



An
Bord
Pleanála

Inspector's Report PL11.249359.

Development

Permission for retention for (a) wall between car park and pitch 2m high
(b) storage shed
(c) scoreboard
(d) 1m high fence surrounding pitch
(e) dugouts on either side of pitch
(f) flag poles
(g) ball wall
(h) drainage work on left hand side of pitch for development of second pitch as a training / underage pitch.

Location

Russ Avenue, Mountrath, Co Laois.

Planning Authority

Laois County Council.

Planning Authority Reg. Ref.

17/178.

Applicant(s)

Mountrath GAA.

Type of Application

Retention Permission.

Planning Authority Decision

Grant Permission subject to conditions.

Type of Appeal	Third Party
Appellant(s)	Mary O Rourke and Others.
Observer(s)	None.
Date of Site Inspection	3 rd January 2018.
Inspector	Bríd Maxwell.

1.0 Site Location and Description

- 1.1. The appeal site refers to the existing GAA grounds located to the north-west of Mountrath Town Centre, in County Laois. The site is occupied by the GAA complex including pitch, changing rooms and ancillary structures and hard surface parking area.
- 1.2. Access to the site is via gated entrance from Russ Avenue / Stillbrook, a cul de sac which also serves a number of dwellings which back onto the appeal site to south. The Mountrath River (also known as Whitehorse River) which forms part of the River Barrow and River Nore SAC flows along the eastern boundary of the site and the Coles river runs along the northern boundary. A drain runs along the southern site boundary at the interface with the row of dwellings which discharges to the Mountrath River to the east. Lands to the west of the site are in agricultural use.

2.0 Proposed Development

- 2.1. The proposal involves permission for retention for the following:
 - (a) Wall between car park and pitch 2m high
 - (b) Storage shed
 - (c) Scoreboard
 - (d) 1m high fence surrounding pitch
 - (e) Dugouts on either side of pitch
 - (f) 3 flag poles.
 - (g) Ball wall
 - (h) Drainage work on left hand side of pitch for development of a second pitch as a training / underage pitch.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 25th September 2017, Laois County Council decided to grant permission subject to 7 conditions which included the following:

- Condition 3 Adequate onsite car parking to be provided in accordance with Laois County Development Plan 2017-2023 standards, to accommodate all traffic generated by the development. No associated car parking shall take place on the adjoining public thoroughfare.
- Condition 4. All surface water run off from the project including from pitches, access road and parking area shall be collected and discharged to the existing on-site surface water drainage network which shall be of adequate size, capacity and design to accommodate the loading. In particular no such surface water run off shall be allowed to flow onto the public roadway or adjoining properties.
- Condition 5, The hours of operation of the ball wall shall be confined to the hours of 9.00 am to 10.00pm daily.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial reports sought further information to include a flood risk assessment and justification test to address the impact of the proposed 2m high wall along the eastern boundary of the site and potential impact on the carrying capacity of the remainder of the site for flood waters and adjoining property. A request for clarification of further information followed seeking that the flood risk assessment address the open drain running in a west east direction along the southern boundary of the site.

Final report recommended permission subject to conditions.

3.2.2. Other Technical Reports

- Fire Officer report indicates no objection.
- Waste Enforcement report indicates no objection subject to conditions.
- Roads Design report indicates no objection subject to conditions.

3.3. Prescribed Bodies

- Inland Fisheries Ireland. Indicates no objection to the development.

3.4. Third Party Observations

Submission from the third party appellants Marie Hogan, Kevin Hogan, Aileen Breen, Thomas Foster and Mary O Rourke object to the development on basis of proximity of ball wall to rear gardens. Stray sliotairs give rise to health and safety issues. Visual impact. Alternative location to the north / northeast of the site is more appropriate for the ball wall. Shed is unduly proximate to adjacent dwellings. Flooding issues. Lack of consultation with residents.

4.0 Planning History

- 13/31 Permission granted to Mountrath GAA club to construct extension to existing dressing rooms and permission to retain prefab building on site.
- 97/111 Permission granted to erect enlarged entrance and storage shed.

5.0 Policy Context

5.1. Development Plan

The Laois County Development Plan 2017-2023 refers. The site is zoned Community Educational Institutional.

The site is within Flood Zone A - 1 per cent (1 in 100) chance of flooding each year.

5.2. Natural Heritage Designations

There are 5 Natura 2000 sites within 5km of the site including:

- River Barrow and River Nore SAC (002162) immediately adjacent to the eastern boundary of the site.
- River Nore SPA (004233) 2.3km southwest.
- Slieve Bloom Mountains SAC (000412) 5km to north of site.
- Slieve Bloom Mountains SPA (004160) 3.5km to north of site.
- Knockacoller Bog SAC (002333) 4.6km southwest.

6.0 The Appeal

6.1. Grounds of Appeal

The third party appeal is submitted by neighbouring residents Kevin Hogan, Marie Hogan, Aileen Breen, Thomas Foster and Mary O Rourke. Grounds of appeal are summarised as follows:

- No objection to the reasonable development of the grounds
- Appeal primarily relates to the ball wall, its location within the grounds and hours of operation, noise and use.
- A more suitable option for location of the ballwall is in northern part of the site.
- Use from 9am to 10pm daily as per condition 5 is excessive.
- Noise is repetitive and constant.
- Health and safety issue arise from stray sliotars.
- Unsupervised use by young children creates health and safety concerns and nuisance.

- Storage shed would be better located closer to the clubhouse and away from the fence with neighbouring residents however residents are willing to accept its location in effort to be reasonable.
- In relation to drainage works and potential for increased risk of flooding, the residents are willing to accept the decision of Laois County Council in this matter.
- Accept items listed (a) (c) (d) (e) (f) in decision to grant retention. Residents would also consider it appropriate to make it clear to the club that floodlighting and floodlit support poles require permission.

6.2. Applicant Response

The response by Liam Ryan Architectural Services on behalf of the applicant notes:

- Ball wall was located adjacent to the clubhouse to allow better supervision.
- Ball wall is so positioned so that players will be striking away from the residential houses towards the wall
- Maximum number of players that could use the wall at any one time is about 20 to 25. Drills are set up so that one person is striking while another catching. There would not be 20 balls in play at the same time.
- Group training sessions occasions during the week and particularly Saturday mornings.
- It is proposed to install seating on the wrong side of the wall to prevent it being used from that side and thereby prevent the possibility of stray sliotars to residential properties.
- Note and welcome appellant's acceptance of storage shed and drainage works.

6.3. Planning Authority Response

The Planning Authority did not respond to the appeal.

7.0 Assessment

7.1 Following my inspection of the site and consideration of the documentation on file, the prevailing local and national policies and plans, I note that the main issue of concern raised in the appeal relates to the ball wall and its impact on residential amenity. The issue of flooding on the basis of the location of the site within Flood Zone A and the issue of appropriate assessment also need to be addressed.

7.2 I note the concerns expressed by the third party appellants regarding the lack of consultation with neighbouring residents and the retrospective nature of the application. Clearly best practice would require adequate consultation and pre-authorisation of development and the shortcomings in both regards are evident however the planning system provides for retrospective applications and therefore it is appropriate to consider the development proposed for retention on its merit. Given the established use of the site and zoning, "*community, educational institutional*" clearly the development proposed for retention is acceptable in principle. The key question relates to the detail of the development for retention and its impact on residential and other amenities of the area. I note the major issue of contention is the ball wall and it is accepted that the remaining items listed for retention including boundary walling, scoreboard, fence, dugouts and flagpoles do not give rise to concern. As regards the storage shed given its scale and intended use for storage of equipment I consider that it will not impact unduly on residential amenity.

7.3 The third parties are critical of the location of the ball wall within 12m of the southern boundary and its proximity to adjacent dwellinghouses and recommend that alternative siting within the northern part of the site would be more appropriate. I accept that the arguments of the first party in response regarding the practicalities of location of the structure adjacent to other welfare facilities, are valid. As regards the

potential for noise and other nuisance the first party acknowledges that the ball wall may have been used from the wrong direction resulting in stray sliotars entering the gardens of neighbouring residences. In order to mitigate this, it is now proposed to providing seating to prevent use of the ball wall from the wrong side and I consider this to be appropriate. I further consider that in addition landscaping should be provided to the southern boundary to provide visual and physical screening. As regards noise nuisance, I consider that appropriate management should ensure that nuisance should not arise. As regards hours of operation clearly there will be peak usage times however these will be of limited duration and I consider that a restriction preventing usage past 10pm is appropriate in the interest of residential amenity.

7.4 On the issue of flooding, I note the site specific flood impact assessment by IE Consulting. The report concludes that overall the works to be retained within the site shall not result in adverse impact on the hydrological regime in the area and shall not increase flood risk elsewhere. Report notes that the areas proposed for retention are mainly outside the delineated flood zone A and a small area of wall to be retained is within flood zone B. Wall is water compatible and a low vulnerability development and shall not impede flood conveyance. It is asserted that the drainage system constructed in the training pitch is a SUDS source control system which provides attenuation of the run off from the greenfield training area before entering the 100mm pipes. The drainage system is considered to follow best practice and shall not result in an adverse impact to the hydrological regime of the area and shall not increase flood risk elsewhere. It is asserted that overall the works to be retained within the site shall not result in adverse impact to the hydrological regime in the area and shall not increase flood risk elsewhere. I consider that having regard to the nature of the development proposed for retention the conclusions are reasonable and the development proposed for retention will not increase flood risk.

7.5 As regards Appropriate Assessment I note that the site is adjacent to the River Barrow and River Nore SAC. Works are considered minor in scale and while the proposal involves surface water discharge to the existing drain along the southern boundary which discharges to the river nore to the east this will be limited to uncontaminated surface water from the grass pitch. Having regard to the nature and scale of the development proposed for retention and the nature of the receiving environment 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. 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 development propose for retention, individually or in combination with other plans or projects would not be likely to have significant effect on the River Barrow and River Nore SAC or any other site in view of the site's conservation objectives and a stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

8.0 RECOMMENDATION

- 8.1 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 the decision of the Council be upheld and planning permission for retention be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the location and zoning objectives pertaining to the site of the development, and the pattern of development in the area, the design and layout of the development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of July 2017 and 1st day of September 2017 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 particular

Reason: In the interest of clarity.

2. The operational hours of the ball wall shall not extend beyond 22:00 hours.

Reason: To protect the residential amenity of properties in the vicinity.

3. Tree shelter belts of at least 2 rows shall be planted along the southern boundary of the site in the first planting season following grant of permission. The trees shall consist of native or naturalised species and varieties. Any trees which die, are removed or become seriously damaged or diseased, within a period of 5 years from completion of the development, shall be replaced within the next planting season with others of similar species, unless otherwise agreed in writing with the planning authority.

Landscaping and other measures shall be implemented to prevent use of ball wall from the north.

Reason: In order to screen the development in the interest of visual amenity.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

Brid Maxwell
Planning Inspector
12th January 2018