



An  
Bord  
Pleanála

## Inspector's Report PL07.247021

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<b>Development</b>	Retention of modifications to the P.E. Hall by the addition of 53.7 sq. metres to the eastern side, modifications to ball courts, lighting, perimeter fencing and associated works.
<b>Location</b>	Holy Rosary College, Treanrevagh, Mountbellew, Co. Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	16/248
<b>Applicant(s)</b>	Holy Rosary College
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Treanrevagh Residents
<b>Observer(s)</b>	none.
<b>Date of Site Inspection</b>	1 <sup>st</sup> November, 2016
<b>Inspector</b>	Stephen Kay

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the village of Mountbellew in County Galway and comprises the lands of the Holy Rosary College, a co-educational secondary school. The school premises has been the subject of significant recent upgrading and redevelopment and a significant extent of new teaching accommodation has been developed over the last couple of years on the site.
- 1.2. The part of the school site to which the current appeal relates comprises the sports hall and playing pitches located to the rear (north) of the school buildings. A large PE hall was completed as part of the recent redevelopment of the school facilities and this building is located detached from the classroom block at the rear of the site.
- 1.3. To the immediate north of the PE hall is located an all-weather pitch. As per the drawings submitted with the application this pitch has dimensions of approximately 52 metres in length by 35 metres in width. The pitch is surrounded by a wire mesh fence of approximately 3.5 metres in height.
- 1.4. The southern end of the all-weather pitch is formed by a concrete wall which is described as being used as a ball wall for hitting a ball against. The pitch has a total of 4 no. floodlighting poles and associated lights and the application documentation states that these lighting poles are 12 metres in height.
- 1.5. The area of the all-weather pitch is bounded to the west by the rear gardens of existing detached dwellings that are located in the adjoining development of 11 no. houses located to the west. To the north, the all-weather pitch is bounded by undeveloped lands and to the east by grass playing pitches connected with the school.

## 2.0 Proposed Development

- 2.1. The application the subject of this appeal is for the retention of modifications made to the permitted layout of the pe hall and for revised layout of the all-weather facilities and associated lighting. The details of the modifications sought are as follows:
- 2.2. The retention of alterations made to the original grant of planning permission (Ref. 10/881) for the sports hall comprises the addition of floor area on the eastern side of the building and the change in the design in this area. The additional floor area

included in the as constructed design and for which retention permission is now sought is stated to be 53.7 sq. metres. The overall height of the building and the position of the north, south and west facing elevations would appear to be the same as that permitted under Ref. 10/881.

- 2.3. Retention permission is sought for the all weather sports pitch and ball wall as constructed together with the 4 no. lighting columns with floodlights attached and fencing enclosing the pitch. This layout contrasts with that permitted under Ref. 10/881 where a total of 5 no. smaller all weather pitches were permitted and the public notices state that this pitch for retention is in place of the 5 no. basketball courts previously permitted. The northern and western boundary of the all-weather pitch for which retention permission is now sought is approximately the same as the boundary of the pitches permitted under Ref. 10/881. It is noted that under Ref. 10/881 there was no reference to floodlighting to the 5 no. basketball courts / pitches.
- 2.4. The current application also provides for the construction of an electrical substation with a floor area of 21.7 sq metres to be located to the south west of the gym hall and adjacent to the site boundary.
- 2.5. Retention permission is also sought for revisions to the car parking area located to the front (southern) end of the site and that this revised layout would result in an additional 18 no. car parking spaces.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority initially issued a request for further information that covered the following issues:

- Submission of revised site layout plans that indicate the entire site on one plan and also which indicates the site boundary in red.

- That the car parking layout amendments would appear to be a reconfiguration / modification of the layout rather than a modification. It would also appear that the increase in the number of spaces above that permitted appears to be more than 18 no. clarification is required.
- Clarification of the south east elevation of the PE hall which does not appear to accurately reflect the existing.
- Submission of specifications for the lighting and fencing.
- The submission of mitigation proposals for the north western perimeter boundary of the site where the site adjoins the rear gardens of residential properties.

In response, the following details were submitted:

- a revised site plan showing the extent of the site boundary in red, (drg No.3002)
- Clarification that the proposed parking layout will provide for 72 no. spaces in total with 54 existing spaces reconfigured and an additional 18 no. spaces.
- Revised elevational drawing of the south east elevation of the PE hall submitted.
- Specifications for the lighting and perimeter fencing to the all-weather pitch submitted.
- For the boundary to residential properties, the applicant proposed the raising of the height of the existing stone boundary wall from the existing c.900mm high to c. 140mm and match in height with the existing masonry wall dividing the rear gardens. Open to the planting of slender trees and also to the extension of the fencing from its existing location on the western boundary as far as the north west corner of the site.

The Planning Authority issued a Notification of Decision to Grant Permission subject to conditions the most significant of which are considered to be as follows:

Condition No.3 specifies that the all-weather pitch including the ball wall shall cease to operate at 21.00 hrs. Floodlights shall not be operate after 19.30 hours and the floodlighting heads shall be adequately hooded and aligned so as to prevent direct spillage of light onto adjacent third party property. Condition No.3 also specifies that the all-weather pitch and ball wall shall be used solely for school purposes and shall not be rented out to third parties.

Condition No.4 requires that a landscaping scheme comprising of slender foliage species shall be planted along the 40 metre linear strip directly south of the north western corner of the site.

Condition No.5 requires that within one month of the date of this permission that the applicant shall submit a revised and accurate elevation drawing of the north east facing façade of the PE hall.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The initial report of the planning officer highlights a number of issues that require clarification as well as proposals for the protection / amelioration of the impacts on the amenity of adjoining residential properties. Following the submission of the items requested as further information a grant of permission that is consistent with the notification of decision issued is recommended.

## **3.3. Third Party Observations**

An observation was made by the residents of the estate located to the north east of the school site and which adjoins the area in the vicinity of the all-weather pitch. The issues raised in this submission can be summarised as follows:

- Disregard shown for the planning process. The originally permitted layout had the floodlit astro turf pitch located 37 metres from the boundary.
- No consultation or discussion with the local residents.
- Despite lights being shielded and directional there is still light spill and loss of amenity. There is also an issue with the security lights on the gym building.

- That ground levels on the site have been raised leading to a loss of amenity.
- Don't want non school patrons accessing the site given the access to residential properties.
- Noise issues from use of pitch and ball wall.
- Traffic on the access road that adjoins the boundary.
- That attempts to screen the development from residential properties will lead to a loss of light and amenity.
- That the temporary access road granted under Ref. 14/873 was to cease use on expiry of ref. 10/881 however this did not happen.
- It appears that the gym has been constructed to a larger size than shown on the plans.

#### 4.0 Planning History

Galway County Council Ref. 14/873 – Permission granted for the for temporary access through an existing agricultural entrance on the N63 for the purposes of deliveries of materials for the construction of an extension to the Holy Rosary College as permitted under planning reference 10/881, to include alterations to existing footpath. One of the conditions attached to this permission was that it was valid until expiration of Ref. 10/881 (which was in January, 2016).

Galway County Council Ref. 12/685 – Permission granted by the planning authority for the construction of an all-weather pitch (area of 1500 sq. metres), fencing and floodlighting at a location to the north east of the location of the pitch as actually constructed and in a location close to the northern boundary of the site.

Galway County Council Ref. 10/881 – Permission granted by the Planning Authority for the construction of a single storey extension to the existing school building, , new side access road (western side), ball courts and below ground surface water attenuation tanks, double height PE hall of 1087 sq. metres, changing rooms, showers, first floor PE room.

Galway County Council Ref. 09/2297 – Permission granted for the construction of changing rooms in a single storey building located to the rear of the existing school (floor area of 132 sq. metres). This building is located to the south east of the constructed PE hall.

#### 4.1. **Development Plan**

There is no local area plan in effect for Mountbellew and the appeal site and surrounding lands are not therefore the subject of any specific land use zoning objective(s).

#### 4.2. **Natural Heritage Designations**

The site is not located within any Natura 2000 site or within any Natural Heritage Area. The nearest site is the Carraunagappul Bog SAC and NHA which is located c. 2.5km to the north of the appeal site at the closest point.

### 5.0 **The Appeal**

#### 5.1. **Grounds of Appeal**

The following is a summary of the main points raised in the grounds of appeal:

- That the concerns of the residents have been partially addressed by the conditions attached to the decision of the Planning authority.
- That while condition 4 relates to lighting there is still an impact in houses from the lighting being visible through curtains. The nearest lights are 11.4 metres from the rear boundary of houses and c. 22 metres from the houses. Measures to screen the rear of the houses will impact on daylight and sunlight. Planting will also lead to issues of maintenance. It is therefore requested that condition No.4 not be attached.
- That a mechanism for regular maintenance of the floodlights and a reporting mechanism in the event of problems is required.
- That the construction of a wall of c. 1.85 metres high on the school side would provide an adequate level of privacy.

- That noise from the use of the pitch is an issue. It is noted that the last bus for children in the school departs at 18.30 hrs and that the restrictions on the use of the pitch and the ball wall should align with this time. The facility should also not be used before 08.00 hrs.

## 5.2. Applicant Response

The following is a summary of the main issues raised in the response received from the first party:

- That it is taken from the appeal that the third party appellants do not object to any other elements of the proposal.
- That the location of the astro turf pitch was dictated by the fact that the college did not have the funds to construct the permitted 5 smaller pitches originally proposed for this area plus the larger all weather pitch. It was decided to go with the large pitch and this was located as constructed so that the full size grass football pitch to the east could be retained.
- That it is noted that the 5 no. basketball courts / pitches originally permitted in this location did not have any restrictions placed on their hours of operation. Similarly there was no restriction on the operation of the originally permitted larger all weather pitch.
- That a light pitch report has been undertaken by O'Connor Cronin consulting engineers. This indicates that with a slight adjustment in the angle of the floodlights, the lux level impact from the floodlights on the rear of the houses would be less than 1 lux which is for example far below the c.2.5 lux that the street lighting creates at the front door of the relevant dwellings. The report recommends that the angle of the existing lighting is altered to better control the light, that the fittings closest to the boundary are fitted with shields and that the rear boundary walls of the dwellings are raised to 2.0 metres.
- That the increased boundary wall height would help the situation when viewing the development from the ground floor windows. At first floor level you would have to look through the curtains to be impacted.



- With regard to noise, it is noted that the previously permitted basketball pitches did not have any restrictions in terms of hours of operation. The number of persons using these pitches would have been as many or more than would use the pitch as constructed. The applicant is happy that the use of the pitch and the floodlights would cease at 9.00pm. It is proposed that the use of the ball wall would not extend beyond 6.30 pm.
- That the pitch is a significant asset to Mountbellew and there are a number of other clubs and groups that have expressed an interest in using the facility.

### 5.3. Planning Authority Response

None on file.

### 5.4. Further Responses

The first party response to the appeal was referred to the third party appellant and to the Planning Authority for further comment. A response was received from the third party appellants and the main issues raised in this submission can be summarised as follows:

- That the layout as developed by the applicant means that it is not now feasible to have a full size GA pitch on the site.
- That the basketball pitches / courts were not objected to by the third parties as they considered it to be an asset to the school and there was no floodlighting proposed. The full sized all weather pitch was to be at a significant further distance from the site boundary than the location as developed.
- Photos submitted indicating that there is clear light spill from the existing floodlights. Concerns remain regarding ongoing maintenance and potential for future nuisance.
- That a 1.8 metres high rear wall on the school size is considered to be sufficient.
- That the cut off time for use of the all-weather pitch and the floodlights should be 19.30 given sleep requirements of children and shift workers.

- Given that the ball wall is accessed via the pitch it would not be feasible to have a different time of use of these facilities.
- That the issue regarding the PA noise at the school appears to have been rectified.
- That the usage of the site by other groups as intimated in the first party submission would lead to potential later hours and given the existence of an football pitch within the town this is not considered necessary.

## 6.0 **Assessment**

6.1. In my opinion the following are the main issues in the assessment of this appeal:

- Principle of development and planning history,
- Lighting and impact on amenity
- Other amenity considerations
- Other issues

### 6.2. **Principle of Development and Planning History,**

- 6.2.1. The appeal site is located within an established educational facility and the current use of the pitch is associated with the use of the site as a school. It is also noted that permission was previously granted for the development of both basketball courts and an all-weather floodlit pitch on the site, albeit that the floodlit pitch was permitted under Ref. 12/685 to be located c. 37 metres from the boundary with the appellants properties.
- 6.2.2. The appeal site is not located within a settlement that is zoned for any particular purpose and there is no local area plan in effect. However, both the school and the adjoining residential development are clearly located within the established developed area of the village and are well established uses.
- 6.2.3. In principle there is not an objection to the proposed development of an all-weather sports pitch on the school site and in the assessment of the proposed retention of

the facility as constructed regard must be had to the impact on residential amenity arising.

- 6.2.4. I note the fact that the Overall Site layout Plan submitted by the applicant in response to the further information request (Drg. No. 3002) appears to indicate the all weather pitch in an incorrect location and extending closer to the northern site boundary than is the as constructed position. This plan also indicates a drop in levels between the PE hall and pitch and does not appear to indicate the presence of the concrete ball wall at the southern end. For these reasons I do not refer further to this plan in the assessment or recommendation and the relevant site plan is that initially submitted with the application.

### **6.3. Lighting and Impact on Amenity**

- 6.3.1. The fact that the all-weather pitch constructed in the vicinity of the boundary between the school lands and the appellants residential properties is served by floodlights is a significant part of the objection submitted by the appellants. I note the comments made with regard to the fact that the previously permitted development in this general area of the school site was for 5 no. basketball courts which were not served by floodlights and also the fact that the permitted location of the floodlit pitch was significantly further from the shared boundary than the location in which it has been constructed. I can therefore see why the third party appellants contend that the development as constructed has a significantly greater impact on their amenity than was the case with the permitted development and why they chose not to object to this previously permitted development.
- 6.3.2. I note the fact that from my inspection of the site, the location of the columns supporting the floodlights are located in a different position from those indicated on Drg 3100-2 received by the Planning Authority on 3<sup>rd</sup> march, 2016. This variation is not very significant however the locations as constructed are several metres closer to the corners of the pitch than that indicated on Drg. 3100-2. In the event of a grant of retention permission it is therefore recommended that the applicant would be required to submit a revised Site Layout Plan that indicated the correct position of floodlight supports.

- 6.3.3. The appellants contend that the floodlights have the effect of causing disturbance to persons in their dwelling and attempting to sleep in upstairs rooms. A number of photographs of the existing situation have been submitted by the third party appellants and these bring home the proximity of the houses to the pitch and floodlights. While bright and a significant feature, the degree to which the use of the existing floodlight layout results in light spill onto the appellants properties is not very clear from the information presented. On this issue I note the results of the analysis prepared by O'Connor Sutton Cronin (OCSC) consulting engineers and submitted by the first party. This study indicates that with some adjustment of the angles of the lighting heads to minimise the degree to which the lights on the far (eastern) side of the pitch shine towards the appellants houses that significant light spillage would not occur. It is also recommended in the OCSC report that the heads of the lights on the near (west) side of the pitch would be shielded. The analysis presented by OCSC also indicates that there is a significant benefit to light spill by the raising of the boundary wall to the rear of the appellants properties. On this issue, I note that the appellants have suggested a wall height of 1.85 metres but that the modelling was undertaken on the basis of a 2 metre height. The combined effect of these measures would in my opinion be such as to mitigate the worst impact of the lighting and to prevent excessive light spillage into the adjoining residential properties. The issue of the cut off time of the floodlights has also been raised by the appellants and is addressed in conjunction with the use of the pitch in the section below.
- 6.3.4. I note that the option of the planting of the boundary to screen the houses from the lights was raised in the request for further information issued by the planning authority and also in the first party response. The appellants state that they are not in favour of such planting on the basis of maintenance issues and also the potential shadowing effect on their garden, and I would agree with this position. Additional mitigation to reduce potential lighting and noise impact has, in my opinion, to come from the appropriate restriction of the hours of use of the facility and I therefore consider that Condition No.4 attached to the decision of the Planning Authority should be omitted.

6.3.5. Finally regarding lighting, I note the concerns expressed by the appellants regarding the ongoing maintenance of the floodlights and the availability of a mechanism to object to their operation in the event that issues arise. In the event of a grant of permission it is recommended that a condition specifying the implementation of the recommendations of the OCSC report be attached as well as a requirement that the lighting equipment would be the subject of ongoing maintenance to ensure that the measures set out in the report are maintained on an ongoing basis.

#### 6.4. **Other Amenity Considerations - Noise**

6.4.1. The appellants contend that the all-weather pitch as constructed leads to a significant loss of residential amenity due to noise from persons using the pitch. The particular impact of the ball wall in terms of noise generation is noted by the appellants as is the fact that as a general purpose pitch rather than basketball courts previously permitted there is significantly more banging of the ball off the fence that bounds the pitch.

6.4.2. The first party contend that the intensity of use of the pitch is not significantly different to the permitted layout as basketball courts. While this is likely correct in terms of numbers, I note and agree with the concerns raised by the appellants with regard to the impact of the ball wall and the noise generated by the fencing. I would also note the fact that the originally permitted basketball courts did not have floodlighting and that the usable periods for the facility was therefore restricted to daylight hours.

6.4.3. I note that the raising of the height of the boundary wall to the 2.0 metres proposed by the first party would have the effect of partially mitigation the noise generated by the all-weather pitch. Notwithstanding this however, it is my opinion that given the proximity of the pitch to the boundary with the rear gardens of the appellants property, c. 11.3 metres, that there remains a significant potential adverse impact on residential amenity. Condition No.3 attached to the Notification of Decision to Grant Permission issued by the Planning Authority specifies that the all-weather pitch including the ball wall shall cease to operate at 21.00 hrs and that the floodlights shall not be operate after 19.30 hours. The first party have requested that the lighting and use of the pitch would continue until 21.00 hrs and that the ball wall

would not be used after 18.30 hrs. From an inspection of the site I do not see how the use of the ball wall can be separated from the rest of the facility as access is available via the pitch and that in the assessment the prescription of the same operating hours for both is appropriate.

- 6.4.4. The third party appellants have requested that in the interest of amenity the hours of operation of the pitch, ball wall and floodlights would be restricted to 19.30 hrs. Given the residential amenity issues arising regarding potential light spillage and particularly noise, the proximity of the pitch to the residential properties and the fact that the facility is proposed to serve the school and not to be used by third parties, it is my opinion that the proposed 19.30 cut off time for the use of the pitch, ball wall and floodlighting is appropriate and would be such as to protect the residential amenity of the adjoining properties. I do not see that the restriction of operation to this time would act to significantly curtail the use of the facility by the school.

## 6.5. Other Issues

- 6.5.1. In addition to the retention of the all-weather pitch and the PE hall the application which is the subject of appeal also provides for the reconfiguration of the parking layout to the front of the school and the provision of an additional 18 no. spaces. The proposed revised layout would result in the number of space increasing from the 54 no. permitted to a total of 72 no. spaces. I do not have any objection to the proposed revisions to the number of parking spaces or the parking layout proposed.
- 6.5.2. The application also provides for the development of an ESB sub station to be located on the western site boundary and to the south west of the existing PE hall. This sub station has a stated area of 21.7 sq. metres and would not be located adjacent to any residential properties. The location, design and scale of this sub station is considered to be acceptable.
- 6.5.3. The other aspect of the development on site for which retention permission is sought is the extension undertaken to the PE hall building as originally permitted under Ref. 10/881. The building as constructed has been made bigger on its eastern side relative to the design permitted under Ref. 10/881. The scale of the additional floorspace constructed additional to the approved layout is be 53.7 sq. metres and the overall height of the building and the position of the north, south and west facing

elevations would appear to be the same as that permitted under Ref. 10/881. The scale of the additional floorspace and the location on the site is in my opinion such that it would not have any adverse impact on visual or residential amenity and is acceptable. As highlighted by the report of the Planning Officer, I note the fact that the east facing elevation of the PE hall as submitted in response to the further information request is not a completely accurate representation of the development as constructed. Specifically, the submitted elevations do not indicate the access doors located centrally in this east facing elevation. In the event of a grant of permission it is therefore recommended that the applicant be required to submit a revised elevation that accurately indicates this elevation.

6.5.4. Having regard to the nature and scale of the development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

6.5.5. With regard to financial contributions, no contribution was attached by the Planning Authority. Under Part 2 of the adopted 2016 contribution scheme a contribution of €10 per sq metre applies for 'recreational facility / sports club'. The exemptions in Part 4 make reference to development by or on behalf of voluntary organisations and which is in the opinion of the Planning Authority 'designed or intended to be used for social recreational or educational or religious purposes by the inhabitants of a locality.....and not to be used mainly for profit or gain'. There is no reference to retention application in the wording of the scheme. On the basis that the facility is not proposed to be used by outside groups and would not be rented out to third parties then I do not consider that a development contribution is applicable.

## 7.0 Recommendation

7.1. It is recommended that permission for retention be granted based on the following reasons and considerations and subject to the attached conditions:

## 8.0 Reasons and Considerations

Having regard to the design and layout of the development as constructed and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1. The development to be retained shall be 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 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 following shall be complied with in the operation of the development:
  - (a) the all weather pitch and ball wall shall not be used between the hours of 19.30 hrs and 08.00 hrs and the approved floodlighting shall not be operated within these hours.
  - (b) Within three months of the date of this permission the floodlights installed shall be adjusted and fitted with light shields to accord with the recommendations of the O'Connor Sutton Cronin Consulting Engineers report received by An Bord Pleanala on 12<sup>th</sup> day of September, 2016. The floodlights shall thereafter be the subject of ongoing maintenance to retain these revised settings.



(c) the all weather pitch and ball wall shall be used solely for school purposes and shall not be rented or leased out to third parties.

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

3. The boundary of the site extending south from the far north west corner to take in the shared boundary with the four houses which back onto the site in this location shall be raised to a minimum height of 2.0 metres as measured from the existing ground level within the rear gardens of the houses. This raised boundary wall shall be constructed in stone to the agreement of the Planning Authority.

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

4. Within one month of the date of this permission that the applicant shall submit a revised and accurate drawing of the following:

(a) the north east facing façade of the PE hall.

(b) the all-weather pitch as retained indicating the correct location of the floodlighting pylons relative to the boundary of the pitch.

**Reason:** In the interests of clarity.

5. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties. The surface water drainage shall comply with the requirements of the planning authority for such works.

**Reason:** In the interests of public health and to prevent pollution.

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Stephen Kay  
Planning Inspector

11<sup>th</sup> November 2016