along the eastern and southern boundary of the site and the proposed attenuation pond. Also object to the use of the small stream running through their land for surface water disposal due to concerns regarding potential flooding.
- Development will create an undesirable precedent in the area and will facilitate further development of the site in the future.
- Development will result in a traffic hazard. Also object to revised access proposals submitted at Further Information stage on the basis that they would

result in the loss of a significant proportion of trees and planting and that the visibility splay proposed cannot be achieved.

- House design and scale is excessive.
- Development will have a negative impact on the residential amenities of their property 'Flamstead'.
- Construction phase impacts.

**Maurice and Deirdre O' Connor (12/12/2016 and 05/05/2017)**

- Development constitutes scattered piecemeal development.
- Insufficient services to serve the proposed development.
- Potential traffic hazard. Also note concern regarding revised access proposals submitted at Further Information stage.
- Construction impacts.
- Impacts on the residential amenities of their property.
- Concerns regarding subsidence and flooding.

## 4.0 Planning History

4.1 There have been two previous applications on the subject site of relevance.

**P.A. Ref. 16/189**

4.2 Under application reference 16/189 permission was sought for the construction of 3 no. dwellings with the provision of 3 no. bored wells and 3 no. wastewater treatment systems and percolation areas along with all associated site works including the provision of a new access road off Bellevue Hill serving the 3 no dwellings. The application was withdrawn on the 8<sup>th</sup> of August 2016. The Planning Officer had recommended refusal on the basis that:

- The development has not taken cognisance of the location and character of the lands and with the loss of existing trees has the potential to impact detrimentally views from Bellevue Hill.

- The development is contrary to the visual amenities of the area and would open up the lands for future development in a haphazard manner.
- The development would endanger public safety by reason of a serious traffic hazard.
- Insufficient details submitted regarding surface water drainage.
- The removal of large tracts of forestry to accommodate the development would result in the loss of further tree cover due to wind throw and health and safety issues.

**P.A. Ref. 01/5337**

4.3 Permission sought for a dormer bungalow and was refused on 13<sup>th</sup> December 2001 on the basis that the applicant did not meet the rural housing need criteria and that the development would contribute to suburban sprawl.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative development plan is the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019. The subject site is zoned **Special R: Special Residential (A, B, & C):** *To provide for the development of a limited amount of residential development on lands where there are exceptions to the standard residential objectives of the plan. The amount of units permitted on Special Residential Zones shall be in accordance with the objectives set out in Section 3: Population and Housing of this plan.*

5.1.2 With regard to the Special R zoning, it is stated: **RES9:** *To provide for residential development for a maximum of 3 additional units, with no restrictions on purchasing and occupation at Bellevue Demesne (as zoned Special R-A on Map A), subject to all matters pertaining to the proper planning and sustainable development of the site/area being satisfied.*

5.1.3 It is noted in the plan that development at the outskirts of Delgany shall generally remain for low density and rural housing, in reflection of the natural heritage of these areas and the environmental and infrastructural shortfalls in these areas.

5.1.4 Bellevue Hill is designated as an indicative green route and there is a tree protection objective pertaining to this roadway which encompasses the existing dwelling - Silver Birches.

5.1.5 In terms of the Landscape Assessment set out in the Wicklow County Development Plan 2016, the subject site is classified as being within an urban area. The plan notes that for development in such areas, it will not be necessary to carry out a landscape or visual impact assessment.

## 5.2. **Natural Heritage Designations**

5.2.1 There are no designated areas in the immediate vicinity of the site.

## 6.0 **The Appeal**

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

Delahunty & Harley on behalf of Ronan and Pauline Byrne, Flamstead, Bellevue Hill, Delgany, Co. Wicklow.

- Concerned that adequate sightlines are not achievable from the proposed entrance of the development and thus the development would pose a traffic hazard.
- Details of surface water disposal within the site as submitted by the applicants are inadequate and consequently there may be negative impacts on adjacent properties. Object to the proliferation of further effluent treatment plants.
- The current application does not adequately overcome the reasons for refusal that were recommended under the previous application pertaining to the site under planning application reference 16/189.
- The development represents sporadic development in a rural area and would set an undesirable precedent for similar development in the area. The proposal is out of character with the forested setting.



- Inadequate details submitted regarding existing trees on the subject site and concerns regarding potential loss of trees, particularly along the L-1030-0 Road.
- Object to historic clearance along mutual boundaries.
- Impact on residential amenities due to noise, loss of privacy, flooding and construction impacts.

## 6.2. Applicant Response

- The subject site is not located within a natural forest. It comprises commercial forestry which was planted in 2006/2007. The scale of the dwellings is comparable with those in the area.
- Clearance of trees and vegetation that has taken place to date on the subject site was necessary to provide adequate access to the existing forest.
- There has been no history of flooding on the subject lands.
- There have been no other objections to the application. Letter of support from adjacent dwelling appended to appeal response.
- It is not possible to provide access to the dwellings from Larch Hill Lane due to inadequate sightlines.
- The proposed entrance has been fully designed in accordance with relevant standards and was addressed to the satisfaction of the Planning Authority at Further Information stage.
- The surface water calculations take full account of climate change. Infiltration tests have been carried out which have informed the proposed drainage design. Surface water attenuation will primarily be addressed by way of soak pits. In addition, a drainage ditch and pond are provided for extreme 1:100 year events. All attenuation measures have been designed in accordance with the Greater Dublin Strategic Drainage Study Manual.
- Surface water at certain points will discharge to an existing stream on the site at a rate of 2 litres per second. This will be done in a controlled way which is preferable to an uncontrolled manner during a flood event.

### 6.3. **Planning Authority Response**

- No further response received.

### 6.4. **Observations**

#### 6.4.1 Mark Sherry and Elizabeth O' Reilly, Oakfield, Bellevue, Delgany, Co. Wicklow.

- Confirm that they support the development and believe that it would enhance the local area.
- Note that there has been no difficulty with drainage on the subject site.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Access
- Foul and Surface Water Drainage
- Design and Impact on Residential Amenities
- Appropriate Assessment

### 7.2 **Principle of Development**

7.2.1 As noted, the operative plan for the area is the Greystone/Delgany and Kilcoole Local Area Plan 2013. The subject site is specifically zoned R: Special Residential (A, B & C). The appeal site is located within area A, and it is a specific objective of the plan to facilitate the provision of a maximum of 3 no. dwellings on this site. It is further detailed in Appendix A of the plan that the Bellevue Demesne has the capacity to accommodate a total of 7 dwellings including 3 on the appeal site, and a further 4 dwellings to the south of Larch Hill Lane.

7.2.2 The existing site is located on the outskirts of Delgany Village but within the development boundary of the settlement, in an area characterised by large detached dwellings on individual plots. There is extensive development in the vicinity of the site including a proposal for further large scale residential development (89 dwellings) to the east of the site (application reference 15/1307/appeal reference PI 27 248401). The site is not located within a sensitive landscape and no environmental designations are applicable. There are no occupancy controls applicable to development on the lands. As noted by the applicants, the subject lands are planted with commercial forestry and do not represent a natural sylvan setting.

7.2.3 Having regard to the foregoing, contrary to the assertion by the appellants that the development is sporadic, it is considered that the subject development is a plan led scheme and in accordance with the zoning objective for the lands. As development on the site is clearly restricted to the provision of 3 dwellings, it is not considered that the application would set a precedent for further development which would undermine the overall policies and objectives of the Local Area Plan.

7.2.4 With regard to the reasons for refusal outlined in the previous local authority planner's report with respect to application reference 16/189 which was withdrawn, it is considered that these reasons have been satisfactorily addressed in the current application through revised siting, access and landscaping proposals.

### **7.3 Access**

7.3.1 The application when lodged proposed a new shared access point onto the L-030-0, to the north of the existing dwelling (Silver Birches). There is currently a 50kph speed restriction on this stretch of road. However, during the application process, the Municipal Area Engineer advised that a review was being undertaken which may in the future increase the speed limit restriction to 60kph. In this regard, it was advised that to future proof the access point, that sightlines of 90 metres should be provided. It was also recommended that a solid roadside boundary would be preferable.

7.3.2 On foot of this, the applicant submitted revised proposals at Further Information stage. This proposed that the three dwellings share the existing entrance that serves Silver Birches. Additional works are proposed including the widening of the existing

entrance, the removal of the existing wooden fence and its replacement with a new solid wooden fence with trees planted to the rear. On this basis, the 90 metre sightlines can be achieved. Revised drawings were submitted to demonstrate this. According to the local authority planner's report, the revised proposal was discussed with the Municipal Engineer who considered the proposal to be acceptable and the most appropriate location for the access to the subject site.

- 7.3.3 It is noted that the subject site also has access to Larch Hill Lane located to the south of the site. The use of this laneway as a means to access the dwellings has been deemed inadequate by the Planning Authority on the basis that the junction of the laneway with the L-1030 – 0 is seriously substandard due to inadequate sightlines and that any further intensification of its use would be inappropriate. Permission has recently been refused for a separate dwelling seeking to utilise this access lane under application reference 16/666.
- 7.3.4 The appellants state that they are not satisfied that the amended location of the entrance will ensure that an adequate visibility splay to the nearside edge of the road in each direction can be achieved.
- 7.3.5 The applicant has submitted revised drawings which confirm that sightlines of 90 metres can be achieved on the subject site. A review on site confirmed that good sightlines can be achieved in either direction. There is no objection to the proposed access by the Municipal Engineer. Having regard to the character of the existing road which has multiple access points serving individual and clusters of residential dwellings and the additional information submitted by the applicants indicating that a standard consistent with the Design Manual for Roads and Bridges guidance can be achieved, it is not considered that the proposed development would give rise to an unacceptable traffic hazard.

## **7.4 Foul and Surface Water Drainage**

### **Foul Drainage**

- 7.4.1 Site characterisation forms for each dwelling have been submitted with the application. For all sites, it is proposed to install a 6 person euro bio treatment unit and polishing filter with discharge to ground water. A T value of 30.44 (min/25mm) is reported for site 1, 36.11 for site 2 and 28.47 for site 3 and thus the soil may be used as a polishing filter.

7.4.2 Further information was submitted by the applicant clarifying separation distances between the well and percolation areas to serve site 1 as well as other features including trees, drainage ditches and boundaries to ensure compliance with the standards set out in Table 6.1 of the EPA Code of Practice 2009. The Environmental Health Officer's Report (21.04.2017) had no objection to the proposed treatment system subject to condition.

7.4.3 In this regard, having regard to the information on file, it is considered that the proposed systems once installed and maintained to the required specifications in conjunction with a polishing filter would be acceptable and would not give rise to public health concerns.

### **Surface Water**

7.4.4 Soil infiltration rate tests for each of the three dwellings was undertaken to show that the site is suitable for surface water disposal by way of soakaways. At Further Information stage, the applicant submitted further details setting out how surface water during an extreme weather event (1:100 year storm) would be addressed. It is proposed to discharge excess surface water in such an event from the new road and existing dwelling into the existing stream that traverses the site. Water will be discharged at a controlled rate of 2 litres per second as per the guidance in the Greater Dublin Strategic Study. For the remainder of the site, surface water during a 1:100 flood event will discharge along new drainage ditches proposed along the southern and eastern boundaries which lead to a large ponding area where excess surface water can be held until it naturally infiltrates to the soil.

7.4.5 The Municipal Engineer (ME) (report dated 15/05/2017) raised no objection to this proposal noting that the soak pits for each dwelling have been suitably designed to cater for normal surface water runoff. The report notes that the proposed ditch will help alleviate surface water run off that currently affects properties to the east of the site and thus would be an improvement over the existing situation. The ME was of the view that the ponding area is only to take overflow from the soak pits and therefore should be adequate.

7.4.6 A further report on the proposal was also prepared by the Water and Environmental Services of Wicklow County Council. The report did not raise any objection to the principle of the proposed additional attenuation measures but queried a number of

technical aspects of the design of the proposal. It is noted that the report states that the applicant needs to demonstrate that the site is suitable for effective infiltration of surface water. Such an assessment was undertaken as part of the planning application documentation.

7.4.7 Notwithstanding the report, the Planning Authority concluded that given the extent of the lands and of each individual site, that surface water soak pits should be capable of being designed to deal with surface water runoff and that the proposed drainage ditch should be an adequate maintenance free mechanism to prevent surface water overflow to adjoining sites at times of heavy rainfall. A condition requiring the specific details of the surface water system for each individual dwelling was recommended.

7.4.8 The appellant has raised concerns that the applicant has failed to demonstrate that surface water can be adequately addressed on the subject site. It is considered however, that having regard to the extent of the subject site and the large individual plots for each dwelling, that surface water disposal should be capable of being addressed by way of a soak pit within each site. For extreme flood events, it is also considered that the proposed drainage ditch coupled with the existing stream will be capable of dealing with any surplus. Whilst it is noted that some additional queries were raised by the Water and Environmental Services section of Wicklow County Council, it is considered that these largely relate to detailed technical design matters that could appropriately be addressed by way of condition and further detailed design to be agreed with the Planning Authority.

## 7.5 **Design and Impact on Residential Amenities**

7.5.1 The subject development comprises 3 large dwellings. 2 are of a contemporary design and the third a neo Georgian style. Whilst the dwellings are large, it is considered that their design is characteristic of that in the area and will generally assimilate with the existing environment. The design of dwelling no. 2 is less successful, and in contrast to the other dwellings, it is a large two storey house with a height of over 9 metres. However, having regard to its location within the site and the extent of existing screen planting along the eastern boundary, it is not considered that it would have an undue visual impact.

7.5.2 It is also acknowledged that at Further Information stage a detailed tree report was submitted by the applicant which provides for a continuous forestry plan whereby the

forest canopy is maintained without clear felling. Existing trees will be regularly thinned out and replaced with more natural trees in clusters. This proposal will further mitigate the visual impact of the proposal.

7.5.3 It is considered that all of the proposed dwellings are well set back from the eastern boundary and the existing dwellings located along Bellevue Hill. Having regard to the extent of the set back distance and nature and extent of existing mature planting along this boundary, it is not considered that the development would give rise to any overlooking or overshadowing impacts. The development will thus have no material impacts on the residential amenities of properties in the vicinity.

7.5.4 With regard to potential impacts during the construction phase, it is considered that this can be appropriately addressed by way of condition.

7.5.4 It is noted that concern was raised regarding the loss of roadside planting due to the revised access arrangements. The Local Area Plan designates Bellevue Hill as a green route and there is a tree protection objective. However, when viewed on site, it was found that the majority of the existing roadside planting which is to be removed comprises non native ornamental planting. It is considered that the removal of this and its replacement with more appropriate indigenous species would contribute to the overall amenity of the area and the objectives of the Local Area Plan. This can be addressed by way of appropriate condition.

7.5.5 The appellant raises a number of issues relating to the historic removal of boundary planting. This is considered to be a civil matter between the parties and outside the scope of assessment in this report.

## 7.6 **Appropriate Assessment**

7.6.1 Having regard to the nature and scale of the proposed development, 3 dwelling houses, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 9.1 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 be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 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 7<sup>th</sup> of April 2017. Where any tree fails it must 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 7<sup>th</sup> 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.

11. 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 Bord 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.

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**Erika Casey**

**Planning Inspector**

12th September 2017