



An
Bord
Pleanála

Inspector's Report PL92.249107

Development	Relocation of clubhouse previously granted planning permission, to new location within existing site
Location	Ballydavid, Thurles Road, Littleton, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	17/600653
Applicant(s)	Moycarkey-Borris GAA
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Patricia Loughnane & Others
Observer(s)	None
Date of Site Inspection	24 th November 2017
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The site is located in Littleton, Co. Tipperary which is between Twomileborris and Horse and Jockey. It is located c.900m north of the M8 Motorway on the Thurles Road and c.6.5km south-east of Thurles. It is c.300m from the junction of the R639 (the old N8) and the Thurles Road, on the north side of Littleton village.
- 1.2. Littleton village is based around the crossroads of the two road junctions and the subject site is surrounded by “one-off” type housing along both sides of the Thurles Road. The River Breagagh runs through the village.
- 1.3. The site of the proposed development is within the existing sports ground which currently accommodates a main pitch, training pitch, viewing stand, flood lighting, changing rooms, a clubhouse and car parking.
- 1.4. The general area is in agricultural use. To the east of the sports ground, on the opposite side of the Thurles Road, lie dwellings which includes the homes of the appellants. To the north and south of the site there are dwellings. It is bounded to the north-west, west, and south-west by green fields.
- 1.5. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposed development consists of the relocation of the clubhouse previously granted planning permission under Reg. Ref. 15/600207.
- 2.2. The documentation submitted with the application states that the development of the clubhouse, which was previously granted planning permission as well as other developments on site, was started on the original permitted position but due to unforeseen ground conditions it was deemed cost prohibitive to continue to build in the permitted location.
- 2.3. The clubhouse is stated as being the same size and design as previously permitted, and it is only the location within the sports ground that is changing. The original planning permission granted permission for the development of the clubhouse adjacent to the Thurles Road and south of the hurling wall. The new location is south of Pitch 1. The clubhouse dimensions are c.24m x 17.2m with a roof ridge height of

7.136m. Internally there are 4 dressing rooms, a meeting room, and a kitchen and ancillary rooms.

2.4. The relocation of the clubhouse necessitates the reconfiguration of the internal parking layout.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 9 conditions. Condition no.1 stated that the development was to be carried out in accordance with the terms and conditions of the original permission Reg.Ref.15/600207. Condition no.3 states that lighting shall be switched off during the period 2200hrs to 0700hrs. Condition no.6 requires the applicant to submit certification that the lighting has been installed correctly, and condition no.7 requires the applicant to arrange for independent light seepage monitoring in the event of any complaints.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Site is zoned amenity as designated in the North Tipperary County Development Plan 2010 as varied.
- The existing use of the site is an established recreational use and the principle of development of additional facilities would complement this use and is acceptable in principle.
- References submission, and answers questions therein. Notes that the original permission was assessed by the relevant sections of the Council when dealing with the earlier planning application.
- Notes reason for relocation and considers proposal is acceptable and recommends that permission is granted subject to conditions.

The decision was in accordance with the Planner's recommendations.

3.2.2. **Other Technical Reports:**

- District Engineer – no report on file.

3.3. **Prescribed Bodies**

No reference on files. Planner's Report notes comments from DAHG regarding large scale developments on the earlier permission Reg. Ref. 15/600207.

3.4. **Third Party Observations**

A letter of objection was submitted, signed by a number of residents, regarding the location of the hurling wall and flood lighting, greenery, boundary wall height, entrances and exits, road markings and power and water disruptions.

4.0 **Planning History**

- **Reg. Ref. 15/600207:** Permission was granted by Tipperary County Council in August 2015 for the development of a new clubhouse building, meeting room, toilet facilities, store rooms, upgrade to existing pitch surfaces, new hurling wall and all associated site works and connection to public services.
- **Reg. Ref. 04510230:** Permission was granted by Tipperary County Council in March 2004 for playing field, running track, access road, car park, floodlighting and services.

5.0 **Policy Context**

5.1. **Development Plan**

The site is subject to the policies and objectives of the North Tipperary County Development Plan 2010 as varied. The Plan designates Littleton as a Service Centre. A Land Use zoning map for Littleton identifies the site as being zoned 'Amenities' albeit a small portion of the north-west of the site is outside the boundary. It notes that Littleton had a population of 463 persons in the 2006 census. A Key Objective is '*To maintain and enhance social, community and amenity facilities within the village*'.

5.2. **Natural Heritage Designations**

The Lower River Suir SAC (Site Code 002137) is located c.7km to the north-west.

The River Barrow and River Nore SAC (Site Code 002162) is located c.14km to the south-east.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third party appeal has been submitted by Patricia Loughnane and others. In summary it states:

- Have nothing against the improvement of the facilities for the purpose for which the land was zoned but have serious concerns where it affects them.
- There has been no private consultation, consideration or notification to the non-GAA members directly affected regarding the first planning application.
- Consider the hurling wall needs to be relocated along with the clubhouse because of the same ground conditions.
- It has seriously depreciated the value of their houses due to noise, offensive language, light seepage and impact on psychological wellbeing.
- Modifications do not take account of their concerns. No low walls or hurling walls are located in close proximity to dwellings in Tipperary.
- Concerns with the removal of the roadside boundary, operating time – should be closed at 9pm not 10pm, lighting angles are intrusive, flooding, and opening of middle gate opposite resident's dwellings.
- Photos accompany the appeal.

6.2. **Applicant Response**

A Consultant on behalf of the applicant responded to the appeal. In summary, it states:

- Requests Board to dismiss the appeal as being without substance. Appellants are seeking changes to aspects of the parent permission which are already permitted and are not proposed to be changed and are already implemented.
- Issues raise no reference to the repositioning of the clubhouse nor adjustments to the parking layout, and are instead concerned with the permitted and developed hurling wall, landscaping, boundary treatment and access arrangements.
- Notes the new location for the clubhouse 150m further from the houses and presumed this would have been welcomed.
- Addresses each point made by the applicant as raised in the appeal documentation. For the most part the response to each point is to restate that the particular issue raised by the appellant is not the subject of the current planning application.
- Concludes that the club have positively engaged with the appellants since learning of their concerns to try to address the issues.

6.3. Planning Authority Response

The Planning Authority responded stating that they are satisfied that the decision to grant permission was appropriate and issues raised were addressed in the Planner's Report.

6.4. Further Responses

The appellant was provided a copy of the applicant's response to the appeal and provided an opportunity to respond. In summary the response includes:

- Consider there are legitimate grounds for appeal and applicants reference to their appeal being without substance is dismissive and contentious. References conditions of the subject application which state that condition no.1 of Reg. Ref. 15/600207 '*governs the overall development of the site including the expiry date of same*'.
- States that there are 9 current conditions to be complied with and implemented which are binding to the original plan and continue to be

incorporated into the new planning. Therefore, it is correct to say that the outstanding non-compliant conditions of the parent planning such as lighting and drainage are causes for concern.

- References history of planning application, site notice location, and lack of notification of non-GAA members.
- States that the hurling wall was commenced without notification, on known ponds and springs. Noise and light have depreciated value of their homes. An excessive number of lights have been erected over and above the number permitted.
- There are no plans to indicate how surface water is drained from the re-planned car park.
- The relocated clubhouse means adjustment to allow for traffic including coaches which adds to their concern, namely the use of the middle gate, dust control, noise and lighting.
- Addresses each point of the applicant's submission. Refers to use of the middle gate being the cause of concern and drainage plans not being in place in accordance with parent permission.
- Concludes that the grounds for appeal are with the conditions of the subject application which are to be compliant with the parent permission relating to archaeological licence, lighting and drainage. Consider it fair to say that the relocation of the clubhouse is not considered detrimental but compliance with other planning factors on site is.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Relocation of clubhouse
- Residential Amenities: Traffic, Lighting and drainage

- Appropriate Assessment

7.1. Relocation of clubhouse

- 7.1.1. The applicant considers that there are limited grounds for the appeal considering the planning application relates to the relocation of the clubhouse, which the appellants state they do not have a particular concern with. The appellant refers to issues with existing lighting and drainage, as well as the existing hurling wall which were permitted under the parent permission (Reg. Ref. 15/600207). However, the clubhouse relocation does necessitate the rearrangement of the lighting and car parking adjacent to the appellants' homes. I consider that it is this aspect of the planning application that needs to be considered further, to determine if it is in accordance with the proper planning of the area. If there is non-compliance with the parent planning permission, then these are issues to be addressed by the Planning Authority.
- 7.1.2. With respect to the actual relocation of the clubhouse, I consider that this location is preferable to the original. It is further away from resident's dwellings and of itself, will not seriously injure residential amenities during construction and operation. The ancillary works including the rearrangement of the car parking and lighting will be addressed below.

7.2. Residential Amenities

- 7.2.1. As noted above, the appellants have concerns with the compliance of the built aspects of the site with the planning conditions imposed under Reg.Ref.15/600207 in terms of light seepage, noise from the hurling wall, drainage and dust from the car park. The Hurling Wall has been built already and is not proposed to be relocated under this planning application. Any non-compliance with planning conditions with the as-built aspects of the development are a matter for the Planning Authority to address.
- 7.2.2. The subject application does necessitate the rearrangement of the car parking, lighting and drainage. The site layout drawing submitted with the application provides limited details of lighting and drainage (Scale 1:500). The car parking layout indicates bus parking, as well as car parking in the footprint of the relocated

clubhouse. I note the submitted 3D views do not correlate exactly with the drawing with respect to bus/car parking. The 3D views do appear to indicate a tarmac type surface with clearly defined parking spaces. The appellants note issues with dust from the car park. During my site visit I noted that the car park is not properly surfaced. No information is provided with respect to what the finished surface is proposed to be, albeit new gravel has recently been added to the area. I consider a SuDs compliant surface is required however, a surface which causes dust deposition elsewhere is not acceptable. I am of the opinion that this can be dealt with by condition.

- 7.2.3. A revised lighting layout is not provided. It would appear that lighting is currently a major cause of concern for the local residents with references to significant light seepage/spillage into their homes. A revised layout taking into account the revisions of the car parking layout should be submitted to the Planning Authority. A condition to submit an assessment of the 'as-built' lighting layout within a specified timeframe could be applied should the Board consider granting permission.
- 7.2.4. In terms of noise, I consider that landscaping can be improved along the boundary with the Thurles Road which would assist in mitigating noise concerns. The appellants refer to a 'middle entrance' being used, however, it is stated that the club have committed to only using this in an emergency which should address the appellant's concern. During my site visit I noted that a 'privacy gate' has been erected at the middle gate and new landscaping has been added to prevent use of the north gate.
- 7.2.5. With respect to drainage, I note the photographs submitted by the appellant indicating issues with surface water. Surface water is subject to a specific condition (no.8) on the Planning Authority's decision to grant permission. I consider that a similar condition can be appended which the club must comply with, should the Board consider granting permission.
- 7.2.6. In conclusion, I accept the valid concerns of the appellant and consider that compliance with the conditions of the parent permission should address these issues. Conditions with respect to the relocation of the clubhouse and subsequent rearrangement of the car park can be included to supplement the parent conditions

in terms of addressing noise, lighting and drainage as a result of those changes, should the Board consider granting permission.

7.3. **Appropriate Assessment**

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

8.0 **Recommendation**

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to the provisions of the North Tipperary County Development Plan 2010 as varied, the nature and scale of the modifications proposed, the amenities zoning of the area which provides for such uses, and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposal would not seriously injure the residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 16/09/2015 under planning register reference number 15/600207, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

2. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of the clubhouse development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed materials for road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed lighting fixtures;

(d) details of proposed boundary treatments at the perimeter of the site.

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

Reason: In the interest of residential and visual amenity.

3. Within six months of the completion of the development, the developer shall submit results of light meter surveys demonstrating no light spill at the windows of the neighbouring properties of the site for the written agreement of the planning authority. In the event of further mitigation measures being required by the planning authority these shall be implemented at the expense of the developer.

Reason: In the interest of residential amenity.

4. The floodlighting shall not be used after 22.00hrs at night time.

Reason: In the interests of clarity and proper planning and sustainable development.

5. 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, dust management measures and off-site disposal of construction/demolition waste.

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

6. (a) 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.

(b) The car parking and entrances to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution

Ciara Kellett
Senior Planning Inspector

27th November 2017