

An
Bord
Pleanála

Board Order
ABP-312565-22

Planning and Development Acts 2000 to 2021

Planning Authority: Cork City Council

Planning Register Reference Number: 21/40048

Appeal by Henley Bartra Emerald Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 30th day of December, 2021 by Cork City Council to refuse permission.

Proposed Development: Construction of a four-storey office building with an option for internal sub-division to provide up to seven number office units and all associated ancillary development works, including access, footpaths, parking, drainage, landscaping, substation/switchroom, plant and bin store, all at Units 28 and 29, Avenue 6000, Cork Airport Business Park, Lehenaghmore, Cork, as revised by the further public notices received by the planning authority on the 30th day of September, 2021.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

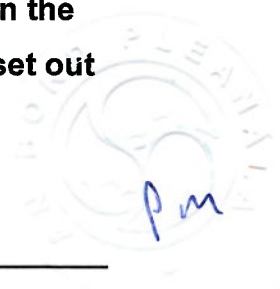
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Reasons and Considerations

Having regard to the ZO 10 - Business and Technology zoning objective pertaining to the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable from a visual amenity perspective and would generally be acceptable in terms of compliance with the criteria stipulated under section 11.175 (Office Business and Technology Proposals) in the Cork City Development Plan 2022-2028. 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 received by the planning authority on the 21st day of September, 2021 and on the 29th day of November, 2021, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



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2. The construction of the proposed 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. The plan shall provide details of all intended construction practice for the proposed development, including measures for the protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

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

3. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays, inclusive, between 0800 hours 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.

4. 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.

5. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and shall repair any damage to the public road arising from carrying out the site works.

Reason: In the interest of orderly development.

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6. 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.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water).

Reason: In the interest of public health.

8. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, in particular recyclable materials, in the interest of protecting the environment.

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9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Car parking spaces shall not be utilised for any other purpose unless the subject of a separate grant of planning permission.
- (b) Prior to occupation of the proposed development, a Parking Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority. The plan shall provide for the permanent retention of the designated business parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use, and how car, cycle, motorcycle and carshare club parking, as well as turning areas, shall be continually managed.

Reason: To ensure that adequate parking facilities and turning areas are permanently available to serve the proposed development.

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

Reason: In the interest of visual amenity.

11. 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.

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12. The following requirements of the traffic and transportation department of the planning authority shall be adhered to:

- (a) All public lighting requirements associated with the proposed development shall be agreed with the planning authority prior to commencement of development. These works shall be undertaken and paid for by the developer.
- (b) All external lighting requirements associated with the proposed development, including lighting associated with the construction stage, shall be designed collectively with any existing lighting (including public lighting) requirements. The external lighting requirements shall also optimise energy efficiency, shall incorporate glare control, and shall be agreed with the planning authority prior to commencement of development. These works shall be undertaken and paid for by the developer.
- (c) The total parking supply on the site shall not exceed the following:
 - (i) The provision of a maximum of 200 car parking spaces, inclusive of 10 disabled parking spaces for the entire development.
 - (ii) The provision of 20 motorcycle parking spaces.
 - (iii) The provision of a minimum of 40 high-quality covered cycle parking facilities.
 - (iv) The provision of a minimum of 10 EV parking spaces with a further 10% of spaces fitted with ducting to provide further charging spaces.

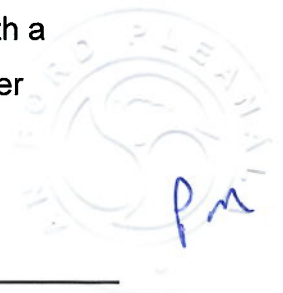
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- (d) All findings of the road safety audit shall be closed out, signed off and incorporated into the proposed development. A stage 3/4 road safety audit shall also be undertaken, closed out, signed off and acted upon. All costs associated with this condition shall be borne by the developer.
- (e) The mobility management plan for the campus shall be updated with actual figures in respect of traffic volumes, modal shift and other agreed parameters on an annual basis. Any actions arising out of the plan shall be implemented in the following year. The mobility management plan shall be continually monitored by the mobility manager.
- (f) A construction traffic management plan for the proposed development, including dedicated haulage routes, a protocol to be followed by HGV drivers, and allowable operational times for the HGV's on the road network shall be agreed with the planning authority in consultation with An Garda Síochána prior to commencement of development.
- (g) All amended vehicular and pedestrian access points shall be designed in accordance with the design manual for urban roads and streets (DMURS). Details shall be as per drawing number 20980-MWP-00-ST-DR-C-5103 submitted on the 1st day of April, 2021. All costs associated with this condition shall be borne by the developer.

Reason: In the interest of traffic safety.



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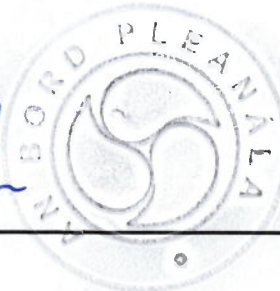
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13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf 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.



Peter Mullan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *19th* day of *June*, 2023.

**Consent to this
Board Order has been made**

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Signed: Secretary

Eileen Wynn