



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310231-21

#### Development

Change of use of overgrown area of grass to private car to serve the members of Parkvilla F.C. together with all ancillary site works.  
\*Significant further information/revised plans submitted on this application

#### Location

Watters Lane, Commons Road, Navan, Co. Meath.

#### Planning Authority

Meath County Council.

#### Planning Authority Reg. Ref.

NA201027.

#### Applicant

Parkvilla FC.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Grant with conditions.

#### Type of Appeal

Third Party

#### Appellant(s)

Peter & Valeria Kellett & Others.

#### Observer(s)

[Click here to enter text.](#)

#### Date of Site Inspection

11<sup>th</sup> day of August, 2021.

#### Inspector

Patricia-Marie Young.

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## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated site area of 0.155ha and it consists of an extension of an existing car parking area that serves Parkvilla FC, in the townland of 'Mullaghboy', in the settlement of Navan, County Meath. At its nearest point the site area is located c25m to the west of the entrance serving Parkvilla FC's original car parking area. With this entrance opening onto a modest in width and length cul-de-sac lane (known as 'Watters Lane') that serves seven number dwellings. This cul-de-sac is c78m in length and it connects to Leigh Bridge road to the south west of the site as the bird would fly. To the north the site bounds Mullaghboy Industrial Estate, to the west it is bound by overgrown land, to the south by a detached dwelling and to the east by the aforementioned car park serving Parkvilla FC. With Parkvilla FC's pitches situated to the east and north east of the car parking area. The site is located towards the western outskirts of Navan with the surrounding urbane landscape having a mixed-use character.

## **2.0 Proposed Development**

- 2.1. Retention permission is sought for the change of use of an overgrown area of grass for use as a private car park to serve the members of Parkvilla F.C. The documentation indicates that the car park would have a capacity to serve c63 cars in the extended area of the car park.
- 2.2. On the 31<sup>st</sup> day of March, 2021, the Planning Authority received new public notices relating to the applicant's provision of significant further information to the Planning Authority.
- 2.3. The further information essentially consisted of a 'Traffic Impact Assessment' prepared by TPS M Moran & Associates, with this document dated January, 2021. I note that Section 6 of this TIA report concludes that subject to the traffic and transportation mitigation measures set out in this report that all the traffic and transportation concerns raised by the Planning Authority in their further information would be addressed.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 26<sup>th</sup> day of April, 2021, the Planning Authority decided to **grant** retention permission subject to 6 no. conditions. Most are standard conditions. Condition 2 requests that the development be implemented as per the measures set out in the Traffic Impact Assessment with these measures subject to the agreement with the Planning Authority's District Engineer; Condition 3 requires within 1 month detailed measures to be constructed for the protection of Councils Surface water drainage infrastructure on site with this to be subject to the written agreement of the Planning Authority; and, Condition 4 deals with the surfacing of the car parking proposed.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **final Planning Officer's report** is dated the 21<sup>st</sup> day of April, 2021, considered that the applicant's further information response was satisfactory. Their report concludes that the proposed development would not negatively impact on the visual or residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

The initial Planning Officer's report, is dated the 23<sup>rd</sup> day of September, 2020, and it concluded with a request for further information to deal with the following items:

- |                |   |
|----------------|---|
| Item No. 1(a): | Seeks the submission of a Traffic Impact Assessment.  |
| Item No. 1(b): | Demonstration of how pedestrians, cyclists and vehicles use the access route serving the site.                                      |
| Item No. 2:    | Deals with the matter of flooding and this development's location on infrastructure associated with the Leighsbrook Stream Culvert. |
| Item No. 3:    | Surface Water.  |
| Item No. 4:    | Seeks a response to the 3 <sup>rd</sup> Party submissions.  |
| Item No. 5:    | Relates to public notices.  |

### 3.2.2. Other Technical Reports

**Transportation:** The final transportation report is dated the 20<sup>th</sup> day of April, 2021. It raises no objection to the proposed development subject to the implementation of the measures set out in the Traffic Impact Assessment (TIA). It includes the following comments:

- According to the TIA the club has over 400 members and it facilitated 2 playing pitches, storage area and rough surfaced parking area.
- Access is via the gated entrance at Watters Lane. This access road is narrow.
- The club members and residents are familiar with the layout and therefore reduce their speed accordingly.
- A review of the RSA accident database shows no accidents on Watters Lane or at its junction with Commons Road.
- An analysis of the junction of Watters Lane and Commons Road using PICADY9 has shown that the junction operation is within capacity.
- The TIA suggests that the provision of a Stop Sign and associated road markings at the access gate, within the car park, would give priority to incoming traffic.
- The TIA suggests that the provision of 'Slow Zone' signage along Watters Lane would assist in traffic management.

**Water Services:** The Water Services report dated the 24<sup>th</sup> day of March, 2021, considered that the proposed development broadly meets their requirements. Notwithstanding, they recommended that prior to any construction on site that the following measures are implemented:

- 1) Surfacing of the development shall remain as permeable stone course.
- 2) All works shall comply with the Greater Dublin Strategic Drainage Study Regional Drainage Policies Volume 2, for New Developments.

### 3.3. Prescribed Bodies

3.3.1. None.

### **3.4. Third Party Observations**

- 3.4.1. The appellants submitted observations to the Planning Authority in relation to the initial planning application and also in relation to the applicant's further information request. I have noted the content of these, and I further note that they are attached to file. I consider that the substantive planning concerns made by the appellant in these observations correlate with those made by them in their appeal submission to the Board.

## **4.0 Planning History**

### **4.1. Site and Setting**

- 4.1.1. None relevant.

## **5.0 Policy & Context**

### **5.1. Development Plan**

- 5.1.1. The Navan Development Plan, 2009 to 2015, as varied, is the applicable plan, under which the site is zoned 'F1' which has a stated land use zoning objective *"to provide for and improve open spaces for active and passive recreational amenities"*.
- 5.1.2. Section 2.8.3 of the Development Plan deals with the matter of Recreational, Sport, Leisure Facilities and Open Space. It states that: *"access to recreational facilities is essential to maintain a healthy lifestyle and enjoy a good quality of life"*.
- 5.1.3. Policy SOC POL 28 of the Development Plan is relevant. It states: *"to support local sports and community groups in the development of facilities through the reservation of suitable land and the provision of funding where available and appropriate"*.
- 5.1.4. Policy SOC POL 35 of the Development Plan is relevant. It states: *"the Council will investigate ways of improving the quality and capacity of existing sporting and recreational facilities through initiatives in both the public and private sector"*.
- 5.1.5. Policy INF OBJ 19 of the Development Plan is relevant. It states: *"to encourage the successful incorporation of safe and efficient cycleways, accessible footpaths and pedestrian routes into the design scheme for town centres/neighbourhood centres, residential, educational, employment, recreational developments and other uses"*.

## **5.2. Natural Heritage Designations**

- 5.2.1. The site does not form part of, nor is it located in the immediate vicinity of any European site. The nearest European sites are the River Boyne and River Blackwater SAC and SPA (Site Codes: 002299 and 004232 respectively) which are located c1.6km at their nearest point to the east of the appeal site.

## **5.3. EIA Screening**

- 5.3.1. Having regard to nature and scale of the development sought under this application, together with the brownfield nature of the site and its environs, 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The grounds of appeal can be summarised as follows:
- The car park extended 40m without planning permission and permission was only sought after the works had taken place.
  - The Traffic impact assessment (TIA) took place after works had taken place and by a company requested to prepare it by the applicant. It is therefore contended that this presents a conflict of interest.
  - Concerns are also raised in terms of the quality of the TIA. In relation to this concern, it is contended that the dates are not clear, and the times are not recorded during peak use of the pitches. It is also contended that the time schedule listed in the TIA are false as the gates are open from 5:30pm to 9:00/9:30pm each evening and from 9:00am until 2:00/3:00pm at the weekend with traffic being constant during these hours.
  - The laneway serving the development is a single carriageway and is not suitable for 60 to 70 cars per night Monday to Friday and up to 200 cars each day on a

Saturday and Sunday. The level of traffic generated is creating a bottle neck of traffic.

- Permission was only granted for three houses on this part of the lane due to the laneway not being suitable for volumes of traffic.
- The access lane is not suitable for an influx and exodus of cars in a short period of time.
- The access lane has no lights and only partial pedestrian footpaths.
- This development has an extremely negative impact on the surrounding residential development.
- The increase in traffic will result in an increase in congestion along the lane and would have a detrimental impact on the quality of life of residents on this lane.
- It is considered that the Planning Authority had no regard to residential amenity in their consideration of this application.
- The decision of the Council to hand over a piece of land that they own so readily, and grant retention permission is considered to be a questionable decision.
- Natural flora and fauna have been removed allowing high visibility to the industrial units adjacent to the lane. No planting and/or remedial works were requested to deal with this and the visual amenity impact.
- The Council who owns surrounding lands could provide an alternative access.

## **6.2. Applicant Response**

6.2.1. None received.

## **6.3. Planning Authority Response**

6.3.1. The Planning Authority's response can be summarised as follows:

- The application was assessed under the applicable Development Plan, in relation to community facilities and car parks.



- The Planning Authority are satisfied that all matters raised by the appellants in their submission have been addressed in their assessment of the development sought under this application.
- The Board is requested to uphold its decision.

## 7.0 **Assessment**

### 7.1.1. **Preliminary Comment**

7.1.2. Having carried out an inspection of the site and its setting, from my reading of the file alongside having had regard to relevant planning provisions I consider that the substantive issues raised in this appeal are as follows:

- Principle of the Development Sought under this Application
- Transitional Zoning Character of the Site Setting
- Impact on Residential Amenity/Traffic and Road Safety
- Overall Design and Layout
- Appropriate Assessment.

7.1.3. Before I commence my assessment, I note to the Board that this application relates to a development for which retention permission is sought. That is to say that the change of use of what was described as an overgrown grass area for use as a private car park serving the members of Parkvilla FC and extending their original car parking provision together with all its associated site works has already been carried out.

7.1.4. In relation to applications for retention permission the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with applications for retention, they must be considered “*as with any other application*”. This is in accordance with planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed. Therefore, this means that no account can, or should, be taken of the fact that the development has already taken place and the development should be determined on its contribution towards the achievement of the applicable zoning objective of the site, the vision for developments within this zone through to its consistency with relevant planning provisions.

7.1.5. In addition, I note to the Board that this application was subject to a request of further information from the Planning Authority. On foot of this new public notices were provided. These were received by the Planning Authority on the 31<sup>st</sup> day of March, 2021. Crucially, a Traffic Impact Assessment which included a number of recommended controls and mitigation measures with the view of minimising adverse impact of the development on its setting was submitted to the Planning Authority. This document was submitted to the Planning Authority prior to the confirmation of new public notices on the 4<sup>th</sup> day of March, 2021. Of note the design and layout of the car parking area for which retention is sought was not changed with this extension to the applicant's car parking area also utilising an existing access/egress onto Watters Lane. For clarity my assessment below is based on the development as revised by the information response received.

## **7.2. Principle of the Development Sought**

7.2.1. The Navan Development Plan, 2009 to 2015, as varied, is the applicable plan. Under this plan the site is zoned 'F1' with the stated land use zoning objective "*to provide for and improve open spaces for active and passive recreational amenities*" and permitted land uses on such land is listed to include car parks for recreation purposes. Having regard to the nature of the development sought under this application, i.e., the change of use of an overgrown grass area for use as a car park which would be used by the members of Parkvilla FC, an established football club at this location, and would be an extension to their parking facilities alongside utilising the same access/egress onto Watters Lane I consider that the principle of the development sought under this application is acceptable subject to safeguards.

## **7.3. Transitional Land Use Zoning Character of the Appeal Site's Setting**

7.3.1. The land use zoning of the site could be described as transitional with the site being bound by land zoned 'E2' on its northern side which has a stated zoning objective: "*to provide for light industrial and industrial office type employment in a high quality campus environment subject to the requirements of approved framework plans and the provision of necessary physical infrastructure*" and 'A1' on its southern side which has a stated zoning objective: "*to protect and enhance the amenity of developed residential communities*".

7.3.2. Given the relatively limited scale and nature of the development works sought together with the synergy of having passive and active recreational amenities in easy reach of residential settlements and places of employment. With this synergy being recognised in part under Section 2.8.3 of the Development Plan which states: “*access to recreational facilities is essential to maintain a healthy lifestyle and enjoy a good quality of life*”. I am therefore satisfied that subject to appropriate regard to the established amenities of the more sensitive to change residentially zoned land to the immediate south is acceptable within this transitional in character urban landscape subject to appropriate safeguards for the more sensitive to change residential land use zone.

#### **7.4. Residential Amenity Impact/Traffic Impact**

7.4.1. Having inspected the site and reviewed the available information, including the appellants grounds of appeal, in my view the substantive concern that arises in terms of the development sought under this application is the potential for adverse impact on its setting. Given that the extended car parking area is dependent on access and egress in terms of connectivity and permeability to the public domain via an entrance that is located at the end of Watters Lane. A lane that is of a restricted in width, does not accommodate two-way traffic, has a slight curving alignment in its route and that in its current form does not contain a consistent pedestrian footpath or cycle lane along either side of the lane for the entirety of its length.

7.4.2. I also observed that this lane prior to reaching its end point which is at the location of the entrance serving the subject site serves a small number of residential properties and that it also has a variable in horizontal alignment as well as is poorly surfaced with hedgerows in places extending into it and further narrowing its restricted width.

7.4.3. The site itself appears to form ancillary functional part of the applicant's main recreational grounds which are located circa half kilometre via the public road network at Claremount Stadium which is situated on the southern side of the junction of Commons Road and Beechdale Avenue.

7.4.4. It is unclear due to the lack of any clarity provided by the applicant in their various documentation submitted with this application how the site is managed alongside their Claremount Stadium site.

7.4.5. What is set out in this documentation is that Parkvilla FC was founded in 1966 and currently has over 400 members as well as that it generally competes in league and

club games from early February to late November with its facilities at Watters Lane consisting of 2 playing pitches, storage/changing facilities (in the form of repurposed metal containers) and a rough surface car parking area. It indicates that the club has two men's senior teams and one lady's senior team who train at the facility off Watters Lane. It further indicates that the club is committed to developing an underage boys as well as girls team and that they train most weekdays at the Watters Lane facility.

- 7.4.6. Table 1 of the TIA sets out the training days for its various teams and the times for training during weekdays. With the earliest training occurring on Tuesday's, Wednesday's, and Thursday's at 07:15 for the Boys Under 13's and on Monday's, Wednesday's and Friday's at 07:15 for the Boys Under 12's. With the latest training times occurring on Thursday with the Boys Under 15's training finishing at 21:30 as well as on Tuesday's and Thursday's at 21:30 for the Boys Under 18s.
- 7.4.7. It is also indicated that during the week matches can also occur at this venue and a caveat is provided for Table 1 in that it does not include other ages groups which the club caters for i.e. Under 7, Under 8, Under 9 and Under 10s both boys as well as girls.
- 7.4.8. During the weekend it indicates that matches are played on Saturdays and Sundays at Watters Lane and that on occasions that their facility at Watters Lane is used by outside teams as a neutral venue.
- 7.4.9. The accompanying TIA describes Watters Lane as a functioning two-way residential estate road with an average width of some 3.25m with a small section of footpath on its southern end with this being served by street lighting and with the dwellings along it having access points taking the form of simple priority arrangements.
- 7.4.10. In order to assess the impact of the traffic associated with the existing training facility at Watters Lane the adjacent road junction with Commons Road was assessed in the TIA provided using the computer modelling program PICADY9.
- 7.4.11. The TIA indicates that the modelling period covered critical PM period with the assumption that the training facility could generate a 'worst case' of 100 vehicle trips accessing the training facility via this junction with 20 trips being assigned as being generated by the existing residential estate served off Commons Road during this period. The results of this were that the junction would operate with a reserve capacity well below the reserve capacity threshold of 85%. Which is the accepted traffic

engineering practice threshold for modelling a junction. It is therefore considered that the training facility and the car parking provision sought under this application would result in no material traffic impact on the adjacent road links or junctions.

- 7.4.12. The TIA also notes that in relation to the document 'Traffic and Transport Assessment Guidelines' National Roads Authority, dated May, 2014, that the existing facility and the development proposed is below the threshold for which a TIA would be required.
- 7.4.13. This report concludes that some additional traffic management measures could be implemented in time by the applicants within the existing site access and at locations along Watters Lane. The measures recommended include a revised priority to inbound vehicles with the provision of a 750mm 8-sided 'STOP' sign to RUS027 with road markings containing a traverse Stop Line to RRM017.
- 7.4.14. In addition to these measures, it is suggested that slow signage to be located at intervals along Watters Lane.
- 7.4.15. Subject to these measures the traffic and transportation concerns raised within the further information request by the Planning Authority would be addressed.
- 7.4.16. The Planning Authority concurred with this subject to further safeguards, and I note that they raised no issue with this documentation's findings or its methodology.
- 7.4.17. Notwithstanding, the appellants raise several concerns including that the findings of the TIA are false and that the dates under which the assessment was carried out are unclear.
- 7.4.18. Further concerns are raised that the assessment was carried out during pandemic restrictions and would not reflect normal traffic volumes generated and associated movements on Watters Lane and its junction with Commons Road. They contend that the lane is not suitable for the level of traffic this development has and would generate on it. With the laneway also being unsafe in its width being unsuitable for two-way traffic, being unlit and not containing pedestrian footpaths for most of its length. They also raise concerns that the additional congestion this development would give rise to would extremely negatively impact their residential amenities.
- 7.4.19. During my inspection of the site and in particular Watters Lane, I would accept that the laneway itself is substandard in terms of its design and layout to cater for any significant additional generation of connectivity from the applicants Watters Lane

facility from vehicles through to more vulnerable road users, i.e., pedestrians and cyclists. The deficiencies of the lane itself based on the information on file and that publicly available is not proposed to change outside of the measures recommended by the applicant in the TIA submitted with their further information.

7.4.20. Whilst I am cognisant there is no increase in the area associated with the applicants Watters Lane facility or the facilities it contains it is quite clear in my view from the documentation provided that the applicants are pursuing its intensification of use.

7.4.21. Therefore, I consider that the extension to the car parking area eastwards to encompass the site under the consent of the legal owner, is not simply accommodating a level of use that prior to the expansion of car parking had not been inadequately catered for and resulted in overspill in the immediate locality. It is one that seeks to accommodate the expansion of the operational active outdoor recreational amenities of the applicant at its Watter's Lane facility. Thus, I am inclined to suggest that it is reasonable based on the information provided that the provision of additional car parking on this site would effectively accommodate more patrons of the club to park in the immediate vicinity of the applicants two playing pitches at Watters Lane.

7.4.22. Whilst I accept that the increased availability of on-site parking could serve to ensure that the surrounding public road network is not impeded by *ad hoc* on-street car parking where no such on-street provisions are present. Particularly along Watters Lane, which if this occurred given its restricted width would further conflict with safe traffic movements in both directions along it as well as would directly impact on the safe movement of residential properties dependent on this lane for access to the public road network. It is a concern that the car parking provision lacks delineation and internal directional markings to ensure that the car parking spaces provided are of an appropriate and safe standard to meet the patrons needs. Alongside meeting the potential of the site to provide a safe useable quantum of car parking spaces. The latter would have further minimised car parking overspill on the surrounding road network outside of the applicants Watters Lane facility.

7.4.23. I would also concede that the improved car parking and circulatory arrangements on site would be of direct benefit to the applicants, the patrons, and visitors of the Watters Lane Facility and with the traffic generated by the applicant's facility giving rise to a scenario whereby patrons and visitors of the facility would gain a familiarity of the

constraints of Watters Lane and use the lane with due caution. Notwithstanding, I raise a concern that outside of the slow zone speed signage and the junction improvements of Watters Lane and Common's Road there are no measures proposed to improve the safety of movements along the length of Watters Lane or indeed any management procedures to improve the safety of traffic movements along Watters Lane during peak time usage and/or during times when this facility is used to facilitate clubs that require a neutral venue for one of their games.

- 7.4.24. I consider that the impact of these issues having regard to the quantum of recreational uses occurring at the applicants Watters Lane facility together with the applicants vision for growing the club that should the Board be minded to grant permission that it may be appropriate that initially approval should be for a period of time whereby the actual impact of the development sought on particularly the residential amenity and road safety of Watters Lane can be monitored, reviewed and where deemed necessary further mitigation measures through to improved management of the Watters Lane facility to deal with any undue impacts be considered.
- 7.4.25. Ultimately having visited the site during an evening training session I do not consider that Watters Lane is an appropriate access to serve two-way vehicle movements to a recreational facility of this size and of the stated quantum of use without some adverse road safety issue or incident arising. The lane irrespective of the measures put forward by the applicant's TIA and provision of a limited time frame so that these could be urgently put in place do not overcome the substandard nature of Watters Lane and having seen the traffic generated, during one of the evening training sessions, the speed of the traffic on the lane, the conflict that arises along the length of Watters Lane and the implications of the same on other road users including vulnerable road users I am not convinced that primary access serving the applicants site through Watters Lane is an acceptable solution in the medium to long term. Other solutions in my view need to be considered for providing safe vehicle access with access from Watters Lane ultimately limited to serving pedestrian and bicycle access to this facility.
- 7.4.26. Whilst I acknowledge that applications should be determined on their merits with time limits being attached only in exceptional circumstances where particular site conditions and the like arise. In this instance given the substandard nature of Watters Lane and the real potential for this development to give rise to additional road safety and traffic hazard issues over and above the existing situation given the applicants intensification

of use of its Watters Lane facility such an approach is reasonable and appropriate in such circumstances based on public good, ensuring appropriate levels of public safety, in particular a safe road and traffic environment, through to limiting adverse impacts on other residential users of Watters Lane.

#### **7.5. Visual Amenity Impact - Overall Design and Layout**

- 7.5.1. Given that the principle of the development is acceptable on these lands and having regard to the fact that the development sought does not seek any increase in the recreational amenity space at the Parkvilla FC established football grounds, I am satisfied that subject to the measures included in the applicants further information response that includes measures that protect the surface water drainage infrastructure that is present on this site, suitable surfacing and internal as well as external traffic management improvements would not give rise to any significant undue visual amenity impact on its surrounding urbanscape setting.

#### **7.6. Appropriate Assessment**

- 7.6.1. 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.

#### **7.7. Other Matters Arising**

- 7.7.1. **Loss of Flora and Fauna:** The appellants raise concern that this development has resulted in a loss of biodiversity and have resulted also in the loss of screening between the residential development of Watters Lane and the industrial units located to the north of the site and the applicants Watters Lane facility.

Whilst the works have been substantially carried out in relation to what is sought under this application, I have previously set out in the EIA Screening that the site is located outside of any protected site and the site as well as its surrounding context is out of the receiving environments for any European site in an urban location of limited ecological value. There is nothing to substantiate that the site in its overgrown state prior to the carrying out of works to create additional area for car parking had any particular ecological sensitivity.



Notwithstanding, I do accept that it is likely that the works to which this application relate have resulted in a context whereby the industrial and warehouse units located to the north and north west of the applicants Watters Lane facility have become more visually apparent due to the loss of natural screening from the site area.

This could be overcome by the requirement for the provision of natural screening as part of the formalisation of the car parking arrangements at this location by way of condition should the Board be minded to grant retention permission.

- 7.7.2. **Bicycle Parking:** Should the Board be minded to grant retention permission I raise a concern that no provisions have been made within the applicants Watters Lane grounds for bicycle parking. In this regard it is a Development Plan objective under INF OBJ 16 to require developments including sports complexes to provide for adequate bike parking. In addition, I note that Figure 2A2 of the Development Plan shows the section of Commons Road to which Watters Lane junctions with forms one of the proposed pedestrian and cycle loops within the settlement (Note: NA6) and the Development Plan indicates that their Pedestrian and Cycle Strategy seeks to provide cycle parking facilities at all important destinations. Arguably a recreational amenity facility like the applicants is an important active recreational amenity space within this settlement and as such is one where more sustainable modes of transport should be accommodated. This I consider is a **new issue** in the context of this appeal case.
- 7.7.3. **Alternative Access:** The applicants benefit from an existing access onto Watters Lane and having an existing hard surfaced area that accommodated car parking prior to the change of use of this site area from overgrown land with no apparent functional or other use to additional car parking to meet its needs. Whilst I accept the substandard nature of Watters Lane the temporary retention permission recommended should allow time for alternative solutions to be examined alongside time for dialogue with adjoining landowners, in particular the Council who own the land to the west of the site which links to the Athboy Road. The latter road would, in my view, be more suitable for safe vehicle access and egress from this facility in the longer term. I observed that this adjacent land already appears to be used as a means of pedestrian access to the facility.
- 7.7.4. **Unauthorised Development:** In relation to the appellants concerns in relation to unauthorised development, I have already noted that this is a retention application and the implications of the same in relation to assessment of this type of application.

To this I add 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.

- 7.7.5. **Drainage:** Should the Board be minded to grant retention permission subject to the inclusion of Conditions No.s 3, 4, 5 and 6 of the Planning Authority's notification to grant retention permission I consider that the development would not give rise to any substantive surface water drainage issues on the site and its setting.
- 7.7.6. **Civil Matters:** The manner in which permission was given by the landowners of the site, i.e., Meath County Council, for the applicant to make this application, is a matter outside of the Boards remit in its de novo determination of this appeal case.
- 7.7.7. **Lighting:** Given the hours in which the applicants Watter's Lane facility is operational and in the interests of protecting adjoining and neighbouring residential development I consider it appropriate that a condition be imposed on any grant of permission of retention clearly setting out that any lighting associated with the development for which this application relates should be subject to a separate application.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that a temporary 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

Having regard to the nature and scale of the development for which retention is sought, 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. In addition, the temporary grant of retention permission for a period of 2-years would provide an appropriate and reasonable period of time to review the impact of the development in terms of the traffic safety and convenience of Watters Lane, which is substandard in its nature, design, and overall layout. Moreover, it would also similarly allow an

appropriate and reasonable period of time to review the impact of the development on the residential amenities of its setting, in particular the adjoining and neighbouring residential properties along Watters Lane. 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 31<sup>st</sup> day of July, 2020 and the 4<sup>th</sup> day of March, 2021, 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. a) This permission shall apply for a period of two-years from the date of this order. The car parking area shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(b) The site shall be reinstated on removal of the car parking area. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this permission. Reinstatement shall be deemed to include the rewinding of the site area associated with the development permitted herein and were deemed appropriate by the Planning Authority the reinstatement of ground levels.

**Reason:** To enable the impact of the development to be re-assessed, having regard to potential road safety and residential amenity impact during the specified period.

3. The development shall be implemented as per the measures recommended in the Transportation Impact Assessment. The measures proposed on Watters Lane are subject to an agreement with the District Engineer and shall be implemented within three months of this order.

**Reason:** In the interest of Traffic Safety.

4. Within 1 month of this order, the applicant shall submit details of measures to be constructed for the protection of Meath County Councils Surface Water Drainage Infrastructure on the site for the written agreement of the Planning Authority. These details shall be accompanied by a time frame for the completion of these works together with all measures to be put in place in the interim to protect infrastructure on site from damage.

**Reason:** In the interests of orderly development and in the interests of the proper planning and sustainable development of the area.

5. The surfacing of the development shall comply fully with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for new developments. In addition, within 1 month of this order the applicant shall submit details of measures to be put in place to manage car parking and vehicle circulation on site. These details shall be accompanied by a time frame for the completion of these works.

**Reason:** In the interest of public safety and in the interest of orderly development.

6. All surface water from the car parking and circulation areas shall be collected and disposed of within the site to the surface water drainage system and under no circumstances shall discharge to the public foul sewer. The applicant shall notify Meath County Council Water Services Section prior to connection of additional pipe network to the existing wastewater connection to enable inspections to be carried out.

**Reason:** In the interests of proper planning and sustainable development.

7. No development exempted or otherwise shall be erected over the public sewer, drain or watermain.

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

8. Within 1 month of this order, the applicant shall submit details of measures to be to facilitate bicycle parking spaces within the site. Details of their number, layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the development and in the interests of sustainable transportation.

9. Prior to the commencement of development, a comprehensive management plan for the operation of the applicant's facility at Watters Lane shall be submitted to and agreed in writing with the planning authority, which shall include provisions for visual and noise buffers at boundaries, traffic management, maintenance, hours of operation, management of waste within the development, lighting, and facility security.

**Reason:** In the interest of orderly development and to protect residential amenity.

10. This permission refers exclusively to the proposed development contained within this application and does not refer to any other structure, installation or use within the site. Any other structures in so far as its use maybe unauthorised shall be subject to a further planning application.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

11. 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.

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Patricia-Marie Young  
Planning Inspector

25<sup>th</sup> day of August, 2021.