



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312565-22

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<b>Development</b>	Construction of a 4-storey office building.
<b>Location</b>	Units 28 and 29, Avenue 6000, Cork Airport Business Park, Lehenaghmore Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2140048
<b>Applicant(s)</b>	Henley Bartra Emerald Limited.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Henley Bartra Emerald Limited.
<b>Observer(s)</b>	1. Michael Ahern
<b>Date of Site Inspection</b>	14.10.2022
<b>Inspector</b>	Fiona Fair

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	6
4.0 Planning History.....	7
5.0 Policy Context.....	8
5.1. Development Plan.....	8
5.2. Natural Heritage Designations .....	10
5.3. EIA Screening .....	10
6.0 The Appeal .....	10
6.1. Grounds of Appeal .....	10
6.2. Applicant Response .....	13
6.3. Planning Authority Response .....	13
6.4. Observations .....	13
6.5. Further Responses.....	15
7.0 Assessment.....	15
8.0 Recommendation.....	20
9.0 Reasons and Considerations.....	20
10.0 Conditions .....	20

## **1.0 Site Location and Description**

- 1.1. The site is situated within Cork Airport Business Park, an established business park, adjacent to Cork Airport off the N27, Kinsale Road. The business park dates to early 2000's and comprises a large number of units (at least 30) with individual parking areas and includes a hotel. The units are accessed by means of a private internal road network. The site is located in the north western section of the business park (Phase 2) on the southern side of the internal access road, Avenue 6000.
- 1.2. There are houses located to the north / northeast of the business park. The site of the appeal is currently a vacant site, but relates to two units, Nos. 28 and 29, (formerly units 8 and 9 under parent permission).
- 1.3. The site area is given as 1.12ha. Units 28 and 29 are located on a corner site. The majority of the surrounding units appear to have been constructed. Phase 1 of the business park is located to the south of the site.

## **2.0 Proposed Development**

- 2.1. Permission for the construction of a 4-storey office building (6770 sq. m) with an option for internal sub-division to provide up to 7 no. office units and all associated ancillary development works including access, footpaths, parking, drainage, landscaping, substations/switchroom, plant and bin store.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission Refused for the following reason:

1. "Having regard to the height, massing, scale and layout of the development and its proximity to adjoining dwelling houses it is considered that the proposed development would seriously injure the residential amenities of property in the vicinity by reason of overlooking, visual overbearance and loss of privacy. The development is also out of scale, visually overbearing with the adjoining units in the Cork Airport Business Park and the development would therefore, if permitted, be out of character with the pattern of development in the area, would

injure the visual amenities of the area and could set an undesirable precedent for the development of the remainder of this site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area”.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The proposal was subject to a further information (FI) request and a request for clarification of further information (CFI).

#### **3.2.2. The request for FI is summarised as follows:**

1. The PA consider the development potential of the most northerly section of the site to be limited having regard to potential negative impact on the amenities of adjoining properties to the north and north east. Requested to submit a revised proposal showing the omission of 2 floors from the northeastern section of the building. A number of site sections are requested.
2. Submitted views does not constitute a full visual impact assessment. Required to submit a complete VIA and photomontages of proposed development. Clarification of the need to locate plant at roof level, recommend relocate to the basement.
3. Relates to drainage and SuDS

#### **3.2.3. The request for CFI is summarised as follows:**

1. The applicant is requested to give further consideration to the omission of two floors from the northernmost section of the building and to submit revised plans omitting the 2<sup>nd</sup> floor north wing and the third floor penthouse. With regard to plant at roof level, need to ensure that it does not give rise to negative visual impact.

#### **3.2.4. The Final Planners Report considers that no change has been made to the design of the building. The applicant has responded that the omission of two floors is not warranted on visual grounds and on residential amenity grounds. It is also stated that the omission of the two floors from the northernmost section of the building would undermine the design integrity and reduce economic potential. The response**

includes a comparison of the current proposal with the extant permission (15/5983) on the site. During the course of the planning application 15/5983 revisions were sought to address concerns on established residential amenity and these were taken on board by the agents. They set back the third and fourth floors. The scale of the permitted building increased southwards, which is the less sensitive part of the site. Further, the uppermost level of the permitted building was for plant and this area was set back from the main elevations.

The response, in the subject case, has not made any changes to the design of the building (save for a wooden trellis at uppermost floor level submitted in September 2021). The issue regarding the scale of the building and impact on established residential amenity was highlighted at pre - planning stage – the northern part of the site was viewed as being most sensitive. The omission of the two floors would achieve a building form in keeping with the permitted development on the site, not raise significant impacts on established residential amenity and reduce the scale of the building.

The impact of the development on established residential amenity and the visual amenity of the area remains a concern. To permit the development as proposed would go against the concerns as previously raised by the Planning Authority and create a precedent for the remainder of the site.

#### 3.2.5. Other Technical Reports

- Urban Streets & Roads Design: No objection subject to conditions.
- Traffic (Regulation and Safety): No objection subject to conditions.
- Environment: No objection subject to conditions.
- Drainage: Initial report recommends FI. Subsequent report indicates no objection subject to conditions.
- Contributions: Applicable.

#### 3.3. Prescribed Bodies

- DAA: Advises no observation to make.
- Cork Airport: No objection subject to condition re: cranes on site.

- TII: Report advises it will rely upon the PA to abides by official policy.
- IW: No objection subject to condition.

### 3.4. Third Party Observations

Two submissions were submitted, one from an adjoining landowner and the other on behalf of the applicant.

3.4.1. The submission from the adjoining landowner / resident of 'Glenlara' is summarised as follows:

- Concern regarding visual amenity and privacy perspective.
- Development would tower over back garden and enable overlooking into the back garden and rooms at the rear of their house.
- Concern regarding height and proximity.
- Submits that visual intrusion would be worse than indicated – no levels taken from adjoining property.
- Development is out of scale and character with surrounding development all of which are two storey.
- Could set an undesirable precedent for future further development of the site.

3.4.2. The submission on behalf of the applicant is summarised as follows:

- Advises that development was revised at preplanning stage, distance of 84.3 m to nearest residential property which it is stated is consistent the existing permission 15/5983;
- There will be no visibility at ground level due to the landscaping berm provided as part of the development of the Business Park – additional landscaping is proposed on the site – submits drawings in this regard, incl. a landscaping section.
- Extent of footprint in existing permitted proposal is much greater than in proposed development, current proposal has a reduced footprint and a limited profile / northern elevation.

- Angle of rear windows / house and location of the proposed development means no direct overlooking of from first floor of house to the office building.
- A parapet wall is proposed at 3<sup>rd</sup> floor level with third floor set back and so no direct line of sight.
- No impact in terms of overshadowing / overlooking (cross section submitted in this regard).
- Development would not be out of character / scale with other developments in the Business Park.
- Positive visual impact on this strategic employment location.

## 4.0 Planning History

Reg. Ref. 15/5983 Permission granted for the construction of a 2 to 4 storey office building (12,080 sq. m GFA). Extension of duration granted to 21.07.2026

Reg. Ref. 07/11846 (PL04.227946) Permission granted for Alterations to permitted development 03/1507.

Reg. Ref. 03/1507 Planning permission was granted for a business park comprising 10 blocks with a total floor area of 30,194sq.m, an ESB MV substation, car parking and associated works north of Cork Airport Business Park, which is the governing permission.

Reg. Ref. 06/6767 Permission granted for retention of 30 no. additional car parking spaces associated with Unit 27 (formerly unit 7).

Reg. Ref. 06/9979 Permission granted for alterations to Unit 27 including an additional storey (increase from 2 to 3 storeys) involving an increase in floor area of 1,409sq.m.

Reg. Ref. 06/10417 Permission granted subject to conditions for amalgamation of Units 28 and 29 (combined floor area of 7815m<sup>2</sup>), the provision of 236 surface car parking spaces and 152 parking spaces on a deck over the surface car park to serve units 27, 28 and 29.

Reg. Ref. 07/11011 Planning permission was granted by the planning authority for the rationalisation of the car parking within phase 2 of the business park

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The subject site is zoned – ‘ZO 10 - Business and Technology’ in the Cork City Development Plan 2022 – 2028. “To provide for the creation and protection of high technology related office-based industry and enterprise, to facilitate opportunities for employment creation”.

#### ZO 10.1

The main purpose of this zoning objective is to facilitate opportunities for high technology office -based industry, advanced manufacturing, major office and research and development-based employment.

#### ZO 10.2

Primary uses could include software development, information technology, green technologies, creative technologies and emerging industries, telemarketing, commercial research and development, data processing, publishing and media recording and media associated activities. General offices where each office unit is in excess of 1,000 square metres is open for consideration in this zone subject to the objectives set out in Chapter 7 Economy and Employment.

#### ZO 10.3



Other uses that may be acceptable in this zone, subject to local considerations, include light industrial uses set out under ZO 10 Light Industry and Related Uses, primary healthcare centres and hospitals and commercial laboratories. Secondary uses such as residential uses, childcare facilities, leisure facilities and small-scale local services, where they serve the local area, are open for consideration at an appropriate scale where they are subsidiary to the main employment uses and do not conflict with the primary zoning objectives.

#### ZO 10.4

General industry and retailing will not normally be permitted in this zone.

#### ZO 10.5

Development proposals in this zone must create a high-quality built and landscaped environment and make use of sustainable energy solutions.

#### Section 11.175 Office Business and Technology Proposals.

All new office / business and technology proposals are expected to comprise a high-quality layout, design and finish. The following shall also be taken into consideration:

1. A high-quality landscaping scheme with a comprehensive maintenance strategy;
2. Proportionate open space provision on sites identified as strategic employment locations within the Development Plan unless it can be demonstrated there are sufficient open space facilities within walking distance of the development or there are proposals to provide a larger area of open space elsewhere in the wider site as part of a comprehensive masterplan. In some circumstances and at the Local Authority's discretion, dual-use SUDS measures / open space may be acceptable;
3. A workplace travel plan;
4. Protecting the amenity of nearby occupiers / residents;
5. Maximising opportunities to incorporate climate mitigation and action measures in accordance with Objectives contained in Chapters 5 and 6.

### 5.1.2. Ballincollig / Carrigaline Municipal District Local Area Plan 2017.

The subject site is situated in an 'Existing Built Up Area' (Ref. South Environs Map 1 Ballincollig / Carrigaline Municipal District LAP 2017).

## 5.2. Natural Heritage Designations

The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).

The Planners report states: "having regard to the location of the proposed development site relative to these European cities and the related watercourses and to the nature and scale of the proposed development, it is considered the proposed development would not affect the integrity of the European sites referred to".

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development comprising of construction of a 4 storey office building within the permitted Airport Business Park, in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. First Party appeal by McCutcheon Halley on behalf of the applicant's Henley Bartra Emerald Limited. It is summarised as follows:
- The development will not have an adverse impact on the amenities of the area and will make a positive contribution to the area.
  - The scale, height and massing is entirely appropriate for the site.

- The proposed scheme is more modest and has less of an impact than the extant permission on site.
- The proposal was amended at pre planning stage in response to the pre planning feedback.
- The office building was relocated further south creating a substantial separation distance of 84.3m and 114.8m to the dwellings located to the north and northeast respectively. This ensured that there would be no visibility at ground level between the houses to the north / northeast and the proposed development.
- This berm screening is within the control of the owners / operators of the Business Park; will not be affected by the 21/40048 office development and will be retained and maintained into the future.
- The planners assessment in relation to potential impact was based on the conclusion that separation distances of 84.3m and 114.8m was insufficient and that any level of visibility of the proposed office building (from house (s) located within the Metropolitan Greenbelt) would be unacceptable – fundamentally disagree with this assessment.
- A VIA was carried out – as can be seen from the VIA and photomontages submitted with the RFI (in particular view points VP02, VP07 and VP08) views from the dwellings to the north and northeast to the proposed office building are screened by a raised berm and a dense band of vegetation with no visibility of the ground or first floors and very limited view of second and penthouse level of the proposed development from within the garden of the property to the north.
- The scheme was amended, at RFI stage, by reducing the floor area and increasing the set back to the parapet wall to c. 7 meters and the height of the parapet wall was increased to 1.4 m to ensure no visibility from within the building to the adjoining houses.
- A timber pergola / trellis structure and brise soleil was added, at RFI stage, to prevent overlooking to the north / northeast.

- Despite the changes the PA considered that there could still be potential for negative impacts on residential amenity to the north.
- The PA's decision to refuse permission on the perceived impact on dwelling houses situated 84 m and 114 m distant does not stand up to objective scrutiny.
- The scale, height and massing is entirely appropriate for the site and will not set an undesirable precedent. This is the last undeveloped site on zoned lands within this part of the Cork Airport Business Park.
- The site is zoned for Business and Technology in the Draft Cork City Development Plan.
- There is an extant permission on the site for a larger scale office development which is four storeys in height and has a multi storey car park and has a greater massing and scale than that currently proposed.
- The current proposal (21/40048) will replace an extant permission granted under 15/5983 for a 4 storey office building (12,080 sq. m gross internal Floor Area) and the provision of a 4 storey multi deck car park. This permission was subject to an extension of duration of permission and will now expire on the 21<sup>st</sup> July 2026. Comparison of the current proposal and the extant permission under 15/5983 has been submitted.
- It would be completely duplicitous to refuse permission for a building which has the same height and is of lesser scale than that which has already been permitted on the grounds that it would be 'out of character...and could set an undesirable precedent.'
- The conclusion of the VIA is that the overall magnitude of the visual impact is low or negligible and does not warrant significant design changes (such as omission of the two floors) the photomontages submitted support this conclusion.
- Omission of two floors will undermine its viability.
- The proposal is essentially a 3 storey structure with set back 4<sup>th</sup> floor with parapet and is consistent with and fully complies with the 2018 Height

Guidelines, which specifically advocates greater scale and higher building heights of four storeys in locations outside of city and town centre areas.

- Appeal accompanied with:
  - Cork City Council Decision Reg. Ref. 21/40048
  - A copy of LVIA and Photomontages submitted at FI stage dated July 2021.

## 6.2. Applicant Response

6.2.1. None on file.

## 6.3. Planning Authority Response

6.3.1. None on file.

## 6.4. Observations

6.4.1. An Observation has been submitted by Michael Ahern, Glenlara, it is summarised as follows:

- Acknowledge the detailed analysis made by Cork City Council. The PA have demonstrated a balance between the developers right to develop that site and the observers right to enjoy the residential amenity of his home.
- Its important to have regard to the setting of the subject site and the existing buildings within the business park.
- The applicant has not engaged in any correspondence or discussion with the observer.
- To date the observer has had a very collaborative relationship with the operators of the Business Park.
- The separation distance of 84.3 m, stated by the applicant, between the proposed building and the observers house is inaccurate.

- The trees on the northern side of the berm between the observers home and the development do not exist. This area is outside of the control of the applicants.
- The appellants claims that the planners considered 'any level of visibility of the proposed office building from houses located within the Metropolitan Greenbelt would be unacceptable.' This is clearly not the case given the considered and studied approach.
- The photomontage shown in Figure 1, page 3 of the appeal is misleading as to the true nature of the overlooking.
- Only minor amendments have been made to the scheme to reduce the top floor footprint.
- Concern for the proposal of a terrace area at roof level. It would give rise to greater levels of overlooking.
- There will be a large negative impact on the established residential amenity
- It is correct to state that this is the last undeveloped site within the business park.
- There is an extant permission on the site under 15/5983 the life of which has been extended to 21.07.2026
- While it is true to say that the extant permission allows for a, in part, four storey development, the key point is that the northern most section of it has been reduced to two storeys. As required by the City Council. This served to reduce the overall scale, mass and overbearing of the building.
- Relying on National Guidelines on Building Heights fails to reflect the site-specific issues and the context of the permitted and authorised developments in the area.
- Considered solutions are vital to avoid clashes between a scheme and the surrounding landscape, properties and users and that various boundary developments, taken together with proposed development must enhance the surroundings.

- Consider that the current proposal will have a greater impact on the observers property, in terms of overlooking into rear garden and bedroom windows, than the permitted development. It is located closer to and 2 stories greater at the northern portion of the site.
- Severe adverse impact due to overlooking and overbearing mass of the building.
- Would set an undesirable precedent for the remainder of the Business Park.
- Height, scale and massing is out of character with the adjoining buildings in the business park, which are 2 storey.
- Proposal is taller and closer to the observers home than the extant permission and therefore more injurious to residential amenity.
- Observation accompanied with letters of objection to Cork City Council, photographs

## 6.5. Further Responses

6.5.1. None on file.

## 7.0 Assessment

7.1.1. I have read through the file documentation, the relevant provisions of the statutory Cork City Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relates solely to:

- **Scale / Height and Impact Upon Residential Amenity**
- **Appropriate Assessment**

### **Background:**

7.1.2. At the outset, I note for the attention of the Board that the subject site is zoned – ‘ZO 10 - Business and Technology’ in the newly adopted Cork City Development Plan 2022 – 2028. “To provide for the creation and protection of high technology related office-based industry and enterprise, to facilitate opportunities for employment creation”.

- 7.1.3. The subject site is situated in an 'Existing Built-Up Area' (Ref. South Environs Map 1 Ballincollig / Carrigaline Municipal District LAP 2017).
- 7.1.4. There is an extant planning permission on the site under Reg. Ref. 15/5983 on foot of which permission was granted for the construction of a 2 to 4 storey office building (12,080 sq. m GFA). The proposed building had a FFL of 151.7m. The ridge level of the 4<sup>th</sup> floor was 167.55m. The overall height was 15.85m. The ridge level of the plant was 170.4m and the overall height from FFL to ridge level of the plant was 18.85m. The height of the car park building ranged from 9.6m to 11.5m. An extension of duration of permission was granted to extend this permission to 21.07.2026. I note the original business park development was permitted under Reg. Ref. 03/1507, for a business park with 10 blocks totalling 30,194 sq. m on 9.6 ha (see, Planning History section of this report set out above).
- 7.1.5. The design of the building permitted under Reg. Ref. 15/5983 was amended at FI / CFI stage, the applicant omitted the second and third office floors from the north west wing of the building, at the request of the PA. This resulted in a reduction in the proposed height and gross internal floor area by 1,011 sqm to a new GIA of 11,069sqm.
- 7.1.6. In the detailed complex assessment of Reg. Ref. 15/5983, it was considered by the area planner that: 'The area is characterised by large office buildings. While most of the buildings are two storey there are three and four storey buildings in the overall Business Park. Also, the levels of the landscape plan give rise to a variety of ridge levels. It is considered that the four storey proposed building could be accommodated on the site but perhaps the scale is just slightly excessive in terms of the types of buildings around it and their various ridge levels. A slight reduction could result in a better solution for the site with a lesser impact on the visual character of the area.' The County Architect had no objection to the design, height, scale and finish of the proposal, subject to a condition re: finishes being agreed. It is documented on file that the Senior Planner, however, advised that the NW block should be reduced in scale to match the NE block. Item 2 of the FI request considered that the proposed development achieves inadequate separation distance between the northern elevation of the building and the third-party property to the north and as a result, impacts negatively on the residential amenities of this property. In this regard, NE of the western block was required to be revised to match the



building line of North elevation of the eastern block in terms of the second and third floors. Revised plans and elevations were submitted accordingly.

7.1.7. The principle of the use and a structure is clearly acceptable in principle, subject to adherence to planning policy, engineering and environmental grounds. From details on file, I am of the opinion, that all matters arising have been satisfactorily addressed with the exception of scale / height and impact upon residential amenity.

## **7.2. Scale / Height and Impact Upon Residential Amenity**

7.2.1. This is a first party appeal against the one reason for refusal, set out in full in section 3.1 of this report above. It considers that the subject appeal proposal would:

- By reason of height, massing, scale and layout of the development and its proximity to adjoining dwelling houses, would seriously injure the residential amenities of property in the vicinity by reason of overlooking, visual overbearance and loss of privacy.
- By reason of scale be visually overbearing with the adjoining units in the Cork Airport Business Park and could set an undesirable precedent for the development of the remainder of this site.

7.2.2. The site represents a large corner site whose levels fall west to east and slightly from south to north. The lowest point of the site is the eastern side. The building to the west is two storey. The road bounds the northern and eastern sides of the site. There are two L shaped 2 storey buildings to the south. There is another two storey block on the eastern side of the road which runs east of the site. The area to the north / north east of the site consists of a landscaped area incl. mound / berm and planting. The closest residential properties to the site are located in excess of 80 m to the north / northeast of the site.

7.2.3. The proposed office building has 4 floors, ground, first, second, with a set back penthouse and plant area at third floor level. The overall height of the structure is 16.980 m to fourth floor parapet and 13.7 m to parapet of the third floor. A separation distance of 84.3m is indicated between the proposed building and the closest neighbouring dwelling (Observers dwelling) located to the north.

7.2.4. As set out above, the site is zoned ZO 10 - Business and Technology' in the newly adopted Cork City Development Plan 2022 – 2028. I have carefully considered the

scale and the height of the building proposed. I concur with the applicants' arguments in respect to compliance with National Guidelines, in particular, 2018 Height Guidelines, which specifically advocates greater scale and higher building heights of four storeys in locations outside of city and town centre areas. This area is zoned, serviced lands and is, undisputedly, the last remaining site within the Cork Airport Business and Technology park. There is an extant permission on the site for a large scale office development which is four storeys in height and has a multi storey car park and arguably a greater massing and scale that that currently proposed.

- 7.2.5. Having compared the current proposal (21/40048) with the extant permission granted under 15/5983 (subject to an extension of duration of permission to 21<sup>st</sup> July 2026). By means of plans and drawings and reports uploaded on to the PA's website for Reg. Ref. 15/5983, as the elevation drawings for the permitted development are not on file, albeit floor plans and outlines of that permitted has been included for comparison purposes. It is my opinion, that the height and massing is acceptable in the current proposal before the Board and that the relocation of the substantial plant from the roof at 4<sup>th</sup> floor (5<sup>th</sup> storey) would be wholly more desirable from a visual amenity view point, in particular when view from more distant views. The white coated flat metal insulated wall panels, natural stone cladding and power coated aluminium spandrel panel and louvre planed screen are an improvement on the finish and design of what was previously permitted and will blend with adjoining permitted development. This is a large site within a high spec business and technology park, I see no evidence that the design, height, scale and massing of the building proposed would be 'out of character...and could set an undesirable precedent.'
- 7.2.6. From my site visit and observations on the ground I accept the conclusions of the VIA that the overall magnitude of the visual impact is low or negligible and does not warrant significant design changes (such as omission of the two floors). I concur that the photomontages submitted support this conclusion.
- 7.2.7. Cork Airport Business Park already consists of a large number of office blocks with a variety of users. The proposed development is for a large office building, the front façade of which faces north and as such would not be out of keeping with the two,

three and four storey office blocks already permitted in the remainder of the Business Park.

- 7.2.8. With respect to impact upon residential amenity (overbearing by reason of massing and overlooking), it is my opinion given the substantial separation distances and the orientation of the buildings that no significant negative impact would arise. I note the significant change in levels, mound / berm screening, deciduous nature of screening and inclusion of trees not present on the ground, essentially arguments on both sides. Viability of the building, verses, protection of residential amenity and changing nature of the distinctive character of the area. The site is located within a designated 'Existing Built up Area', within the Cork City Boundary, zoned and serviced. It will not, in my opinion, give rise to overbearing locally within the Business Park or from a distance, given the substantial separation distances to the closest neighbouring dwellings.
- 7.2.9. I note concern raised for the proposal of a terrace area, facing north / north east at roof level. I agree that it may give rise to some degree of overlooking or perceived overlooking and should be omitted. This I recommend may be done by way of condition should the Board agree that permission should be forthcoming in this instance.
- 7.2.10. Should the Board disagree with my recommendation to overturn the decision of the PA with respect to height and massing, I would suggest that they consider the alteration / amendment of the building by way of condition and compliance rather than an outright refusal of permission. The second and third floor of the northeastern section of the building could be set back, stepped further from northern / north eastern boundary and revised plans and drawings submitted for written approval prior to commencement of development.

### 7.3. **Appropriate Assessment**

- 7.3.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed office development, and the location of the site within an established Business and Technology Park, in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely

to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 9.1.1. 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 newly adopted Cork City Development Plan 2022 – 2028. The proposed development will therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by Further Information and Clarification of Further Information submitted to the planning authority, 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.  <b>Reason:</b> In the interest of clarity.
2.	The development shall be amended as follows:

	<p>(a) All of the proposed external terraces on the north and eastern elevations at third floor shall be omitted.</p> <p>Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity of adjoining properties.</p>
3.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for 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.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
4.	<p>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 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>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.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>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</p>

	<p>of the site works and repair any damage to the public road arising from carrying out the works.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
7.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the 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.</p> <p><b>Reason:</b> To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.</p>
10.	<p>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.</p> <p>b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This 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</p>

	<p>assigned, segregated by use and how car, cycle, motorcycle and carshare club parking, as well as turning areas, shall be continually managed.</p> <p><b>Reason:</b> To ensure that adequate parking facilities and turning areas are permanently available to serve the proposed development.</p>
11.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
12.	<p>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.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
13.	<p>The following requirements of the traffic and transportation department of the planning authority, shall be adhered to:</p> <p>(a) All public lighting requirements associated with the proposed development shall be agreement with the planning authority prior to commencement of development these works are to be undertaken and paid for by the applicant.</p> <p>(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 optimize energy efficiency incorporate glare control and be agreed with the planning authority prior to commencement of development, The works shall be undertaken and paid for by the applicant.</p> <p>(c) The total parking supply on the site shall not exceed the following:</p>

	<ol style="list-style-type: none"> <li>1. The provision of a maximum of 200 car parking spaces inclusive of 10 disabled parking spaces for the full development.</li> <li>2. The provision of 20 motorcycle parking spaces.</li> <li>3. The provision of a minimum of 40 high quality covered cycle parking facilities.</li> <li>4. The provision of a minimum of 10 EV parking spaces with a further 10% of spaces fitted with ducting to provide further charging spaces.</li> </ol> <p>(D) All findings of the road safety audit shall be, closed out, signed off and incorporated into the development. A stage 3 / 4 road safety audit shall also be undertaken, closed out, signed off and act upon. All costs associated with this condition shall be borne by the applicant.</p> <p>(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 should be implemented in the following year. The mobility management plan should be continually monitored by the mobility manger.</p> <p>(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 cities road network shall be agreed with Cork City Council in consultation with An Garda Siochana before works commence on site.</p> <p>(g) All amended vehicular and pedestrian access points shall be designed in accordance with the design manual for urban roads and streets (DMURS). Details as per drawing 20980-MWP-00-ST-DR-C-5103 submitted on the 1st of April 2021. All costs associated with this condition shall be borne by the developer.</p> <p><b>Reason:</b> In the interest of Traffic Safety</p>
14.	<p>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</p>



	<p>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.</p> <p><b>Reason:</b> 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.</p>
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Fiona Fair  
Planning Inspector

09/12/2022