



An
Bord
Pleanála

Inspector's Report ABP-301095-18

Development	Development which will consist of (1) A new Astro Turf Pitch including associated fencing and flood lighting; (2) New flood lighting to existing playing pitch; and (3) All ancillary site works.
Location	Shannon Road, Sixmilebridge, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	P17/115
Applicants	Bridge United AFC
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Rowan View Residents
Date of Site Inspection	26 th June 2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Shannon Road, Sixmilebridge, Co. Clare, to the south of the R471 and to the west of a local road, the Cratloe road, L7112. The site is the grounds of Bridge United AFC, and is situated within the settlement with access from Shannon Road at two locations and along the Cratloe road at one location. The site has extensive frontage to both roads. The site is bounded by residential development to the west, south and over part of the eastern site boundary, northern end. Along the Shannon Road the frontage is interrupted by two developed sites where there is a Garda station and what appears to be an associated residence.
- 1.1.2. The clubhouse and associated parking area is at the north eastern end of the site and the main access is centrally located along this part of the road frontage. The sports ground contains a main soccer pitch aligned north-south, and a training pitch to the west aligned east west. Both have been levelled to a ground level similar to road level, falling slightly southwards. To the south, between the pitch and the southern boundary, the ground falls steeply over rough ground.
- 1.1.3. The boundary with houses to the south is a capped but unrendered block wall of c 2m height. Its full effectiveness as a screen is reduced due to the relative height of the nearby pitch.

2.0 Proposed Development

- 2.1.1. The proposed development will consist of (1) a new Astro Turf Pitch including associated fencing and flood lighting; (2) new flood lighting to existing playing pitch; and (3) all ancillary site works.
- 2.1.2. The new Astro Turf Pitch is to be located in an area of sloping ground adjoining and south of the main pitch. The ground level in this area currently varies from 13.5m to 11.25m and the proposal was for a new ground level of 12.45m for this pitch nearest the southern boundary rising to 13m at the northern end. This was amended in response to a further information request to a new ground level of 12.m nearest the southern boundary rising to 12.45m at the northern end.
- 2.1.3. Revised proposals also reduced the strength of the floodlighting; with the lux levels reduced, to reduce the level of overspill.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission for the astro turf pitch subject to 4 conditions, and to refuse permission for the flood lighting.

3.1.2. The conditions include:

3.1.3. 2 a) prior to commencement of development the developer shall submit to the planning authority for written agreement and approval revised proposals for the provision of an open drain running along the entire length of the southern boundary of the site.

b) the bed of the drain shall be set at least 0.5m lower than the garden levels of the adjacent adjoining residential sites to the south.

Reason: In the interests of orderly development and to provide drainage on site to protect the amenities of adjoining properties.

3) Prior to commencement of development the developer shall submit to the planning authority for written agreement and approval details of the finished ground level of the astro turf pitch shown relative to the road level outside the site and relative to the finished floor level of the dwellings at Rowan View.

Reason: In the interests of orderly development and residential amenity.

4) Fencing around the astro turf pitch shall not exceed 3m in height. The fence shall be plastic coated and otherwise in accordance with details received by the planning authority on the 20th February 2017.

Reason: In the interests of visual amenity.

The refusal reason states:

Having regard to the information received with the application to date, the planning authority considers that the proposed flood lighting, by virtue of the excessive lux levels and associated overspill onto adjoining residential properties, would seriously injure the residential amenities of neighbouring dwellings and would therefore be contrary to the zoning objective for existing residential lands which is to conserve

and enhance the quality and character of the areas and to protect residential amenities. In addition as the subject site is located adjacent to the public road R471, it is considered the proposed flood lighting and associated overspill would endanger traffic safety in the vicinity of the site. The proposed development therefore would be contrary to the proper planning and orderly development in the area.

3.1.4. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planning reports on the file.

3.2.2. The first recommending a request for further information on 5 points:

- 1 Noting that earth works and filling appears to have been carried out on site and concern that this may constitute unauthorised development, requesting full details of the nature and extent of the works and pre and post levels to Malin OD.
- 2 Surface water is not being adequately managed on site and is gathering along the southern boundary which may impact on adjoining properties; requesting submission of full details of proposals for surface water collection and disposal; including indication if attenuation is proposed, with details including calculations and proposed location.
- 3 Concerns re impact on residential amenity and traffic safety from intensity of the lighting to the main pitch; requesting details to ensure that there is no light spill beyond boundaries. Also concerns re impact on residential, from intensity of the lighting to the astro turf pitch and cumulative impact from lighting both facilities requesting details to ensure that there is no light spill beyond boundaries; also details of hours of operation of lighting.
- 4 Indicate if vehicular access is proposed from the L7112; if so show provision of 70m sightlines and details of car-parking.

- 5 Show on a cross section the rebound mesh fence and netting above, in the context of the new ground level of the astro turf pitch and in the context of the finished floor levels of houses and gardens at Rowan View. Submit revised site layout plan showing the proposed development in the context of the existing dwellings to the south and the separation distances.

3.2.3. Response received (11/1/2018) to the request for further information, accompanied by drawings and other details, includes:

- 1 Re item 1 - Material deposits on the southern part of the site took place when the clubhouse was constructed. A drawing is provided which, it states, shows that the effect on levels was marginal.
- 2 Re item 2 - The process temporarily disturbed the pitch drainage system. The drainage system is currently directed to two soakpits within the site with overflow to an existing surface water manhole within the site. As a further preventative measure, they are proposing to install a 225mm diameter land drain along the entire southern boundary with Rowan View housing estate, designed to ensure that the invert level will be a minimum of 300mm. A new connection to existing storm water manhole located on local road L7112 will ensure no further build-up of water will occur.
- 3 Re item 3 - The lighting design will ensure minimum light spill falls on public road R471. Lux level at front entrance gate is just 22Lux; acceptable, as a main road like this could have at least 20 lux.

The pitch has an overall Lux level of 282 maintained average, which is in line with FAI Guidelines and CIBSE LG4 Sports Environment.

At full capacity, lighting will produce a light spill to houses: on southern boundary 2 Lux, eastern boundary 4 lux and northern boundary 2 lux. The output of the LED light fittings can be controlled and utilised at reduced output. Lighting to the existing pitch would be at full power for competitive matches, which would be 15-20% of their overall time in use.

Light spill to houses on the southern boundary from the Astro Turf pitch operating at full capacity will be 2 Lux. The revised lighting design allows for reduced light pole height from 12m to 8m.

Cumulative intensity and light spill is shown when both systems are operating concurrently.

Operational hours of the floodlighting on either pitch will not extend beyond 21.15 hours.

4 Re item 4 - No vehicular access from the L7112 is proposed; adequate parking is available.

5 Re item 5 - A revised site layout and a cross section is attached. The width of the pitch has been reduced by 2m and the level reduced by 450mm.

3.2.4. The second planning report recommends a permission (astro turf pitch) and a refusal (flood lighting).

3.3. Other Technical Reports

3.3.1. **Shannon Municipal District Engineer – 7/04/17** – surface water disposal – proposed surface water disposal is to a soakpit. Surface water disposal at this location appears already to be a significant issue, as witnessed on site during a site inspection today and as reported in the submissions received. Proposals to deal with this issued should be requested from the applicant.

Site Assess – the application shows an access from the local road, L7112. If it is proposed that this access is to be used, applicant should be requested to show how it is proposed to achieve the required sight line requirements at the access in accordance with current standards.

Parking – applicant to be requested to provide details of the car-parking.

3.3.2. **Shannon Municipal District Engineer – 30/01/18** – The applicant should be required to clarify proposals made in relation to drainage in response to item no. 2 of the PA letter. The applicants drawing calls up 'new open land drain' whereas the letter refers to a 225mm diameter land drain which by virtue of its size suggests a piped solution. The applicant should clarify what the drainage system proposed is. The letter refers to invert level, will be a minimum of 300mm, which fails to clarify at

what level the proposed drainage will be set. The application does not detail the storm water retention measures proposed.

The proposed open drainage pitch drainage should extend the full length of the southern boundary of the site in order to ensure capture of any additional water lodging above this point. The drain must be located at a suitable offset from the southern boundary wall so as not to impact the structural integrity of the wall foundations. The drain bed should be set at a level at least 0.5m lower than the garden levels of the adjacent houses. Suitable consideration should be given for access by tracked excavator to the drain edge to facilitate the ongoing maintenance and operation of the drain. Any proposals in relation to a drainage solution must demonstrate it is suitable for its purpose, suitable for the location and that its ongoing maintenance and operation has been catered for.

Roads - 25/01/2018 – the design lighting contours show that there is extensive light overspill into the surrounding community.

The submission states minimum light spill and glare visors on the flood lights, and the lux level of 22 at the front entrance gate being acceptable as they expect the road to be lit to at least 20 lux. This is incorrect as this road at best would be lit to class P2 (10lux) while on the ground it would be closer to Class P3 (7.5 lux), also the lighting level of 22 Lux is out in the centre of the public road, not just the entrance as stated to this lighting exceeds the level of street lighting in place.

The lighting level for the main pitch (282 Lux) is calculated using only the main pitch lighting. The calculation should be re-run showing the lighting with the two pitches lighting concurrently.

The lighting levels at the adjoining property are not stated, they are as follows:

Dwelling on the Rossmanagher Road: 28 lux at the rear boundary, 4 lux at the house and 1 lux to the front of the property.

Rowan View: 50 lux at the rear boundary, 2.5 lux at the house and 1 lux to the front of the property.

The Garda Station: 30 lux at the rear boundary, 15 lux at the house and 1 lux to the front of the property.

All are excessive amounts.

A reduction in power of 15-20% when there is not a competitive match, is proposed. The question is how this will work and it is likely that it will be operated at 100% unless there are proper controls.

For the 5-a-side pitch average lighting of 272Lux are shown. The lux contours on the drawing do not match where both pitches are lit concurrently. The average figure does not take into account the overspill and the figure should be much higher. It is questioned whether a 5-a-side pitch requires higher lighting than the main pitch.

It is incorrect to state that there will only be 2Lux lighting to the houses on the southern boundary. There is an excessive amount of lighting entering the property at the boundary of 50Lux, which is very high level of lighting. The lighting of this astro turf pitch really needs to be reviewed, in order to reduce the level of lighting overspill to neighbouring properties. The reduction of the columns from 12m to 8m was not sufficient.

The recommendation is that a suitable level of lighting for resident estates be adhered to and on completion of the installation the light level be checked and confirmed that it is in compliance.

3.4. Third Party Observations

3.4.1. Observations on the file have been read and noted.

4.0 Planning History

14/497 permission for 1) single storey clubhouse, changing rooms and associated areas; 2) ancillary site works and connection to public services; granted.

14/341 extend appropriate period for 08/327; granted.

PL03.232098, Planning Authority Reg. Ref. P08/327, appeal against the planning authority's decision to grant permission for construction of a clubhouse and retention for existing site entrance at Shannon Road; granted by the Board.

P98 327 permission for a clubhouse, entrance, front boundary wall and car park and ancillary site works, associated with a new playing pitch; granted.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Clare County Development Plan 2015-2021 is the operative plan, relevant provisions include:

Recognising the essential contribution that voluntary groups, community groups and sporting groups make to quality of life in the County.

The settlement is part of the Shannon Municipal District and specific objectives in relation to Shannonbridge are contained in volume 3 Municipal District Written Statement and Settlement Plans. The site is zoned 'recreation'.

5.2. Natural Heritage Designations

- 5.2.1. The Lower River Shannon SAC site code 002165, is the nearest Natura Site, located some 5 km away.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal against the decision to grant permission has been made by Rowan View Residents.

The grounds includes:

- The pitch is too close to their residences, it will render their rear gardens unusable due to lack of privacy and noise; and they would be unable to extend their properties, which they may need to do, to provide downstairs bathrooms and sleeping accommodation.
- Lack of screening – there is no provision for screening. The hedgerow and mature trees which previously grew on the boundary, were removed by Bridge

United on the 26 & 27 September 2015. There is also now a security issue as the rear of their homes is now visible from the road.

- The original site levels (prior to construction of main pitch and recent site works 21/3/2017) have increased the ground levels on the south of the site and now someone standing on the proposed astro turn has a clear view into their properties. Re the prior to commencement condition re finished ground levels, the permission should not have been granted until this information was available.
- Requirements for drainage – is an ongoing issue and is not as a result of the recent levelling of the site. The properties to the rear of this site are consistently water logged. Recent developments have worsened this issue to the extent that their rear gardens are unusable, with water at their rear doors a regular occurrence. Re the prior to commencement condition re provision of an open drain, the permission should not have been granted until this information was available.
- Hours of operation – the decision has failed to address the potential for this astro turf to be sublet. It does not prohibit the use of the fencing to display advertising. There is no restriction on the use of mobile flood lighting or the hours of operation.
- Devaluation of properties – the development would have a negative effect on the value of their properties.
- Photographs are attached.

6.2. Applicant Response

- 6.2.1. No first party response to the grounds of appeal was received during the relevant period.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority have responded to the grounds of appeal, including:
- 6.3.2. In order to alleviate the issue of flooding, condition no. 2 was included, to ensure that the details of the proposed drainage running along the southern boundary was

properly designed and constructed. The bed of the drain is to be set at least 0.5m lower than the finished garden levels adjacent. In terms of protecting residential amenity it was considered that the inclusion of condition no. 3 would address concerns re potential for overlooking from the pitch.

7.0 Assessment

- 7.1.1. It is worth noting that the planning authority made two decisions: to refuse permission for part of the proposed development, the flood lighting. and to grant permission for part of the proposed development, the astro pitch, and the decision appealed is the decision to grant permission. No appeal against the refusal has been received. This assessment does not therefore address the refusal (i.e. the floodlighting).

The issues which arise in relation to this appeal are: appropriate assessment, drainage, overlooking, mobile floodlighting and hours of operation, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and 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.

7.3. Drainage

- 7.3.1. Drainage is of particular concern to the third parties.
- 7.3.2. The problem is acknowledged by all parties and the evidence from observers and appellants including that presented in photographs, is supported by site inspections carried out by the planning authority.
- 7.3.3. This problem needs to be resolved prior to any further development being carried out at this location.
- 7.3.4. The matter was addressed by the first party in the response to the further information request and in the reports of the Executive Engineer Shannon Municipal District.

Although the second report of the Executive Engineer Shannon Municipal District advised that clarification of the drainage proposals be sought (not carried out), it also provides a basis for an appropriate condition. Third parties state that permission should not have been granted until this information was available.

- 7.3.5. Should the Board be minded to grant permission it is considered that such a condition should be attached.

7.4. Overlooking

- 7.4.1. The grounds of appeal raises as a concern overlooking from the proposed pitch arising from its proximity to residential properties and the relative levels.
- 7.4.2. The ground level in the area of the proposed pitch currently varies from 13.5m to 11.25m and the proposal, amended in response to a further information request, is for a new ground level of 12m nearest the southern boundary, rising to 12.45m at the northern end. The road in the vicinity falls from north to south, being 11.48 at the entrance gateway and 11.32 near the southern end of the frontage. The finished floor levels of the nearby houses are given as 11.09 and 11.20; and the top of the wall is stated to be 12.78m.
- 7.4.3. In my opinion the wall would not provide the necessary screening if a finished pitch level / new ground level of 12.m was created nearest the southern boundary, but, if the new ground level of the astro turf pitch nearest the southern boundary was no higher than 11.5m, it would give reasonable protection from overlooking.
- 7.4.4. Should the Board be minded to grant permission it is considered that a condition limiting the finished level to 11.5m near the boundary should be included.

7.5. Hours of Operation

- 7.5.1. The hours of operation is a concern raised in the grounds of appeal. It is pointed out that no hours of operation have been specified by condition.
- 7.5.2. The use of the outdoor facility provides a valuable amenity for the area, but being close to residential properties the potential for noise and disturbance to impact on such properties, must be considered. Although it is only for playing 5-a-side soccer,

its availability for use at times that suit users must be balanced against protecting the amenity of residents.

7.5.3. In the response to the request for further information, it is stated that the operational hours of the floodlighting on either pitch will not extend beyond 21.15 hours.

7.5.4. In my opinion it is appropriate to specify hours of operation: that the facility should only be available for use between the hours of 9.00 and 21.15, and that a condition to this effect should be included. In practice, in the absence of flood lighting, daylight hours will dictate operational hours.

7.5.5. The use of mobile floodlighting has been raised as a concern. In my opinion having regard to the unacceptable design of the proposed floodlighting and its refusal, it is reasonable to attach a condition specifying that mobile floodlighting shall not be used, should the Board be minded to grant permission.

7.6. Advertising

7.6.1. The potential for use of the fencing to display advertising is a concern raised grounds of appeal. Should the Board be minded to grant permission it is considered that a condition to control such should be included.

7.7. Devaluation of Property

7.7.1. Devaluation of property is a concern raised in the grounds of appeal. The proposed astro turf pitch will provide a valuable amenity for the community. There is no evidence that the development will devalue property in the vicinity.

8.0 Recommendation

8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

The proposed astro turf pitch will provide a valuable amenity for the community and it is considered that subject to the following conditions, the proposed development

would accord with the County Development Plan, would not unduly impact on the residential amenities of the area or devalue property in the vicinity, and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11 day of January 2018 except as may otherwise be required in order to comply with the following condition. 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. Prior to the commencement of any development on the astro turf pitch the developer shall submit for the written agreement of the planning authority details of site drainage, with calculations to support the design; including that the proposed open drain shall extend from the south western corner of the site, located at a suitable offset from the southern boundary wall so as not to impact the structural integrity of the wall foundations; with a drain bed set generally at a level of at least 0.5m lower than garden levels; details showing how access will be provided by tracked excavator to the drain edge to facilitate the ongoing maintenance and operation of the drain; plans, cross sections and longitudinal sections showing the fall and diameter of open drains and piped sections, extending to the outfall.

The agreed site drainage works shall be completed prior to use of the astro turf pitch.

Reason: To provide for adequate drainage and to protect adjoining

residential properties.

3. The finished level of the proposed astro turf pitch shall not be higher than 11.5m nearest the southern boundary (i.e. 0.5m lower than shown in the further information response) and shall not be higher than 11.95m at any other point (i.e. the north eastern end).

Reason: In the interest of residential amenity.

4. Fencing around the astro turf pitch shall not exceed 3m in height. The fence shall be plastic coated and otherwise in accordance with details received by the planning authority on the 20th February 2017.

Reason: In the interests of visual amenity.

5. No advertising signs shall be displayed in the vicinity of the astro turf pitch, except in accordance with a further grant permission, whether or not they would otherwise constitute exempted development.

Reason:: In the interest of residential amenity.

6. The astro turf pitch may be used only between the hours of 9.00 to 21.15. No mobile floodlighting shall be used.

Reason:: In the interest of residential amenity.

Planning Inspector

30 July 2018

1 Photographs

2 Extracts from the Clare County Development Plan 2015-2021