



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/07161

Appeal by Brian O'Shea care of Brennan Foy and Company Engineers Limited of Castlemaryr, County Cork against the decision made on the 17th day of July, 2018 by Cork County Council to grant subject to conditions a permission to Midleton GAA care of CEA Architects of 15 Mill Road, Midleton, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) construction of a club house (Building A and Building B) consisting of changing rooms, referee room, plant and storage areas, toilets, indoor multi-use space and ancillary accommodation; (2) construction of a "Ball wall" training facility; (3) construction of one number multi-use synthetic pitch fully fenced and four number playing grass pitches; (4) provision of a parking area and access road; (5) modification of existing site entrance; (6) construction of fencing for electricity generator; (7) construction of walking trail; (8) construction of ball catching posts and nets, floodlight to sports pitches; (9) construction of storm water soakpits, wastewater treatment and pumping unit, connection to public mains and public foul services; (10) signage on entrance wall and on buildings; (11) change of use of existing agriculture shed to storage shed including partial

demolition and alterations and (12) all ancillary works, all in the townland of Park South at Youghal Road, Midleton, County 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 provisions of the Cork County Development Plan 2014–2020 and the East Cork Municipal District Local Area Plan 2017 that seek to promote the provision of new recreation and amenity facilities, and
- the location of the site within the settlement boundary and the sites zoning objective,

it is 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 and would not be prejudicial to the residential amenities of the vicinity. The proposed development would, therefore, 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 concurred with the analysis of the planning authority that, subject to compliance with conditions as set out below, the proposed development would not seriously injure the residential amenities of adjoining properties and would be acceptable in terms of the preservation of the biodiversity of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 4th day of December 2017, the 20th day of December, 2017 and the 22nd day of June, 2018, 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. Pitch floodlighting shall be in accordance with the details submitted to the planning authority on the 4th day of December 2017 and all lighting within the site curtilage shall be directed and cowled so as not to interfere with passing traffic or cause any glare or any additional light spill to any adjoining residential properties. Floodlighting shall not be used after 2130 hours.

Reason: In order to safeguard the amenities of residential properties.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. The site shall operate in accordance with the recommendations of the Traffic Assessment submitted to the planning authority on the 22nd day of June, 2018.

Reason: In the interest of traffic safety and convenience.

6. The pitches as shown on the Site Layout Plan (drawing number 16102) submitted to the planning authority on the 4th day of December, 2017 shall not be constructed.

Reason: In the interest of flood risk and prevention.

7. Noise levels emanating from the proposed development when measured at noise sensitive locations shall not exceed:

(a) 55dB(A) (30-minute LAR) between 0700 and 1900 hours,

(b) 50dB(A) (30-minute LAR) between 1900 and 2300 hours,

(c) 45 dB(A) (15 minute Leq) between 2300 and 0700 hours.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996 – “Acoustics – Description and Measurement of Environmental Noise”.

Reason: To safeguard the amenities of the area.

8. 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.

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

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. The developer shall ensure that all waste leaving the site shall be transported by Licensed Hauliers only in accordance with the Waste management Acts, 1996 to 2007 and Waste Management (Collection Permit) Regulations 2001.

Reason: To safeguard the amenities of the area.

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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.