



An
Bord
Pleanála

Inspector's Report ABP-307050-20

Development

Permission to refurbish and re-configure the existing tennis courts to provide four courts with twelve metre sports lighting, to construct one mini-tennis court including a practice wall, construct single storey extension, zinc canopy and flat sedum roof to clubhouse, to construct maintenance and storage sheds, refurbish existing storage shed to provide for kitchenette area, provide ramped path to access upper courts with raised viewing area, construct new viewing area and retaining wall, erect site-security fencing, construct new access from existing car parking area.

Location

Monkstown Lawn Tennis Club, Castle Road, Monkstown, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

195998

Applicant(s)

Monkstown Lawn Tennis Club

Type of Application	Permission
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Ronan Kennelly
Observer(s)	None
Date of Site Inspection	22nd July 2020
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1. Monkstown Lawn Tennis Club is an established tennis club located within the settlement boundary of Passage West. Castle Road is located south and west of the appeal site. To the north of the appeal site is the Glen road, a public playground and basketball court area. To the east of the site is a public car park area mainly used by patrons of the playground and the tennis club. The area is predominantly residential, consisting of a mixture of terraced town houses, semi-detached and detached houses on individual plots. There is natural stone wall boundary along the southern and western boundaries, ranging in height from approximately one metre along the western boundary to approximately two and a half metres in height along the southern boundary.
- 1.2. Access to the tennis club is via two entrances, a pedestrian one from the adjacent public car park to the east and the main one from the south, off Castle Street. There is an existing single storey low profile clubhouse building with canopy along its western frontage inside the southern access gate and three tennis courts laid out at varying ground levels, a croquet lawn, and a number of ancillary type storage structures. From the clubhouse, there is visibility to all three tennis courts. The courts are overlooked by a number of two storey residential properties to the south along Castle Road. The tennis courts are only visible from the public domain along the western boundary of the site, due to the low level boundary wall along this part of the site, but are largely hidden from public view from all other aspects by virtue of the tall stone wall boundaries, the existing dense plantation to the north and to the east by planting and the clubhouse. Flood lighting is provided for each of the courts and perimeter fencing is provided around the courts to prevent balls escaping the courts.

2.0 Proposed Development

- 2.1. The development would comprise the following:
 - Permission to refurbish and re-configure three existing tennis courts to provide four courts,
 - twelve metre sports lighting, associated works and fencing,

- Construct one mini-tennis court including practice wall with associated sports lighting, walls and fencing,
- Construct single storey extension, zinc canopy and flat sedum roof to clubhouse,
- Construct two single storey maintenance storage sheds to western boundary of site,
- Construct new equipment storage shed to east of site,
- Refurbish and extend existing storage building to east of site to provide for kitchenette area,
- Construct a ramped path to access upper courts with raised viewing area along the southern site boundary,
- Construct a viewing area to east of site,
- Construct a retaining wall along the northern site boundary,
- Erect general site security fencing,
- Construct new entrance from the existing car park area with sloped access from existing car park to new entrance.

2.2. Further information was sought by the Planning Authority in relation to: The submission of cross-sections demonstrating the extent of alterations to ground levels and the extent to which they would need to be raised; Clarify the extent of tree removal proposed to accommodate the proposed works; Details for proposed compensatory planting, Details of boundary treatments, particularly of fencing/retaining walls along the northern site boundary. Clarify hours of operation of tennis club: Clarify the extent of impact of proposed floodlights on adjacent third-party properties and the adjacent public roads by means of submitting a public lighting engineering report and assessment.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority granted permission subject to twenty conditions. Conditions of note are as follows:

Condition number three: The site shall be landscaped in accordance with the landscaping details as submitted to the Planning Authority on the 16th March 2020.

Condition number six: Hours of use for tennis courts and floodlights.

Condition number seven; Hours of construction.

Condition number 9: Construction Traffic Management Plan to be submitted.

Condition number eleven: light pollution elimination.

Condition number eighteen: environmental monitoring

Condition number nineteen-Noise levels limited during construction phase.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report reflects the decision to grant permission, following the request for further information as set out within section 2.2 of this report, set out above.

3.2.2. Other Technical Reports

Area Engineer: No objections, subject to conditions.

Environmental Officer: No objection subject to conditions

Public Lighting Engineer: Recommended that further information be sought initially and subsequently, following the review of the further information submission, outlined no objections subject to conditions.

Irish Water: No objection, subject to conditions.

3.3. Objections/ Submissions

Two submissions were received by the Planning Authority. The issues raised within the submissions are largely replicated within the appeal submission made by the third party to the Board.

4.0 Planning History

I am not aware of any planning history pertaining to the appeal site.

5.0 Policy and Context

- 5.1. Under the Ballincollig Carrigaline Municipal District Local Area Plan 2017 (LAP), the site is located within the settlement boundary and the zoning is: Existing built up area.
- 5.2. Objective ZU 3-1 of the Cork County Development Plan 2014 – 2020 (CDP) states: “Normally encourage through the LAPs development that supports in general the primary land use of the surrounding existing built up area. Development that does not support or threatens the vitality or integrity of the primary use of these built up areas will be resisted.”
- 5.3. Passage West is one of the settlements identified within the Cork Metropolitan Area. One of the objectives for the Cork Harbour Area (which would include Passage West) is to protect and enhance the built and natural heritage of the area and establish an appropriate balance between competing land uses.
- 5.4. The Development Plan shows the site as lying within an area of High Value Landscape.

5.5. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

Neighbours who reside at Number three, Castle Road, have submitted an appeal against the grant of planning permission with specific reference to the following aspects of the development:

- Planning documentation and mapping is more than three years old, this documentation fails to illustrate his residential property which was constructed during 206/2017,
- The tennis club boundary wall is located seven metres from his kitchen window. Three courts side -by-side would be developed under the current proposals

inside this boundary. The proposed professional lighting proposals may not be compatible with domestic living,

- The lighting specification details eight lights per court, an increase on the current set-up, which features six lights per court,
- A total of twenty-four lights are proposed, the closest being approximately eight metres from the windows of Number 3, Castle Road,
- Given there are four small children within the household, the proximity to such a professional set-up is of concern,
- The planning condition (number 6) regarding the hours of usage of the courts and operation of floodlights, included by the Planning Authority in their decision is theoretical and unenforceable and may result in conflict between the appellant and the tennis club over noise/lighting continuing at inappropriate times,
- There is a lack of adequate car parking to serve the tennis club. They should not be permitted to use the public car park to the east of the courts at the expense of patrons seeking to use the car park to access the playground,
- A study by Cork County Council in 2019 showed that 864 speeding vehicles passed through Monkstown on a particular date,
- The proposals will require the closing of the local public basketball court and significant banking alterations to support the development of the new tennis court configuration, this seems unfair,
- The proposals may provide capacity for larger tennis tournaments, larger coaching groups. Greater facilities for spectators all of which will lead to greater demand for car parking,
- The proposed development may impact upon surrounding residential amenities, including those of the appellant,
- The local roads are subject to drivers exceeding speed limits and traffic congestion,
- Revised traffic and pedestrian safety arrangement plans have been postponed due to the infrastructural works currently being conducted by Irish Water locally,

- The proposed development would generate additional traffic without addressing safety, speeding or sufficient car parking spaces,
- The area around the tennis club has been the subject of complaints about footpath car parking,
- The development proposals should be refused until a traffic review in the area has been completed by the Local Authority,

6.2. Applicant Response

The applicants have issued a response to the appeal. The following issues are addressed:

- The documentation submitted is in accordance with the requirements set out within the Planning and Development Regulations 2001, as amended. The maps were purchased from the Ordnance Survey in 2019. The appellant would have been aware of the location of the boundary of the tennis club prior to the construction of his dwelling. None of the courts are any closer to his property than they were prior to the construction of his dwelling,
- A report was prepared by the appellants lighting engineers which states that the proposed floodlights will have less of an impact upon on third party properties and the public road than the existing streetlights in the area. The new lights will use technology and custom design hoods will be used to reduce light spill from the tennis club grounds,
- All courts currently have eight lights on four stanchions and the proposed facility will be the same, with no increase in the number of floodlights proposed,
- Many of the members of the tennis club live in proximity to the courts and every effort is made to address playing during unreasonable hours,
- At present, there are no planning conditions in place restricting hours of opening or the use of floodlights,
- The tennis club members are happy to comply with any planning conditions that maybe set out by the Board in relation to hours of opening or for the operation of floodlights,

- The proposals for one additional tennis court could result in an additional requirement of four car parking spaces. Given that most of the members reside locally and within walking distance of the tennis club, it is unlikely that significant additional pressure would be experienced within the car park. Similarly, a lot of locals walk to the playground and would not use the car park,
- The tennis club is frequented mostly in the evening time when the playground is not in use,
- The car park will continue to be used to some extent by tennis club members, the addition of one tennis court would not result in the exaggerated, and chaotic situation that the appellant sets out within his submission,
- The tennis clubs current and future use of the car park will not have a detrimental impact upon the car park due to the infrequency of its use and the times at which it would most likely be used by the members.
- The existing entrance to the south will remain open as a maintenance access only once the entrance to the car park is upgraded. Therefore, any car parking by tennis club members along the Castle Road, would be greatly reduced.
- The improvements in the connection between the car park and the tennis club grounds will also encourage patrons to use the car park, rather than park on the footpath.
- The tennis club is a long-established facility serving the residents of Monkstown for many years. It is a community-based club and is seeking to improve its facilities for its members.
- The improvements to the tennis club will not result in any additional closure disruption to the basketball court.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority did not make additional comments in relation to this planning appeal.

7.0 Assessment

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Impact on the residential amenity
- Traffic and parking issues
- Appropriate Assessment Screening

7.2. Impact on the residential amenity of the area

7.2.1. The proposed development will provide for a single storey extension on the existing clubhouse and the change of use of an existing storage shed on the northern gable end of the clubhouse into a kitchenette facility. A number of additional storage and equipment storage sheds are proposed along the eastern and western boundaries of the site, as is some new site security fencing. Retaining wall structures will be constructed along the western and northern boundary, given the alterations in levels that exist, particularly towards to north of the site, on lands being acquired from the Local Authority in order to facilitate the proposed extension of the tennis club facilities. The retaining wall structures are to be covered in a grass type material. Compensatory planting is also proposed by the appellants, particularly in the area to the north of the site, where existing planting will be required to be removed. Concerns regarding these elements of the proposals are not raised within the appeal submission.

7.2.2. The primary issue raised in the appeal is impact on existing residential amenity in terms of light and noise pollution. The boundary to the south of the appeal site, presently comprise a natural stone wall which is approximately 2.5 metres tall. Outside of this boundary wall is the public road (Castle Street) which has a carriageway width of approximately seven metres and a footpath on the northern side of the street which is approximately a metre and a half wide. The appellants property comprises a detached two storey town house which is constructed on the southern road edge of Castle Street. Levels on the southern side of Castle Street are higher than those of the appeal site. As a result, the appellant would have views of the tennis courts from a number of his ground floor windows and upper floor windows. The gable of his dwelling house is approximately 8.5 metres from the

boundary wall and would be fourteen metres from the nearest part of any of the new tennis courts. Given the separation distances involved, the existence of the 2.4 metre natural stone boundary wall, which will remain in situ, I do not consider that the development will unduly impact on the residential amenity of the neighbouring residential properties.

7.2.3. I note the comments of the tennis club with regards to the proposed floodlights and that no additional floodlights are proposed to be put in place as part of the upgrade works. Hoods will be placed on the new floodlights to limit the amount of light spillage to the adjoining public road and neighbouring residential properties. A condition can be included to limit the times of operation of the floodlights similar to those hours stipulated by the Planning Authority within their planning decision. From the information provided, any noise will primarily come from the courts. I note the condition attached to the grant of permission by the Planning Authority, limiting the hours of use of the courts, and this is appropriate. A similar condition will be attached to a grant of permission.

7.2.4. The proposed development does not change the nature of the existing use on site and the intensification of use is of a modest scale, increasing from three to four courts. I am satisfied that the proposed development will not unduly impact upon neighbouring residential amenities by virtue of increased noise or light pollution.

7.3. Traffic and Parking issues

7.3.1. There is no dedicated on-site car parking associated with the tennis club. The use of the adjoining public car park to the east is shared between a number of facilities, including the playground, the basketball court and the tennis courts. It seems that the playground is more of a daytime use and the tennis courts are busier in the evening time, and, therefore, provides for a natural sharing of the car parking spaces. Seven cars occupied the spaces on the day of my site inspection, which was in the mid-afternoon on a weekday in July. I also note the location of the tennis facility is in close proximity to many residential properties which allows people to cycle or walk to the tennis club or playground. I witnessed a number of patrons walking to or being dropped off at the tennis club during my site inspection. Given these findings, I am satisfied that the current shared parking arrangements are satisfactory to serve the

existing and proposed tennis facilities. I note the report of the Area Engineer, who outlined no objections to the access or parking provisions on site.

7.4. Appropriate Assessment Screening-Preliminary Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons:

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Cork County Development Plan 2014 – 2020, the location of the site in an established urban area and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously the residential or visual amenities of the area, nor result in the creation of a traffic hazard. 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 submitted on the 8th day of August 2019 and the 16th day of March 2020, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

- 2 Access to and use of the tennis courts shall be restricted to between 8.00 hours and 23.00 hours Monday to Friday and between 08.00 and 22.00 on Saturdays, Sundays and Bank Holidays.

The floodlights on site shall not be operational between the hours of 23.00 hours and 08.00 Monday to Friday nor between the hours of 22.00 and 08.00 on Saturdays, Sundays and Bank Holidays.

Reason: In the interest of residential amenity.

- 3 Advertising structures/devices erected within the site shall not be visible when viewed from outside the curtilage of the site.

Reason: In the interest of visual amenity.

- 4 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.

- 5 That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

- 6 The site shall be landscaped in accordance with the landscaping scheme as submitted to the Planning Authority on the 16th March 2020 unless otherwise conditioned.

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 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 traffic management, including timing and routing of construction traffic, measures to obviate queuing of construction traffic, details of materials and staff compounds, *details of hoardings and security fencing, intended construction practice for the development*, including noise, dust and vibration mitigation measures and off-site disposal of construction / demolition waste. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of public safety and residential amenity.

- 8 Site development and building works shall be carried out only between the hours of 0700 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 amenities of property in the vicinity.

Fergal Ó Bric
Planning Inspectorate

11th August 2020