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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 19/05682**

**Appeal** by Angela O’Sullivan and Kevin Brennan of 1 Saint Theresa’s Place, Kanturk, County Cork against the decision made on the 7<sup>th</sup> day of May, 2020 by Cork County Council to grant subject to conditions a permission to Kanturk Community Astro turf Company Limited care of T.G. Lenihan and Company Limited of O’Brien Street, Kanturk, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) One artificial all weather sports pitch with associated surround fencing, surround footpath and ball-stop netting, (2) six number 18-metre high floodlights, (3) car park with 78 number parking spaces, (4) newly surfaced existing vehicular access road, (5) new pedestrian access footpath (6) public lighting for car park, access road and pedestrian footpaths, (7) one number attenuation tank and (8) all associated site works. All at Saint Theresa’s Place, Greenane, Kanturk, 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 relevant provisions of the Kanturk Mallow Municipal District Local Area Plan, 2017, including encouragement of the development of suitable sites for additional sports, recreation and open space provision, to the pattern of development in the area, including the adjoining sports hall, neighbouring school and residential properties, to the availability of access (to be upgraded) and to the site for vehicles and pedestrians, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area including residential properties, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form of development at this location. 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 considered the totality of the submissions on file, including the detailed assessment by the planning authority of the means of access/egress to the proposed development and specific design measures as proposed. The Board also noted and shared the view of the Inspector, that the proposed development would be compatible with the visual amenities of the area and that the use of the proposed pitch would be compatible with the residential amenities of the area.

In relation to concern expressed by the Inspector regarding environmental impact from vehicular movements and the potential adverse effect to the residential amenity of an adjoining property, the Board considered that, given the location of the proposed development directly adjoining the built up area of the town as well as the proposed improvement to the existing access road in terms of width, road markings lighting and surfacing and given the nature of the proposed use as clearly set out in the application and appeal documentation, the vehicular traffic generated by the proposed development would not be inappropriate at such a location nor would it create a material adverse environmental impact on the adjoining property.

In relation to the Inspector's concern regarding the proposed alterations to the junction of the existing access road and Saint Theresa's Place, the Board noted that this junction already serves traffic from the laneway and from the adjoining sports hall and that specific improvements are proposed to this access road and junction. Furthermore, this junction is sited within an existing built up area where road capacity is available, where traffic speeds are low, where parking and access movements related to the school and sports hall and to local residential properties are commonly undertaken at present and, thus, where the existence of multiple access points is a common feature. In this context and having regard to the traffic movements envisaged at the proposed development as described in the application documentation, the Board determined that the proposed development would not give rise to road safety issues.

## 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 on the 16<sup>th</sup> day of July, 2019, the 25<sup>th</sup> day of July, 2019, the 22<sup>nd</sup> day of January, 2020, the 3<sup>rd</sup> day of March, 2020 and the 1<sup>st</sup> day of April, 2020, 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 proposed footpath shall be a minimum 1.5 metres wide. Details of the footpath including width, depth and the specific materials to be used, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public safety.

3. The proposed upgraded access road, including all associated signage, road markings, the build out provision at the junction with Saint Theresa's Place, and dishing to the existing entrance to number 1 Saint Theresa's Place, the proposed footpath and all associated works including the proposed pedestrian crossing and footpath link, shall be carried out and completed in full, prior to the making available of the sports pitch for use. Details of these works shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of road safety and orderly development.

4. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, a protocol for the utilisation of the Traffic Management Plan template as submitted to the planning authority on the 22<sup>nd</sup> day of January, 2020. This shall include confirmation of the threshold of patronage at the proposed development, at which the Traffic Management Plan shall be implemented.

**Reason:** In the interest of orderly development.

5. 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.

6. Prior to commencement of development, the developer shall enter into water and/or waste-water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

7. The operational hours of the floodlighting proposed shall not extend beyond 21.45 hours, with automatic cut off of floodlighting at that time.

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

8. Public lighting shall be provided 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. Such lighting shall be provided prior to the making available of the sports pitch for use.

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

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing, road and car parking surfaces within the development,
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, and
  - (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.

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

11. 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, noise management measures and off-site disposal of construction/demolition waste.

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

12. 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.



13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

14. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of works proposed to be carried out for the provision of a buildout and road lining at the junction of the access road with Saint Theresa's Place. The amount of the contribution 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 for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**