



Development

A development consisting of: - the extension of the existing car park; the provision of a new bottle and waste compound; the retention of an existing concrete post and timber fence (c. 3.2m) and the erection of a new concrete post and timber fence (2.4m) along the south-western boundary of the extended car park; the provision of a new surface water drainage system, including an attenuation structure, and the re-laying of a section of the club's foul sewage drainage system within the extended car park and the provision of a revised connection to the public sewer on Golf Lane; the erection of new bollard lighting (10 No. lights) within the extended car park and of 4m high lighting standards (4 No.) in the vicinity of its south-western boundary; the erection of a new concrete post and timber fence (c. 1.8m) / gates around, and a new single-storey buggy shed with re-charging points within, the

	maintenance compound, and associated site development works.
Location	Foxrock Golf Club, Golf Lane, Torquay Road, Foxrock, Dublin 18.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0114
Applicant(s)	Foxrock Golf Club
Type of Application	Permission & Permission for Retention
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Derek O'Leary
Observer(s)	None.
Date of Site Inspection	26 th November, 2018
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located within the grounds of Foxrock Golf Club at Golf Lane, Torquay Road, Foxrock, Dublin 18, approximately 280m northeast of Leopardstown Racecourse and 1.4km east of the Sandyford Industrial Estate, and comprises that area occupied by the car park to the front of the main clubhouse as well as an existing maintenance compound and ancillary structures which include a machinery shed, pro-shop, locker room and storage buildings. It has a stated site area of 4,500m², is irregularly shaped, and generally follows a northwest-southeast alignment whilst the lands themselves are located at a higher elevation than the adjacent properties to the southwest. The immediate site surrounds are predominantly characterised by substantial residential properties developed on individual plots along the cul-de-sac known as Golf Lane (from which access to the proposed development site is obtained) which retains an attractive sylvan quality.

2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, consists of the following:

- the extension and reconfiguration of the existing car park;
- the provision of a new bottle and waste compound;
- the retention of an existing c. 3.2m high concrete post and timber fence along the south-western site boundary;
- the erection of a new 2.4m high concrete post and timber fence along the south-western boundary of the extended car park;
- the provision of a new surface water drainage system, including an attenuation structure, and the re-laying of a section of the foul sewage drainage system within the extended car park in addition to the provision of a revised connection to the public sewer on Golf Lane;
- the erection of 10 No. 500mm high bollard lights on 150mm raised plinths within the extended car park;
- the erection of 4 No. 4m high lighting standards;

- the construction of a new single-storey, mono-pitched buggy shed with re-charging points within the maintenance compound;
- the erection of a new concrete post and timber fence (c. 1.8m high) / gates around the maintenance compound; and
- associated site development works.

2.2. In response to requests for further information and subsequent clarification, amended proposals were submitted to the Planning Authority which incorporated the following principle changes:

- The revision of the proposed surface water attenuation proposals.
- The provision of electric car charging points within Parking Space Nos. 5-8 (as detailed on Drg. No. CL1725A-P10 received by the Planning Authority on 5th June, 2018).
- Revisions to the overall number and layout of the proposed lighting standards.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of responses to requests for further information and subsequent clarification, on 9th August, 2018 the Planning Authority issued a notification of a decision to grant permission & permission for retention for the proposed development subject to 10 No. conditions which can be summarised as follows:

Condition No. 1 - Refers to the submitted plans and particulars.

Condition No. 2 – Refers to the maintenance and repair of the public road during the construction works.

Condition No. 3 – Requires detailed proposals for the diversion of the surface water sewer on Golf Lane to be approved by the Planning Authority prior to the commencement of development.

Condition No. 4 – Refers to surface water drainage and also requires certification of the installation of the surface water attenuation system.

- Condition No. 5 – Requires all surface water runoff generated from within the site boundary to be collected by the proposed drainage system.
- Condition No. 6 – Requires all of the proposed parking surfaces / hardstanding areas to be finished in permeable asphalt or a specialised system of permeable paving.
- Condition No. 7 – States that the proposed bollard lighting is to be low voltage with a remote transformer.
- Condition No. 8 – Refers to the payment of a development contribution in the amount of €85.26 towards the provision of the surface water public infrastructure and facilities benefitting the development.
- Condition No. 9 - Refers to the payment of a development contribution in the amount of €1,954.68 towards the provision of the roads public infrastructure and facilities benefitting the development.
- Condition No. 10 – Refers to the payment of a development contribution in the amount of €1,268.40 towards the provision of community & parks infrastructure, facilities and amenities benefitting the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report states that the proposed development is ancillary to the existing golf course and accords with the relevant land use zoning. It further states that the fencing proposed alongside the extended car park will not adversely impact on the residential amenity of neighbouring housing. With regard to the design and siting of the proposed buggy shed, the fencing and gates around the maintenance area, the realignment of the sand bays, and the re-location of the bottle and waste storage compound, it is indicated that all these aspects of the proposal are acceptable. The report subsequently concludes by recommending that further information be sought in respect of the concerns raised by the Transportation Planning and Municipal Services Departments of the Local Authority.

Following the receipt of a response to a request for further information, a second report was prepared which noted whilst that the concerns of both the Transportation Planning and Municipal Services departments had been satisfactorily addressed, clarification was required as regards the lighting proposals.

Upon the receipt of additional details by way of a response to a request for clarification of further information, a final report was compiled which recommended a grant of permission (and retention), subject to conditions.

3.2.2. Other Technical Reports:

Transportation Planning: An initial report recommended that further information be sought in respect of a number of items, including the potential impact of light overspill on adjacent properties etc., the installation of electric charging points within the car park, the provision of bicycle parking facilities, and the inclusion of a dedicated set-down area for on-site deliveries.

Following consideration of the applicant's response to a request for further information, a final report was prepared which stated that there was no further objection to the proposed development, subject to conditions.

Drainage Planning, Municipal Services Department: An initial report recommended that further information should be sought in respect of the drainage works, including the disconnection of a section of the existing sewer on Golf Lane and the provision of a new section of sewer line as well as the operation of the storm water attenuation proposals.

Following the receipt of a response to a request for further information, a final report was prepared which recommended the inclusion of a series of conditions in the event of a grant of permission.

Public Lighting Section: An initial report noted that the lighting design did not accord with any current standard of light class and also raised concerns with regard to possible light overspill from the car park. It subsequently stated that the submitted proposal was unacceptable and proceeded to recommend that the applicant be requested to submit details of the lighting class that the car park had been designed to in addition to a 'Lux' contour diagram showing potential light spill into neighbouring residential properties.

Following the receipt of a response to a request for clarification of further information, a final report was compiled which concluded that the submitted design was acceptable and would minimise any obtrusive light. It was also stated that whilst the Public Lighting Section would not recommend the use of bollard lighting, any such fixtures should have a low voltage with a remote transformer in order to minimise any health and safety risk.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.4. **Third Party Observations**

3.4.1. A total of 2 No. submissions were received from interested third parties and the principle grounds of objection / concern raised therein can be summarised as follows:

- The proposed development may have a detrimental impact on surface water drainage in the area and could potentially serve to exacerbate localised flooding.
- There is a need to amend the existing site entrance arrangement in order to accommodate improved access and to avoid the obstruction of residents and other road users along Golf Lane.
- The need to provide for adequate car parking, loading / unloading, and traffic turning facilities on site.
- The need for improved traffic management arrangements on site.
- Difficulties within regard to accessibility / manoeuvring within the car park.
- The impact on residential amenity attributable to light overspill from the proposed development.
- Concerns with regard to the potential impact of the works on the existing foul water drainage system serving adjacent property.

4.0 Planning History

4.1. On Site:

PA Ref. No. 91A/0720. Was granted on 1st July, 1991 permitting W. Daly permission for a first floor extension to an existing function room.

PA Ref. No. D99A/0666. Was granted on 30th September, 1999 permitting Foxrock Golf Club permission for alterations and additions to clubhouse and ancillary accommodation to include conversion of snooker room to lounge bar with new extension to bar and gallery at first floor to rear, new lift and lounge extension at ground floor to front elevation and locker room extensions to rear of club house and extensions to machine shed and professional shop.

PA Ref. No. D00A/0091. Was granted on 4th April, 2000 permitting Foxrock Golf Club permission for a new locker room beside the pro-shop.

PA Ref. No. 10217. This Section 5 reference purportedly determined that the installation of a washdown plant system and wash pad (within a bunded containment area) and the resurfacing of areas of the maintenance compound constituted development which was exempted development. It was also held that the erection of a shelter with recharging facilities for buggies and the erection of a fence / gates along a section of the boundary of the maintenance compound constituted development which was not exempted development.

4.2. On Adjacent Sites:

PA Ref. No. D14A/0563 / ABP Ref. No. PL06D. 244605. Was granted on appeal on 1st July, 2015 permitting Linda O'Leary permission for the construction of a new two storey four bedroom detached house, plant room, store and new separate vehicular entrance gate and boundary wall to Golf Lane, ancillary site work including landscaping and drainage and new boundary fence to existing house at site within the ground of existing property known as Auburn Lodge, Golf lane, Foxrock, Dublin (as amended by the revised public notice received by the planning authority on the 14th day of November, 2014).

PA Ref. No. D17A/0413. Was granted on 8th September, 2017 permitting David and Michelle Fennelly permission for development consisting of a 2 storey, 4 bedroom detached house on a site forming part of the ground of an existing house. Works will

include the use of an existing vehicular gate on Golf Lane, the provision of a new access driveway, boundary fencing, drainage and ancillary landscaping works and all associated site works. All at Rockview, Golf Lane, Foxrock, Dublin 18.

PA Ref. No. D18A/0712. Was granted on 30th November, 2018 permitting David & Michelle Fennelly permission for a new recessed independent vehicular entrance off Golf Lane to serve previously approved access drive and detached house PI Reg D17A/0413. To include change in site boundaries from previously permitted. The proposed new entrance will replace previously approved use of existing entrance which will be retained as existing for use by Rockview. The entrance will be recessed by 9.0m and fitted with automated gates with side railings. Works will include all landscaping and associated site works. All at site beside Rockview, Golf Lane, Foxrock, Dublin 18.

4.3. Other Relevant Files:

PA Ref. No. D11A/0195. Was granted on 1st June, 2011 permitting Foxrock Golf Club permission for the retention of chain link fencing. The fencing is 3.4 metres high x 16.4 metres long measured from the ground, from the club side, and is located at the back of the first green on the golf club side of the boundary wall with 76 Foxrock Manor.

5.0 Policy Context

5.1. Development Plan

Dún Laoghaire Rathdown County Development Plan, 2016-2022:

Land Use Zoning:

The proposed development site is located in an area zoned as 'F' with the stated land use zoning objective '*To preserve and provide for open space with ancillary active recreational amenities*'.

Other Relevant Sections / Policies:

Chapter 4: Green County Strategy:

Section 4.2: Open Space and Recreation:

Section 4.2.2: *Open Space and Parks:*

Policy OSR10: Sports and Recreational Facilities:

It is Council policy to promote the provision and management of high quality sporting and recreational infrastructure throughout the County and to ensure that the particular needs of different groups are incorporated into the planning and design of new facilities.

Policy OSR11: Protection of Sports Grounds/Facilities:

It is Council policy to ensure that adequate playing fields for formal active recreation are provided for in new development areas and that existing sports facilities and grounds within the established urban area are protected, retained and enhanced – all in accordance with the outputs and recommendations from the Open Space Strategy 2012-2015.

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.4: Sustainable Travel and Transport:

Section 8.2.4.13: Sports Facilities:

Accessibility to sports facilities shall be designed in accordance with best accessibility practice such as ‘Sport England Accessible Sports Facilities’ (2010).

Section 8.2.8: Open Space and Recreation

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 3.25km northeast of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 3.25km northeast of the site.

- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 6.2km east of the site.
- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 6.2km east of the site.

N.B. This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development will have a detrimental impact on the residential amenity of the appellant's neighbouring property.
- The Planning Authority would not appear to have given due consideration to the contents of the appellant's original observation on file.
- There are continuing concerns as regards the repeated use of the gateway to the appellant's property as a turning facility by traffic visiting the golf club. In this respect it is submitted that there should be a requirement to provide a suitably sized loading / unloading / delivery area within the confines of the application site in order to avoid the adjacent roadway from being continually blocked by large delivery vehicles etc.
- The proposed layout of the car park may give rise to difficulties as regards the manoeuvring of larger vehicles.
- The entrance gateway to the golf club should be set back so as to avoid any obstruction of access to the appellant's neighbouring property when the gates to the grounds are closed or malfunctioning. In this respect it is further submitted that particular disruption / disturbance of neighbouring residents arises when taxis arrive late at night to a closed gate and sound their horns to attract attention whilst turning within the appellant's driveway.
- The subject proposal represents an opportunity for the golf club to review the overall operation of its car park. In this regard it is suggested that the entrance

gates could be set back to address the issues previously identified or that the site layout could be redesigned in order to provide for a dedicated on-site turning space with a new internal gateway / barrier separating same from the car parking area. Any such turning area could also be used to accommodate the proposed electric vehicle charging points (*N.B.* The Board should mandate an increase in the number of electric charging points to be provided on site given the likely usage requirements necessary to achieve national and European emission targets).

- The orientation of existing lighting within the grounds of the golf club gives rise to intrusive overspill into the appellant's property. Therefore, the Board is requested to require the omission of the 4m high lighting standard adjacent to their property or to reduce its height to a maximum of 3m. Furthermore, all exterior light fittings should be required to operate on a timed system no later than 23:00 hours each night with motion sensor technology to be used outside of these hours.
- In the event of a grant of permission, the following should be required by way of condition:
 - The provision of an area within the site curtilage suitable for the turning of delivery trucks, vans & taxis etc. through the recessing of the entrance gates / barrier or by a redesign of the layout of the car park as shown on the drawing appended to the grounds of appeal.
 - The reduction of the lighting proposed adjacent to the appellant's dwelling house (i.e. 'Manderley') to a maximum height of 3m whilst all lighting should be directed away from their property. Furthermore, all lighting should be required to operate on a timed system no later than 23:00 hours each night with motion sensor technology to be used outside of those hours.

6.2. Applicant's Response

- The proposed development will enhance and improve the facilities available at Foxrock Golf Club for the benefit of its members etc. and will serve to

consolidate its position as a key recreational / social asset for the local community and beyond.

- The extension to the car park will provide for additional car parking spaces whilst the adoption of a 'herringbone' layout will greatly improve circulation around same. These measures will alleviate overspill car parking along Golf Lane, which can occur when the club is hosting major competitions or social events, and thus will have a positive impact on the amenities of local residents.
- The proposed additional lighting measures are intended to improve the quality of lighting within the area to the front of the clubhouse, including the car park, thereby enhancing the security of the property and the safe operation of the extended car park.
- The proposed fencing will secure the site boundary with adjacent residential properties to the south / southwest which is in the mutual interest of all parties.
- The buggy shed and its recharging facilities are for the benefit of those members / visitors who wish to use them for playing the course whilst the proposed fencing in this area will secure the existing maintenance compound.
- The new drainage arrangements will upgrade and improve the existing surface and foul water drainage systems serving the golf club.
- The re-design of the car park is such that there will be substantially more space to allow trucks etc. to manoeuvre with the wider complex. Autotrack exercises were submitted to the Planning Authority which have indicated that the car park is suitable for the turning of trucks and other large vehicles without using that area outside the entrance gate (as would be the case even when the car park is full).
- With regard to the alleged absence of an adequate parking area on site for larger vehicles, the Board is referred to the details submitted in response to the request for further information issued by the Planning Authority and the assessment of same by the Transportation Department which indicated that it had no objection to the proposed works.

- With regard to deliveries to the site, the Board is requested to consider the following:
 - Given the location of the sand bays at the easternmost end of the car park, deliveries of sand always occur in the early morning before there is any activity within the car park. The trucks immediately deposit their loads and leave.
 - Deliveries of maintenance machinery are unloaded within the car park and are then collected 5 / 6 No. weeks later (this is generally a once-off annual event). Any such deliveries usually arrive in the early morning.
 - In relation to regular commercial deliveries, it is accepted that at present, because of the disposition of spaces within the car park, problems can occur if a delivery driver thinks that there may be an issue with manoeuvring on site and thus he / she may decide not to enter the car park with the result that loading / unloading activities are conducted from Golf Lane. The revised parking arrangements on site will address this issue as they provide for more manoeuvring space on site.
- In terms of emergency access, arrangements are presently in place to ensure that there is no issue with access to either the club premises or the golf course. The layout of the extended car park will also enhance the level of accessibility.
- The proposed development does not include for any works which would impact on the existing site entrance. Furthermore, there is a clearance of 7m along Golf Lane between the site entrance and the access to the appellant's property.
- With regard to the operation of the site entrance, the gates are generally left open during daylight hours after which they are closed for security reasons. There is a communication facility at the entrance which allows contact with the clubhouse with the gates opened on demand.
- In the applicant's experience, taxis visiting the club generally access the car park and only on very rare occasions would they wait on the public road.

- The existing lighting mounted on the clubhouse does not form part of the subject application and should be beyond the scope of this appeal. Moreover, the lights in question are mounted at a high level on the front elevation of the clubhouse and are not orientated towards the appellant's property. During the winter, these lights turn on in the morning between 07:00 and 08:00 hours in order to allow employees to access the grounds. Once darkness descends the lights come on and remain so until 23:00 hours (3-4 No. nights a week).
- The proposed lights are intended to enhance the lighting of the extended car park. With regard to the 4m high lighting standard to be sited along the western boundary of the car park (which is the subject of the appellant's objection), this light will be mounted to face eastwards across the car park, away from the appellant's property, and will be cowled so as to ensure there is no possibility of any backlight overspilling into that area. It should also be noted that the existing hedgerow along this boundary is approximately the same height as the proposed lighting standard. Accordingly, it is submitted that there are no grounds for reducing the height of this lamp standard.
- Following the submission of additional details, the Public Lighting Section of the Local Authority has concluded as follows:

'the lighting design submitted has acceptable lighting levels and I'm happy the lighting design will minimise any obtrusive light'.
- It should be noted that the appellant has chosen to live beside the operational hub of an active golf course and in this respect it is of further relevance to note that when permission was being sought for the appellant's dwelling house, the golf club raised concerns that the siting of a house in such close proximity to the club grounds could have an adverse impact on its long-established operations on site. Notably, in response to an appeal lodged by the applicant against the development of that dwelling house, the appellant contended that the house would be unaffected by the operation of the golf club. Therefore, given that permission was granted on appeal for the dwelling house, it seems reasonable to infer that the Board concluded that the club's operations were not such as to cause any adverse injury to the amenities of that property.

6.3. Planning Authority's Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

None.

6.5. Further Responses

6.5.1. Response of Third Party Appellant to Circulation of Applicant's Submission:

- Whilst acknowledging the applicant's needs with regard to the operation of its business, it is submitted that on too many occasions have the club's activities caused a great deal of inconvenience and disruption to neighbouring residents.
- The proposed car park layout is poorly conceived and flawed as its operation is reliant on careful parking practices being adopted by the users of same. There are also concerns with regard to Space Nos. 42 & 89 and it seems unlikely that larger vehicles, such as emergency services, would be able to safely navigate the car park in the event the venue were hosting a large event.
- The suggestion that the revised parking layout will '*enhance the level of accessibility*' is rejected.
- The redesigned car park should accord with planning guidelines and the applicant should provide adequate space for the turning of larger vehicles within the confines of the site.
- A setback should be provided and a barrier erected to ensure that the gateway to the appellant's property is not blocked by traffic when the gates to the site fail to open. The site entrance should be set up in such a way as to avoid visitors to the club having to get out of their car and walk to the gate to

press the intercom button (which is located on the passenger side of an arriving vehicle).

- The club hosts a significant number of evening functions / events over the year and it is wrong to state that *'generally taxis access the club car park'* given that the entrance gates are typically closed after dusk. Notably, the golf club previously confirmed in its submission on ABP Ref. No. PL06D. 244605 that *'Social events generally end at 11pm with occasional events extending until half past midnight. These activities generate significant traffic / parking activity especially at night within the club car park'*. Regrettably, taxis must wait outside the grounds when the gates are closed.
- It is reiterated that particular disruption / disturbance of neighbouring residents arises when taxis arrive late at night to a closed gate and sound their horns to attract attention whilst turning within the appellant's driveway.
- The assertion that the clubhouse lights are turned off at 23:00 hours is rejected. The lighting in question is left on all night, every night, and is not set on timers to turn off at 23:00 hours as has been claimed by the applicant.
- The 4m high lighting standard adjacent to the appellant's property is excessively tall.
- There are concerns as regards the long-term future of the existing hedgerow bounding the appellant's property given the prevailing soil / ground conditions. In the event this hedging was to be removed / lost, the appellant would be left with no protection.
- It is reiterated that the Board should mandate an increase in the number of electric car charging points to be provided on site.
- Given the nature and extent of the proposed works, it is entirely reasonable to consider setting back the existing entrance.
- By way of further comment, the Board is advised that works would appear to have commenced on the proposed development in the absence of any grant of planning permission (please refer to the accompanying photographs). In this regard it should be noted that the shape and drainage of the car park has been altered whilst large kerbstones have been installed on site.

6.5.2. Response of the Planning Authority to Circulation of Applicant's Submission:

- Reiterates that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Appropriate assessment
- Environmental impact assessment (screening)
- Other issues

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. Having regard to the nature and extent of the proposed development, and to the planning history and the established use of the subject site as a clubhouse which forms part of a wider sports / recreational facility (i.e. Foxrock Golf Club), in my opinion, the proposed development represents an ancillary and complementary extension of said use and would contribute to its continuing development which would, in turn, be of beneficial value to both its members / patrons and the wider community. Therefore, I am satisfied that in this instance the proposed development is acceptable in principle.

7.3. Overall Design and Layout:

7.3.1. Given the relatively limited scale and nature of the proposed works, in addition to their siting within the grounds of an established sports / recreational facility, I am satisfied that the submitted proposal is generally acceptable in terms of its overall

design and will not give rise to any significant undue impact on the surrounding environment.

7.4. **Impact on Residential Amenity:**

7.4.1. **Traffic Implications:**

7.4.2. Having reviewed the available information, including the grounds of appeal, it is apparent that particular concerns arise with regard to the prevalence of overspill car parking emanating from within the golf club along Golf Lane and the absence of any dedicated turning facility at the end of the public road / cul-de-sac. Indeed, during the course of my site inspection, it was observed that multiple cars were parked along both sides of the approach road to the site entrance despite there being spaces available on site, although I would concede that parts of the wider car park were closed off on that occasion in order to facilitate certain construction / resurfacing works. More particularly, it is the on-going practice of visitors to the golf course, including delivery vehicles, choosing to use the splayed access serving the appellant's private property adjacent to the site entrance as a turning bay when the access gate to the club grounds is closed, and the disturbance arising as a result of same (such as the sounding of horns by taxis and the interim blockage of the private access), which has been asserted as giving rise to an undue loss of amenity within neighbouring residential properties.

7.4.3. With regard to the foregoing, in my opinion, it is of relevance in the first instance to note that the proposed development, as initially submitted to the Planning Authority, will provide for improved car parking facilities within the grounds of the golf club and thus should serve to partially alleviate the ongoing parking difficulties in the area i.e. the scale and prevalence of car parking along Golf Lane, although it seems unlikely that the extended car park would be able to accommodate in full the parking demands arising from larger events / gatherings at the club. In this respect I would advise the Board that the extension of the available parking area and the reconfiguration of the existing parking arrangements on site (as detailed on Drg. Nos. CL1725A-P03: '*Existing Site Survey*' & CL1725A-P04: '*Proposed Site Layout*' received by the Planning Authority on 7th February, 2018) would seemingly provide for an additional 14 No. parking spaces within the site curtilage as follows:

- *Existing Parking:* 79 No. dedicated parking spaces

4 No. overspill parking spaces

Total: 83 No. spaces

- *Proposed Parking:* 89 No. dedicated parking spaces

8 No. overspill parking spaces

Total: 97 No. spaces

- 7.4.4. However, it is apparent from a review of the amended site layout plans submitted in response to the requests for further information and clarification that the proposed parking arrangements on site were subsequently revised in order to provide for improved circulation with the result that there would be no change in the total number (i.e. 79 No.) of 'normal' parking spaces to be provided with only a slight increase in the availability of overspill parking spaces (i.e. 4 No. additional spaces over the existing provision).
- 7.4.5. Whilst it is regrettable that the amended proposals no longer provide for any significant increase in on-site car parking, the ancillary nature of the proposed works to the existing golf club activities will not place any additional demand on parking provision and thus will not result in any exacerbation of existing parking problems in the area. Furthermore, the likelihood is that the improved circulation arrangements on site will provide for the greater ease of movement of traffic within the car park thereby providing for wider benefits as regards avoiding the need for traffic to park, wait or turn either on the public road or within the appellant's private access.
- 7.4.6. At this point of my assessment it is of relevance to note that Table 8.2.4: '*Non-Residential Land Use – Maximum Car Parking Standards*' of the County Development Plan requires the provision of a maximum of 2 No. parking spaces per hole for golf or pitch and putt courses. Considering that the course in question extends over only nine holes, it would appear that 18 No. on-site parking spaces would satisfy the requirements of the Development Plan, although I would accept that the clubhouse itself and its ancillary functions would likely also generate a demand for parking spaces pursuant to the Plan (*N.B.* Given that an extension to the clubhouse was previously permitted under PA Ref. No. D99A/0666 it would appear that the Planning Authority was satisfied in that instance that an adequate number of parking spaces were available on site).

- 7.4.7. Whilst I would accept that the moderate extension of the total on-site parking facilities is unlikely to entirely eliminate those instances of parking alongside Golf Lane, I am inclined to suggest that it is reasonable to expect that the provision of any such additional parking will accommodate more patrons of the club on site thereby reducing the need / extent of on-street parking. Secondly, the increased availability of on-site parking could also serve to reduce those instances of visitors to the club opting to turn with the appellant's property at the end of the cul-de-sac on the assumption that there is no parking available on entry to the club grounds.
- 7.4.8. In relation to the appellant's comments as regards the wider accessibility of the club car park and the ability of traffic, including larger vehicles such as delivery lorries and emergency services, to safely manoeuvre and turn within the confines of the site, the initial application documentation was accompanied by a series of autotrack drawings which detailed the satisfactory turning movements of both cars and rigid lorries on site. Moreover, the amended site layout submitted in response to the request for further information (Drg. No. CL1725A-P04D) includes for a dedicated set-down areas/ turning facility for deliveries etc. and has been accompanied by a further autotrack drawing which details the availability of sufficient space to accommodate the turning of a rigid lorry on site. Accordingly, in my opinion, the improved circulation arrangements on site, particularly when taken in combination with the provision of turning facilities, should serve to obviate the appellant's concerns as regards unauthorised usage of his private access / driveway.
- 7.4.9. Whilst I would concede that the improved car parking and circulatory arrangements on site will only be of direct benefit to the appellant in the event the existing site entrance is open, I note the assertion by the applicant that the entrance gates are generally left open during daylight hours after which they are closed for security reasons and that an intercom system provides for contact with the clubhouse should any waiting party on the public road require entry to the club grounds. In this regard I would suggest that as visiting parties to the site become more familiarised with the improved arrangements, instances of turning on the public road may reduce over time and that it would be in the interest of the club management to highlight said improvements.

7.4.10. Overspill Lighting:

- 7.4.11. Concerns have been raised in the grounds of appeal that the proposed development will have a detrimental impact on the residential amenity of the appellant's neighbouring dwelling house to the immediate west by reason of light overspill emanating from a 4m high lighting standard which is proposed to be erected alongside the western site boundary. In this respect I would advise the Board at the outset that the site layout plan which accompanied the initial planning application detailed the provision of a series of 4 No. lighting standards alongside the south-western site boundary (as per the development description set out in the public notices) with the closest of these located approximately 17m from the site boundary shared with the appellant's property.
- 7.4.12. However, the site layout plan (Drg. No. CL1725A-P04D) received by the Planning Authority on 5th June, 2018 in response to the request for further information revised the overall number and layout of the proposed lighting standards by detailing a total of 7 No. lights with the nearest located in the south-western corner of the application site c. 4.5m from the appellant's site boundary. This amended layout was also accompanied by a 'Lighting Proposal' prepared by ECO Lighting which included a Lux contour diagram detailing the illuminance arising from the revised lighting arrangement. Notably, it would appear to be this lighting proposal which gives rise to the appellant's concerns as regards the potential for light overspill onto his property due to the proximity of the nearest lighting standard.
- 7.4.13. Whilst I would acknowledge the appellant's concerns as regards the aforementioned proposal, it should be noted that the lighting layout was subsequently amended further in response to a request for clarification. In this respect I would refer the Board to Drg. No. CL1725A-P04E received by the Planning Authority on 13th July, 2018 which details the repositioning of the proposed lighting standards, including the replacement of that standard previously shown in the south-western corner of the site with a low level lighting bollard. The accompanying illuminance modelling proceeds to indicate that the maximum lux level (due to light overspill) from this layout within adjoining properties will be in the order of 1 Lux and will fall to c. 0.2 Lux or less at adjacent dwelling houses. It has also been confirmed that the proposed lighting will operate on a timed light level system in that it will come on one hour before dusk in the winter and turn off at 22:00 hours unless there are functions.

7.4.14. On balance, in view of the submitted details, and noting the screening offered by the existing hedgerow along the site boundary shared with the appellant's property, I am amenable to the revised lighting proposals submitted in response to the request for clarification on 13th July, 2018 and I would concur with the final report of the Public lighting Section that they will minimise any obtrusive light and will not unduly impact on the residential amenity of neighbouring properties.

7.4.15. In relation to the appellant's concerns as regards light overspill / intrusion attributable to existing lighting fixtures etc. on site, in my opinion, such matters are beyond the remit of this appeal and should perhaps be referred to the Local Authority in the first instance.

7.5. **Appropriate Assessment:**

7.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site

7.6. **Environmental Impact Assessment (Screening):**

7.6.1. Having regard to the nature and scale of the proposed development, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. **Other Issues:**

7.7.1. **Alleged Instances of Unauthorised Development:**

In relation to the appellant's concerns as regards possible unauthorised development on site, it should be noted that the Board has no function in respect of issues pertaining to enforcement and that the pursuit of such matters is generally the responsibility of the Planning Authority. It is also of relevance to note that the subject

application would appear to have been lodged in an effort to regularise certain unauthorised works which have been carried out on site (i.e. 3.2m high fencing along the south-western site boundary).

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission & permission for retention be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed development, the planning history of the site, and to the established use of the site as a sports / recreation facility, it is considered that, subject to compliance with the conditions set out 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 proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 5th day of June, 2018 and the 13th day of July, 2018, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. The internal road and circulation network serving the proposed development, including turning bays and parking areas, shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and traffic safety.

4. The proposed lighting scheme shall be carried out and completed in accordance with the plans and particulars, including Drg. No. CL1725A-P04E: 'Proposed Site Layout Car Park', received by the Planning Authority on 13th July, 2018.

Reason: In the interests of residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and

the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Robert Speer
Planning Inspector
18th December, 2018