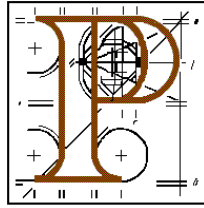


An Bord Pleanála



Inspector's Report

Development: Retention of netting poles serving pitch no. 3, and permission for netting poles for pitch no.s 1 & 2 and netting for all three pitches at Brooklodge, Glanmire, Co. Cork.

Planning Application

Planning Authority : Cork County Council
Planning Authority Register Ref. : 16/4194
Applicant : Glanmire Area Community Association
Ltd.
Type of Application : Permission
Planning Authority Decision : Grant permission

Planning Appeal

Appellant(s) : Residents of Forest Park
Type of Appeal : 3rd Party v Grant
Observer(s) : Mary Fitzpatrick
Date of Site Inspection : 4th August 2016

Inspector : **Michael Dillon**

1.0 Site Location & Description

- 1.1 The site, with a stated area of 3.61ha, is located directly to the south of the M8 motorway, at the northern end of the settlement of Brooklodge in Co. Cork. Vehicular access to the site is from a short cul de sac within the Forest Park housing estate. There is an existing pedestrian access via a 170m long footpath, linking the southwestern corner of the site with a distributor road to the south, opposite Glanmire Community College. A pedestrian crossing links the Community College and the pedestrian footpath to the pitches. The site falls gently from north to south – there being a difference of approximately 9m, with pitches laid out on terraces. The site comprises 3 no. playing pitches oriented east/west. There is a single-storey clubhouse/changing room building, surrounded by a 2.4m high palisade fence, in the southwestern corner of the site (at a lower level than the adjoining pitches). Car-parking is stated to be provided within the nearby Community College. Nine 12m high poles have been erected on the east, south and west sides of Pitch no. 3, from which netting will be hung to prevent balls straying into the rear gardens of adjoining houses.
- 1.2 To the north, the site abuts the M8 – the boundary with which is a 2m high earth bank surmounted by concrete post & rail fencing. Mature screen planting blocks off all view of traffic. To the east, the site abuts the rear gardens of two-storey and single-storey houses in Forest Park estate – the boundary with which is mature screen planting. To the south, the site abuts the rear gardens of single-storey houses in Brooklodge estate – the boundary with which is a 2.4m high palisade fence, inside which is the remains of an old hedgerow. To the west, the site abuts a belt of mature deciduous trees – the boundary with which is 2.4m high palisade fencing.
- 1.3 The pitches were not in use on the date of site inspection.

2.0 The Proposed Development

- 2.1 Permission sought on 3rd February 2016, for development as follows-
- Retention of nine 12m high netting poles on the eastern, southern and western sides of Pitch no. 3.
 - New netting for the above-mentioned poles up to a maximum height of 8.5m.
 - Six new 10m high poles and netting for the eastern and western ends of Pitch no. 1.
 - Three new 8m high poles and netting for the eastern end of Pitch no. 2.

It is stated that the netting will only be erected if required by clubs using the facility, and as funding becomes available. Having the permission will allow flexibility to provide the netting if the need arises.

2.2 Unsolicited additional information was received on 16th March 2016, in relation to site notices.

3.0 Development Plan & Other Guidance

3.1 Development Plan

The relevant document is the Blarney Electoral Area Local Area Plan 2011-2017. Within this LAP, the section on the settlement of Glanmire is of note. The site is zoned "Open Space/Sports/Recreation/Amenity". There is a specific objective relating to it, O-03:- "Open space with provision for amenity walk and protection of playing fields".

4.0 Planning History

Ref. 04/5325: Permission granted for three playing pitches, two all-weather pitches, two basketball courts, one tennis court, vehicular entrance, pedestrian entrance and fencing. Car-parking is provided within the grounds of Glanmire Community College to the south. The vehicular access from Forest Park is restricted to maintenance and emergency vehicular access only.

Ref. 05/9662: Permission granted for construction of changing rooms as part of a sports complex at Brooklodge. On appeal by 3rd party to the Board (**PL 04.216879**), permission was granted.

Ref. 10/5355: Permission granted for retention of temporary building (metal container) used as changing room to serve pitches (located in northwest corner of the site). On appeal by a 3rd party to the Board (**PL 04.237352**), permission was confirmed on 25th November 2010. Condition 3 required that the structure be removed after two years. This container has been removed.

Ref. 11/5035: Permission granted for completion of changing rooms granted permission under ref. 05/9662. Changing rooms have been completed.

There is reference to ongoing enforcement proceedings in relation to the use of the vehicular entrance at the northeastern corner of the site.

5.0 The Planning Authority's Decision

By Order dated 29th March 2016, Cork County Council issued a Notification of decision to grant planning permission subject to four conditions, the principal ones of which may be summarised as follows-

2. Poles shall not be used for the erection of floodlighting, without a prior grant of permission.
3. Netting to consist of a fine green mesh or similar – details to be submitted for the written agreement of the planning authority.
4. Trees and hedgerows shall be protected during building operations.

6.0 Grounds of Appeal

6.1 The 3rd party appeal (from a number of residents in Forest Park estate), was received by the Board on 21st April 2016. Some of the appeal relates to enforcement issues in relation to access to the grounds, which is not a relevant consideration in this appeal. The relevant issues can be summarised in bullet point format as follows-

- Houses on the boundary were constructed up to 20 years before the pitches were developed.
- The poles and netting will have a negative visual impact on houses in Forest Park. They will result in an oppressive sense of enclosure – where they tower over houses to east and south. Houses to the south are at a slightly lower level than pitch no. 3.
- There will be loss of sunlight and daylight.
- There will be a loss of privacy and security.
- The support poles will be used for floodlighting in the future.
- The developers have erected poles around Pitch no. 3 without planning permission. The hedgerow on the southern boundary of the site was cleared to facilitate the erection of the poles. Palisade fencing adds to the sense of enclosure.
- No details/samples of netting were submitted with the application.
- Development is the next step intensification of use at this site. Pitches will be sub-let to clubs outside the community. Intensification will result in traffic hazard on roads in Forest Park.
- The eastern boundary of the site was cleared in 2015 to facilitate the erection of unauthorised poles. This has left houses in Forest Park exposed to the playing pitches. Condition 9 of the original permission required that this hedgerow be retained. The required 2.4m high palisade fence on this boundary has not been provided to date.
- Intensification of use will result in increased noise for residents.

6.2 The appeal is accompanied by the following documentation of note-

- Conditions attached to permission ref. 04/5325 (with comments attached).
- Correspondence relating to Enforcement proceedings at this site.
- List of sports facilities in Glanmire.

- Correspondence with CCC relating to cost of constructing fence along southern boundary of pitches.
- Reports of Enforcement Section of CCC.
- 7 no. annotated colour photographs of pitches and surrounds.
- A4 map extracts and aerial photograph of the site and surrounds.

7.0 Observations

There is one observation from Mary Fitzpatrick of 4 Forest Park, received by the Board on 13th May 2016, which can be summarised as follows. Condition 9 of permission ref. 04/5325 stated that netting should be erected along the eastern boundary (if necessary) in accordance with details to be agreed with the planning authority. The poles and netting will have an adverse impact on views from the house. The poles and netting will have an adverse impact on evening sunlight – reducing the energy-efficiency of the house. The garden will be less usable as a result. The height of the poles is excessive.

8.0 Response Submissions

8.1 1st Party Response to Grounds of Appeal

8.1.1 The response of the applicant, received by the Board on 19th April 2016, can be summarised in bullet point format as follows-

- Netting was permitted under original planning permission ref. 04/5325. The overall development has been carried out on a phased basis over the past ten years, due to financial constraints.
- When the Council informed the applicants that permission would be required for the poles which had been erected, work was halted.
- Much of the appeal is not relevant to the issue of poles and netting.
- The nearest house in Forest Park is 20m from poles/netting.
- A bank was removed on the southeastern boundary to facilitate new goal posts.
- Neighbouring residents to the south have not objected to the development. The appellant does not represent the occupants of the bungalows in Brooklodge. Trimming back of vegetation on the southern boundary was done with the agreement of adjoining residents in Brooklodge.
- There is no mention made of floodlighting in the application.
- The type of netting will be agreed with CCC.
- Intensification of use is not a valid ground of appeal. There are only three pitches and the use is therefore limited.
- The vehicular entrance is not part of this application, and reference to it is not relevant to the appeal. The pitches and changing rooms

need constant maintenance – so there will always be a certain amount of vehicular traffic using the entrance.

- The applicant is providing a much-needed community amenity.
- Noise is not a relevant consideration in this appeal.

8.1.2 The appeal is accompanied by a letter from residents of houses in adjoining Brooklodge Close to the south – referring to the removal of trees to the rear of bungalows, and collection of money for the development of the pitches.

8.2 2nd Party Response to Grounds of Appeal

The response of CCC, received by the Board on 19th May 2016, indicated that there was no further comment to make.

9.0 Assessment

The principal issue of this appeal relates to residential amenity. Reference is made in the appeal to on-going complaints about vehicular access, which are not relevant to this appeal. I propose to confine my comments to the development for which planning permission was sought.

9.1 Retention Permission

Permission is sought to retain nine 12m high timber poles which have been erected on three sides of Pitch no. 3. To facilitate the erection of these poles, some vegetation has been cleared on the eastern, but more particularly on the southern boundary of the site. There is a letter on the file from residents of the single-storey houses on the southern boundary (Brooklodge Close), to state that they have no objection to this clearance. The vegetation would appear to be within the appeal site and in the control of the applicant. There is a 2.4m high palisade fence along this southern boundary. The houses to the south are at a slightly lower level than the adjoining pitch no. 3. Mature vegetation on the eastern boundary of the site almost entirely obscures the existing timber poles from view. There was no work taking place on the date of site inspection. I would see no difficulty with the retention of the 12 no. timber poles.

9.2 Proposed Development

9.2.1 It is proposed to erect netting on existing poles around pitch no. 3. Condition 3 of the Notification of decision to grant planning permission required that a fine green netting be used – a sample of which is to be submitted to CCC for written agreement. This would seem to be reasonable. Poles and netting will not result in any degree of overshadowing or creation of sense of enclosure for adjacent residents. It

would seem that residents of the single-storey houses to the south do not object to the proposal. Much of the screen planting on this southern boundary has recently been removed. There remains a considerable amount of screen planting on the eastern boundary of the site (with Forest Park estate) almost entirely screening houses from view. Only the tops of the three poles erected on the eastern boundary of Pitch no. 3 are visible above the screening vegetation. There is no indication that there is any proposal to remove this vegetation. Condition no. 4 of the Notification of decision to grant planning permission required the retention of all trees and hedgerows within and on the boundaries of the site. Trees and hedgerows are to be protected during construction and retained thereafter. This is a somewhat onerous condition, as trees on the eastern boundary in particular, have reached a considerable height, and may have to be trimmed back, topped or removed for safety reasons in the future, or even to reduce overshadowing of adjoining gardens and houses. I would not consider that a planning condition is the appropriate vehicle for managing a hedgerow/mature trees on this boundary. Houses in Forest Park are mostly single-storey. The existing vegetation along the eastern boundary of the playing pitches provides a substantial amount of screening at present. Netting will prevent stray balls landing within adjoining gardens or hitting houses. The development proposed is entirely reasonable, and will not result in any loss of amenity for adjoining residents.

9.3 Other Issues

9.3.1 Development Contribution

No condition was attached for the payment of a development contribution.

9.3.2 Appropriate Assessment

The development was screened by CCC. The closest European sites are the Great Island Channel SAC (Site code 001058) some 3.6km to the southeast, and the Cork Harbour SPA (Site code 004030) some 2.1km to the southwest. There is no watercourse either within the site or on the immediate boundary. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site no.s 001058 and 004030, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

9.3.3 Floodlighting

The application submitted does not refer to floodlighting. Condition 2 of the Notification of decision to grant planning permission specifically excludes floodlighting. Any proposal to erect floodlighting around pitches would require planning permission.

9.3.4 Intensification of Use

The three pitches on this site are as they are. It is not clear just how frequently the pitches are used – however, use is necessarily restricted to daylight hours. The erection of netting will not result in any intensification of use. The clubs/groups which use the pitches is a matter for the applicant.

10.0 Recommendation

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached conditions.

REASONS AND CONSIDERATIONS

Having regard to the existence of the playing pitches on this site and the need to prevent stray balls passing over the boundary fencing of the site, it is considered that, subject to the attached conditions, the proposed retention of support poles and the erection of further poles and netting would not be detrimental to the residential amenities of the area and would not detract from the visual amenities of the area.

CONDITIONS

1. The development shall be retained 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 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. Fine green mesh (or similar alternative) shall be used for hanging from the support poles; details of which shall be submitted for the written agreement of the planning authority, prior to erection.

Reason: In the interest of visual amenity.

**Michael Dillon,
Inspectorate**

8th August 2016.