



An  
Bord  
Pleanála

## Inspector's Report ABP 303841-19

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<b>Development</b>	Sports hall, running trail and associated works
<b>Location</b>	Ummera, Macroom, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/06090
<b>Applicant</b>	West Muskerry Athletic Club
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellant</b>	James Kearney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26/04/19
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 5.93 hectares, is located c. 2km to the south-east of Macroom accessed from local road L7483 off the R618 Coachford Road. The site is bounded by the regional road to the north and the local road to the west. The lands to the south are under woodland with a stream delineating the shared boundary. Two dwellings, accessed from the regional road, bound the site to the east. A further two dwellings with access onto the local road back onto the site in the north-western corner.

The site is undulating with the southern section, which was previously subject to quarrying, lower than the lands to the north. The remainder of the site is under grass with a trail evident along the perimeter which is used as a running track. Ducting for lighting have been installed at intervals on the outer edge of the track.

Access is available in the south-western most corner of the site with a further agricultural entrance available in the north-western corner from the regional road. The section of the local road to its junction with the regional road has a number of passing bays and was noted to be lightly trafficked on day of inspection. The sight lines available to the east at its junction with the regional road were noted to be restricted. The regional road is relatively well trafficked with central double white lines precluding overtaking. It does not have hard shoulders.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 08/08/18 with further details submitted 11/01/19 following a request for further information dated 01/10/18.

The proposal entails:

- Construction of an 810.45 sq.m. sports hall with a ridge height of 6.155 metres
- Effluent treatment plant (8PE) served by a raised bed soil filter.
- Car parking for 80 vehicles around the sports hall.
- Provision of a grassed 6 metre wide trail on the perimeter of the site.

- 4 metre high trail lighting to be placed at 18 metre intervals along the outside of the trail.

A site characterisation form accompanies the application. No water was encountered in the trial hole. Due to the sandy soil conditions T tests could not be carried out. A P value of 4.31 was calculated.

Water supply is to be provided via a borehole

An archaeological assessment report concludes that there are no recorded archaeological sites within the development site. No significant disturbance will take place along the running trail. The area of the proposed sports hall has been removed by quarrying.

In the Traffic Management Safety Plan it is anticipated that the club would host 3 to 4 events throughout the year outside of normal training including a cross country race for local national schools and a summer camp. The maximum attendance would be 100-150 persons for annual events.

Report on Light Spill concludes no adverse impact on adjoining properties.

In the covering letter accompanying the application the overall development is a long term plan and may not be fully completed within 5 years as it will be funding dependent.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission for the above described development subject to 22 conditions including:

Condition 9: Monitoring of effectiveness of silt control and other water quality protection measures.

Condition 15: Implementation of submitted traffic management plan.

Condition 19-22: Site lighting requirements

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The 1<sup>st</sup> Assistant Planner's report dated 26/09/18 notes the planning granted on the site for change of use to a sports grounds. The proposal is acceptable in principle. The sports hall is to be located at a considerable remove from the adjoining properties. It would not give rise to significant negative impacts in terms of either residential or visual amenities. The proposal is considered acceptable subject to conditions. The report from the Senior Executive Planner recommends a request for further information on the issues arising in the other technical reports summarised below.

The 2<sup>nd</sup> Assistant Planner's report following further information recommends a grant of permission subject to conditions.

### 3.2.2. Other Technical Reports

Area Engineer in a report dated 26/09/18 recommends further information including details on anticipated frequency and attendance at events on the site outside normal training sessions, suitability of local road to take the volume and type of traffic that would be expected at a sporting event and widening of same, improvements to sightlines at the R618 and L7483 junction to be considered and impact of lighting on neighbouring properties. The 2<sup>nd</sup> report dated 31/01/19 considers the further information to be satisfactory and has no objection subject to conditions.

Environment Section in a report dated 26/09/18 recommends further information on installation of hydrocarbon interceptor to deal with any leaks/spillages from the car park prior to discharge to stream. The 2<sup>nd</sup> report dated 04/02/19 following further information has no objection subject to conditions.

Public Lighting Report has no objection subject to conditions.

Archaeologist recommends the preparation of an archaeological assessment. The 2<sup>nd</sup> report following further information notes the assessment report submitted and concurs with its recommendations. No further action required.

### 3.3. Prescribed Bodies

Inland Fisheries Ireland has no objection provided both treatment and percolation is available of an appropriate standard.

### 3.4. Third Party Observations

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to those in the 3<sup>rd</sup> party appeal summarised in section 6 below.

## 4.0 Planning History

17/05761 – permission granted in December 2017 for change of use of lands from agricultural to sports grounds.

08/0886 (PL04.233801) – permission refused for extraction of sand and gravel over a 2.9ha site.

## 5.0 Policy and Context

### 5.1. Development Plan

#### 5.1.1. Cork County Development Plan

The site is within the greenbelt of Macroom

Objective RCI 5-8: Greenbelts around Settlements

b) Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns.

d) The local area plans will define the extent of individual Greenbelts around the ring and county towns and any of the larger villages where this approach is considered appropriate. They will also establish appropriate objectives for the Greenbelts generally reserving land for agriculture, open space or recreation uses.

### 5.1.2. Blarney Macroom Municipal District Local Area Plan 2017

Chapter 4 of the County Development Plan sets out the Council's policy and objectives RCI 5-1 to RCI 5-8 in relation to greenbelts

Within these Greenbelts, the Local Area Plans will generally reserve land for agriculture, open space or recreation uses.

## 5.2. Natural Heritage Designations

The site is c. 3km to the east of The Gearagh SAC.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The submission by Colman Cotter & Co. on behalf of the 3<sup>rd</sup> party can be summarised as follows:

- The existing infrastructure serving the site is inadequate. The development should be located closer to Macroom town.
- On the previous application under ref. 17/5761 for change of use from agriculture to sports grounds the applicant stated there would be 15-30 cars on the site for training sessions. The current application states that the car park will cater for 80 cars.
- The road cannot accommodate this significant level of traffic. The proposal would have a detrimental effect on the area in terms of traffic safety and the amenities of residents. The provision of passing bays will not address the problem and will not be sufficient for buses.
- A 90 metre sight line is not available to the north of the site entrance. The approach road from the north is a steep hill which will accelerate traffic coming from this direction. Without the recommended sight distance available this will constitute a traffic hazard. At a minimum, a road safety audit should be submitted.

- No surface coating to the car park has been indicated which will lead to a quagmire in bad weather. This will lead to parking along the road which will cause congestion.
- The proximity of the access to that of the adjoining dwellings also gives rise to access/egress issues for residents.
- The steep access from the car park to the running area would give rise to an accident hazard.
- Rubbish will be generated at running events. No designated waste storage area has been indicated on the drawings.
- The proposal will give rise to noise which will detract from the residential amenities of adjoining property.

## 6.2. Applicant Response

The submission by Gerard P. Moynihan Consulting Engineer on behalf of the applicant can be summarised as follows:

- Permission for the change of use from agriculture to sports grounds was granted under ref. 17/5761.
- The site is 1 mile from Macroom town.
- The sports hall is to be developed at the furthest point away from the appellants.
- At any given training session there would be 15-30 cars in the car park as stated.
- The car park will cater for the extra cars on the few occasions annually at events held at the grounds. It is unlikely that more than 4 events would be held per year. The provision of the facilities will not increase the amount of people using the sportsground on a daily basis as they are currently using it without any such facilities.
- 2 passing bays and widening of the road have been included in the plans. A Traffic Management and Safety Plan was submitted by way of further

information. The proposed development will not give rise to traffic hazard or congestion.

- The athletics club has been using the facility over the winter months. The car park has not become a quagmire. The site is a former gravel pit and drainage is very good. The plan is to hardcore the surface area of the car park.
- There is a safe and secure path from the car park to the running track with a difference of 2.5 metres in levels.
- There would be no issue with respect to waste.
- The field will be in use at most 4-5 times per week and at weekends. Noise will not be an issue.
- Currently no one attending training travels by bus. Buses may be used for events. The car park is approx. 200 metres from the appellant's dwelling and cannot be seen. The large earthen bank in between would mitigate any noise. His house already abuts the R618 Macroom-Coachford regional road. Whilst a rural setting the area is subjected to noise from agricultural machinery.

### **6.3. Planning Authority Response**

None

### **6.4. Observations**

None

### **6.5. Further Responses**

The applicant's response to the grounds of appeal was circulated for comment. A response was received from the 3<sup>rd</sup> Party appellant which is accompanied by supporting details. In addition to reiterating a number of points made in the original appeal submission the following are noted:

- The regional road R618 leading to the site is narrow and is not safe for pedestrians to walk to the facility.



- At the junction of the R618 and L7483 there is a steep incline with sight distances inadequate at the junction. It presents a serious hazard for cars exiting onto the regional road.
- Buses entering the facility will not be able to manoeuvre the entrance in one sweep as the road is too narrow which will lead to traffic congestion. Turning circles for the pathway of buses into the site were not indicated on the drawings.
- There is a rise of 7 metres between the car park and running area. This contravenes all regulations and gives rise to a hazard. It will be unusable and unsafe in poor weather conditions. The level of 109.90 indicated on the drawing is inaccurate.
- There is no designated waste storage area indicated on the plan. A detailed plan for management of waste should be required.

#### 6.6. **Section 131 Notice**

In view of the site's proximity to a zone of archaeological potential certain prescribed bodies were invited to make a submission on the appeal.

No responses received.

### 7.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

1. Principle of Development
2. Amenities of Adjoining Property
3. Access and Traffic
4. Other Issues

#### 7.1. **Principle of Development**

The site is within the designated green belt around Macroom wherein the County Development Plan, by way of objective RCI 5-8, seeks to reserve lands for use as

agriculture, open space or recreation. Permission was granted under ref. 17/05761 in October 2017 for change of use of the lands from agriculture to sports grounds and the lands have been developed for such purposes in terms a grassed running track delineated around the perimeter of the site served by a parking area in the south-western most corner. As per the details accompanying the said application the use is stated to be solely for athletics with 3 to 4 scheduled training sessions weekly and the field to be available to athletes for casual/individual training. Annual sports were also anticipated although the frequency of such events was not detailed. The plans indicated the location of a possible future club house but was not subject of the application. From the details in the applicant's response to the 3<sup>rd</sup> party submission on the current appeal I note that training sessions take place at most 4-5 times during the week and at weekends.

In principle the proposed development which seeks to provide facilities ancillary to the established use is acceptable. However, this is predicated on other planning and environmental considerations being met including protecting the amenities of adjoining property and access and traffic.

## **7.2. Amenities of Adjoining Property**

In comparison to that as previously granted and developed on the site to date the facility as now envisaged is more substantial with an 810 sq.m. sports hall, parking for up to 80 cars and a perimeter lighting system comprising of 4 metre high LED fittings at 18 metre intervals along the running track proposed. On this basis the intensity of the use of the grounds is a legitimate concern.

Whilst a building providing for ancillary facilities to complement the sports field would be acceptable in principle I have reservations as to the scale of that proposed which, at 810 sq.m., provides for a significant hall area with the changing facilities and equipment storage/machinery storage accounting for only a small portion of the floorspace. There is the potential for such provision to attract a wide range of uses other than those ancillary to the athletics club and I recommend that should the Board be disposed to a favourable decision a condition be attached restricting its use solely to purposes ancillary to the operation of the sports field.

The position of the proposed hall in the south-western most corner which is at the furthest point from the nearby dwelling and the lowest point of the overall site is acceptable.

There is no objection to the 4 no. lane tartan sprint track proposed to the south of the building.

The current application now proposes to provide for 4 metre high LED light fittings at 18 metre intervals along the perimeter of the track and, as noted on day of inspection, the ducting for same has been put in place. The introduction of this perimeter lighting and potential for the grounds to be used at night time raises issues in terms of amenities of adjoining property which would not have been envisaged with the previous application. By way of further information Isolux Contour drawings of the lighting system were submitted which conclude that light spill is not considered to be an issue in terms of adjoining residential properties and the regional road. Notwithstanding, it is recommended that a planting scheme in the north-western corner and along the eastern boundary to the nearest dwellings would contribute to the containment of light and provide for a level of screening. I also consider that a condition setting night time operating hours to be entirely appropriate. As per the details provided in response to the grounds of appeal it is anticipated that approx. 4 events would be held annually over and above the typical weekly training sessions. Again to ensure that the nature and extent of the use does not deviate from that as originally proposed a condition limiting the number of such type events is appropriate in the interests of clarity.

### **7.3. Access and Traffic**

The site is served by an existing access in the south-western most corner of the site onto the lightly trafficked local road. Passing bays have been provided along the road to its junction with the R618 c.290 metres to the north. As noted on day of inspection sight lines at this junction in an easterly direction are somewhat restricted. At any given training session there would be between 15 and 30 vehicles using the car park. In view of the existence of the facility and use of the car park there is no evidence on file to suggest that the current arrangement has given rise to traffic hazard or congestion and the proposed development which, in effect, provides for improved facilities, only, would not impact on same.

The substantive issue arises with regard to the additional annual events envisaged which, as noted above, would be in the region of 4 a year. Such events would attract between 100-150 persons with between one and two buses anticipated. A traffic management plan submitted by way of further information details the measures to be invoked at such events which would address issues in terms of traffic flows and access both from the regional road and the local road. The plan is considered to be a reasonable solution to what would not be regular occurrences and in that context would not give rise to concerns in terms of traffic congestion or hazard as to warrant a refusal of permission.

#### **7.4. Other Issues**

The gradient of the internal path between the car park and the running track is noted and is not considered excessive. Any issues in terms of health and safety internally is a matter for the owners.

The car park is to have a rough surface with silt traps and a hydrocarbon interceptor to be installed prior to discharge of surface water to the nearby stream. Sufficient turning area is provided for buses.

The existing field access from the regional road is to be used for emergencies only. This was explicitly referenced in the documentation accompanying the application under re. 17/05761. Any breach of the terms of the said permission is a matter for enforcement by the planning authority.

Waste management and disposal can be appropriately conditioned.

Sufficient detail has been submitted with the application to support the view that the site can accommodate the proposed effluent treatment system. Whilst the EPA guidelines for Treatment Systems for Small Communities, Business, Leisure Centres and Hotels are noted, I submit that in view of the system providing for a PE of 8 it be would more appropriate to reference the code of practice for systems serving single houses in the relevant condition.

Appropriate Assessment

The nearest Natura 2000 site is The Gearagh SAC c. 3km to the west. The stream that bounds the site to the south discharges to the Sullane River which flows in an easterly direction away from the designated site. In view of the intervening distance

and absence of a hydrologic connection 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

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the established nature of the existing sports facility and to the pattern of development in the area, 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 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 carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11th day of January 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed sports hall shall be used for purposes connected with the athletics club only and shall not be used, sold, let or leased for events and functions independent of the club.

**Reason:** To protect the amenities of property in the vicinity.

3. In addition to the weekly training sessions no more than four events shall be hosted on the grounds per annum.

**Reason:** In the interest of clarity and the residential amenities of property in the vicinity.

4. The sports hall shall only be used between 0900 and 2230 hours on Mondays to Sundays inclusive of public holidays.

**Reason:** To protect the amenities of property in the vicinity.

5. The operational hours of the perimeter lighting shall not extend beyond 2200 hours with automatic cut-off of lighting at that time.

**Reason:** To protect the residential amenities of property in the vicinity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include details of screen planting in the north-western corner of the site and along the eastern boundary.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

7. A schedule of all materials to be used in the external treatment of the development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of development.

8. Water supply and 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.

9. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

10. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 8<sup>th</sup> day of August 2018 and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupation of the sports hall and thereafter shall be kept in place at all

times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the sports hall and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the sports hall, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. 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 hours 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.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**May, 2019**