

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork City**

**Planning Register Reference Number: T.P.16/36741**

An Bord Pleanála Reference Number: PL 28.246468

**APPEAL** by Thomas Murphy for Residents of Ardcullen care of Paddy O'Sullivan of 118 Ardcullen, Hollyhill, Cork against the decision made on the 23<sup>rd</sup> day of March, 2016 by Cork City Council to grant subject to conditions a permission to Apple Operations Europe care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** An extension to an existing office building within existing campus. The proposed office building extension is four storeys and includes a pedestrian link bridge to an existing Apple Building, atrium roof lights, a roof top plant room, a screened roof top plant area and roof top solar panels. The proposed site development works include the construction, relocation and replacement of the existing generator enclosure to new single storey generator building with rooftop terrace and all associated landscaping, fencing, signage and site development works. The proposed development includes modifications and alterations to the front entrance of the existing office building. Parking for the proposed development will be provided by means of an extension to the existing car park. The car park extension is partially located on lands within the functional area of Cork County Council and a separate planning application will be lodged for this part of the development. Access to the proposed office building and car park will be via the existing entrances at Tadhg Barry Road, all at Hollyhill Industrial Estate, Tadhg Barry Road, Hollyhill, Cork.

## **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

## **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the Cork City Development Plan 2015-2021, the established use and planning history on the site, to the nature, extent and design of the proposed development and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policy requirements of the said development plan as it relates to non-conforming uses, would not seriously injure the visual or residential amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with proper planning and sustainable development of the area.

### *Environmental Impact Assessment*

The Board considered that the Environmental Impact Statement submitted with the planning application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file were considered adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and agreed with her conclusions on the acceptability of the mitigation measures proposed and of the residual effects. The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector.

### *Appropriate Assessment Screening*

The Board noted the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board is, therefore, satisfied, having regard to the nature, location and scale of the subject development, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Great Island Channel Special Area of Conservation (Site Code 001058), or the Cork Harbour Special Protection Area (Site Code 004030), or on any other European sites, in view of the conservation objectives of these sites.

## 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 An Bord Pleanála on the 17<sup>th</sup> day of May, 2016, 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. The mitigation measures and commitments identified in the Environmental Impact Statement, and other plans and particulars submitted with the planning application, and the further particulars received by An Bord Pleanála on the 17<sup>th</sup> day of May, 2016, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. A maximum of 600 number car parking spaces, shall be provided as part of the development. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

4. A minimum of 200 number bicycle parking spaces shall be provided within the site. The layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

5. Prior to occupation of the proposed development, a revised Mobility Management Plan shall be submitted to, and agreed in writing with, the planning authority and shall provide for annual updating and monitoring. The mobility strategy shall be prepared and implemented for the entirety of the development within the campus.

**Reason:** In the interest of sustainable transportation, and in order to avoid traffic congestion in the areas adjacent to the proposed development sites.

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

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

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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

9. The construction of the development shall be managed in accordance with a revised 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 on-site car parking facilities for site workers during the course of construction.
  - (d) 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.
  - (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
  - (f) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
  - (g) 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.
  - (h) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
  - (i) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

10. The landscaping scheme shown on drawing number APPLE –ACM-ZZ-DR-LA-0060001 Rev A4, as submitted to An Bord Pleanála on the 17<sup>th</sup> day of May, 2016 shall be carried out within two months of the date of 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 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.

11. 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.

12. (a) During the operational phase of the proposed development, the noise level arising from the development, at any point along the boundary of the site shall not exceed:
- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
  - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

13. 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.



14. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of road and junction improvement works at Harbour Road/Blarney Road and Tadgh Barry Road/Harbour View Road in the vicinity of the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

**Dated this            day of            2016.**