



An  
Bord  
Pleanála

**Board Order**  
**PL 04.249194**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 17/04877**

**Appeal** by the Eagle Valley Association of Residents and Home Owners care of Vicky O'Connor of 7 The Hedgerows, Eagle Valley, Wilton, County Cork and by George Moloney, Joint Statutory Receiver of O'Brian and O'Flynn Unlimited Company care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 10<sup>th</sup> day of August, 2017 by Cork County Council to grant permission to the said George Moloney, Joint Statutory Receiver of O'Brian and O'Flynn Unlimited Company for development comprising construction of a residential development consisting of 73 number residential units and all associated ancillary development works including access roads, parking, footpaths, landscaping, drainage and amenity areas. Access to the proposed development will be via the existing entrance and access on to the Eagle Valley Road, all at Sarsfield Road, Doughcloyne, Wilton, County Cork in accordance with the plans and particulars lodged with the said Council.

## **Decision**

**GRANT permission for all blocks numbered 1, 2, 3, 4, 5, 6, 9, 10, 16 and 17 and all associated ancillary development works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for all blocks numbered 8, 11, 12, 13, 14 and 15 based on the reasons and considerations marked (2) under**

## **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)**

Having regard to the pattern of development in the area, the planning history of the site, to the provisions of the Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board carried out a screening exercise in relation to the potential impacts of the proposed development on European sites, and having regard to its nature and scale, to the receiving environment, to the Habitats Directive screening statement submitted with the further information to the planning authority, to the submissions on file generally, and to the Inspector's assessment, which is noted, concluded that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European site.

## 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 to the planning authority on the 18<sup>th</sup> day of July, 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. This permission permits the development of 41 number units only. Blocks identified as numbers 8 and 15 shall be omitted. These blocks shall be replaced with blocks identical to blocks numbered 6 and 10.

**Reason:** In the interest of clarity.

3. The area released by the substitution outlined in condition number 2 above shall be used to relocate the most northerly road running in an east-west direction to the south by 10 metres. The land to the north of the road shall be redesigned with an increased buffer area. Any proposals for this area shall form part of a separate planning application.

**Reason:** In the interest of clarity and orderly development.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. All trees in the most easterly area of open space shall be protected and retained as part of the open space. Revised details showing compliance with this condition shall be submitted to and agreed in writing with the planning authority prior to works commencing on site.

**Reason:** In the interest of visual and residential amenity.

6. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained, in particular all trees within, and on, the boundaries of the site including trees within private ownership and trees numbers 1654, 1655, 1656, 1657, 1668, 1669, 1670 and 1671 identified on site plan submitted to the planning authority on the 18<sup>th</sup> day of July, 2017, shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

7. All recommendations and measures contained in the Noise Assessment Report submitted to the planning authority on the 18th day of July, 2017 shall be undertaken in relation to the proposed development. The developer shall undertake a noise monitoring survey, if directed by the planning authority. The survey and the monitoring sites used shall be agreed in advance in writing with the planning authority.

**Reason:** To safeguard the amenities of the area.

8. 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.

9. 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 interests of visual and residential amenity.

10. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

11. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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 the interest of residential and visual amenity.

12. Proposals for an estate/street name, house 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 numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

14. 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 to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord 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 of the area.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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 Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. 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.



