



An
Bord
Pleanála

Inspector's Report BP 301207-21.

Development	(a) Relocation of ESB substation; removal of portacabin & construction of changing and shower rooms, (b) Demolition of gym, changing room, machinery store and construction of gym, equipment store and accessible WC and associated site works and services.
Location	Clonroadmore, Ennis Co. Clare.
Planning Authority	Clare County Council
P. A. Reg. Ref.	21/166.
Applicant	Eir Og Inis GAA Club
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Nuala and Enzo D'Auria.
Date of Inspection	29 th June, 2121
Inspector	Jane Dennehy

1.0 Site Location and Description

- 1.1. The site is a subdivided area onto which there are vehicular and pedestrian entrances within the grounds of the Eire Og Inis GAA Club. It is formed from the area around the clubhouse buildings, spectator stand, surface carpark and ESB substation at the southwestern end of the grounds with frontage onto and vehicular and pedestrian entrances off Clonroadmore on the opposite side of which there are bungalows facing onto the road. The location is to the north and to the east of Clonroadmore, to the east of Clonroadbeg in Ennis to the west of the grounds of St Flannan's College and south of the town centre of Ennis. A short distance to the west is Cahercalla and the Kilrush Road and a small retail park is to the south-west.
- 1.2. A detached house, (Appellant party) the site of which shares a party boundary with the application site, is located on the northeast side and it has frontage and access onto Clonroadmore. It has a carport to the side, a detached garage to the rear and front curtilage parking and gardens and gardens to the rear.

2.0 Proposed Development

- 3.0 The application lodged with the planning authority indicates proposals for (a) Relocation of ESB substation; removal of portacabin & construction of changing and shower rooms and, (b) Demolition of gym, changing room, machinery store and construction of gym, equipment store and accessible WC and associated site works and services.
- 4.0 The proposed clubhouse is to be a structure with a stated floor area of 406 square metres in which a gym, shower and toilet facilities, machinery and equipment stores and changing rooms are to be located. at the maximum height over the gym which is a single shallow sloped roof is 5741 mm. over a finished floor level of + 11350 and

the maximum height of an adjacent shower/changing room element is which also has a shingle shallow sloped roof is 3999 mm.

5.0 Planning Authority Decision

5.1. Decision

By order dated, 9th April, 2021 the planning authority decided to grant permission subject to eight conditions.

Under Condition No 2 there is requirement for restriction of use to that associated with the club with no leasing for other purposes or subletting being permitted.

Under Condition No 4 (a) there is requirement for contextual elevations to include those for a gate at the pedestrian entrance off Clonroad more to be submitted and agreed with the planning authority.

Under Condition No 4 (c) there is requirement for provision to be made for three cycle stands close to the entrance to the gym with a revised site layout and details of the stands to be submitted and agreed with the planning authority.

5.2. Planning Authority Reports

- 5.2.1. The planning officer in his report considers the development proposal consistent with the zoning objective and strategic objectives for recreational, sport and leisure development, indicated support for the location whereby the pedestrian gate is close the entrance to the gym, that the development would have minimal visual impact on the surrounding area, the design and form of the building being considered appropriate in scale and massing.
- 5.2.2. The objection of the appellant party is noted in the report but it is stated that the location and form and separation distances are such that overshadowing, overbearing impact would not arise and overlooking would not occur in that there are no north elevation windows. No additional cumulative impact from noise or disturbance or impact generally on residential amenities is anticipated the proposal being a replacement development.

5.3. Third Party Observations

- 5.3.1. Objection was submitted by the appellant party in which issues of concern raised included potential for overshadowing and overlooking, overdevelopment and overbearing impact, noise and nuisance. Unsolicited additional information was lodged in response to the submissions in which it was submitted that the proposed development is not commercial or an overdevelopment, does not obstruct light, utilise the site and layout of the grounds in an optimal manner and accords with the development management standards as set out in the CDP.

6.0 Planning History

- 6.1.1. The grounds have a planning history extending back to the 1970s when it was first opened. Permission was granted for a clubhouse and dressing room in 1983 according to the application under P. A. Reg. Ref. P8/20076 and that condition No 1 contained a requirement for closure and infill of a vehicular entrance with a block wall
- 6.1.2. Permission was granted, further to appeal for a hurling wall and for flood lights to at the all-weather pitch in 2012. (PL 240033 and PL 241346 refer.)

7.0 Policy Context

7.1. Development Plan

- 7.1.1. The operative development plan is the Clare County Development Plan, 2017-2023 according to which the site location is within an area subject to the zoning objective: *“Recreational: “provide for the use of land for sports grounds/playing pitches, golf course, tennis courts and other active indoor or outdoor recreational facilities that contribute to meeting the leisure recreation and amenity needs of the immediate community and/or the wider area.”*
- 7.1.2. A small area at the southwest is within an area subject to the zoning objective *“Residential”*.

- 7.1.3. It is the policy and objective of the planning authority to provide for recreational amenity which seeks to promote maintenance and development of opportunities for sport recreation and leisure in accessible locations

8.0 The Appeal

8.1. Grounds of Appeal

An appeal as lodged by Leahy Planning on behalf of the appellant party, Nuala and Enzo D'Auria of Triofigmena, Clonraodmore, Ennis on 11th May, 2021. According to the appeal:

- There is insufficient separate between the proposed development and the appellant property, which is north of the application site and will result in loss of amenity due to loss of light, overshadowing and sunlight. The dimensions are unclear as to separation from boundaries but is circa 900 mm whereas there is a requirement for a minimum of 2.4 metres for single storey and 3.7 metres for two storey buildings between side walls of adjacent buildings or building blocks according to the development guidelines in the CDP. For a four metres high building minimum of 3.7 metres separation should be required for a commercial operation involving large numbers of people. The amenity area at the rear of the appellant party's house will be compromised by the erection of a substantial building immediate to the south. A shadow study should have been provided and sought be sought owing to the apparent failure to comply with separation distances standards in the CDP.
- The proposed development is overbearing due to the proximity to the party boundary with the appellant property. An excessive intensity of development has taken place at the grounds over recent years resulting in loss of amenity to residents. Special reference is made to an adjoining practice wall and flooding installed at the site. The use of the practice wall is causing noise disturbance at the appellant property and is used outside the time limits for use under the grant of permission under P. A. Reg. Ref. 11/210689.

- The layout is too crowded and is cluttered. Between the west side of the development and the 'all weather' pitch there is a passageway for equipment and machinery storey and changing room and showers whether it is from AstroTurf. The passage is two metres in width and will be overused by pedestrian and machinery traffic resulting in noise disturbance for the adjoining residential property. Noise attenuation has not been provided at the passageway where doors open directly onto it. Sound attenuation is required.
- While recreational facilities may be acceptable in residential areas the spatial pattern and morphology of the area should be restricted. The current proposal clusters the development in a part of the site where an adjoining residential property is affected. There is ample space available in the grounds for the proposed development and alternative locations should have been considered in order to protect residential amenities at adjoining properties. The development to be positioned at least ten metres away from the appellant property. The selected location is in a residential area so residential zoning considerations should be applied especially where the primary pattern of development is low density residential development with adequate separation distances
- An extract from the "Ennis Municipal District Zoning Map" is included in the appeal submission to show that the surrounding area is primarily single storey houses on plots on individual sites. The area which includes the clubhouse is zoned "Existing Residential" so it is questionable as to whether the development is compliant with the zoning objective. There is considerable emphasis on protection of residential amenity for this zoning objective to the proposal which is commercial and is a material contravention of the CDP in this regard.
- The gym's location is too much if it is intended to retain the carpark as an unnecessary and sustainable carparking quantum is to be retained whereas it could be reduced with the proposed development being relocated further to the south.

- The proposed development is overdevelopment for a low-density residential area and the extends outside the area zoned for recreation and may constitute material contravention of the CDP.
- Issues of uncertainty are not addressed in the conditions attached.
- With regard to article 23 of the Planning and Development Regulations, the application is questionable with regard to clarity and detail about the proposal, and existing development. The application could be invalidated due to the discrepancies.

8.2. Applicant Response

A submission was received from the applicant 's agent on 3rd June, 2021 according to which:

- The application has been lodged because existing facilities are no longer suitable and need to be replaced.
- Residential amenities are unaffected by the proposed development: There is no loss of light. The dressing room structure is not above the height of the garage on the appellant party's property; The gym building rises to 5.74 metres in height and is circa twelve metres from the party wall. The development is not a commercial development.
- The proposed development would not be overbearing, will not overshadow or obstruct sunlight and daylight at the appellant party's property The development proposal is not residential so the reference to the CDP's management guidelines is irrelevant. With regard to space around buildings, the appellant party's garage and carport are constructed on the boundary wall which itself is three metres from their house. The setback from the proposed one storey structure is just under one metres resulting in its separation of four metres from the house. The suggestion that 3.7 metres or even 2.4 metres separation distance is unrealistic and is inefficient use of the lands having regard to the zoning and needs of the applicant.
- The proposed development is not overdevelopment having regard to prior grants of permission for a hurling wall and floodlights and a spectator stand in

the last ten years which are all in compliance with current standards and planning conditions, none of which have been breached. Other prior development in the 1970s for a clubhouse and under condition 1 there was a requirement for closing an existing entrance and a new entrance to be created at the other end of the frontage which was sought by the appellant party. As a result of the relocation of the entrance away from the clubhouse. The 'all weather' pitch constructed in the 1990s needed to go to the area of unusable space. The area subject of the appeal is the only suitable location for the proposed development.

- The proposed development's location and a portion of the north-western corner of the site are zoned "Residential" but have never been in residential use while with the remainder (96%) of the lands are zoned recreational. The proposal is not in material contravention of the zoning. The proposal is not large scale and it is not commercial development and is 'open for consideration' in the CDP's Indicative zoning matrix.
- There is no uncertainty about or invalidity issues over the application which has been validated by the planning authority. The development description is clear and, with regard to the relocation of the substation, which is a matter for the ESB (statutory undertaker) comes within Schedule 2, part 1 Exempted Development – General, Class 29 of the Planning and Development Regulations, 2001 as amended.
- The layout is appropriate, the entire club property already being in use. Noise if any would occur during the permitted hours of use, the development subject of the application being ancillary to the use as a sports club and it is a replacement of an existing facility so no additional noise is anticipated.

8.3. Planning Authority Response

- 8.3.1. In a letter received from the planning authority on 2nd June, 2021 it is stated that the planning authority considers that the issues raised in the appeal were addressed in the planning officer report. It stated that the proposal accords with the CDP strategic objectives and policies of relevance. Reference is also made to the zoning objective for the majority of the site lands, strategic objectives for amenities and recreation and

the applicant club's commitment to remaining at the site location and to provision of facilities.

9.0 **Assessment**

9.1. The issue central to the determination of a decision are considered below under the following subheadings.

Validity and Clarity – Planning Application.

Impact on amenities of the adjoining property

Integration with and impact on the surrounding development.

Nature, layout and intensity of development - Overdevelopment

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

9.2. **Validity and Clarity – Planning Application.**

9.2.1. On review of the planning application and the conditions attached to the decision to grant permission, it is not apparent that there are any deficiencies in the details provided on the documentation lodged in connection with the application that would hinder the assessment of the proposed development or, that there is a lack of clarity in the details within the conditions attached to the decision to grant permission. There is no basis on which the validity of the application would be at issue for that consideration of the appeal should be precluded.

9.3. **Impact on amenities of the adjoining property**

9.3.1. The proposed removal and or relocation of existing structures and replacement development concentrates the main clubhouse/gym use in the northern corner of the site the changing room element of which is adjacent to the appellant party's property which is a gable fronted dwelling with front and rear gardens incorporating curtilage parking, a carport to the side and a detached garage structure at the rear of the carport adjoining the party boundary. The northern end of the new build adjoins the party boundary. It is low profile and due to the height and form, is not overbearing

and there is no scope for overlooking from the upper-level horizontal windows allowing for daylight to the interior.

- 9.3.2. Although positioned to the south of the appellant property, it is agreed with the planning officer that there is little or no scope for overshadowing of the appellant property. Any such impact relative to existing conditions would be insignificant, and potentially imperceptible having regard to the footprint, height and form of the proposed new build and to the position of the appellant party's dwelling to the and rear private open space to the northern side of the detached garage and carport which the party boundary. A shadow study is unwarranted.
- 9.3.3. It is considered that shower room and changing room use within the structure would not be a source of potential disturbance that would affect residential amenities of adjoining properties. Similarly, the gym use is internalised within the building and separated from the boundary. The main entrance to the building is shown at the southern end of within the carpark area close to the pedestrian and vehicular entrances and it is in this area that informal gathering and interaction among members may occur. It is not apparent that the passageway at the side of the shower room block, adjacent to the existing pumping station space would, as contended in the appeal, be a source of nuisance and disturbance. It would appear that it would remain unused other than for maintenance access and purposes.

9.4. Impact on and integration with the surrounding residential development.

- 9.4.1. As is stated in the appeal, there is a predominance of low profile, mainly single storey detached houses at low density within the immediate surrounding residential area. While some sports and gym buildings are by necessity relatively high, box like structures, the proposed building subject of the application is modest in size and height and relatively low profile. With the proposed replacement of the existing clubhouse and ancillary buildings, there is capacity at the proposed location at the northern end of the site frontage to accept the building in that it would be compatible in scale, form, height materials, finishes, signage and design with the established, predominantly low density suburban residential characteristics and as such would successfully be integrated into the surrounding area.

9.5. Nature. layout and intensity of development – Overdevelopment

- 9.5.1. It is agreed with the planning officer that the proposed development does not constitute overdevelopment of the site of excessive intensity. It is agreed with the appellant that development at the grounds has been somewhat incremental by way of additional sports facilities including the hurling wall, floodlighting and spectator stand.
- 9.5.2. The current proposal however is substantively a replacement and upgraded development having regard to the proposed removal of the existing clubhouse building and ancillary buildings. While the proposed layout concentrates the indoor club facilities at the northern end of the site, which is not supported by the appellant party, the resultant outcome does result in a more orderly layout within the proposed site area and is not regarded as resulting in “overdevelopment” or an excessive intensity of development.
- 9.5.3. The remarks in the appeal as to a case for reduced parking provision on site in line with current sustainable development interests so that the site layout could be altered to allow for the proposed new build to be located towards the southern end of the site are noted but is not supported as being warranted.
- 9.5.4. It is noted that the planning authority decided to exclude third party use under Condition No 2 attached to the decision to grant permission. However, it would be arguable that the proposed development is an intensification of use or is commercial in the event that the club facilities were to be made available for use outside of use by the membership. No proposals for subletting or renting out to third parties are indicated in the application and, if permission is granted, a condition can be included whereby such use is excluded from the grant of permission.
- 9.5.5. In the event of possible further development within the site any application, other than for development that is exempt development, would be subject to assessment and review and determination of a decision on its own planning merits.

9.6. Environmental Impact Assessment Screening.

- 9.6.1. Having regard to the nature of the proposed development and its location in a serviced inner suburban area in the city, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

9.7. **Appropriate Assessment Screening.**

9.8. Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 **Recommendation**

10.1. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld and that the appeal be rejected. Reasons and Considerations and Conditions follow.

11.0 **Reasons and Considerations**

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 interest of clarity.

2. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority full plan section, elevation and contextual elevation drawings for the pedestrian entrance and front boundary treatment.

Reason: In the interest of clarity and visual amenity.

3. The use of the proposed development shall be restricted to use by club members only and it shall not be sublet or rented out or used for events by third parties.

Reason: In the interest of clarity, to confine use of the club to non-commercial use by club members and, to protect the amenities of residential properties in the surrounding area.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall incorporate drainage on a separate system with separate connections to the foul and surface water systems and Sustainable Drainage Systems for management of surface water.

Reason: In the interest of public health.

5. Hours of work during the construction period shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenity.

6. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. Landscaping shall be carried out in accordance with an agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. All existing party boundary walls and hedgerow shall be retained. 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 amenities.

Jane Dennehy
Senior Planning Inspector
30th June, 2021.