

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork City**

**Planning Register Reference Number: T.P. 15/36530**

An Bord Pleanála Reference Number: PL 28.245912

**APPEAL** by Robert and Maura White of 15 The Grove, Orchard Road, Cork and by Variety Holdings Limited care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 8<sup>th</sup> day of December, 2015 by Cork City Council to grant subject to conditions a permission to the said Variety Holdings Limited in accordance with plans and particulars lodged with the said Council

**PROPOSED DEVELOPMENT:** Student accommodation development comprising (1) change of use from hotel to provide three number student accommodation apartments; (2) change of use from leisure centre to provide six number student accommodation apartments; (3) construction of eight number student accommodation apartments to the rear (south) of Brookfield Hotel/Leisure Centre, and (4) all associated ancillary development works including landscaping and revisions to the existing access and car park layout at Brookfield Village Student Accommodation and Leisure Centre Complex, College Road, Cork.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

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

## REASONS AND CONSIDERATIONS

Having regard to,

- the zoning of the site for '*Residential, Local Services and Institutional Uses*' in the Cork City Development Plan, 2015 – 2021,
- the nature and scale of the proposed development, the existing character and pattern of development in the vicinity of the site,
- the location of the proposed development within an existing student accommodation complex,
- the proximity of the site to existing third level education facilities,
- the planning history of the site including the planning permission granted under appeal reference number PL. 28.240044 (planning register reference number 11/35072) which permitted the construction of a development of a similar scale and similar footprint to the current proposal,
- the proximity of the site to areas suitable for both passive and active recreational amenity, and
- the proposals for improvement to and enhancement of riverside amenity in the vicinity of 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 houses in the vicinity of the site, would not seriously injure the overall amenities of the area, would be acceptable in terms of flood risk management, would be acceptable in terms of traffic safety and convenience and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the revised proposal submitted in response to the request for further information issued by the planning authority had merit insofar as it provides for a reduction in the area of surface car parking (deemed to be appropriate in the context of student accommodation) and corresponding improvements to the landscaping of the site, including the upgrading and improvement to the riverside amenity adjoining the site. Furthermore, the Board considered that the loss of open space from the site as a consequence of the proposed development was not so detrimental to the overall Brookfield Student Village in light of the extent of open space and recreational amenities available to the general student body in close proximity to the site. Accordingly, given the historic use of the site and the particular circumstances of this case, including these mitigating factors, the Board did not share the Inspector's conclusion that the proposed development would contravene Objective 11.7 of the Development Plan.

In not accepting the Inspector's recommendation in relation to his recommended second reason for refusal, the Board considered that on the basis of the documentation submitted with the planning application and appeal there was no evidence to suggest that the existing Brookfield Student Village was not properly managed and well run. Furthermore, it was considered that the detailed design of the proposed converted building had paid sufficient attention to the need to protect the residential amenities of adjacent houses. In these circumstances, the Board was satisfied that, subject to the attachment of appropriate conditions to a grant of planning permission (including the requirements of condition number 2 below), the proposed extension to the student accommodation facility would not diminish the standard of residential amenity provided in the existing student accommodation or provide for a poor standard of residential amenity in the proposed student accommodation and would not seriously injure the residential amenities of neighbouring houses.

The Board also had regard to the contents of the Government initiative as set out in the 'Action Plan for Housing and Homelessness – Rebuilding Ireland' published in July 2016 which recognises the importance of providing well designed and located student accommodation in order to avoid additional pressures on the private rental sector.

## **CONDITIONS**

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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 submitted on the 4<sup>th</sup> day of September, 2015 and the 12<sup>th</sup> day of November, 2015, 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. (a) The kitchen/living area to apartments numbers 7 and 9 shall be amalgamated with a bedroom to form a larger kitchen/living area in each of these units.  
  
(b) Apartment number 8 shall be provided with a living/dining/kitchen area in lieu of that located within the area denoted in the drawings outlined in orange. This shall be provided in the area marked Bedroom 3 which shall be amalgamated with a further bedroom to provide adequate and usable living space for this unit.  
  
(c) The windows to Bedroom 8 of Apartment number 8 and Bedroom 7 of Apartments numbers 7 and 9 shall be relocated from the north-eastern elevation to the south-eastern elevation.

Revised drawings showing compliance with the modifications required under (a), (b), and (c) above shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity of occupiers of the proposed accommodation and in the interest of residential amenity of neighbouring dwellings.

3. Details of the materials, colour and texture of all external finishes shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

4. 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.

5. No change of use shall take place from student accommodation to any other type of living accommodation without a prior grant of planning permission.

**Reason:** In the interest of complying with Objective 6.5 of the Cork City Development Plan 2015-2021.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, which shall include proposals for suitable screen planting of piled foundations for the proposed new student accommodation block. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
  - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder,
  - (ii) Details of screen planting which shall not include cupressocyparis x leylandii,
  - (iii) Details of roadside/street planting which shall not include prunus species,
  - (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels,
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

- (c) A timescale for implementation, including details of phasing.

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.

7. A riverside amenity corridor which shall be a minimum width of 10 metres shall be provided along the riverside boundary of the site in accordance with a scheme details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This corridor shall be reserved for future use as a public amenity walkway and cycleway. No development shall take place within this area to be reserved.

**Reason:** In order to comply with Objective 10.9 of the Cork City Development Plan 2015 – 2021 in the interests of amenity.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

**Reason:** In the interests of amenity and public safety.

9. (a) 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 intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

- (b) Noise during site clearance and construction shall not exceed 65 dB(A), Leq 30 minutes and the peak noise shall not exceed 75 dB(A), when measured at any point off site.

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

10. Prior to commencement of development, full details of all necessary noise attenuation measures including details of selected mitigation measures and on site methodology for the implementation of agreed measures together with details of the visual appearance of the proposed noise attenuation screen shall be submitted to and agreed in writing with the planning authority.

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

11. All mitigation measures proposed in the Flood Risk Assessment received by the planning authority on the 4<sup>th</sup> day of September, 2015 shall be carried out in full in accordance with the proposals contained within the report.

**Reason:** In order to minimise the risk of flooding of the proposed development.

12. 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

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

**Dated this            day of            2016.**