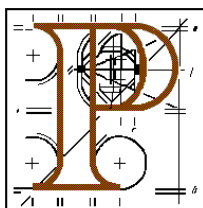


An Bord Pleanála



Inspector's Report

Development: Construction of all-weather playing pitch with floodlighting enclosed by wall, fence and net and additional vehicular access road at Passage West Hurling and Football Club Grounds, Manning Park, Maulbaun, Passage West, Co. Cork.

Planning Application

Planning Authority: Cork County Council
Planning Authority Reg. Ref.: 15/4904
Applicant: Passage West Hurling and Football Club
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): David Turnball and Others
Type of Appeal: Third Party V Grant
Observers: None
Date of Site Inspection: 6th April 2016

Inspector: Kenneth Moloney

1.0 SITE DESCRIPTION

The appeal site is located within the grounds of Passage West GAA Club. The GAA grounds include two full-size pitches, juvenile pitches, changing rooms, clubhouse and car parking provision.

The overall size of the site is 5.1966 ha (12.83 acres) and the overall shape of the site is irregular. The appeal site is bounded by residential development on its eastern and western side.

The Passage West GAA club is served by two vehicular access entrances. There is a vehicular entrance situated to the north-west of the appeal site via Upper Pembroke which is a residential cul-de-sac. The second vehicular entrance serving the site is to the north-east of the site via Maulbaun.

The site for the proposed all-weather pitch is situated to the south-west corner of the overall site. This site is elevated in relation to the two adjoining pitches. This subject site is adjoined by agricultural fields to the south and the rear boundaries of an established housing estate to the west.

The houses in the established housing estate are two-storey detached dwellings and the first floor rear windows orientate towards the established GAA grounds.

There are two-storey houses located adjacent to the north-east vehicular entrance serving the appeal site.

2.0 PROPOSED DEVELOPMENT

The proposed development is for the following;

- Construction of all-weather playing pitch (887 sq. m)
- Construction of additional vehicular access road
- Flood lighting
- Galvanised mesh fencing
- High ball catching net
- Pre-cast hurling wall
- High ball catching net

The overall size of the all-weather playing pitch is approximately 887 sq. meters and the height of the enclosing boundary on three sides is 5 metres and the height of the proposed hurling wall, including netting, is 7.2 meters. The proposed hurling wall encloses the all-weather playing pitch to the south of the facility. The height of the proposed flood lights is 10 meters.

The proposed access road is approximately 5 meters in width and the proposed footpath adjoins the vehicular access.

The Local Authority sought additional information for the following;

- a. The times and usage of the proposed all-weather pitch
- b. A lighting plan prepared by a qualified lighting engineer
- c. Detail of surface water disposal.

3.0 PLANNING AUTHORITY'S DECISION

The Planning Authority decided to **grant** planning permission subject to 23 conditions.

Internal Reports: There are two internal reports on the file:

- Area Engineer; Additional information sought in relation to surface water. A Special Contribution of €6,000 recommended for traffic calming measures.
- Environment; No objections subject to conditions.

Objections: There is one third party objection on the planning file and the issues raised have been noted and considered.

Submissions: There is a submission from Irish Water who has no objections.

4.0 PLANNING HISTORY

- Appeal Ref. 242744 (L.A. Ref. 13/05572) – Permission **granted** for retention of alterations to site levels, grassed training area (approximately 3,341 sq. m.) and steel post and chain link fencing (1.3m high and 80m in length).
- L.A. Ref. 12/04498 – Permission sought to construct a pre-cast concrete hurling wall. This application was withdrawn.

5.0 DEVELOPMENT PLAN

The operational development plan is the Cork County Development Plan, 2014 – 2020.

Chapter 5 of the County Development Plan is entitled 'Social and Community' has some relevant policy provisions and this includes;

- SC 1-1: Social and Community Infrastructure Provision.
- SC 5-3: Provision of New Recreation and Amenity Facilities

6.0 LOCAL AREA PLAN

The operating LAP is the Carrigaline Electoral Area Local Area Plan, 2011, and the appeal site is zoned '*Open Space / Sports Recreation / Amenity*'.

7.0 GROUNDS OF APPEAL

David Turnbull on behalf of residents of no. 55 – 59 Avondale Mews submitted an appeal. The main grounds of appeal are summarised as relating to the following; -

Intensification of Use

- It is submitted that there is sufficient flood lit pitches available within the GAA grounds.
- The proposal will result in a significant intensification of the existing site.
- The applicant acknowledges that the proposal will result in intensification.
- This intensification will result in the loss of residential amenity and privacy of our properties.

Noise Nuisance

- The proposed intensification will result in additional noise nuisance in terms of frequency of occurrence of noise and proximity to properties.

Noise from the Hurling Wall

- There are concerns regarding the noise of repeated strikes of sliotars against the hurling wall.
- This will result in high intensity noise patterns which are generated from the hurling wall.
- It is argued that the intense nature of noise generated by around 15 to 20 persons simultaneously striking sliotars against mass concrete is similar to noise emitting from a shooting range.
- This type of noise will greatly impact on established residential amenities.

Noise levels will exceed limits of condition no. 23

- It is predicted that the noise level at the nearest noise sensitive location will be between 46 dB and 47 dB.
- It is noted that a 5dB penalty will be attached to impulsive noises. The nature of the noise from the hurling wall is impulsive.

- Should the 5 dB penalty be applied then the noise level at the nearest NSL is 51 dB.
- This is in excess of the applicant's acceptable level of 50 dB and close to the Planning Authority permitted noise level of 55 dB. There is a risk that this limit will be exceeded during the operation of the proposed development.
- It is suggested that the noise levels could be attenuated by the use of motorway type noise barriers of suitable height.
- In the absence of the specification of the attenuation materials it is recommended that planning permission is refused.

Relevance of noise impact assessment

- The noise survey records an under eight training session and is not comparable to an adult game in term of noise.
- It is also noted that the age of the players subject to the first and second noise survey are not specified and in the absence of such information it is argued that the information is limited.

Light Pollution

- It is contended that light spill will materially impact on the adjoining residential properties.
- The applicant's illumination map does not factor in the light effects of the hurling wall structure and in specific the shadows cast by the hurling wall.
- It is contended that any light directed from the flood lights against the hurling wall will diffuse reflection of light towards the appellant's properties.
- It is contended that light pollution will negatively impact on established residential amenities.

Hours of Use

- It is contended that condition no. 3 which restricts the use of the facility beyond 21:00 hours will negatively impact on established residential amenities and in particular young children while sleeping.
- It is considered that operating the playing pitches until 21:00 hours is appropriate in unlit pitches as the use of the pitches are naturally limited by day light.
- It is suggested that the use should be limited to 20:00 hours and that there is no difference between weekday and weekend.

Proximity of all-Weather Pitch to Properties

- The applicant claims that the proposed hurling wall is situated approximately 40 metres to the closest residence and the all-weather pitch is situated approximately 29 meters to a dwelling house.
- These distances are disputed as there is a 5 metre extension to the rear of no. 56 Avondale Mews.
- It is contended that the all-weather pitch and the flood lights are located too close to the residential properties.

Visual Impact

- It is contended that given the dimensions of the proposed hurling wall it will have a visual impact.
- The proposed hurling wall is situated at the highest point of the applicant's site.
- It is submitted that the applicant raised the height of the site by 2.5 metres. It is suggested that if the Board are minded to grant planning permission for the hurling wall that the site levels are returned to its original levels.

Security Concerns

- It is contended that the large void area behind the proposed hurling wall will result in anti-social behaviour in close proximity to established residential amenities.
- It is suggested that it is easier to supervise and control activity of the proposed hurling wall should it be constructed beside the clubhouse.
- In the absence of the installation of security fencing to secure boundaries and the installation of a 24 hour CCTV monitoring system it is recommended that planning permission should be refused.

No access for emergency vehicles to all-weather playing pitch

- The absence of any direct access for emergency vehicles poses a health and safety risk.
- In absence of any access to the proposed playing pitch planning permission should be refused permission.

Inadequate parking provision

- The applicant claims that the site currently has 53 no. car parking spaces.
- It is submitted that only 35 no. car parking spaces are delineated on the site.
- The parking of cars along the internal access road presents a hazard.
- The current and proposed parking provision is sub-standard and not sufficient to cater for any increased activity and associated traffic.
- It is noted that Passage soccer club has 40 car parking spaces for a similar all-weather pitch.

More suitable location

- It is noted that the GAA club already has a flood light training facility which is located at the northern part of its grounds. It is suggested that this would be a more suitable location for the proposed flood-lit all weather facility and hurling wall.

Mobile Phone Mast

- It is argued that there is potential to use the flood lit structures as masts for mobile phones.
- It is requested that should planning permission be granted that a condition is attached requiring that no mobile phone masts are attached to the structures of the flood lights.

Inadequate drainage provisions

- The surface water drainage proposals are inadequate as they omit any surface water drainage proposals for the access road.
- The discharge of surface water to the public storm sewer will increase the risk serve flooding events downstream.
- The public storm sewer may become overburdened by the road surface run-off.
- Condition no. 21 should be amended to address these concerns.

Ownership

- The current application should be deemed invalid as the applicant has insufficient legal interest.
- There is no letter of consent from the owner of the land permitting the proposed development.

Unauthorised development

- It is submitted that boundary fencing to the site does not have the benefit of planning permission. This is confirmed by the local authority Enforcement Section.
- It is contended that the Local Authority should not have granted planning permission for the entire development prior to investigating unauthorised development.
- It is submitted that the new palisade fence is referred to in the application drawings but not the public notices.
- It is therefore contended that the application should be deemed invalid and refusal is recommended.

Unsuitable and dangerous access road

- The access to the site via Church Lane has poor sightline provision.
- The access to the left is completely restricted and very restricted to the right.
- There is limited capacity on the site to accommodate any further development.
- In a previous application (L.A. 12/04498) it is noted that the Area Engineer states that the access has poor sightlines.
- It is submitted that having regard to the risk of downstream flooding, land ownership issues and unauthorised development all referred to previously it is contended that the proposed new entrance should not form part of the application.
- It is submitted that should the Board be minded to grant planning permission that the access road is fully completed in tarmac in advance of any development works in relation to the all-weather pitch and hurling wall.

Conditions

- The wording of condition no. 9 prevents any third party consultation.
- It is submitted that having regard to the wording of condition no. 13 that the timing of the agreement of the car parking layout prior to the first

use is too late having regard to proximity of the all-weather pitch to the houses and inadequate car parking provision.

- In relation to condition no. 18 it is contended that the details of the footpath and the crossing points are not sufficiently detailed particularly as a number of school pupils regularly cross through the GAA grounds on route to school. The wording of this condition also prevents any third party consultation.
- It is contended that the wording of condition no. 20 and 21 will deny any third party consultation and it is submitted that agreement for the final design is too late having regard to concerns previously raised.

Planning History

- In L.A. Ref. 05/6081 the applicant was required to plant a line of trees to provide privacy to adjoining houses however these were never planted.
- The applicant was granted retention permission to retain the site levels which were unauthorised.
- The applicant erected fencing around the site without planning permission.
- The above instances highlight the applicant's disregard for the planning process.

8.0 RESPONSES

The following is the summary of a first party response submitted by the applicant's agent;

- Proposal is located in an area zoned 'Open Space / Sports / Recreation / Amenity' in the Carraigaline LAP. There is a specific zoning objective O-03: Existing Passage West GAA Grounds and Associated Playing Pitches.
- The proposed use is acceptable in principle.
- In accordance with condition no. 2 of the Local Authority permission the proposed use will not be used as a multiple user.
- It is submitted that condition no. 3 which limits use to 21:00 hours is consistent with other Board decisions (appeal ref. 242744) for similar facilities.
- It is submitted that the Noise Impact Assessment concludes that the noise impact from the hurling wall and the all-weather pitch assessed at the nearest noise sensitive location would comply with the criteria set out in BS 8233 and the WHO publication 'Community Noise'.
- It is also noted that the noise levels will be marginally lower than current noise levels associated with a typical training session.
- It is concluded that noise impact from the all-weather pitch and the hurling wall would not be significant and will not adversely impact on the established residential amenities.
- It is requested that the Board do not use condition no. 23 or similar condition to limit noise levels as currently there are no restrictions on

the noise levels emanating from the normal operational use of the training and playing pitches.

- The proposed development has been the subject of an illumination Assessment and all lighting will be directed internally towards the all-weather playing pitch.
- Additional mitigation measures to minimise light spill could be the installation of anti-glare baffles and flat glass emitters and cowling.
- The proposed all-weather training pitch is located some 29 meters from the nearest house and any light overspill is considered an insignificant concern to residential amenity.
- Condition no. 2 states that 'anti glare baffles' is to be fitted to all lighting as a further measure to minimise light spill to neighbouring properties.
- It is requested that the Board use a similar condition as condition no. 4 of the Local Authority permission to protect adjoining residential amenities.
- The majority of the subject site has been used for training purposes from a period earlier than 2000.
- Any intensification would comprise of displacing training from existing facilities to the proposed all-weather training pitch. This change would not be significant and would not result in a significant impact on residential amenities.
- It is contended that no intensification will occur.
- The residential properties are situated in excess of 2 meters above the proposed all-weather training pitch as such the Planning Authority does not consider that the proposed development would have an undue adverse visual impact.
- The Board are requested to dismiss the appellant's claims about visual impact.
- It is submitted that any anti-social behaviour should be brought up under the attention of the relevant authority.
- Any anti-social behaviour should be a management issue for the GAA Club.
- It is requested that the Board dismiss the third party arguments in relation to security and anti-social behaviour.
- In relation to access it is noted that permission was granted to a similar case (appeal ref. 242744). In this other case permission was granted on the basis that development would not result in any intensification of development. The Planning Inspector considered that an alternative access would be acceptable.
- In relation to traffic volumes it is contended that the all-weather playing pitch is effectively a displacement of an existing use.
- It is contended that any increase in traffic volumes would not be significant.
- The proposed training facility is ancillary to existing activities.
- The existing vehicular access and parking arrangements are considered adequate.
- The Area Engineer has confirmed that he has no objection to the development proposal from a car parking perspective.

- The Board are requested to dismiss the appellant's objections in relation to inadequate access for emergency vehicles.
- The Local Authority Area Engineer considers that the surface water drainage proposals are acceptable.
- The local authority requested the applicant to investigate attenuating surface water on site in order to prevent future flooding downstream. The applicant responded by addressing surface water drainage by provision of soakaway attenuation which was considered acceptable by the Local Authority.
- The Board is therefore requested to dismiss the third party appellant's comments regarding surface water drainage.
- The Board are requested to impose a condition similar to condition no. 21 of the Local Authority permission.
- In terms of ownership it is considered that Section 34 (13) of the Planning & Development Act is significant as the appellants claims are irrelevant.
- The provisions of the Planning & Development Act, 2000 – 2015, allow Local Authority to impose conditions without third party involvement.
- Condition no. 3 has amended the condition in L.A. Ref. 05/6081 which required the provision of a coniferous boundary.
- The interpretation and enforcement of conditions attached to a permission lies outside the Board's remit.

9.0 ASSESSMENT

The main issues to be considered in this case are: -

- 8.1 Principle of Development
- 8.2 Impact on Residential Amenities
 - 8.2.1 Noise
 - 8.2.2 Light
 - 8.2.3 Hours of Use
 - 8.2.4 Visual Impact
 - 8.2.5 Security
- 8.3 Parking & Access
- 8.4 Drainage
- 8.5 Conditions
- 8.6 Appropriate Assessment
- 8.7 Other Issues

8.1 Principle of Development

In terms of considering the principle of the proposed development I would consider that there are two significant issues and that is the established use of the appeal site and the zoning provision of the appeal site.

The Carrigaline Electoral Area Local Area Plan, 2011, is the relevant statutory plan for the appeal site. In accordance with this LAP the appeal site is zoned '*Open Space / Sports Recreation / Amenity*'. The objective of this zoning provision is to apply an appropriate degree of protection on

those visually important open areas that contribute to the setting of Passage West. There is a specific objective relating to the appeal site, i.e. Objective no. O-03 which states '*Existing Passage West GAA Grounds and associated playing pitches*'.

The established use of the appeal site is an existing GAA Clubhouse, changing rooms, several playing pitches and provision for car parking.

The proposed development provides for an all-weather training pitch and flood-lights in addition to improved access for both car users and pedestrians.

Overall and having regards to the established use and zoning objective of the appeal site in accordance with the provisions of the statutory Local Area Plan I would conclude that the principle of the proposed development is acceptable subject to protecting the established residential amenities in the area.

8.2 Impact on Residential Amenities

The location of the proposed facilities within the appeal site is significant as the proposed development is situated within close proximity to the rear boundaries of established residential properties of Avondale Mews. The occupants of no. 55 to 59 Avondale Mews are the appellants and they have raised a number of issues which I will consider in turn.

8.2.1 Noise

In summary the appellants are concerned that the intensification of the appeal site will result in additional noise and also that the noise impacts of the proposed hurling wall will adversely impact on their established amenities. There is no doubt in my view that the provision of an all-weather training pitch will concentrate noise and given its location this may well impact on established residential amenities. The appellant submits that given the impulsive nature of the noise impacts from the proposed hurling wall that a 5 dB penalty should be applied to any noise predicted level.

The location of the existing houses which are the subject of the appeal are situated approximately 30 - 45 meters from the western edge of the proposed development.

I have examined the submitted noise assessment which accompanied the planning application and I would consider that this assessment is robust. I note that Table 5 and Table 6 of the Noise Assessment estimates the predicted noise level at nearest residence for the hurling wall and the all-weather pitch respectively. It is stated that the estimated noise at the NSL for the hurling wall is 55 dB and for the all-weather training pitch is 56 dB.

In general terms noise (or sound pressure level) reduces with distance and noise prediction assessments commonly use the acoustic rule that double the distance results in a 6 dB reduction. It is possible to calculate or at least estimate the Sound Pressure Level (L2) at a noise sensitive location using the following formulae;

$$L2 = L1 - 20 \text{ Log } (r2 / r1)$$

L1 = Sound Pressure Level no. 1

L2 = Sound Pressure Level no. 2

R1 = First distance from source

R2 = Second distance from source

$$L2 = 55 - 20 \text{ Log } (40\text{metres} / 10\text{metres}) = \boxed{42.95 \text{ dB}}$$

The noise report also reduces a further 3 dB as a result of attenuation due to the earthen embankment.

I would estimate that the estimated noise at the NSL is somewhere between 46 dB and 43 dB and possibly closer to 43 dB as the attenuation due to the earthen embankment of 3 dB in my view is conservative.

I would apply the same rational in estimating the predicated noise level from the all-weather training pitch and although the Noise Report considers that the predicted noise level at the nearest residence is slightly higher than the hurling wall the overall conclusions would be the same. I would consider that these noise levels are acceptable and I would recommend a condition to the Board, should they favour granting permission, to ensure compliance in the interest of protecting residential amenities.

I would note that the report from the Environment Section of the Local Authority state that they have no concerns in relation to noise impacts from the proposed development. Overall I would conclude having regard to the submitted noise assessment and the information on the file that operational noise from the proposed development would not significantly impact on the established residential amenities.

8.2.2 Light

The appellant submits that the impact of the proposed flood-lights will have an adverse impact on their established residential amenities. The proposed flood lights will certainly illuminate the immediate area on winter nights. I would accept that floodlights are an integral part of modern sports facilities and the key issue, in my view, is to prevent any light directing towards established residential amenities.

I note that the proposed lighting will be directed towards the pitch and mitigation measures are proposed to prevent any overspill and this includes the introduction of standard anti-glare baffles and all flat glass

emitters. I would consider that cowling of the proposed lights is a further mitigation measure that can be used. I would consider on the basis of the information on the file and the mitigation measures that the light emanating from the proposed development would not unduly impact on residential amenities.

8.2.3 Hours of Use

The applicant confirms in their additional information response that the operational hours of the proposed all-weather playing pitch is intended as follows;

- Monday to Friday – 09:00 – 22:00 hours
- Saturday & Sunday – 09:00 – 20:00 hours

Condition no. 3 of the Local Authority permission restricts the operational hours between 08:30 and 21:00 hours on any day. This condition is identical to condition no. 3 of An Bord Pleanala order appeal ref. 242744 which restricted the operational use of the G.A.A. Club. I would consider, having regard to the appeal submission and the response submission that restricting the hours of operation between 8:30 and 21:00 hours Monday to Friday is reasonable from a noise and light perspective. I would also consider that the applicant's proposal to restrict hours of use between 09:00 to 20:00 hours on Saturday and Sunday is also acceptable given the appellant's concerns. I would recommend a condition to the Board should they favour granting permission.

8.2.4 Visual Impact

The appellant contends that given the height of the proposed hurling wall which is situated on the highest point of the appeal site it is considered that the hurling wall will have an adverse visual impact.

A notable feature of the relationship between the appeal site and the neighbouring residential properties is the difference in site levels. The submitted drawing no. 033-258-11 (Proposed Layout Plan of All Weather Pitch) indicates the finished floor levels of the existing houses and the proposed all-weather pitch. The FFL of the proposed hurling wall is approximately 54.39m whereas the FFL of the southernmost house from the neighbouring residential development is 56.70m which is a difference of 2.31m. However there is only approximately 0.5m difference between the FFL of the northernmost house adjoining the appeal site and the FFL of the hurling wall. Although, I would acknowledge, that the northernmost house is situated a greater distance from the proposed all-weather training pitch and the hurling wall.

The overall height of the enclosure for the all-weather playing pitch is 5 metres above ground level and the height of the hurling wall and the netting above is approximately 7.2 metres above ground level.

In considering the overall visual impact I would have regard to the cross – sections submitted with the planning application. I would consider that these cross section drawings adequately demonstrate that the proposed development will not significantly impact on established residential amenities in terms of visual impact. I would note that landscaping along the western and southern boundary of the appeal site is a requirement of condition no. 6 of appeal ref. 242744 and the Local Authority has taken enforcement action for the implementation of this condition.

I would conclude that having regard to the difference in site levels, the separation distance between the source and receptor and the potential for screening between the residential properties and the GAA grounds that the proposed development would not significantly impact on the visual impacts of the area.

8.2.5 Security

The appellants raise concerns regarding anti-social behaviour and security as it is considered that the proposed hurling wall will attract anti-social behaviour. I would consider that this is a management issue and it is the responsibility of the applicant to address should it be required. In addition, should the Board favour granting permission, a condition restricting the operational hours of the proposed facility would mean that the applicant has an obligation to enforce the opening and closing operating hours of the proposed hurling wall.

I would not consider that security issues associated with the proposed development would unduly impact on established residential amenities.

8.3 Parking & Access

In relation to the car parking provision the applicant submitted a drawing, i.e. drawing no. R-001, which indicates delineated car parking provision for 53 no. vehicles. I would note that the Area Engineer, in his report dated 4th June 2015, is satisfied with this proposal. I would note that although the GAA grounds has several pitches it is unlikely that all pitches would be in use at the same time.

I would consider on the basis of the established uses and the proposed uses that there is adequate car parking provision for the proposed development.

In terms of access the proposed development includes the provision of a 5m access road which will facilitate access to and from the site via the existing north-east vehicular entrance. The proposal also includes the provision of a new footpath. The widening of this access road and the provision of the proposed footpath will improve access to and from the site and enhance safety of pedestrians and car owners. I would consider that this is a welcomed provision.

8.4 Drainage

I would note that the proposed development includes surface water drainage proposals for the proposed all-weather training pitch and also surface water drainage proposals for the improved access road. The proposed surface water drainage proposal for the all-weather training pitch includes a soakaway attenuation and this proposal is acceptable to the local authority. I would concur with the local authority and consider the proposal acceptable.

In relation to the access road it is proposed that surface water drainage will drain towards the existing public storm sewer and this is acceptable to the local authority.

Overall I would consider that the applicant has adequately addressed concerns in relation to surface water drainage proposals.

8.5 Conditions

The appellant objects to conditions no. 9, 20 and 21 largely on the grounds that there will be no third party consultation in any agreements between the local authority and the applicant in finalising terms of the conditions. I would acknowledge that this is correct however there is no provision within the planning legislation for any third party consultation in agreement of conditions.

The appellant has concerns with the agreement timeframes in relation to condition no. 13 and condition no. 18 of the Local Authority permission. I would recommend to the Board, should they favour granting permission, that these conditions shall be agreed in principle prior to the commencement of development and this would address the appellant's concerns.

8.6 Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.7 Other Issues

I would note that the appellant argues that an alternative location within the existing GAA grounds would be better suited to the proposed floodlights and the all-weather training pitch. This maybe the case however the Board cannot consider alternative locations and can only consider the proposed development before them.

The appellant submits that a condition should be imposed ensuring that no mobile masts are attached to the proposed flood lights. I would note that a mobile mast attached to the flood lights would require a separate planning

permission and would be inappropriate to restrict or omit development which is not the subject of the planning application or the appeal.

In relation to ownership issues it is important to note Section 34(13) of the Planning and Development Act 2006, which states '*A person shall not be entitled solely by reason of permission under this section to carry out any development*'. Therefore, if planning permission were obtained, the applicant would have to demonstrate legal title to proceed with the development.

The appellant raises a number of issues claiming that the applicant has not complied with previous permissions or indeed the conditions of these permissions. I would consider that these issues raised are generally enforcement issues, in accordance with Part VIII of the Planning and Development Act, 2000, as amended, and would be outside the scope of this appeal. I would therefore consider that it is a matter to be raised with the local authority rather than An Bord Pleanala.

9 RECOMMENDATION

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the existing sports facility use on the appeal site and the provisions of the Carrigaline Electoral Area Local Area Plan, 2011, where the appeal site is zoned '*Open Space / Sports Recreation / Amenity*', it is considered that subject to compliance with conditions set out below, the proposed development would not adversely impact on the amenities of the area nor result in a traffic hazard and would be in accordance with the proper planning and sustainable development 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 further plans submitted on the 22nd day of December 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The all-weather playing pitch and hurling wall shall be for the exclusive use of Passage West Hurling and Football Club members only. It shall

not be used as a multiple user commercial facility and shall not be rented out to other clubs or individuals.

Reason; In the interest of clarity, to control the volume of traffic and noise generated, in the interests of traffic safety and residential amenity.

3. The all-weather playing pitch and hurling wall shall only be used between the hours 08:30 – 21:00 Monday to Friday and between the hours 09:00 – 20:00 Saturday and Sunday.

Reason; In the interest of protecting adjoining residential amenities.

4. Lighting for the all-weather playing pitch shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of protecting adjoining residential amenities.

5. The internal access road, the footpath, roadside signage, to service the proposed development shall comply with the requirements of the planning authority and full details shall be submitted to the local authority for written agreement prior to the commencement of development.

Reason: To ensure a satisfactory standard of development.

6. Activities at the site shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leq,T):

- Day 50dB(A) $L_{Aeq(30\text{ minutes})}$ (08:30 hours to 21:00 hours).
- Night 40dB(A) $L_{Aeq(30\text{ minutes})}$ (21:00 hours to 08:30 hours).

Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the Planning Authority on a 6 monthly basis.

Reason: To control emissions from the facility and provide for the protection of the residential amenities.

7. Full details of the design and layout of the proposed car parking spaces shall be submitted to the Planning Authority, for written agreement, prior to the commencement of development.

Reason: In the interest of traffic safety.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning

authority for such works and services. Prior to the commencement of development full details shall be submitted to the Planning Authority for written agreement.

Reason: In the interest of public health.

9. No surface water shall be permitted to discharge onto the public road from the facility.

Reason: In the interest of traffic safety.

10. Prior to commencement of development, a comprehensive landscaping scheme shall be submitted to the planning authority for written agreement. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

11. All service cables associated with the proposed development shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

12. 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.

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

13. (a) 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. (b) This plan shall provide for screened bin stores.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

Kenneth Moloney
Planning Inspector
20th May 2016