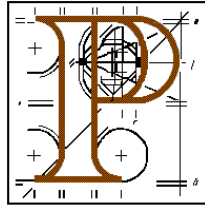

An Bord Pleanála



Inspector's Report

Development: Extension to existing office, Hollyhill Industrial Estate, Tadgh Barry Road, Hollyhill, Co. Cork

Planning Application

Planning Authority : Cork City Council

Planning Authority Register Reference : 16/36741

Type of Planning Application : Permission

Applicant : Apple Operations Europe

Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellant : Thomas Murphy for Residents of Ardculen

Type of Appeal : 3rd Party v. Grant

Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 05/07/16

Appendices

1. Photographs
2. Extracts from Cork City Council Development Plan 2015

1. SITE LOCATION AND DESCRIPTION

- 1.1 The existing Apple campus which has a stated area of 14.5 hectares is accessed from the Tadhg Barry road c. 3km to the north-west of Cork City Centre in the suburb of Hollyhill.
- 1.2 The site is bounded to the west by Tadhg Barry Road and to the north by Dave McCarthy Road. What was originally part of Kilmore Heights Road traversing the site has been closed off from public access and now forms the main vehicular access through the campus with two controlled access points to the south-west and north-east. The existing 4 no.buildings on the campus are located in the south/south-eastern area of the site and to the south of the main access with surface parking located to the north of same.
- 1.3 The lands to the north on the opposite side of David McCarthy Road are undeveloped with a relocated halting site to the north-west. The Hollymount Industrial Estate is to the south-west. The COPE Foundation residential and day support facility bounds the site immediately to the east with the Ardculen housing estate to the east/south-east. Nos. 121 -126 Ardculen, which are side on to the site, are accessed from Coolmaine Crescent to the east. The boundary along same is delineated by a palisade fence with tree planting on the side of the estate
- 1.4 The site has been recently excavated reducing the ground level so that it is now level with the floor level of the HH4 building to which the extension is proposed. There are embankments along the north-east and south-eastern boundaries. The site is surrounded by a hoarding set back approx. 2 metres from the site boundary with clear Perspex panels noted in places.
- 1.5 The extension is to be located in the eastern corner of the campus to the rear of the HH4 office building which was constructed in 2013. It is three storeys in height and provides for the main reception area for the campus in addition to offices and ancillary facilities. Its finished floor level is lower than the levels of the Cope Foundation site with a retaining wall and landscaping along the shared boundary.
- 1.6 The north-western most part of the proposed car park extension is within the administrative area of Cork County Council.

2. PROPOSED DEVELOPMENT

2.1 The application entails:

- Extension to 'HH4' Building with a stated floor area of 15,819 sq.m. to provide for additional office accommodation.
- 752 additional parking spaces. (approx. 46 to be within Cork County administrative area).
- Ancillary works.

2.2 The proposed building will be a four storey structure equal in height to the existing HH4 building to which it is to be connected to and is to include a lower ground floor level. The said lower ground floor will connect to the existing service yard of HH4. The design of the building is to complement the existing.

2.3 The additional floorspace and parking is required so as to allow for an increase in the workforce from 5000 to 6000. The campus will increase in size to 17.05 hectares.

2.4 The existing campus is stated to have a floor area of 48,900 sq.m.

2.5 The application is accompanied by:

- EIS
- Planning Statement
- Design Report
- Mobility Management Plan
- Landscape Specification and Design Statement
- Civil Infrastructure Planning Report
- Alternative Energy Report
- Photomontages
- Stage 1 Screening Report

Cork City has consented to the application on lands in its ownership.

Note: Objections and submissions received by the Planning Authority (PA) have been forwarded to the Board for its information. The issues raised include impacts during construction, potential for partnerships with the local community, impacts on adjoining residential amenities, visual impacts and traffic.

3. INTERNAL REPORTS & PRESCRIBED BODIES

- 3.1 The **Environment Waste Management & Control Planning** Report dated **19/02/16** states there is no objection subject to conditions. A further undated report from the **Executive Engineer** considers the EIS to be adequate and recommends the conditions as previously detailed.
- 3.2 The **Senior Executive Engineer, Drainage Division** in a report dated **11/03/16** has no objection subject to conditions.
- 3.3 The **City Heritage Officer and Archaeologist** in reports dated **20/01/16** and **14/03/16** respectively have no objection.
- 3.4 An email dated **15/03/18** from **Transportation Division** states that interventions would be needed to mitigate impacts of increased traffic that will be generated to maintain operation reliability of the junctions and securing the required Level of Service. It is recommended that the requirements be delivered by either the works being carried out by the developer or by way of a special contribution. The works detailed include public lighting requirements, geometric improvements, traffic signal controlled upgrade to Linked MOVA and associated works at the key junctions of Harbour View Road/Blarney Road and Tadhg Barry Road/Harbour View Road and dedicated right turning lane on Tadhg Barry Road.
- 3.5 The **Senior Executive Engineer, Transportation Section** in a report dated **22/03/16** notes that the total car parking for the full development, if permitted, is well in excess of the City Development Plan standards for the maximum number of parking spaces which is based on 1 space per 50 sq.m. of office development and 1 space per 80 sq.m. of light industry. The parking provision for the 15,000 sq.m. office extension should be limited to 300 cars. The topography of the approaches to the campus from the south and west is very steep and makes initiatives to encourage walking and cycling difficult. If parking is limited to CDP standards it will likely result in the car parking spilling over into adjacent residential areas. In view of these special circumstances and if permission is granted for the full complement of spaces then permission for the parking provision in excess of 300 should be allowed for a temporary 5 year period and that overall parking provision for the campus should be reviewed as part of the Mobility Management Plan annual reviews. A schedule of conditions should permission be granted is attached.
- 3.6 The **Senior Executive Parks Supt, Parks, Landscape and Cemeteries Division** in an email dated **22/03/16** has no objection and considers the landscaping proposed to be satisfactory.

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- 3.7 The **Senior Executive Planner, Planning Policy** in a report dated **10/03/16** notes that office and office based industry is not generally acceptable in the Z05 zoning but the proposal is considered acceptable in principle and that it is reasonable to support an expansion of existing operations. The non-manufacturing activities are established non-conforming uses. The site is not within an area identified as a strategic employment location in the economic development strategy of the development plan. A target of 3000 jobs is set in Table 2.4 (Employment Distribution) for the northside of the city. Employment growth of this scale will complement the major housing regeneration initiative as set out in the North-West Regeneration Masterplan 2011. It is considered to be in accordance with Objectives 3.2 and 3.12 which seek to the support the maintenance and expansion of a diverse series of economic sectors and to protect sufficient areas for light industry.
- 3.8 The **Senior Planner's** report dated **22/03/16** notes that having regard to the development plan policy with regard to non-conforming uses, the planning history of the site, the established and permitted uses and the significance of the development to the Cork area the proposal is considered acceptable in principle. The two keys areas are considered to be transportation and parking and visual impact and residential amenity. He considers that the assessment would have benefited from an additional photomontage at the closest point from Ardcullen Estate to the proposed building where the impact is likely to be greatest. However it is considered that there is sufficient information to allow for an assessment. Whilst it is considered that the proposal would have an adverse impact regard is had to the zoning where is it expected that large scale development would arise, the design of the building which is in keeping with existing, the fact that the building is set down within the site and the landscaping and boundary treatment. On the basis of same the proposal is considered acceptable in terms of landscape and visual impact. There is a difficulty in assessing the site solely within the context of the maximum parking standards set out in the development plan. This is because the nature, location, scale, topography and evolution of the site does not lend itself to generic standards. Apple's modal split of 60% car usage compares favourably with that for the city of 69% and approaches that of the city centre 57%. The County Development Plan parking requirements is twice that of the City. The option for restricting parking to the City standard without a significant reduction in employees is likely (in the short to medium term) to result in displacement of parking rather than achieving its aim in reduction of car travel. The achievement of the CDP parking standards should be over a phased period of years. A grant of permission subject to conditions is recommended.

4. PLANNING AUTHORITY'S DECISION

The Planning Authority (PA) decided to grant permission for the above described development subject to 12 conditions. In addition to specifying standard planning and engineering requirements the following are noted:

Condition 3: Revised proposal for boundary treatment on the north and eastern boundary of the site to improve screening.

Condition 4: Construction and management plan to be submitted for written agreement including haulage route and allowable operational times for HGVs on the road network.

Condition 5: Number of parking spaces to be limited to 710. This shall reduce over a period of 5 years to 300 spaces only. Prior to commencement of development detailed proposals to achieve this target including measures for decommissioning of parking spaces to be submitted for written agreement.

Condition 6: 200 minimum covered cycle parking facilities to be provided.

Condition 7: Targets and measures in the Mobility Management Plan (MMP) to be agreed before development is occupied. The Plan to be updated and submitted to City Council annually.

Condition 12: Special contribution of €350,000 for road and junction improvements works required on Harbour Road/Blarney Road and Tadgh Bary Road/Harbour View Road.

5. GROUNDS OF APPEAL

The submission by Thomas Murphy on behalf of the residents of Ardculen, which also details concerns regarding renovation of the existing building and is accompanied by correspondence with the City Council relating to this matter, can be summarised as follows:

- The proposed extension will be too close to residential properties and will give rise to a significant loss of residential amenities in terms of overlooking, loss of privacy, overshadowing and diminishing of views.
- There are alternative lands available within the site to provide for the extension.

6. APPLICANT'S RESPONSE TO GROUNDS OF APPEAL

The submission by McCutcheon Halley Walsh on behalf of the applicant, which is accompanied by supporting plans and details, can be summarised as follows:

6.1 Zoning

- The subject lands have been zoned for development for in excess of 30 years and were never zoned as open space.
- The Apple operation has materially altered since its establishment on the site in 1980. The zoning of the Hollyhill Industrial estate pre-dates the adoption of the 1985 Cork City Development Plan.
- Objective 15.1 of the current plan provides for support for existing non-conforming uses.
- The proposal complies with the Council's Core Strategy.
- The development at Hollyhill has occurred over a long period with earlier phases located closer to the entrance of the industrial estate at Kilmore Heights. The proposed site is the last remaining piece of these employment lands available for development adjacent to the existing Apple buildings.
- The site was a well maintained vacant site within the Apple campus. The site contributes no amenity value to local residential areas and its development will have no impact on the quantum of amenity space available to Ardcullen residents.

6.2 Residential Amenity

- There are no specific guidelines for distances between the front of a dwelling and the building it is facing.
- The building will have a minimum setback of 25 metres from the site boundary.
- The nearest dwelling is No.121 Ardcullen whose gable end faces the proposed development. The building will be 34.9 metres from same. There will be a c. 7 metre planted buffer. The other houses No. 101 -106 and 115 - 120 Ardcullen are 49 to 86 metres from the proposed building.
- The same expectation of privacy cannot be expected to the front of a house as to the rear. The PA's condition 3 regarding revised boundary treatment will address the appellants' concerns in this regard (revised scheme submitted). The applicant is committed to commencing the planting in tandem with construction. The scheme will use an 'instant hedge' and semi-mature trees to establish a mature screening along this boundary in a short time period.
- The building has been designed to present as 3 storey over ground. The lowering of the site level will result in the building being 4 metres higher than the ridge of the dwellings. The parapet of the proposed rooftop plant and roof lights are marginally higher but the difference in height is less than 10 metres

and is considered acceptable as these areas are not occupied. The Section drawing of the building and the houses shows that the proposed development is effectively only a 1 storey increase in height.

- It is considered that the building is appropriate and consistent with the established pattern of development and will not cause visual intrusion or an overbearing impact on adjoining property.
- The applicant is working with the City Council to improve the existing planting outside their boundary and such improvements will improve the transition from the established commercial area to the Ardcullen Estate.
- There are limited opportunities for overlooking from the proposed development. There is a minimum distance of 50 metres between the glazing components on the 2nd floor and the houses in Ardcullen. The window blinds of the office building can be programmed to ensure they are closed during the evening hours.
- The potential for overshadowing is limited. A shadow analysis prepared shows there will be minimal impact on the front and gables of the adjacent dwellings and this impact is limited to late summer evenings.
- It is accepted that construction will have a short term impact. The conditions attached by the PA address these concerns. Contact and monthly meetings with residents are proposed.

6.3 Alternative Sites

- The office building forms part of Apple's long term master plan for the Hollyhill campus. The Hollyhill 4 building was designed to accommodate future expansion.
- Alternative locations were considered with the extension being the preferred option as it provides for a more cohesive work environment within the company.

6.4 Car Parking

- Condition 5 requiring the reduction of parking space over a period of five years to commence from the date of the grant of permission is considered onerous. The Board is requested to consider the option of the commencement of the implementation of the reduction of car parking spaces from when the proposed building is occupied. The 5 year timeframe could be assessed periodically by the PA to ensure that the investment in public transit, which is outside the applicant's control and which would facilitate the reduction in car parking envisioned, is implemented.

7. PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL

The submission can be summarised as follows:

- The expansion of the plant at its current location rather than relocation provides the optimum arrangement in terms of proper planning and sustainable development.
- It is considered that the impact of the development on the Ardculen Estate has been properly assessed. Having regard to the light industry zoning provisions for the site, the proposed design, the fact that there are other structures of similar height and scale in the general area, the landscaping and boundary treatment proposed and conditions in this regard, it is considered that the proposal is within acceptable parameters and it will not be unduly negative in terms of visual/residential amenity.

8. RESPONSES TO APPLICANT'S SUBMISSION

The applicant's response to the grounds of appeal was circulated for comment:

8.1 3rd Party Appellant

The submission, which is comprised of three letters and is accompanied by supporting photographs, can be summarised as follows:

- The proposal will result in further loss of privacy.
- Construction works have and will continue to have a negative impact.
- The proposal will result in devaluation of property.
- It will result in loss of light and overshadowing.
- An alternative location on the campus would reduce the impact on adjoining property.
- The public notices were erected at a location where people were unaware of its connection to Apple.

8.2 Planning Authority

- The proposal to establish a direct consultation with local residents is considered positive and should provide a mechanism to address any concerns that arise during the construction period.
- The revised landscaping proposals should positively impact on the protection of residential amenity.

9. OBSERVATIONS

None

10. RELEVANT PLANNING HISTORY

15/36684 – permission granted for site development works on the site of the proposed office extension consisting of site excavation and boundary treatments.

12/35248 – permission granted for HH4 3 storey over basement office building

12/35476 – permission granted for the upgrade of the north-eastern elevation of existing building.

10/34660 – permission granted for retention, alteration and extension of existing ancillary car parks serving the facility.

11.0 DEVELOPMENT PLAN PROVISIONS

11.1 Cork City Development Plan 2015

Zoning : The site is within an area zoned Z06 Light industry and related uses. The objective is to protect the industrial nature of the development and provide for light industry where the primary activity is the manufacturing of a physical product. Offices and office based industry will not generally be acceptable in these zones.

Objective 15.1 Non Conforming Uses: Where uses exist as non-conforming uses it is the policy of the City Council to facilitate their continued operation provided they do not seriously detract from the zoning objectives for the area or from residential or other amenities.

11.2 Cork City Northwest Regeneration Plan 2011

The plan is a framework for the regeneration of the north-west suburbs of the city. In terms of enhancing the economic development the Plan notes the opportunity to promote high value manufacturing uses within the Hollyhill Industrial Estate.

12.0 ISSUES AND ASSESSMENT

I consider that the issues arising in this case can be assessed under the following headings:

- Principle of development and Compliance with Zoning Objectives
- Impact on Amenities of Adjoining Properties
- Traffic and Parking
- EIA
- AA- Screening

Principle of development and Compliance with Zoning Objectives

12.1 The current facility on the site has an existing stated floor area of 48,600 sq.m. which is accommodated in four linked buildings HHI – HH4 comprising of manufacturing, storage, office and contact centre facilities. Since the inception of the site in the early 1980's it is reasonable to surmise that the facility has developed whereby it now predominantly provides for customer and office support facilities with manufacturing no longer the primary activity. It is also reasonable to assume that the Planning Authority has been cognisant of this change with specific regard had to the fact that permission was granted for HH4 office building in 2012 under ref. 12/35248. The office floor area in same equates to just under 13,000 sq.m. Notwithstanding same the site retains the Z06 light industry and related use zoning in the current 2015 City Development Plan, the objective for which is to protect the industrial nature of the development and provide for light industry where the primary activity is the manufacturing of a physical product. Offices and office based industry will not generally be acceptable in these zones.

12.2 Taken in isolation the proposal to provide for an additional 15,000 sq.m. of office and related floorspace constituting an approx. 30% increase in the overall floorspace in the campus cannot be seen to comply with the zoning objective. As to why the said zoning objective continues to apply in view of the nature and extent of development on the site is not clear however I would accept that the development plan provisions for non-conforming uses as set out on Objective 15.1 would be relevant in this instance. In such cases the development plan allows for the continued operation of such uses provided they do not seriously detract from the zoning objective for the area or from residential or other amenities. I propose to address the issues pertaining to the amenities of adjoining property below.

12.3 In the wider context there is no doubt that Apple Operations are a significant employment generator in Cork and an important driver of growth both in the

City and the wider south-west region. The proposal which is to facilitate an increase in the workforce on the site by 1000 with the ability to accommodate up to 1,500 can be considered to support the economic objectives for Cork and the South-West region as set out in both the City Development Plan and the Regional Planning Guidelines.

Amenities of Adjoining Property

- 12.4 The justification for the position of the proposed additional floorspace on the site and consideration of alternatives within the campus has been addressed both in the EIS and further ventilated in the appeal response. The extension is stated to be in line with the masterplan for the campus and would provide for a cohesive working environment allowing for connectivity, sustainable use of existing staff facilities and services and shared building services. I note that the said masterplan did not accompany the application.
- 12.5 As noted on day of inspection site preparation works have been carried out with the site levels reduced comparable to that of the existing building to which the proposal is to form an extension. Such preparatory works were permitted under planning ref. 15/36684. The ground levels are between 4 and 5 metres lower than the levels of both the Ardculen Estate and the Cope Foundation grounds to the east and south-east. Hoarding has been erected c. 2 metres back from the palisade fence which delineates the shared boundaries.
- 12.6 Whilst the hoarding currently screens views from points immediately adjoining the shared boundary with the Ardculen estate the extent of views of the existing HH4 building and the other buildings within the campus are evident with an increase in distance. The existing HH4 building is c. 95 metres from the boundary with Ardculen. The proposed extension will result in a reduction in this separation to between 30 -35 metres. The setback from the side of No.121 will be c.34 metres and will be c. 50 metres from the front elevations of Nos.101-106.
- 12.7 The building will read as three storey above ground with the parapet at 139.656 being 5.5 metres higher than the ridge of the houses in Ardculen. Taking into consideration the setback to be maintained this juxtaposition is not considered excessive.
- 12.8 In response to the appeal a Shadow Study Analysis has been submitted and I consider the study to be robust and the findings reasonable. Any overshadowing that would arise as a consequence of the proposed development would be limited to late summer evenings and would not be to

an extent as to give rise to an adverse impact on the amenities of the Ardculen properties to the south and south-east.

- 12.9 In terms of overlooking and loss of privacy whilst there are no specific requirements in such a scenario between commercial and residential development I consider that due regard could be had to the general 'rule of thumb' in relation to mitigation of overlooking in new residential developments in terms of providing for 22 m separation distance between directly opposing first floor windows at the rear i.e. back-to-back arrangement with a separation distance of 22 m (this can be relaxed with appropriate design solutions). The differential in ground levels taken with the revised landscaping regime in the 7 metre buffer as detailed in the grounds of appeal will largely address concerns from the lower three floors. Whilst unrestricted views will be available from the top office floor to the front and side of the houses in Ardculen this is not a 'back to back' situation with the dwellings themselves fronting onto a public estate road and onto the site. Coupled with the separation distance of between 34 and 50 metres the impact is not considered to be an issue. Invariably building lighting at night has the potential to give rise to light spill and heightened perception of overlooking. In response to the appeal the applicant states that the existing system that operates in the current building whereby blinds are closed during evening hours is to be used in the extension.
- 12.10 Whilst it is contended that the building will appear as two storeys from Ardculen I consider that the scale and massing of the building which is materially greater than the domestic scale of the dwellings is a consideration. As noted by the Senior Planner in his assessment on file the photomontages submitted with the application do not adequately reflect the impact from such close quarters. In my opinion the proximity of the building constitutes an intensification of commercial activity to the shared boundary and will be more prominent especially when taken in conjunction with the existing development on the site. I would accept that the views from some of the residential properties in the vicinity of the development will be significantly altered by the proposal but taking into consideration the extent of landscaping proposed I do not consider the new views constitute a visual disamenity.
- 12.11 On balance taking into consideration the zoning provisions for the site, the separation distance to be maintained and to the commitment for extensive landscaping along the boundaries, I consider that the proposal, whilst it will certainly be visually prominent, would not give rise to a material adverse impact on the amenities of adjoining property as to warrant a refusal of permission.

12.12 The construction period can give rise to short term negative impacts in terms of noise, vibration and dust. A properly constituted and executed Construction Management Plan is a necessity to which the applicant is committed. As per the appeal response contact and monthly meetings with residents is also proposed. I note the issues arising in terms of the works underway to the existing buildings on the site but this is not a matter for comment by the Board.

Traffic and Parking

12.13 Section 8 of the EIS addresses transportation and is accompanied by a mobility management plan (MMP).

12.14 Of substantive concern is the additional car parking provision to serve the proposed extension. The current campus has an existing parking provision of 1794 spaces. The applicant in the appeal response notes that the provision has been reduced by 173 over that permitted (c.9%) arising from the continuous monitoring of parking demand and as a result of the implementation of existing mobility management measures on site. Details of the said measures are set out in Section 8.5.2 of the EIS. Working on the basis of an existing floorspace of 48,500 sq.m. the current provision equates to 1 space per 27 sq.m.

12.15 I note that there is a bus terminus at the main entrance to the campus with Bus Eireann No.202 servicing the site with 15 minute frequencies passing through the city centre. The No.201 northern orbital route has a frequency of 1.5-2.25 hours. A further route No.202A providing a direct city centre route has recently come into operation. The take up of this public transport option on the campus is stated to be 26%. Other measures such as carpooling, cycling initiative etc. are in place and are detailed in the said MMP.

12.16 752 parking spaces are proposed on a site that straddles the administrative boundary of Cork City and County with in the region of 46 spaces proposed within the latter (subject of a separate application 16/4145) and which was granted permission. Condition 2 attached to the permission precludes works relating to the development from proceeding until such time as works have commenced on the development associated with the appropriate permission in the Cork City Council administrative area.

12.17 The provision is based on a workforce of 1,500 and the fact that at present 60% of existing staff drive to work with allowances made for differing shift working patterns and absenteeism thereby giving a parking ratio to 0.51.

12.18 The proposed provision is 2.5 times the current City Council standards which, in themselves, are seen as the maximum to be provided (1 space per 50 sq.m. offices). I also note that the allocation would also greatly exceed that as required by the adjoining Cork County Development Plan (660 spaces). In support of this allocation it is contended that the requirement for parking is higher than most urban based office development partly due to the geographical location of the offices on the outskirts of the city and at the top of a steep hill which forms a barrier to cycling and walking. It is also put forward that in view of the overall reduction in the current provision by 173 from that permitted, the net increase over that originally provided would be 580. To counter same I submit that it is reasonable to suggest that the PA had due regard to the specific topographical characteristics of both the subject site and the adjoining zoned lands when reviewing the parking standards in the 2015 Plan. In this regard I note that during the assessment of the application for the HH4 building under ref. 12/35248 the issue of parking provision was noted and the recommendation made by the Senior Executive Planner to restrict the parking provision in line with the then prevailing development plan car parking standards was not included in the Manager's Order. In the current plan the city is divided into three zones based on each area's accessibility to mass transit, cycling and walking. The site is located within Zone 3 coinciding with the City's outer suburbs where access to mass transit would be constrained. As a consequence a more generous allocation in terms of parking provision is provided for. The plan does not make a further differentiation within the zone in terms of topographical constraints. I consider that an argument based on such a factor to justify such a material deviation from the parking standards is erroneous and would set an undesirable precedent.

12.19 In view of the principles of Smarter Travel and national, regional and local pertaining to the need to actively encourage the move away from the private car and to encourage a shift in mode choice, I would express serious reservations about the proposed provision even in the short term as provided for by the PA by way of condition 5. It is well established that the quantity of car parking supplied has a direct impact on the take up of alternative transport options including public transport. To allow for the provision as detailed would, in my opinion, militate against the realisation of the said objectives and the implementation of a robust mobility management plan. The potential for over spill into adjoining areas, whilst noted as an issue can, in my opinion, be addressed by means of enforcement and I consider that the absence of parking options thereby requiring staff to actively pursue alternative means which, when coupled with the increase in public transport facilities, would provide a better means of achieving the said stated goals. I therefore recommend that the parking provision should be limited to a maximum of 300

spaces in accordance with the Development Plan provisions. This may require a re-examination of the mobility management plan in place.

12.20 I note that the agent for the applicant requests the Board to reconsider the wording of condition 5 attached to the PA's decision as it considers the requirement for the 5 year period to commence on the date of the grant of permission to be particularly onerous. In view of my above recommendation such an alternative is not considered acceptable.

12.21 In terms of the impact of the proposal on the surrounding road network an assessment has been carried out working on the principle of a worst case scenario of 1500 increase in employment and a parking provision of 752. It is noted that due to the differing shift working patterns (some commencing at 7am and others later in the morning depending on global region the staff are serving) there is a dilution of Apple related traffic throughout the mornings and evenings. Further flexibility in start and finish times is anticipated in conjunction with improved mode share arising from the continued work on the Mobility Management Plan. Therefore a 10% reduction in the trip rates as recorded is to be expected for the development. These equate to 300 additional arrivals during the AM peak hour of 7.45-8.45 and 233 additional departures during the evening peak hour of 17.00-18.00.

12.22 The junction analysis undertaken concludes that the two entrances to the campus can operate within capacity in both the 2017 (opening year) and 2023 (15 years after opening) scenarios. In terms of analysis of the adjoining road network the following mitigation measures are proposed:

1. Tadhg Barry Road/Harbour View Road Signal Controlled T-Junction
Whilst shown to operate within capacity in both 2017 and 2023 the upgrading of the junction's traffic signals to allow left turning vehicles from the south as well as the introduction of adaptive control software (eg. MOVA) to enable adaptive and efficient operation of the junction is recommended.

2. Harbour View Road South/Blarney Road/Mile Stream Junction
This is shown to be approaching capacity and will be over capacity in 2017. Mitigation measures requiring the upgrading of the junction signals to allow for left and right turning vehicles are recommended.

12.23 I note that the Transportation Section considers the information provided in the EIS to be reasonable and has no objection to the proposal subject to the application of a special contribution towards the realisation of the above stated measures. I consider that such stipulated works can be reasonably

be considered to come within the remit of such a contribution and is therefore acceptable.

12.24 Taking into consideration the above recommendation to restrict the parking provision accompanying the development and the knock on impact such a reduction would have on the trip rates that would be generated I consider that the assessment undertaken allowing for the stipulated trip rates is robust and I therefore accept the conclusions and recommendations as detailed above.

EIA

12.25 Schedule 5 of the Planning and Development Regulations, 2001, as amended, details the classes and thresholds for development which requires EIA. Class 11 Part 2 requires EIA for urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere. As the overall area of the site (inclusive of the extension of the car park which straddles the administrative boundary of Cork City and County Councils) would be 17.05 hectares this exceeds the 10 hectare threshold. In addition the extension would also constitute a 30% increase in the existing floor area which is seen to trigger the requirements as set out in Class 13 (b)(iv) of the Regulations in terms of changes and extensions to a development.

12.26 I am satisfied that the level of information provided in the EIS is such as to enable an assessment of the likely significant effects on the environment arising from the proposed development and that the information presented is such that it is in compliance with the requirements of the EIA Directive and Planning and Development Regulations 2001, as amended.

12.27 The issues arising can be addressed under the following headings:

- Human Beings
- Ecology
- Soils & Geology
- Water
- Air & Climate
- Landscape and Visual Impact
- Material Assets
- Cultural Heritage
- Interaction of the above

Human Beings

12.28 As would be expected the likely effects of the proposed development on human beings are addressed under several of the headings of this environmental impact assessment. Of particular relevance, in my opinion, are issues arising from noise, air and climate and material assets including socio-economic impacts and visual impact. The latter headings are addressed under separate sections below.

12.29 The proposed development will have positive short and long terms impacts on employment in terms of both construction and operational phases and can be considered as having a positive impact on the economy of both Cork City and the wider south-western region.

Ecology

12.30 This should be read in conjunction with the AA – Screening below. The site is not of ecological importance or value. The site of the proposed extension originally constituted maintained grass land and has now been cleared in anticipation of the proposed development whilst the area of the proposed car park extension, which was originally used as a halting site, is now under grass. No species or habitats of specific interest or importance were noted during the site survey works and the loss of the prevailing habitats and species in the context of the wider adjoining lands is not considered an issue. No significant impacts on flora and fauna are envisaged.

Soils and Geology

12.31 The site of the proposed extension has been excavated under an existing permission to facilitate the proposed development. The proposed car park extension is on the site of a previous halting site. Appropriate, standard practices during the construction phase will ensure against the potential for pollution of soil.

Water

12.32 The nearest watercourses are the River Bride c. 1km to the north of the campus and the River Lee c. 1.2km to the south. The employment of good construction management practices will counter any potential for risk of pollution of soil, storm water runoff or groundwater. The site is fully serviced with sufficient capacity in the water and sewerage network to accommodate the proposal.

Air and Climate

- 12.33 Dust will be generated during the construction period which could have an impact on the amenities of adjoining property. A dust minimisation plan is to be prepared and implemented and is to entail methods which are considered to be standard procedures in such construction projects. Dust deposition monitoring at appropriate locations on the site boundary is proposed. Should exceedance of the relevant TA Luft limit occur additional mitigation measures will be implemented. No air quality impacts are expected in the operational phase.
- 12.34 Noise and vibration during the construction phase is inevitable. Noise abatement measures will be implemented and will comply with the recommendations of BS5228: Noise and Vibration Control on Construction and Open Sites, Part 1: Code of Practice for Basic Information and Procedures for Noise and Vibration Control (1997) and the NRA guidelines Good Practice Guidelines for the Treatment of Noise during the Planning of National Road Schemes. Monitoring is proposed at appropriate locations across the site.
- 12.35 During the operational phase noise impacts may be generated from traffic accessing and egressing the site but in the context of the zoning provisions for the site and the fact that the overall site accesses are away from the nearest sensitive receptors it is not considered that the impacts arising from same would be material. Plant and equipment will be required to ensure compliance with the noise limit values for the HH4 building granted under ref. 12/35248. attached by way of condition (see section 9.2.3.2 of the EIS).

Cultural Heritage

- 12.36 There are no archaeological or architectural features of interest on or in the vicinity of the site. No impact on cultural heritage is envisaged.

Landscape and Visual Impact

- 12.37 In terms of the site location within an established industrial/commercial area in a landscape that is not deemed to be of particular sensitivity and the proposal that the building is to match that to which it is to be connected the impact on landscape is considered to be negligible. I would reach the same conclusion for the car park extension
- 12.38 The substantive issue is the visual impact as viewed from the adjoining properties. I consider that this constitutes a material issue arising in the case

and have assessed same in detail above. I do not propose to repeat the assessment at this juncture.

Material Assets

12.39 I consider that the substantive issue under this heading would pertain to the adjoining road network and traffic which has been addressed above and I do not propose to replicate same here.

Interaction of the Foregoing

12.40 The main interactive impacts arising from the proposed development are and human beings, landscape, noise, dust, material assets and traffic related impacts and, in my opinion, have been adequately addressed in the EIS.

AA - Screening

12.41 The application is accompanied by an AA - Screening report prepared by Dixon Brosnan Environmental Consultants.

12.42 The following staged approach to screening for appropriate assessment is recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

Project Description and Site Characteristics

12.43 The proposed development is as described in sections 1 and 2 above.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

12.44 Two European Site are identified as being within a 15km radius of the site.

Cork Harbour SPA (code 004030) – the nearest point being c. 6km to the south-east of the site. The qualifying interests include 24 species of birds and is of international importance for the total number of wintering birds (over 20,000) and for its populations of Black-tailed Godwit and Redshank.

Great Island Channel SAC (code 001058) – the nearest point being c.12 km to the east of the site. The qualifying interests for same area being mudflats and sandflats not covered by seawater at low tide and Atlantic salt meadows

12.45 Detailed conservation objectives have been prepared for both sites, the overall objective being to maintain or restore the favourable conservation status of the habitats and species of community interest so as to contribute to the overall maintenance of favourable conservation states of those habitats and species at a national level.

Assessment of likely effects

12.46 The site is not within a designated site thus there would be no direct impacts from the proposed development.

12.47 In terms of indirect effects I note that there are no surface water features in the vicinity of the site with the nearest watercourses being the River Bride c. 1km to the north of the campus and the River Lee c. 1.2km to the south.

12.48 In terms of indirect effects at operational stage the proposal on an existing commercial site will be of design and height to that existing and will be fully serviced. Increases in noise and traffic generated by the development would be considered to be minimal taken in the context of the separation between the site and the designated sites and the location of the site within such a commercially developed area in proximity to Cork City.

12.49 During construction phase whilst there is the potential for increased noise and dust the impact will be localised and it is envisaged that the normal measures to mitigate against such impacts would be invoked as a matter of common practice. Such practices would also address the potential for spills and as such protection of groundwater should be ensured. Thus no indirect impacts are envisaged

12.50 In terms of cumulative Impacts the site is located on appropriately zoned lands and, taken in the context with existing development, is not considered to result in cumulative effects. In terms of potential future development I note that the site is within zoned lands and that the current City Development Plan itself was subject to AA-Screening.

Screening Statement and Conclusions

12.53 In conclusion having regard to the foregoing and on the basis of the information available, it is reasonable to conclude that on the basis of the

information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular site numbers code 004030 and 001058 in view of the sites' Conservation Objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13. CONCLUSIONS AND RECOMMENDATION

- 13.1 In the context of the existing development on the site and the current City Development Plan policy in terms of non-conforming uses the proposed extension to facilitate further office space is acceptable.
- 13.2 Whilst the proposal will be a prominent element in views from Ardcullen Housing Estate the proposed landscaping proposals along the affected boundaries should assist in ameliorating the impact. I consider that sufficient evidence has been provided to support the claim that overshadowing will not be a material consideration whilst the separation distance and night time measures to be introduced will reduce the perception of overlooking.
- 13.3 I do not accept the case put forward for the extent of parking proposed which is materially greater than that as provided for in the City Development Plan and cannot be seen to be in accordance with the principles of Smarter Travel. To allow such a provision even the short term will militate against the realisation of the necessary shift away from the private car.
- 13.4 Certain mitigation measures are proposed to road junctions in the vicinity towards which a special contribution is recommended by the planning authority and to which I would agree.
- 13.5 I therefore recommend that permission for the above described development be granted in accordance with the **draft** order.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current 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 generally accords with the policy requirements of the development plan as it relates to non-conforming uses, would not seriously injure the visual and residential amenities of property in the vicinity and would not give rise to a traffic hazard or obstruction of road uses. 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 application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was 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 generally agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

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 would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the Great Island Channel Special Area of Conservation (site code 001058), and on the Cork Harbour Special Protection Area (site code 004030), or on any other European sites, in view of their conservation objectives.

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 17th 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 to the Board on the 17th 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 protection of the environment during the construction and operational phases of the proposed development

3. A maximum of 300 no. 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 interests 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.

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5. Prior to commencement of 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 and shall not make any provision that would not comply with the requirements of condition 3 of this order.

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 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 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;

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- (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 drg no. APPLE –ACM- ZZ-DR-LA-0060001 Rev A4, as submitted to An Bord Pleanála on the 17th day of May, 2016 shall be carried out within 2 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 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.

14. 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.

Pauline Fitzpatrick
Inspectorate

July, 2016