



An
Bord
Pleanála

Inspector's Report

ABP-310535-21

Development	Construction of two storey detached community centre, solar panels, running/walking track & mesh fencing around pitch
Location	Platin Road, Legavoureen, Drogheda, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	21590
Applicants	Wolf Tones GAA Club
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Anthony Nulty
Date of Site Inspection	2 nd November 2021
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Platin Road, in the townland of Legavoureen, Drogheda, Co. Meath, in the environs of the town, where the urban area is extending southwards. The vehicular entrance is via a private, gated road off the R125, which also provides access to a house and agricultural land. Immediately south of the junction of the private gated road with the R125 there is a second dwelling which has direct access to the R125. Further south is the rear boundary of a dwelling followed by Boyne Valley Foods, a large industrial complex. The site is bounded to the north by the (Navan – Drogheda) railway line and to the west by agricultural land.
- 1.1.2. The subject site is a sporting facility owned/operated by Wolf Tones GAA club (Co Louth). There is single storey clubhouse with parking to either side, in a strip along the western side of the site at about entrance level, (gated road level), and a floodlit pitch occupying most of the remainder of the site at a level of c2m below the car-park/clubhouse.

2.0 Proposed Development

- 2.1.1. The development involves the erection of a large two storey building in the area currently used as a car park between the existing club house and the R125. It will consist of the construction of a new two storey detached community centre, roof mounted photovoltaic solar panel array, running/walking track to site perimeter including low level bollard lighting, 1.28m high mesh fence to pitch perimeter replacement 1.8m high mesh fence boundary to road side, modification of existing car parking including 6m high lighting columns, bicycle parking, modification of existing entrance, new pedestrian entrance, notice board to entrance, provision of uncontrolled crossing point on the R152, provision of footpath along the north side of the R152 to crossing point, connection to existing public services and all associated site works.
- 2.1.2. The application was accompanied by:
- A report titled 'Review of the Proposed development from a Transportation and Accessibility Perspective.

- A letter of consent from Meath County Council to the making of the application, re the provision of an uncontrolled crossing point on the R152, and provision of footpath along the north side of the R152 to the crossing point.

2.1.3. The 'Review of the Proposed Development from a Transportation and Accessibility Perspective' sets out the upgrade works proposed:

Purpose	Floor area (sq m)
(Ground floor)	(794)
General Purpose Sports Hall/ basketball Court	556
Meeting Room	29
Dressing rooms & showers	86
Store/Plant Rooms	25
Toilets	24
Reception / administration Office	26
General Circulation Space	48
(1st floor (mezzanine level))	(267)
Gym	981
Meeting Rooms (3 no.)	139
Toilets	9
Store/ Plant Rooms	10
General circulation spaces	28

It is also proposed to carry out overall upgrade works:

- Upgrade of car park area to provide 86 additional spaces (incl. 5 for less able)
- Provision of bicycle parking (50 spaces).
- Coach parking.
- New segregated entrance for pedestrians and cyclists.
- Segregated pedestrians access routes within the site.
- Provision of uncontrolled crossing point on the R152 to the immediate east and provision of footpath along north side of the R152 linking the crossing point to the pedestrian/cyclist entrance to the site.

It refers to the need for external lighting – LED medium lighting requirement as defined in BS. EN 12464 and BS 5489: 2013 – minimum maintained mean illuminance (eave) = 10 lux; illuminance uniformity (Uo) = 0.25.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission subject to 14 conditions, including:

2) Prior to the commencement of development hereby permitted, the applicant shall submit/address the following for the written agreement of the planning authority in relation to transportation:

a) The applicant shall submit a site layout drawing of the proposed pedestrian crossing point on the R152 to be agreed with the District Engineer.

b) The applicant shall submit a site layout drawing of the internal entrance of the proposed development to be agreed with the District Engineer. Vehicles / Coaches shall be able to access and exit the proposed entrance safely and in accordance with DMURS (Design Manual for Urban Roads and Streets).

c) The applicant shall submit a swept path drawing sufficient entry and exit swept path analysis of the coach for the proposed development, to be agreed with the District Engineer.

d) The applicant shall apply for a Road Opening Licence (under Section 13(6) of the Roads Act, 1993) for the proposed works. The licence agreement shall include compliance with TII specifications, Traffic Management Plans etc, and any other requirements or conditions imposed by the Roads Authority. The applicant shall be responsible for all costs associated with same.

e) The footpath and kerb shall be dished at the applicant's/developer's expense to the satisfaction of the District Engineer.

f) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary.

g) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.

h) All the above works shall be carried out at the developer's expense according to the Specifications and Conditions of Meath County Council.

i) Development shall not commence without the prior written agreement of the planning authority and shall thereafter only be authorised to commence in accordance with the agreed details/plans.

3) Prior to the commencement of development hereby permitted, the applicant shall submit/address the following for the written agreement of the planning authority in relation to surface water management:

a) The applicant shall complete BRE 365 result for the proposed soakaway on site. The applicant shall include 20% increase in rainfall due to climate change and design the attenuation system suitable for the ground conditions.

b) As per the 'Greater Dublin Strategic Drainage Study, volume 3 Environmental Management', soakaways shall not be constructed within 5 metres of the foundations of the building or under a road.

c) All work shall comply fully with the Greater Dublin Strategic Drainage Study, Regional Drainage Policies volume 2, for New Developments.

d) Development shall not commence without the prior written agreement of the planning authority and shall thereafter only be authorised to commence in accordance with the agreed details/plans.

4) external finishes to be agreed.

5) signage to be agreed.

6) design and finish as per drawings unless otherwise agreed.

7) cycle storage prior to occupation.

8) bin storage prior to occupation.

9) The proposed lighting shall be designed and installed as per Meath County Council's 'Public Lighting Technical Specification & Requirements' document.

10) construction hours.

- 11) maintain the road clean.
- 12) provide construction parking.
- 13) fund costs of repair of road.
- 14) re. construction waste.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report, which recommends permission, includes:

- Design layout and siting – it is considered the size, scale and massing of the proposal would be similar to the adjoining industrial unit and therefore is considered acceptable in that regard. The proposal would be set back from the adjoining public road, viewed in an urban context and therefore is not considered the proposed development would cause any harmful impact to the visual amenity of the surrounding area. Given the above it is considered the design and appearance of the proposal is acceptable and would not cause any harmful visual impact to the surrounding area.
- Impact on neighbouring properties – to the south and northeast of the site – there would be a satisfactory separation distance of 21 m from the southern elevation of the building to the immediate neighbouring property to the south. A separation distance of 43m from the eastern elevation to the side gable wall of the neighbouring property to the north east. The running /walking track would be set from the boundary of neighbouring property. No first floor windows would overlook neighbouring properties.
- Car Parking – the development with a floor area of 1044sqm would equate to 214 no spaces for such a use. A total of 86 spaces is proposed, including disability spaces and 1 coach space; a deficit of 128 spaces. The Transportation Dept report is referred to recommending permission. The proposal is within a sustainable urban location close to existing residential areas where it is envisaged the majority of people using the facility would either walk or cycle to the site. There are also public transport links within the area. It is considered the parking arrangement of the site is broadly acceptable.

- Transportation Department (as quoted in planning report – which differs from the written report on file) have been consulted and have indicated no objection commenting: Sightlines – the applicant has provided sightlines 49m from a 2.4m setback in accordance with DMURS. The speed limit of 30km/hr would be acceptable at the internal road junction. Sightlines in accordance with DMURS would be achievable at both locations.
- Car Parking – A total of 86 spaces provided, with 1 coach space; the development would potentially need 214 no spaces, a deficit of 128 spaces. There is no overflow car park provided. The car parking shortage would be of concern to the Transportation Dept.
- Bicycle parking 50 Sheffield type bicycle parking shown. This number could be potentially increased at a future date by the applicant if needed in accordance with Meath Co Co Development Plan. Also refers to pedestrian and cycle connectivity and swept path analysis prior to commencement.
- AA – stage 2 is not required.
- EIA – not required.
- No development contribution.
- Third party concerns – meeting rooms – as part of community centre permitted in this zoning; public lighting of the car park – to be in accordance with Meath Co Co Specifications; solar panels – given the angle of the panels, sited on the roof area it is not considered they would cause any significant harmful impact; land ownership is a civil matter.

3.2.2. Other Technical Reports

Meath Co Co Transportation – recommending further information.

The applicant has provided 49m x 2.4m sightlines in accordance with DMURS. The applicant should also provide sightlines to show clear sightlines for vehicles exiting and entering the GAA grounds. The 1.8m high fence proposed may need to be lowered to accommodate the sightlines at the internal entrance.

Car parking – 128 space deficit. The disabled parking does not comply with Part M of the Building Regulations. A site drawing showing more dimensions and clarity on the car park construction and whether any paths and kerbs are to be constructed.

Bicycle parking – 48 spaces – should be increased in line with CDP standards.

Pedestrian and Cycle connectivity – the footpath on the southern side of the R152 would be of continuous length into Drogheda from the proposed entrance. The NTA has outlined the M2 Inter-Urban Route that is planned outside the entrance and on the R152. There is also a planned greenway M5 connected to the Wolf Tones GAA club grounds to the west and north which would further encourage cycling activity to the proposed development.

The construction of a new footpath and a crossing on the R152 are necessary to accommodate and facilitate the proposed development and should be implemented by the developer at no expense to the local authority. The requirements/works shall be implemented as an integral part of the development and shall be completed in accordance with the specifications and technical requirements of Meath County Council prior to first occupation of the development.

Swept path analysis – further information showing sufficient turning area for coaches, also entry and exit swept paths.

3.2.3. Water Services – conditions.

3.3. **Prescribed Bodies**

IW – conditions.

3.3.1. **Third Party Observations**

3.3.2. Third party observations on the file have been read and noted. Many of the issues raised are raised in the grounds of appeal.

4.0 **Planning History**

Pre planning 25/2/2020 – noting general acceptability and that it is within a SEVESO site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan 2021-2027 is the operative plan, it includes:

Drogheda is a regional growth centre – with a high level of self sustaining employment and services that acts as regional economic drivers and plays a significant role for a wide catchment area.

- 5.1.2. The Southern Environs of Drogheda Local Area Plan 2009-2015 remains the relevant local area plan: which includes:

The site is zoned 'F1 To provide for and improve open spaces for active and passive recreational amenities'.

Land to the west is zoned a mixture of E2 and E3: E2 to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment, and E3 to facilitate logistics, warehousing, distribution and supply chain management inclusive of related industry facilities which require good access to the major road network.

There are small pockets of 'A1 to protect and enhance the amenity of developed residential communities,' which include the appellant's property.

A specific objective DE 10, is indicated immediately adjoining the site: to seek to complete the development of the Bryanstown Cross Route.

An objective for a neighbourhood centre is identified to the north-east.

5.2. Natural Heritage Designations

- 5.2.1. The nearest protected site is River Boyne and River Blackwater, SAC 002299, located c 1km straight line distance to the north of the subject site.

5.3. EIA Screening

- 5.3.1. The proposed development is not of any type included in Schedule 5 of the Planning and Development Regulations 2001 (as amended), i.e. development for which

mandatory EIA is required nor is it integral to any project that is of a type included in Schedule 5. Having regard to the characteristics of the development and the characteristics of the location, there is no real likelihood of significant effects on the environment arising from the 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. A third party appeal against the decision to grant permission was made by David Mooney, Planning Consultant, on behalf of Mr Anthony Nulty. The grounds include:

- The dwelling was once located in a rural area at the edge of the town. Now inappropriately scaled development such as the factory adjacent is causing a negative impact on his property.
- The proposed large two storey building has potential to exacerbate the impact. The context has not been adequately considered.
- The application should have been invalidated because of the poor quality of the drawings and the lack of required dimensions.
- The appellant shares a laneway with the applicant and attendees at matches have parked at the entrance to the laneway and blocked his access.
- The applicant shows footpaths on either side of the existing entrance, but further road furniture and road markings are required. Access arrangements can be improved so as to discourage parking at the entrance. The footpaths, as proposed, still invite informal parking. Bollards should be incorporated.
- The applicant has a right of way to Donore Road to the north. This could facilitate a one way system and reduce the potential for unauthorised parking.
- The existing floodlights (unauthorised) have a negative impact. The proposed floodlights for the car park will exacerbate this impact. No specification has been submitted and the impact has been inadequately assessed.

- The proposed layout is tight. This is not a rural area and the need for a floodlight walking track to facilitate safe route to walk and exercise is questioned. It should be removed and the Club House relocated to the northern side of the site, where it would not be adjacent to existing houses.
- The report of the Transport Engineer requesting further information and that referred to in the planner's report as having no objection, do not tally. Further information should have been requested.
- Justification – none has been submitted. The size of individual rooms is critiqued. The existing clubhouse is to be retained. This could be converted for administrative use reducing the amount of new build required. The building is poorly designed and oversized.
- The planner's report is flawed, in not having regard to the scale of residential units. This is an area in transition from rural to urban.
- The clubhouse has a stated ground floor area of 834.62 sq m and an overall height of 9.2m. There are steps to pitch level indicating that the building is higher than the existing site. The planner's report refers to the satisfactory separation distance of 21m and the fact that there is no overlooking. There will be the perception of overlooking and there will be glint and glare from the solar panels.
- The treatment of surface water has not been shown. The laneway has flooded in the past. Additional runoff would exacerbate this. The use of a condition is unacceptable.

6.2. Planning Authority Response

- 6.2.1. The planning authority have responded to the grounds of appeal, including that the matters raised have been addressed in the planners report and by way of condition where appropriate, in respect of transportation matters.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, principle of development, transportation, residential amenities, and other issues and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development, 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.

7.3. Principle of Development

- 7.3.1. The site is zoned F1 'to provide for and improve open spaces for active and passive recreational amenities'. The proposed development is within this category of use.
- 7.3.2. Concern has been raised in relation to the need for a development of this scale and the nature of the use. It is worth noting that there are three large meeting rooms at first floor, in addition to the meeting room proposed at ground floor. Two are described as multipurpose/community meeting rooms. It is also worth noting that the reception/shop has a notation 'shop to be used solely for match day tea/coffee'.
- 7.3.3. These aspects of the proposed development, in addition to the changing rooms and double volume court, are acceptable under the zoning and are in alignment with the county development / local area plans for the area.

7.4. Transportation

- 7.4.1. The issues of safety and parking are raised in the grounds of appeal.
- 7.4.2. The planning authority have responded to the appeal stating that the matters raised have been addressed in the planne's report and by way of condition where appropriate, in respect of transportation matters.
- 7.4.3. The report titled 'Review of the Proposed Development from a Transportation and Accessibility Perspective' prepared by Eamonn McMahon, B.E. M Eng Sc

(Transportation) FIEI, Chartered Engineer, which accompanied the application, outlines the car parking provision and the requirements of the County Development Plan, given in table 11.2 of the adopted plan. The required car parking standards are applied to the proposed uses and give a requirement of 87 spaces. It is proposed to provide 86, which include 5 for less abled drivers, and in addition an area for parking a single coach.

7.4.4. The report also notes that the location is in an urban area where other forms of transport should be facilitated, and highlights the need for a crossing point on the R125, near the site, to facilitate access via the footpath which extends along the opposite side of the road. As part of the proposed development, a crossing is to be provided.

7.4.5. I am satisfied that the proposed development appears to adequately address the issue of transportation.

7.5. Residential Amenities

7.5.1. The grounds of appeal raises concerns in relation to negative impact from the inappropriate scale of the development, negative impact from floodlighting of the car park, the walking track, the perception of overlooking and glint and glare from the solar panels on the roof. In addition it is stated that attendees at matches have parked at the entrance to the laneway and blocked appellant's access.

7.5.2. The planner's report responded to third party observations to the planning authority, stating that the public lighting of the car park would be in accordance with Meath Co Co specifications, and that in relation to the solar panels, given the angle of the panels site on the roof area it was not considered they would cause any significant harmful impact.

7.5.3. It is stated in the grounds of appeal that no specification of the lighting has been submitted and the impact has been inadequately assessed. The application details, which include the Transportation and Accessibility report previously referred to, does include details of external lighting. Condition no. 9 of the decision also refers to lighting. The existing floodlighting, referred to in the grounds, is not part of the current application.

- 7.5.4. The solar panels, which are roof mounted, are unlikely to have any impact on adjoining property.
- 7.5.5. The proposed development is a larger building than that currently on the site, but it is well removed from the single storey dwellings and separated also by intervening screening. The proposed building will not be read in the visual context of the dwellings and will not have an overbearing impact on these properties or any overlooking impact.
- 7.5.6. Impact on residential amenities should not be a reason to refuse or modify the proposed development.

7.6. Other Issues

- 7.6.1. In relation to the appellant's shared use of the laneway and the statement that attendees at matches have parked at the entrance to the laneway and blocked his access, parking enforcement is a matter for An Garda Síochána.
- 7.6.2. The grounds of appeal raises concerns in relation surface water: that the treatment of surface water has not been shown, that the laneway has flooded in the past, that additional runoff would exacerbate this, and that the use of a condition is unacceptable. The Water Services report addresses surface water, and condition no. 3 of the decision also refers. The use of a condition such as that in the decision would deal with the matter adequately.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed community centre and associated development, within an established sports facility, accords with the zoning objective in the Meath Development Plan 2021-2027 and Local Area Plan, to provide for and improve open spaces for active and passive recreational amenities, would provide facilities which are beneficial to

the growing community in this regional growth centre, and would, subject to the following conditions, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interests of clarity.</p>
2.	<p>Prior to the commencement of development hereby permitted, the applicant shall submit/address the following for the written agreement of the planning authority in relation to transportation:</p> <p>a) The applicant shall submit a site layout drawing of the proposed pedestrian crossing point on the R152 to be agreed with the District Engineer.</p> <p>b) The applicant shall submit a site layout drawing of the entrance to the proposed development to be agreed with the planning authority. Vehicles / Coaches shall be able to access and exit the proposed entrance safely and in accordance with DMURS (Design Manual for Urban Roads and Streets).</p> <p>c) The applicant shall submit a swept path analysis drawing showing sufficient entry and exit swept path for a coach, to be agreed with the planning authority.</p> <p>d) The applicant shall apply for a Road Opening Licence (under Section 13(6 of the Roads Act, 1993) for the proposed works. The licence agreement shall include compliance with TII specifications, Traffic</p>

	<p>Management Plans etc, and any other requirements or conditions imposed by the Roads Authority. The applicant shall be responsible for all costs associated with same.</p> <p>e) The footpath and kerb shall be ditched at the applicant's/developer's expense to the satisfaction of the planning authority.</p> <p>f) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary.</p> <p>g) All the above works shall be carried out at the developer's expense according to the Specifications and Conditions of Meath County Council.</p> <p>h) Development shall not commence without the prior written agreement of the planning authority and shall thereafter only be authorised to commence in accordance with the agreed details/plans.</p> <p>Reason: In the interests of traffic safety and orderly development.</p>
3.	<p>Prior to the commencement of development hereby permitted, the applicant shall submit/address the following for the written agreement of the planning authority in relation to surface water management:</p> <p>a) The applicant shall complete BRE 365 result for the proposed soakaway on site. The applicant shall include 20% increase in rainfall due to climate change and design the attenuation system suitable for the ground conditions.</p> <p>b) As per the 'Greater Dublin Strategic Drainage Study, volume 3 Environmental Management', soakaways shall not be constructed within 5 metres of the foundations of the building or under a road.</p> <p>c) All work shall comply fully with the 'Greater Dublin Strategic Drainage Study, Regional Drainage Policies volume 2, for New Developments'.</p> <p>Reason: In the interests of orderly development.</p>

4.	<p>Details of external finishes and external signage shall be subject to the prior written agreement of the planning authority.</p> <p>Reason: In the interests of visual amenity.</p>
5.	<p>The proposed external lighting shall be designed and installed as per Meath County Council's 'Public Lighting Technical Specification & Requirements' document.</p> <p>Reason: In the interests of amenity and traffic safety.</p>
6.	<p>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 hours of working, noise management measures, car parking facilities for site workers during the course of construction, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

Planning Inspector

17th December 2021

Appendices

Appendix 1: photographs

Appendix 2: Meath Development Plan 2021-2027, as varied, extract.