



An
Bord
Pleanála

Board Order
ABP-312511-22

Planning and Development Acts 2000 to 2021

Planning Authority: Carlow County Council

Planning Register Reference Number: 21/294

Appeal by Kieran and Rosario Morris and Others of 5b Maple Court, Mortarstown, County Carlow against the decision made on the 16th day of December, 2021 by Carlow County Council to grant subject to conditions a permission to Institute of Technology Carlow care of Tobin Consulting Engineers of Fairgreen House, Fairgreen Road, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: An air dome (1,428.7 square metres) for multi-use sports activities, primarily used for two number indoor tennis courts. Works to include car park and all associated site works. The existing facility is fully serviced by the existing services permitted and constructed under planning register reference numbers 15/324 and 18/178, all at IT Carlow Sports Campus, Mortarstown Upper, Kilkenny Road, Carlow as amended by the revised public notices received by the planning authority on the 19th day of November 2021 which included a revised location of the proposed air dome, including reduced height, landscaping proposals, and additional data submitted on lighting and noise.

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.

Reasons and Considerations

Having regard to the existing pattern of development in the area, in addition to the nature and scale of the proposed development, 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 or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 9th day of November, 2021, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended so that the air blower and generator units shall be enclosed in a structure which will be acoustically screened to minimise noise levels.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity and to safeguard the amenities of the area.

3. (a) The inflatable dome shall be erected between the 1st day of September and the 30th day of May of the following year. Outside of these dates, the inflatable dome shall be deflated and removed from the courts.

(b) The hours of operation of the inflatable dome shall be between 0900 and 2200 hours Mondays to Fridays, inclusive, and 1000 hours to 1900 hours at the weekend and on public holidays, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and to safeguard the amenities of the area.

4. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at any point along the southern and eastern boundary of the site between 0900 and 2200 hours Mondays to Fridays, inclusive, and between 1000 hours to 1900 hours at the weekend and on public holidays and shall not exceed 45 dB(A) at any other time.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

5. No amplified music or other amplified sound shall be broadcast externally from the proposed structure.

Reason: To protect the amenities of the area.

6. A detailed surface water management plan, including amendments, where required, to the existing soakaway on the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

7. 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.

8. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann (formerly Irish Water).

Reason: In the interest of public health.

9. An updated comprehensive landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The plan shall include:

- (a) details of all planting proposed along the southern boundary to augment existing screen planting, and details of ongoing care and management of such planting, and
- (b) details in relation to the protection of existing trees during construction.

The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. 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 visual amenity and to safeguard the amenities of the area.

10. Details of signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

11. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

12. All public service cables associated with the proposed development (such as electrical, television, telephone and broadband cables) shall be located underground within the site.

Reason: In the interest of the visual and residential amenities of the area.

13. Site development works and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

14. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall incorporate the following details:

- (a) intended construction practice for the proposed development,
- (b) a detailed traffic management plan,
- (c) noise management measures, and
- (d) off-site disposal of construction/demolition waste.

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

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this *20th* day of *June* 2023.