

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork City

Planning Register Reference Number: T.P.15/36267

An Bord Pleanála Reference Number: PL 28.245315

APPEAL by Robert and Maura White of 15 The Grove, Orchard Road, Cork and by Sean and Megan O'Conaill of 2 The Grove, Orchard Road, Cork against the decision made on the 23rd day of July, 2015 by Cork City Council to grant subject to conditions a permission to Variety Holdings Limited care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork.

PROPOSED DEVELOPMENT: Provision of 8 number student accommodation apartments (over two storeys) adjoining Brookfield Leisure Centre and all associated ancillary development works including revisions to the existing access and car park layout at Brookfield Village Student Accommodation and Leisure Centre Complex, College Road, Cork.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. Having regard to the provisions of the Cork City Development Plan, 2015 – 2021, the pattern of existing and permitted development in the vicinity and area and having regard to the submissions made in connection with the application and the appeal, and notwithstanding the zoning for the site, it is considered that the proposed development would be contrary to the policy objectives of the planning authority as set out in the Development Plan. It is considered that the development, if permitted, would contravene Objective 11.7, as set out in the Development Plan, which deals with Public Open Space and where it is the stated objective of the Plan, amongst others, to protect, retain, improve and provide for areas of public open space for recreation and amenity purposes. The objective further provides that there will be presumption against development on all open space in residential estates in the city, including any green area/public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation/ amenity open space, and also including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes. Given the historical use of the subject site as the primary open space area serving the overall Brookfield Village development, it is considered that the proposed development would be contrary to this Development Plan Objective and would, therefore, be contrary to the proper planning and sustainable development of the area

Furthermore, it is further considered that the proposed development would contravene Objective 10.9 of the planning authority, as set out in the Development Plan, which deals with River and Waterway Corridors and seeks to protect and maintain the integrity and maximise the potential of the natural heritage and biodiversity value of the River Lee and its associated watercourses. Developments in river corridors are required to dedicate a minimum of 10 metres from the water's edge in channelized rivers for amenity, biodiversity and walkway purposes. Having regard to the proposed layout of the site, together with the proposed provision of 28 new car parking spaces along the boundary with the river, it is considered that the proposed development would contravene this Development Plan objective and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the backland location of the proposed student accommodation building, together with the differing ground levels, the Board is not satisfied that development, if permitted, would result in appropriate levels of residential or general amenity for the future residents of the building. Furthermore, it is considered that the development would negatively impact on existing residential amenities for existing residents of Brookfield Village by reason of the loss of public open space and the residents of the wider area, by reason of proximity to private homes, noise and impacts on the general amenities of the area. The proposed development would, therefore, seriously injure the residential and general amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2015.