



An
Bord
Pleanála

Inspector's Report

ABP-304827-19

Development	Secure dog park for exercising and socialising dogs for the local area and beyond.
Location	Knockaunglas, Athenry, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	19580
Applicant(s)	Athenry Dog Park
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Athenry Boys School
Date of Site Inspection	20 th September 2019
Inspector	Colin McBride

1.0 Site Location and Description:

- 1.1. The appeal site, which has a stated site area of 0.525 hectares, is located to the south west on the outskirts of Athenry. The appeal site is located on the southern side of the L3112. The site is a grassed area with no defined use. There is an existing car park with a vehicular entrance off the public road to the north of the site. Adjoining uses include a school located to the west, allotments located to the south, a dwelling located to the north east of the site and a field located to the east.

2.0 Proposed Development

- 2.1. Permission is sought for a secure dog park, 20 off road parking spaces including disabled parking accessed from the public road, 3 separate exercise and socialisation areas within the park, rain shelters, new lane/track access to allotments, including turning area, bins for dog waste to be emptied regularly, signage for dog park rules and park name, perimeter 6-foot chain link fencing, internal fencing, landscaping and planting.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 4 conditions. Of note is the following condition...

Condition no. 4: Floodlighting not permitted unless authorised by a further grant of permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (12/06/19): The proposal is compliant with the zoning objective, the design and scale of such was considered to be acceptable in the context of the proper planning and sustainable development of the area and to be acceptable in the context of adjoining amenities. A grant of permission was recommended based on the conditions outlined above.

3.3. Third Party Observations

3.3.1 One submission from Athenry Boys School. Issues raised include...

- Appropriateness of proposal on CF zoned lands and compliance with Development Plan policy, traffic impact, impact on adjoining amenities and safety concerns.

4.0 Planning History

4.1 13628: Permission granted for construction of community centre.

4.2 074595: Permission granted for construction of community centre.

4.3 952434: Outline permission refused for 15 no. dwellings.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Athenry 2012-2022. The appeal site is zoned CF, Community Facilities with a stated objective to 'promote the development of community facilities on suitable lands with a high level of access to the local community, including educational, community, civic, public, and institutional and other complementary uses as appropriate'. The proposed use would be acceptable within this zoning objective.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Athenry Boys School, The grounds of appeal are as follows...

- It is noted that the application does not meet the Development Management Standards set down under The Council Development Plan.
- It is noted that the proposed would be contrary Development Plan requirements for the provision of safe access for vehicles, cyclists and pedestrians. It is noted that there is a lack of footpaths along the road and the proposal would generate additional traffic at a location where there are issues regarding traffic safety (lack of footpaths and a dangerous junction between the L3112 and R347).
- The parking available at the site is currently used by people trying to avoid the pay parking within the town and this area was intended for use as a drop of zone for pupils attending the school. The additional parking demand would impact on the availability of parking/drop off facilities and traffic safety.
- There is a limited amount of land zoned CF and this land should be protected for uses specific to this zoning. It is also noted that the use proposed is not a multifunctional use catering for the wider community (Development Management Standard 16).
- It is noted in the County Development Plan that (Development Management Standard 15) that land zoned CF should be preserved for future education use and expansion of schools.
- There is an objective in the County Development Plan (recreation and Amenity Objective 4) for development of allotments. It is noted that there is no such objective for a dog park. The proposal would curtail the development of additional allotment development at this location.
- The proposal is not comparable to other dog parks referred to by the applicant as the proposal is not part of a larger recreational area.

- The appellant notes concerns about noise impact, safety issues for pupils of the school due to uncontrolled dogs or dangerous breeds.

6.2. Applicant Response

6.2.1 Response by the applicant, Athenry Dog Park.

- The applicants note they would support improved signage and warning lights at the school and that such is not an issue relevant to the proposed development
- The applicants are not aware of the existing junction being a dangerous junction or any track record of accidents.
- The applicants agree that a footpath would be welcome addition at this location.
- In relation to opening hours it is noted the park will be closed after dark and that the parking will not be used during school drop off and pick up times (part of rules and regulations).
- It is not anticipated that the park will be busy during school hours with peak time usage at the weekend.
- It is noted there is no shortage of parking within the town centre and such is not an issue relevant to the proposal.
- It is noted that the proposal is consistent with the zoning objective and entails an improvement over the existing unused field. It is noted that the proposal is a multifunctional space and that other public amenities are provided for at this location.
- It is noted that the proposal would not undermine the extension of the existing schools or allotments and the proposal meets a community need for such facilities.
- It is noted that the proposal provides dedicated space and is comparable to other projects similar in Northern Ireland. It is noted that the park will be maintained and managed by the applicant and is a non-commercial venture.

- It is noted that the proposal would have no adverse impact in relation to noise or safety issues for pupils of the school.
- Details of the dimensions and visual appearance of the shelters has been provided.

6.3. Planning Authority Response

6.3.1 No response.

7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Visual/adjoining amenity

Traffic/car parking

Appropriate Assessment

7.2. Principle of the proposed development/Development Plan policy.

7.2.1 The proposal seeks permission for a secure dog park, 20 off road parking spaces including disabled parking accessed from the public road, 3 separate exercise and socialisation areas within the park, rain shelters, new lane/track access to allotments, including turning area, bins for dog waste to be emptied regularly, signage for dog park rules and park name, perimeter 6-foot chain link fencing, internal fencing, landscaping and planting. The proposal is on a site which is currently a field with no defined use. The appeal site is zoned CF, Community Facilities under the Athenry Local Area Plan 2012-2022 with a stated objective to 'promote the development of community facilities on suitable lands with a high level of access to the local community, including educational, community, civic, public, and institutional and other complementary uses as appropriate'. The proposed use

is for a local community group and is a recreational park meaning the proposed use would be acceptable within this zoning objective.

7.2.2 The appellant would appear to suggest that the proposal is not appropriate on lands zoned CF on the basis that the lands should be dedicated to other community uses such as school expansion, uses that are more multifunction in nature or have a wider usage. The current proposal is for a secure dog park for a local community group. As noted above the proposed use is consistent with the zoning and entails active use of an underutilised site zoned for community facilities. The proposal is being assessed on its merits and the argument that it is off a lesser quality in terms of community development than other community uses that may be facilitated on site is not reason to preclude the proposal. The current proposal assessed on its merits is fully compliant with Local Area Plan policy in terms of land use zoning. I would consider that the principle of the proposed development is acceptable subject to a satisfactory physical impact in the context of visual amenities, adjoining amenities and traffic safety. These aspects of the proposal are to be assessed in the following sections of this report.

7.3 Visual/adjoining amenity:

7.3.1 The proposal is an open space/recreational facility and entails the provision of structures of modest scale. The proposed development would have no significant or adverse impact on the visual amenities of the area. I would note that the provision of a landscaped managed park area within the development boundary of the town as defined under the Local Area Plan would enhance the visual amenities of the area.

7.3.2 The nature of the use is recreational amenity/community development. As noted above the fact that the proposal entails small scale structures would mean no physically overbearing impact on adjoining uses. The adjoining uses include a school to west, a dwelling to north east, allotments to the south and a field area to the east. The open nature and recreational nature of the use would have no adverse impact on the amenities of adjoining properties or uses. I would note that the

proposal would benefit some uses including the provision of a dedicated access road to the allotments located to the south of the site.

7.3.3 The appellants suggest that the proposed use poses danger to pupils of the school through contact with dogs and potentially dangerous dogs. The proposal is for a secure and managed dog park operated by a community group and subject to rules and regulations. It is clear that the nature of the use and the applicants encourage responsible dog ownership. There is no basis to assume that the existence of proposal will cause more risk in terms of safety to attendees of the adjoining school or residents in the area than exists in everyday life where dogs are prominent and common part of society. I do not consider that the issue of safety is a consideration in assessing this proposal. I am satisfied that the nature of the proposed use would be acceptable in the context of adjoining amenities.

7.4 Traffic/car parking:

7.4.1 The appeal site has an existing car parking area providing spaces for 20 vehicles and a vehicular entrance off the L3112. The appellants raise concerns regarding traffic safety noting that the existing junction between the L3112 and R347 is dangerous, the fact there is a lack of footpaths in the area and the fact that existing parking on the site is used at peak times for drop off and pick up of pupils in the school. The appellants are concerned regarding the impact of the additional traffic generated and the potential impact on traffic safety.

7.4.2 The existence of existing parking at the appeal and vehicular entrance serving the site is a positive factor. Visibility at the entrance point serving the site is of a good standard and is within the urban speed limit zone of 50kph. The peak hours of the school are confined to two periods during the day. There is no reason to believe that the proposed development is going to generate significant traffic coinciding with these peak traffic hours of the school. The peak use of the development according to the applicants is likely to be weekends. The lack of footpaths in the area would not preclude the proposal as there is parking provision on site. The provision of footpaths in the area would be a positive factor but the lack of such does not mean

the proposal would be unacceptable in the context of traffic safety. I would consider that the proposal would be satisfactory in the context of traffic safety and convenience.

7.5 Appropriate Assessment:

7.5.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Athenry Local Area Plan 2012-2022, the existing pattern of development at this location, the design, scale and layout of the proposed development, it is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Local Area Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and be satisfactory in the context 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, 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 interests of clarity.

2. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

4. Floodlighting is not permitted unless authorised by a further grant of permission.

Reason: In the interests of orderly development.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery

and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

Colin McBride
Planning Inspector

08th October 2019