



An
Bord
Pleanála

Inspector's Report PL28.247698.

Development

Modifications to a permitted student accommodation block, comprising an additional storey to provide 4 student apartments, changes to windows and some minor internal changes.

Location

Brookfield Village Student
Accommodation, College Road, Cork.

Planning Authority

Cork City Council.

Planning Authority Reg. Ref.

16/37078.

Applicant(s)

Variety Holdings Ltd.

Type of Application

Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First and Third Party versus decision.

Appellant(s)

1. Variety Holdings Ltd.
2. Robert and Maura White.

Observer(s)

Seán and Megan Ó Conaill.

Date of Site Inspection

17 February 2017.

Inspector

Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is located within the grounds of the 'Brookfield Village Cork City Student Accommodation and Self Catering Village', a kilometre walk from the main library entrance to University College Cork and approximately 2.4km southwest of Cork City Centre. The site has a stated area of 1.16 hectares and is irregularly shaped. It is accessed via an existing internal road network that extends northwards from a junction onto College Road with vehicular access to the wider site regulated by the use of a barrier system.
- 1.2. The immediate site surrounds comprise a large two storey, shallow pitched roof leisure centre, three storey red brick student residence (former hotel building) and the associated surface car park. The wider site denoted by a blue line ownership boundary is characterised by the campus style sylvan setting of the student village interspersed with a number of three storey pitched roofed red bricked buildings placed along the winding access road. The northern portion of the overall student village site is characterised by four and five storey over undercroft car parking, student apartment blocks known as Jennings Pool. The subject proposal is positioned on a flat and level grassed area set at a level below adjacent dwellings and at the bottom of a significant slope from existing student blocks to the east.
- 1.3. Outside the boundary of the appeal site is a variety of development. To the immediate west of the site is a conventional cul-de-sac housing layout of detached two storey dwellings, known as 'The Grove'. The Grove is set at a higher level than the appeal site and is well screened from surrounding development to all boundaries except the boundary to the site. A large detached dwelling set in an expansive and well screened garden is located to the immediate south. To the north of the site is first the Curragheen River, then the Victoria Mills UCC Campus Accommodation which rises to nine stories in height. Further west is located a number of four and five storey apartment blocks aligned along the course of the river and fronting onto Carrigrohane Road and Victoria Cross.
- 1.4. The topography of the wider landholding is characterised by a gradual fall from College Road towards the Curragheen River. There is a considerable ground level difference between the application site and those lands to the immediate south and

east, whilst there is also a notable change in level relative to the adjacent housing scheme to the west at the 'The Grove'.

2.0 Proposed Development

2.1. Permission is sought for modifications to the development permitted under PA ref 15/36530, ABP ref PL28.245912:

- An additional storey (a third floor) to a student accommodation block to comprise four student apartments incorporating 25 bed spaces and amounting to an additional floor area of 941 sq.m.
- Changes to windows along the western elevation at first floor level, from conventional flush to wall openings to a mixture of projecting bay with angled offset and conventional openings. A high level window will light bedrooms and face northwest, longer windows will light bedrooms and living rooms facing southwest and a conventional window will light bedrooms and face west. Windows on the western elevation on the new second floor will follow a similar arrangement but without conventional flush window openings.
- Internal changes which include rearrangement of the lift cores and redistribution of some storage areas.
- Relocation of the entire building southwards by approximately 6 metres. The revised building will be located close to an existing ESB substation, this results in a change to bedroom 4 of apartment 10 window location from eastern elevation to northern elevation.

2.2. The building sits on short piles and rises to an overall height of 9.6 metres above ground level with a flat roof profile. The building previously permitted had a pitched roof profile and amounted to 11.2 metres in height above ground level.

2.3. The application is accompanied by a planning and design report, a flood risk assessment and unsolicited additional information concerning a tree protection/landscape plan.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for a single reason, set out below:

1. Having regard to the existing and permitted density of development on site, the backland location of the site, the character and pattern of development in the vicinity, the nature and the intensity of the proposed use and the design of the structure it is considered that the proposed development would seriously injure the visual amenities of the area, would result in the overdevelopment of the site and would be out of character with the pattern of development in the area. The proposed development would also seriously injure the residential amenities of property in the vicinity by reason of noise and general disturbance likely to arise from the proposed increase in density on 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

Basis for the planning authority decision. Report includes:

- Room sizes are generally in accordance with guidelines.
- In principle the proposed development is located within an existing student village and will not conflict with the current land use zoning.
- The report sets out a detailed analysis of the planning history of the site and the assessments made thereof, including the reasons for refusal.
- A calculation of the density of the site is made. The site will amount to an average of 74 units per hectare. Based upon the increase in density on the site and the loss of amenity space, the scheme would result in overdevelopment of the site.
- The impact upon residential amenity is assessed in the context of the site characteristics, existing screening and location of student accommodation.

Overlooking would not be an issue. Concern is raised as to the increase in accommodation and its resultant likelihood of creating a noise nuisance. Management issues are noted and the concerns of residents based upon their experiences of ongoing and unacceptable student behaviour is taken into consideration.

- The design of the block would be out of character with existing development in the vicinity and would visually jarring and incongruous.
- The development was screened for Appropriate Assessment. It was concluded that the proposed development would not affect the integrity of a European site. Appropriate Assessment is not required. The site is in Flood Risk B.

3.2.2. Other Technical Reports

Roads Design (Planning) Report – The proposal provides sufficient car parking spaces for the number of bed spaces for students. No objections, attachment of standard conditions.

Drainage Report - No objections subject to standard technical conditions.

Environmental Waste Management and Control Report - No objections subject to standard technical conditions.

3.3. Prescribed Bodies

Irish Water Report – No objections subject to standard technical conditions.

3.4. Third Party Observations

Four submissions were received by the planning authority and refer to a number of issues which are repeated in the grounds of appeal.

4.0 Planning History

The overall site has a complex and lengthy planning history concerning the change of use of the existing hotel/leisure centre and the construction of student and nursing

home accommodation. However, in my opinion the planning cases most relevant to the appeal site are:

Planning register reference 15/36530, ABP reference PL28.245912*. Permission granted for change of use of hotel/leisure centre to 9 student apartments and the construction of a block of 8 student apartments. August 2016.

Condition 2, is of relevance to the former hotel block as it relates to the internal layout of apartments and arrangement of some windows. Condition 5 relates to the use of the apartments for student accommodation in order to comply with Objective 6.5 of the Cork City Development Plan 2015-2021. Conditions 6 and 7 relate to landscaping requirements and a dedicated riverside amenity corridor.

Planning register reference 15/36267 and ABP reference PL28.245315*. Refusal of permission for 8 student apartments over two storeys attached to the leisure centre. February 2016.

Planning register reference 13/35660 and ABP reference PL28.242369*. Permission granted for the change of use of the existing leisure centre to a nursing home as an extension to previously permitted changes. August 2013

Planning register reference 11/35072 and ABP reference PL28.240044. Permission granted for a two-storey extension to nursing home (Ref. 10/34436), partial change of use of existing leisure centre to nursing home. October 2012. Extended to November 2022.

Planning register reference 10/34436 and ABP reference PL28.237742. Permission granted for alterations and change of use of the existing hotel to provide a nursing home. September 2010.

* Files attached.

5.0 Policy Context

5.1. Development Plan

Cork City Development Plan 2015-2021.

The appeal site is Zoned 4 - Residential, Local Services and Institutional Uses

The site is located within University College Cork (UCC), College Road and Magazine Road Proposed Architectural Conservation Area (ACA).

A Proposed New Amenity Routes/Upgrades, runs to the north of site along the south bank of the Curragheen River.

Relevant City Development Plan Policies and Objectives, include:

Objective 6.5 Student Accommodation

Any change of use from student accommodation to any other type of accommodation shall require planning permission. Generally, such applications shall be resisted unless it can be adequately demonstrated that an over provision of student accommodation exists in the city.

Section 16.68 - Student Accommodation

Given the growth in recent years of the numbers of third level students together with the planned expansion of the city's major educational/facilities, there is a demand for specific residential accommodation to cater for this need. Chapter 6: Residential Strategy outlines the City Council's policy on student housing. When dealing with planning applications for such developments a number of criteria will be taken into account including:

- The location and accessibility to educational facilities and the proximity to existing or planned public transport corridors and cycle routes;
- The potential impact on local residential amenities;
- Adequate amenity areas and open space;

- The level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities (including shop/café uses), car parking and amenity;
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of uses;
- In all schemes the applicants will be required to provide written documentary confirmation for a 'Qualifying Lease' as defined in the Guidelines on Residential Developments for third level students published by the Department of Education and Science in May 1999, to prove that the accommodation is let to students within the academic year.

Section 16.69 - As per Objective 6.5 in Chapter 6, all permissions for student housing shall have a condition attached requiring planning permission for change of use from student accommodation to other type of accommodation. Future applications for this type of change of use will be resisted except where it is demonstrated that over-provision of student accommodation exists in the city.

Section 16.42 - Residential Density

The residential density of developments in central and inner suburban (pre-1920) areas of the city will normally be higher than 75 dwellings per hectare responding to the nature of their context, and are more likely to be controlled by other considerations. These will include plot ratios (see Table 16.1), and other planning and design considerations.

5.2. Relevant National Policy & Guidelines

Sustainable Residential Development in Urban Areas

The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DEHLG) state that there should be adequate separation (traditionally about 22m between 2-storey dwellings) between opposing first floor windows.

Flood Risk Assessment Guidelines

The Guidelines for Planning Authorities on The Planning System and Flood Risk Assessment (DEHLG) provides guidance in respect of proposed development in areas susceptible to flooding.

Guidelines on Residential Development for 3rd Level Students

These guidelines issued by the Department of Education and Science under the Finance Act, in 1999 are of relevance in relation to the design of student accommodation.

5.3. Natural Heritage Designations

The appeal site is located approximately 4.7 kilometres west of the Cork Harbour SPA (site code 004030).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The **applicant's** grounds of appeal can be summarised as follows:

- The City Council's assessment of the entire scheme is biased against student accommodation. The grounds of appeal go into some detail about inaccuracies and generally critique the Council's planning report. Specifically, a criticism of the reliance on previous refusals of permission and ABP Inspector's reports. There is no mention of the positive impact of re-orientating first and second floor windows on the western elevation. No consideration of a reduction in building height and flat roofs are a feature of more recent development in the vicinity. The bias against student accommodation is underlined by the statement that noise and general disturbance would likely result from the proposed student use. The applicant reiterates that the scheme will be professionally managed to ensure a high standard of conduct.
- The overall density of student accommodation is very modest and would not result in overdevelopment of the site. The applicant cites the location of nearby schemes which are of a greater density, Victoria Mills in excess of 100 units

per hectare. The existing and proposed density for the overall Brookfield site would amount to 34.7 apartments per hectare, very low for a city centre location. 40% of the site is devoted to open space and will amount to 27.2 sq.m. per student. The amount of open space accords with CDP standards.

- The refusal of additional accommodation is unnecessary at a time when accommodation is in short supply. The applicant provides an assessment of the shortfall in student accommodation in Cork City. The applicant highlights that 25 extra purpose built student bed spaces will have a knock on effect in relation to relieving pressure on the private rented sector and accord with government policy – *Action Plan for Housing and Homelessness – Rebuilding Ireland*.
- The scheme went through a pre-planning process to ensure that residential amenity would not be impacted upon. The entire block has been moved southwards, window arrangement altered, screen planting proposed, separation distances increased, all designed to protect residential amenities and ensure the building is appropriate to its site.
- The proposed modifications will not impact upon residential amenity and will make a positive contribution to student accommodation in Cork. The existing Brookfield Student Village is professionally managed and incidences of anti-social behaviour are non-existent. With reference to 15 The Grove, everything possible has been done to ensure the residential amenity of the property is preserved. The proposed development will lessen any impacts previously permitted, in relation 15 The Grove.

6.1.2. **Robert and Maura White, 15 The Grove** - grounds of appeal can be summarised as follows:

- The appellant requests that the Board uphold the decision of the Council to refuse permission for the development.
- There are ongoing concerns at the activities of the student's resident at Brookfield Student Village, which results in negative impacts to residential

amenity. There have been numerous reports to the Gardai and there is ongoing friction between residents and Brookfield.

- There is concern that the proposed extra height would have an impact on residential property.
- The appellant expresses surprise at the decision making process of the Board in recent decisions concerning the appeal site.
- The Board inappropriately used the *Action Plan for Housing and Homelessness – Rebuilding Ireland*, to justify and grant permission for the previous development scheme.
- The appellant concludes by generally articulating concern at the series of events which led to the Board's most recent decision in relation to the site and a wish that the minutes of Board meetings should be publicly available.

The appellant has substantiated their appeal with extracts from the Council's planning report.

6.2. Planning Authority Response

The planning authority have no further comments to make with regard to the proposed development. However, a statement is made in relation to the nature and personalisation of the applicants grounds of appeal.

6.3. Observations

An observation has been made by Seán and Megan Ó Conaill, 2 The Grove, summarised as follows:

- Claims that there is a bias against student accommodation is disingenuous and an argument used by the applicant only when it suites their purpose. The observer illustrates the point through the use of previous decisions and cites a legal case to illustrate 'material differences' between cases and concludes that the relevant cases to have regard to are PL28.223678 and PL28.245315.
- The Victoria Cross development is bad planning and should not be used as a comparator of appropriate density.

- There is no 'loss' to student accommodation as permission has not been granted for the proposed scheme.
- Careful consideration of the proposed scheme may have occurred, unlike the care shown to neighbouring residents in relation to the existing scheme.
- There is no proof provided by the applicant that residential amenity is offset by the provision of student accommodation. The increase in student numbers will inevitably result in greater noise and nuisance.
- The observer notes planning breaches in relation to signage, procedural issues in relation to the planning application process and drawing inaccuracies in relation to tree and screening location.
- The correct planning history file to have regard to is PL28.245315, therefore the conclusion that the current proposal would not injure residential amenities is wrong.
- The proposed scheme is not in accordance with Student Accommodation Scheme Guidelines as the building does not make a positive contribution to the built environment, no integration of students in the wider community, not correctly orientated and insufficient facilities for disable students.
- Insufficient car parking has been provided. Car parking that is provided takes away from amenity space.
- The proposed building is out of character with adjacent development. The scale and design of the building will result in a loss of residential amenity. The proposed building is not in accordance with City Development Plan policies.
- Reliance on the *Action Plan for Housing and Homelessness – Rebuilding Ireland*, to justify the proposal is incorrect.
- Anti-social behaviour is an ongoing issue at Brookfield Village and the proposed development will compound this issue. The observer has little faith in the current management regime and doubts effective management of an increased number of students in the future.

The observer has enclosed photographs showing commercial bins/litter and signage, a telephone log and the terms of use of student accommodation.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Nature and Principle of Development
- Residential amenity
- Visual Amenity
- Overdevelopment of the site
- Car Parking
- Operational management
- Tackling Housing Crisis
- Other Issues
- Appropriate Assessment

7.2. Nature and Principle of Development

7.2.1. The development proposal before the Board is to modify a previous grant of permission, ABP PL28.245912 refers. From a review of the available information, it is apparent that one of the issues in the assessment of the subject appeal is whether or not the submitted proposal amounts to a new 'standalone' application which should be assessed *de novo* from first principles or if it simply amounts to the amendment/revision of the design and layout of an already permitted development. In this respect it is worth noting that there are a number of extant permissions on the site for both student accommodation and nursing home conversion. Works have not been carried out to implement valid permissions. However, I note that the hotel on site is no longer in operation as such and may be operating short term lets.

7.2.2. The subject application has been lodged in the context of a particular permission (ABP PL28.245912), and it is modifications to the new student accommodation block of that proposal which is before the Board under this appeal. The modifications include a new position on the overall site for the apartment block, an additional floor

containing four apartments, minor internal arrangement changes and revised window treatments to the western elevation. Given the nature and extent of the modifications I consider it appropriate to assess the impact of these changes on the receiving environment, specifically residential amenities. In addition, I consider it necessary to address the issues presented by the reason for refusal and relevant grounds of appeal in the context of the permitted development.

7.2.3. I note that the numbering sequence of apartments in the current proposal follows on from those indicated in drawings submitted as part of the previous application it is intended to amend. It is apparent that the subject proposal is intrinsically linked to the extant grant of permission on site. It is therefore appropriate to assess the current proposal in the context of permitted development, in order to assess the cumulative impact of the proposed modifications. Accordingly, I am satisfied that the subject application can be reasonably described as amending an extant grant of permission and, therefore, it is unnecessary to revisit the wider merits and overall principle of the student accommodation development already permitted on site.

7.3. **Residential Amenity**

7.3.1. In order to assess the impact of the proposed development on existing residential amenity, I shall address the following issues: overlooking, overbearing appearance and overshadowing. I shall also address the residential amenities that will be afforded to future occupants of the proposed building.

7.3.2. **Impacts on existing residential property**

7.3.3. *Overbearing Impact* - The proposed three storey student apartment building will be located approximately 30 metres from the rear elevation of 15 The Grove and approximately 24 metres from the gable elevation of 1 The Grove. The proposed building will be positioned approximately 6 metres south of its previously permitted location. The overall structure will be slightly lower than that previously permitted by the Board and lower than the existing leisure centre. However, in this context it is the perception of height, rather than actual ground to roof apex which is more relevant. In this respect the proposed building is three storeys as opposed to the previously permitted two storey structure it replaces. This is relevant because a three storey building could be perceived by neighbouring properties as having an overbearing impact.

- 7.3.4. The design of the building seeks to mitigate overbearing impact by introducing a coloured band at second floor level, possibly intended to replicate a mansard roof or such like. In my mind this architectural device goes some way to alleviating the perception of overbearing appearance. In addition, I attach significance to the difference in ground level between residential development to the west and the site which is at a marked lower level. Crucially, the entire building has been moved southwards away from the rear elevations of some properties at The Grove. In this respect and combined with clarity on the details of the cladding material at second floor level, I anticipate that overbearing appearance will not be a material issue.
- 7.3.5. *Overshadowing* - I would have anticipated that a building of the scale proposed, its location adjacent to existing development and the complex site planning history, that a shadow analysis would have been prepared. Such an analysis would have conclusively shown the level of impact on the degree of overshadowing on neighbouring property, specifically to the north and west. Notwithstanding the absence of shadow analysis, I consider that the drawings submitted are adequate to enable a balanced review of overshadowing impact.
- 7.3.6. The repositioned block southwards will result in a greater separation distance between the new block and the leisure centre and hotel to the north. I consider that this is where the impact of the new building will be felt most if permissions to convert to living accommodation are implemented. In this context I note that the increase in distance to approximately 9 metres could not fail to improve the issue of overshadowing. However, 9 metres would be close in a conventional residential setting and there are no quantitative guidelines which refer to separation distances in a student or nursing home setting. In this respect I note that overshadowing between student accommodation blocks was not an issue in the most recent permission. In this light, I consider that a shift southwards by 6 metres significantly decreases the potential for overshadowing. The proposal therefore is broadly acceptable given the accommodation requirements for students whose durations of stay are comparatively short when compared to standard domestic accommodation standards.
- 7.3.7. With regard to residential property to the west, at The Grove. In all likelihood the revised position of the proposed building will improve the impact upon the private amenity spaces or living rooms of dwellings at The Grove, by virtue of the distances

involved and the lower ground level associated with the appeal site. I conclude that there will be no adverse impact from overshadowing by the proposed development to these properties to such an extent that amenity will be seriously injured. In addition, taking into account the topography of the Brookfield Village site, the relative location of the apartment block and the height of any winter sun; the development as proposed would not lead to perceptible levels of overshadowing and is therefore acceptable.

- 7.3.8. *Overlooking* – The impact of overlooking must be assessed in order to ensure the preservation of residential amenity associated with The Grove to the west and the future conversion of structures to the north. Firstly, cross section drawings are useful, however, I note that drawing 1005-P10-A12 (public lighting) details the location of a number of cross sections. Not all the cross sections labelled are reproduced in the drawings I have to hand. Notwithstanding possible omissions, I am satisfied that the cross sections and other plans I have seen allow me to make an acceptable assessment of any overlooking issues.
- 7.3.9. The conventional approach to ensuring that overlooking and loss of privacy does not occur has resulted in a separation distance of 22 metres between opposing first floor windows. However, with more refined design techniques, such as angled windows, distances can be marginally closer and still ensure privacy is maintained. There are no windows at first or second floor level angled directly towards the first floor windows of dwellings in The Grove. The closest windows of any description are high level windows associated with bedrooms on the second floor, set at an angle and approximately 32 metres from the first floor elevation of number 15 The Grove. In the case of normal height windows associated with the second floor bedrooms, the closest window with more or less direct line of sight is approximately 40 metres. In fact, the linear west facing elevation of the apartment building maintains a 22 metre distance from the shared boundary between properties at The Grove, therefore excessive overlooking is unlikely to be an issue.
- 7.3.10. The perception of overlooking is often a factor within new developments. In this instance the low lying level of the appeal site plays a part in mitigating impact. In addition, boundary planting will eventually provide effective screening. However, to deal with the immediate perception of overlooking, I would suggest that the high level

windows associated with all bedrooms and facing the north west should be fitted with permanently obscured glazing.

7.3.11. The application drawings submitted to the planning authority do not include the floorplan and elevations of the leisure centre and hotel to the north. The drawings are however, annotated with text that states the existing leisure centre and hotel are converted to student accommodation. In the interests of clarity this is not the case. The leisure centre still operates as such and though the hotel no longer operates it does provide short term let accommodation. I do not know if this is student accommodation converted in accordance with permitted plans.

7.3.12. For the most part overlooking is not an issue between the proposed development and existing building to the north. When the leisure centre and former hotel are converted to student accommodation use in accordance with approved plans, there are some outstanding residential amenity issues. Firstly, as a result of shifting the whole building southwards, the window lighting ground floor bedroom 4 of apartment 10 has moved to the northern elevation. This is because the location of the ESB substation would render a window on the eastern elevation redundant. The result is that this repositioned bedroom window has the potential to look out across other bedroom windows associated with the conversion of the leisure centre. To be precise bedroom 4 of apartment 10 would face directly across to windows of bedrooms 4, 5, and 6 of apartment 1. I suggest that the erection of a screen in conjunction with landscaping in between the two buildings would eliminate overlooking.

7.3.13. *Other residential amenity issues* – The public lighting drawing, shows that no new lighting will be located to the west of the block. Therefore, there should not be any impact upon residential units to west.

7.4. Visual Amenity

7.4.1. The planning authority consider that the visual amenities associated with the site would be seriously injured by virtue of the design of the structure it is proposed to erect. The planning authority also considered that the backland setting of the site, its prevailing character and the existing pattern of development in the vicinity would be negatively impacted upon.

- 7.4.2. Brookfield Village is a collection of apartment buildings of differing styles constructed in the former grounds of Brookfield House. The setting could be regarded as parkland, with a large number of mature trees, a large amount of lawns, a winding access road, car parking bays and a sloping topography to the banks of the Curragheen River. The actual appeal site comprises a large level lawn area, the two storey leisure centre and three storey former hotel building, these buildings are functional without any design merits whatsoever. The three storey red brick apartment buildings which line the access road are unremarkable in design terms, however, their form and use of red brick/terracotta tile cladding material combined with the uniformity of design imbues some merit from a composition perspective. The buildings associated with Jennings Pool are unremarkable, the use of red brick perhaps being an effective design merit. The underlying character and visual amenity of the overall site therefore, is the parkland/sylvan setting and the unifying use of red brick.
- 7.4.3. I do not consider that the large apartment blocks along Victoria Cross and Wilton Road to the north relate in a direct or meaningful way with the appeal site from a contextual point of view. The houses associated with 'The Grove' to the west are relevant to the appeal site, but it must be noted that those houses are sited on higher ground and are domestic in style and design.
- 7.4.4. The proposed apartment block before the board is three storeys in height, flat roofed, with a smooth plaster finish and what appears to be a terracotta tiled band along the second floor. The building will be set apart from the leisure centre and towards the base of a slope which accommodates a large number of mature trees. The proposed building will be different to existing buildings on the overall site in the following respects; it will not have a pitched roof profile, its dominant exterior finish is smooth plaster and it will be 20 metres longer than the prevailing apartment blocks to the south east. For the most part these differences are irrelevant given the defining character of the overall site, as I see it.
- 7.4.5. I do consider, however, that the extensive use of a smooth plaster finish will detract from the visual amenities of the overall site. Brick is an appropriate building finish for a building of the scale and form proposed. The use of red brick and terracotta tile panels may be appropriate in order to assist in the integration of the proposed building.

7.4.6. In the context of the City Development Plan, the site is not affected by any Views or Prospects, there are no Landscape Preservation Zones in the vicinity, the Area of High Landscape Value does not affect the site and relevance of the Architectural Conservation Area is minimal. All of these factors persuade me that there is very little in the way of visual amenity which could be impacted upon by the proposed building. Given the forgoing and subject to minor amendments to the proposed building finishes, I do not consider any adverse impact to visual amenity, such as it is.

7.5. **Overdevelopment of the site**

7.5.1. The extant or 'parent' permission for student accommodation accounts for 17 apartments (116 bed spaces). The proposed modifications will add 4 apartments (25 bed spaces) to this quadrant of the overall student/holiday village. According to the applicant, the overall Brookfield Village site comprises 104 apartments, this would now rise to 125 apartments with the current proposal. Notably, the planning authority calculated that the total constructed and permitted bed spaces would amount to 644 and existing bed spaces amount to 532. The defining use at the moment, during college term time is, therefore, characterised by a student body of over 500 persons. From a numerical perspective, an additional 4 apartments or 25 bed places over and above the permitted 644 bed spaces could not be considered a significant increase in density.

7.5.2. Looking at residential density is useful but no definitive conclusion should be drawn as the proposed development relates to student accommodation not standard domestic residential units. However, the City Development Plan encourages densities higher than 75 dwellings per hectare in the central and inner suburban areas. The proposed development translates to a gross density of 78 dwellings per hectare, previously permitted and existing development amounts to 76 dwellings per hectare for the site. The increase in density is marginal and will not contribute to overdevelopment of the site.

7.5.3. As already discussed in section 6.2 of this report, I do not consider it necessary to assess the entire student accommodation proposal from first principles. The Board granted permission for an additional 17 apartments by way of conversion and a new building on a broadly similar footprint. The Board considered a number of factors

including the location of the development within an existing student accommodation complex. For this reason, I am satisfied that the increase in development is negligible in the wider context of the site and cannot reasonably be considered as overdevelopment.

7.6. Car Parking

7.6.1. Observations have raised concerns in relation to the insufficiency of car parking and that it detracts from amenity space.

7.6.2. I am in agreement with Council Officials in relation to the quantum of car parking required for student accommodation, as advised by Table 16.8 *Car Parking Standards*, of the City Development Plan. I also note that the form and design of the proposed car parking broadly matches that permitted in the parent application. The most significant difference being the addition of two car parking spaces. I do not consider that the additional car parking spaces impact to any great degree on the proposed level of amenity space provided to future occupants of the apartments.

7.7. Operational management

7.7.1. The planning authority cited that the increased intensity of the proposed use would likely result in noise and general disturbance and impact upon residential amenity. Concerns too have been raised by third parties in relation to ongoing noise and nuisance issues at the site.

7.7.2. I have not seen or been presented with planning enforcement cases against Brookfield Village in relation to unauthorised development or noise nuisance associated with permitted uses. During my site visit I observed examples of where alcohol had been consumed at a stone picnic table located to the northern portion of the student village. For the duration of my site visit I observed no other evidence of antisocial behaviour such as broken bottles, litter, graffiti or damage to property. The overall site appears to be efficiently managed, well maintained and tidy. The applicant states that there are adequate management systems in place to ensure acceptable behaviour on site. I must however, acknowledge the personal experience of neighbouring residents in relation to the late night operations of Brookfield Village and the raucous activities of the student body which might occur from time to time.

7.7.3. It should be acknowledged that Brookfield Village primarily caters for students during the college term. The overall site and accommodation therefore exhibits the habits,

behaviour and activities of the student body. Behaviour is supposed to be moderated by a management regime in order to be a good neighbour to adjacent residential properties and students alike. I do not consider that the moderate increase in apartments proposed would result in a perceptible level of increased noise and nuisance anticipated by the planning authority. It would appear to me that it is current management practice which requires attention. A modest increase in the term time student population will inevitably add to the need to manage the site more effectively. It is in response to the moderate increase in population that the applicant should be required to ensure an effective and responsive management strategy is put in place.

7.7.4. I note that a circular pedestrian footpath and numerous seating areas are planned for the northern, western and southern side of the proposed building. It is not necessary to provide a footpath around the building. I consider that there will be adequate passive supervision of these open spaces from bedrooms and living rooms to deter anti-social behaviour should it arise. The omission of the footpath and seating areas would result in a less intensive use of the space without impacting upon the residential amenities of future occupants.

7.8. Tackling Housing Crisis

7.8.1. Third parties have questioned the appropriateness of using government policy as articulated by the *Action Plan for Housing and Homelessness – Rebuilding Ireland – July 2016*, to justify a development proposal. Under Section 143(1) of the Planning and Development Act 2000 (as amended), the Board shall have regard to certain government policies and objectives that have or may have a bearing on the proper planning and sustainable development of an area. To my mind and in accordance with the Act, the Board correctly had regard to a government initiative aimed at providing well designed and located student accommodation in order to free up conventional accommodation in the private rental sector. I consider that the same circumstances apply to the subject proposal and therefore no further assessment of this ground of appeal is necessary or warranted.

7.9. Other Issues

7.9.1. Flooding

7.9.2. In relation to the potential flooding implications of the proposed development, the subject proposal involves the amendment of a development which has an extant

grant of permission. Furthermore, the application is accompanied by a flood risk assessment (FRA) for the previously permitted development. The FRA states that flooding issues can be managed by mitigation measures incorporated in the design of the building. Principally, the issue of an emergency plan which incorporates a stringent evacuation strategy is required. Accordingly, having reviewed the available information, it is my opinion that given the nature of the proposed development it will not give rise to any additional flooding implications over and above those associated with the permitted scheme as approved by the extant grant of permission.

7.9.3. Duration of Permission

7.9.4. Having considered the available information, I would reiterate that the subject proposal serves to amend an extant grant of permission and does not amount to a 'standalone' application to be assessed from first principles. Accordingly, I would suggest that it is entirely reasonable to require any grant of permission issued in respect of the subject application to be tied to the terms and conditions of the overriding 'parent' permission given that the implementation of the former is evidently reliant on the latter. Indeed, such an approach is commonplace and I am aware of various instances of same having been employed by both planning authorities and the Board on appeal. The limitation of any grant of permission for the subject proposal to coincide with the expiry date of the 'parent' permission would serve to clarify matters and would also ensure consistency with the development as previously permitted.

7.10. **Appropriate Assessment**

7.10.1. Having regard to the nature and scale of the proposed development within an established urban environment, 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. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the extant permission for a similar development on the lands in question, and the nature and scale of the proposed development, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would, 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, 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 period during which the development hereby permitted may be carried out shall expire on the 3rd day of August, 2021.

Reason: To coincide with the expiry date of the parent permission granted to application planning authority register reference number 15/36530 and ABP reference PL28.245912.

3. Other than any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with all of the terms and conditions of the parent permission granted under planning authority register reference number 15/36530 and ABP reference PL28.245912, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

4. The high level windows on the north western elevation of the projecting bays on the first and second floors shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

5. The proposed smooth plaster finish shall be omitted and a red brick finish shall be used. 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.

6. 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.

7. The landscaping scheme shown on drg no. TMS/VH/01-Planning, as submitted to the planning authority on the 5th day of October, 2016 shall be amended and 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) A robust and site specific screen belt along the entire western boundary; detailing the species, variety, number, size and locations of all proposed screen trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder. Screen planting shall not include cupressocyparis x leylandii,
 - (ii) The circular route pedestrian footpath and seating areas around the northern, western and southern elevation of the proposed new student accommodation block shall be omitted and replaced with grassed open space,
 - (iii) Proposals for suitable screen planting of piled foundations for the proposed new student accommodation block,
 - (iv) A suitable eye level screen planting barrier to the north of bedroom 4 apartment 10,
 - (v) Details of roadside/street planting which shall not include prunus species,
 - (vi) 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.

8. The development shall be operated and managed in accordance with a management scheme which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This scheme shall provide adequate and effective measures relating to the future and ongoing management, control and monitoring of excessive noise during the hours of 2200 and 0800 together with a schedule of management responsibilities.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. 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.

Stephen Rhys Thomas
Planning Inspector

15 March 2017