



An
Bord
Pleanála

Inspector's Report ABP-315092-22

Development	Development of artificial pitch, floodlights, netting, fencing, storage area, and all site works
Location	Brooklodge , Riverstown , Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2241368
Applicant(s)	Riverstown FC
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Margaret McCann
Observer(s)	None
Date of Site Inspection	25/07/2023
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. I note the planning history on the site wherein the Inspectors report set out the following description of the appeal site.
- 1.1.2. The site, with a stated area of 3.61ha, is located directly to the south of the M8 motorway, at the northern end of the settlement of Brooklodge, Glanmire in Co. Cork. Vehicular access to the site is from a short cul-de-sac within the Forest Park housing estate.
- 1.1.3. The site falls gently from north to south – there being a difference of approximately 9m, with pitches laid out on terraces. The site comprises 3 no. grass playing pitches oriented east/west. There is a single-storey clubhouse/changing room building, surrounded by a 2.4m high palisade fence, in the southwestern corner of the site (at a lower level than the adjoining pitches).
- 1.1.4. To the north, the site abuts the M8; the boundary with which is a 2m high earth bank surmounted by concrete post & rail fencing. Mature screen planting blocks off all view of traffic. To the east, the site abuts the rear gardens of two-storey and single-storey houses in Forest Park estate; the boundary with which is mature screen planting. To the south, the site abuts the rear gardens of single-storey houses in Brooklodge estate; the boundary with which is a 2.4m high palisade fence, inside which is the remains of an old hedgerow. To the west, the site abuts a belt of mature deciduous trees – the boundary with which is 2.4m high palisade fencing.
- 1.1.5. The pitches were not in use on the date of my site inspection and the gates were locked.

2.0 Proposed Development

- 2.1.1. On the 2nd September 2022, planning permission was sought for a development comprising the installation of an all-weather playing pitch with required drainage in place of an existing grass playing pitch, six no. 18.3m high floodlights, perimeter protective fencing, ballstop netting, equipment storage area and other site development works.
- 2.1.2. The application was accompanied by a letter of consent from the Glanmire Aree Community Association.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 27th October 2022, the Planning Authority issued a notification of their intention to GRANT permission subject to 17 no. conditions.
- 3.1.2. Condition no. restricts hours of use to 09.00 and 21.00. Condition no. 3 requires the applicant to get written agreement from the Planning Authority regarding percolation testing and soakaway design. Condition no. 8 states that the light trespass into windows of houses shall be limited to a max of 10Ev (vertical luminance in lux) before 11pm and 2Ev after 11pm.

3.2. Planning Authority Reports

- 3.2.1. **Environment:** No objection subject to 5 no. conditions.
- 3.2.2. **Drainage:** Not clear if site-specific percolation testing has been carried out. If not, applicant shall be directed to carry out site-specific percolation testing and submit the results to the Planning Authority for approval prior to the commencement of development. No objection subject to 2 no. conditions.
- 3.2.3. **Area Engineer:** No objection subject to 8 no. conditions.
- 3.2.4. **Parks / Environment:** No objection subject to the condition that floodlighting be restricted to 9pm, in the interest of the residential amenity of adjoining properties.
- 3.2.5. **Contributions:** No objection subject to contribution condition.
- 3.2.6. **Planning Report:** Given set back of proposed lighting columns, light intrusion should not negatively affect neighbouring properties. Hours of use of pitches governed by the original planning permission (04/5325). Notwithstanding that permission exists to use the pitches until 9pm, pitches are not used during winter months. The use of pitch 2 could cause noise impacts. Given that gardens are not usually used in evenings in winters and the separation distance of 30m, increase in noise would be negligible. Condition should be attached restricting pitch use and flood lighting. Existing screening is such that visual impact will not be adverse. No alteration to existing entrance. Notes the concerns raised non-compliance with previous planning history and states that this is not germane to subject application. Recommendation to grant permission.
- 3.2.7. **Acting SEP report:** Agree with the conclusion of the Planners report. Recommends a revised condition based on the Drainage Report.

3.3. Prescribed Bodies

- 3.3.1. **Cork Airport:** No comment.
- 3.3.2. **Irish Aviation Authority:** No observations.

3.4. Third Party Observations

- 3.4.1. One submission on file in support of the proposed development. Two submissions (one with multiple signatures) raise issues of noise, traffic, impact on residential amenity, failure to comply with previous planning history.

4.0 Planning History

- 4.1.1. **PL04.125593 (Reg Ref 00/1709)** – Cork County Council granted planning permission for 4 playing pitches and access facilities. The decision was appealed by two third parties. The Board refused planning permission for the following reason:

1 In the absence of evidence of a satisfactory proposal for alternative car parking arrangements (which should preferably be located within the boundary of the site) and appropriate vehicular access to the site, it is considered that the proposed development would result in a substandard and uncoordinated form of development and would generate significant demand for on-street car parking along the heavily-trafficked Glanmire Road which would cause congestion and obstruction of other road users and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and development of the area.

- 4.1.2. **PL04.246480:** Cork County Council granted planning permission for the retention of netting poles serving pitch no. 3, and permission for netting poles for pitch no's 1 & 2 and netting for all three pitches. The decision was appealed by a third party. The Board granted permission subject to condition.
- 4.1.1. **PL04.247483:** Application for the removal of conditions No.9, No.10 and No 12 of Planning Register No. 04/5325 which relate to site boundaries, fencing/walls and provision of full vehicular access to the sports facility from Forest Park Road together with car parking.

5.0 Policy Context

5.1. Cork City Development Plan 2022- 2028

- 5.1.1. The subject site is zoned ZO 16: Sports Grounds and Facilities, which has the stated objective ‘To protect, retain and enhance the range and quality of sports facilities and grounds’.
- 5.1.2. Section 9.31 of the development plan refers to light pollution, stating that “It is essential that external lighting (e.g. street lighting, floodlighting) be designed to provide a safe and secure environment, while minimising the potential for light pollution or light spillage to surrounding properties. Excessive lighting can be harmful to wildlife and result in skyglow, which is the luminance of the night sky over urban areas from artificial lighting. The design of street lighting including lighting columns and other fixtures can have a significant effect on the streetscape and where new proposals for lighting require planning permission, including flood lighting for sports and recreational facilities, Cork City Council will ensure that these potential impacts are considered”.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)

5.3. EIA Screening

- 5.3.1. Having regard to nature of the development comprising development of an existing recreational area within a suburban location, 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. Named and listed residents of Forest Park, Brooklodge have appealed the decision of the Planning Authority to grant permission. The appellants state that the developer was aware of the limitations of the site, being flanked by two long established

residential estates. They state that they did not appeal the first application as a well-managed, well-controlled community development with the necessary safeguards was welcomed.

6.1.2. The grounds of the appeal can be summarised as follows:

Residential Amenity / Floodlights

- Condition no. 18 of the parent permission (Planning Authority. reg. ref. 04/5325) prohibits the use of floodlights, in the interest of visual and residential amenity.
- The subsequent applications are a piecemeal removal of protections – 04/4514, 04/5325, 05/9662, 10/5003, 10/5355, 11/5035, 12/6629, 15/6620, 16/4194, 16/6035 and 22/41368.
- The proposed lighting columns and flood lights will seriously injure the residential amenities of the adjoining properties. Visual obtrusiveness and nuisance from light over-spill are contrary to the proper planning and development of the area.
- There is limited public lighting in the area. The street lights in Forest Park are 5.5m high. The proposed 18.3m high masts will be highly visible.
- The Lighting Environmental Zone applicable to the area is E2, being low district brightness: village or relatively dark suburban locations. In such areas the maximum light intrusion is limited to 5 lux according to the Guidance Notes for the Reduction of Obtrusive Light 2011.

Traffic Hazard

- Safety of residents should be protected by preventing any further traffic hazard after dark when pedestrian visibility is impaired.
- Existing traffic calming measures have done little to address the serious traffic hazard.
- Further intensification of use will exacerbate this critical traffic hazard.

Height of masts

- The proposed 18.3m high masts will significantly detract from the residential amenity of the area. These impacts cannot be mitigated against.
- The masts will tower over adjoining homes. Forest Park houses are 5.08m high. The bungalows adjoining Brooklodge are 4.7m

- The appellants have serious concerns about the proposed fencing at 2.4m with an additional 3 of netting, 5.4m in total.
- The adjoining M8 motorway at a significantly lower ground level will be impacted by visual obtrusiveness and light spill which could be hazardous for motorists.

Noise

- When all three pitches are used at the weekend, noise levels are a nuisance.
- Intensification of use will increase the noise levels.
- This level of disturbance after dark, when residents are trying to put children to bed will be intolerable.
- Condition no. 26 of the original permission restricted hours of use to 09.00 – 21.00 to safeguard the amenities of residential properties.

Environmental Impacts

- The pitches are bordered by environmental sensitive woodlands.
- The visual obtrusiveness and light over-spill will impact the biodiversity of the area.
- The Board is requested to take these concerns into consideration.

6.2. Applicant Response

6.2.1. An agent for the applicant has responded to the third-party appeal. The submission notes the growth of the Glanmire area, the need for new infrastructure including active open space and community facilities, the popularity of football in the area and the role of Riverstown FC in the community.

6.2.2. The details of the response can be summarised as follows:

- A lighting report accompanied the application.
- The Planning Authority stated that the proposed development would not be visually overbearing or give rise to adverse visual impacts, noting that the site is well screened by existing treelines and hedgerows.
- The claim that the floodlights would be highly visible is inaccurate.
- The appellants referenced Guidance Note is out of date, having been updated in 2021. The E2 zone is applicable to 'rural' surroundings or relatively dark outer

suburban locations. The subject site is an E3 zone: well inhabited rural and urban settlements, small town centre of suburban locations. The max illuminance in these areas is stipulated in condition no. 8 of the Planning Authority decision.

- The area has been subject to anti-social behaviour. The proposed development will improve passive surveillance, helping to protect residential amenity.
- Neither the Planning Authority engineering nor environmental departments raised concerns about the proposed floodlight, apart from restricting use to 21.00. The Board is requested to agree to a 22.00 end time, in the interest of public and open space amenity and increasing the commercial viability of the pitch.
- The subject site will continue to operate within the terms of the parent permission, although preferably extended by one hour. The proposal does not constitute an intensification of use as there will be no change to the number of playing pitches, no increased parking, no further facilities.
- As noted by the Planning Authority, the flood lights will only be used in the winter months when gardens are not in use. The dwellings are over 30m from the pitch so increased noise will be negligible.
- There is noticeable noise from the adjoining M8. Noise from the pitch is likely to be drowned out by traffic.
- The subject development does not propose changes to the permitted parking arrangements.
- The proposed ballstop fencing and nets will protect adjoining properties from stray balls. Permission for netting was already granted under PL04.246480. The dark-green nets will blend in with the playing pitches, reducing visual impact.
- The proposed 2.4m perimeter fence will protect the new all-weather pitch from vandalism.
- The adjoining woodlands formerly provided access to the site, with hundreds of trips through the wooded area. PL04.247483 provided access through Forest Park as the wooded area had been subject to anti-social behaviour.
- The proposed floodlights have been carefully chosen to avoid undue impact on the wooded area. The proposed development will allow the club to hold training

sessions and matches year-round, reducing the current trips to the Mayfield Sports Complex 5.6km away.

- The Board is requested to side with the arguments that support the wider interests of the community. A fundamentally critical community asset that provides an amenity to over 800 people. Should the Board decide to grant permission the Club will facilitate other organisations such as local schools in the area to use the pitch.
- The Board is requested to grant permission.

6.3. Planning Authority Response

6.3.1. None on file.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Principle of the Proposed Development

7.2.1. The proposed development seeks to:

- upgrade one (no. 2) of three existing grass playing pitches to an all-weather pitch,
- install a 2.4m high protective fence with 3m high netting around the eastern, western and southern sides of pitch no. 2,
- a 1.8m high retaining wall with 3.6m high netting over on the northern boundary of the pitch,
- a 2m wide gravel / tarmac footpath / spectator area within the fenced pitch, inside of which will be a 1.2m high steel hand rail,
- a equipment storage area with 1.8m high protective fencing

- new concrete steps leading from the clubhouse and finally
- 6 no. 18.3m high floodlight poles around the new pitch.

7.2.2. In principle, the proposed development is in keeping with the existing pattern of development.

7.3. Impact on Residential Amenity

7.3.1. The upgrade of one of the three grass playing pitches to an all-weather facility is acceptable. As are the introduction of protective fencing and / or retaining wall with ballstop netting over, the proposed tarmac / gravel path, sports equipment storage area and steps from the clubhouse. All of these elements of the proposed development will allow the club to increase the services it offers.

7.3.2. I note that the applicant states that the proposed development does not constitute an intensification of uses. I disagree, and I note that in responding to the third-party appeal they propose to offer the upgraded facilities to other clubs and organisations. That is the very definition of an intensification of use. One which the receiving environment must absorb. Nonetheless, I consider the proposed elements outlined above to not only allow the club to upgrade but also provide protection to the adjoining properties in terms of stray balls, anti-social behaviour etc.

7.3.3. The remaining item for which permission is sought is the installation of 6 no. 18.3m high floodlights. I note that the applicant, in their appeal response refer to a 'lighting report' submitted with the application. No such report has been submitted to the Board. A 5-page 'project summary' / set of drawings was submitted to the Planning Authority with engineering details of the proposed lighting system. The document does not provide details on why flood lights columns of 18.3m are required, or the impact of light over-spill on adjoining properties. No information on the LUX output or the angle of light spill of each column is provided. I note one of the drawings refers to a 'spill blanket', which is shown as significantly encroaching on the adjoining single storey dwellings, but no information as to what this diagram actually represents is given.

7.3.4. Given the significant height differential (18.3m high columns adjoining houses less than 5m high, albeit at a remove of 30m), it is considered that a justification for the proposed 18.3m high columns is not an unreasonable request. This is particularly so,

where, in their response to the third-party appeal, the applicant has submitted a request for an additional hour of operation– an element of development that was not provided in the public notices and therefore one that the Board cannot consider.

- 7.3.5. The Guidance Note 01/21 the Reduction of Obtrusive Light is a UK publication that gives some guidance on the assessment of obtrusive light sources. It provides details of luminaires, mounting heights, sky glow, and beam angles. Table 2 of the guidance outlines types of environmental zones. The appellants having referred to an older version of the document state that the subject site should be classified as an E2 zone, namely a “sparsely inhabited rural area, village or relatively dark outer suburban location”. In their response to the appeal, the applicant’s agent states that they consider the subject area to more properly be classified as an E3 zone, a “well inhabited rural and urban settlement, small town centre of suburban locations”. While noting that the document provides guidance only and is not binding, I am minded to agree with the appellant – the area is not an urban settlement or a small town centre of a suburb. It is very much an outer suburban area, with low density housing adjoining a heavily wooded area and a busy motorway.
- 7.3.6. I note that the Guidance document in referring to sports light, advises that “installations the use of luminaires with asymmetric optics is preferred”. The document recommends that “the front glazing is kept at or near horizontal; parallel to the surface to be lit or ground”. Details of the type of luminaire proposed are not provided.
- 7.3.7. Given that the substantive elements of the proposed development are acceptable, the Board may wish to request additional information on this matter. In the absence of this information however, it cannot be determined that the proposed floodlighting columns will not impact the residential amenity of the adjoining residential properties and therefore I recommend that a condition omitting them from the development be attached to any grant of permission.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development within a serviced suburban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed

development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development as modified by the conditions below, would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, 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 interest of clarity.</p>
2.	<p>Prior to the commencement of development, the applicant shall submit to and agree in writing with the Planning Authority, revised proposals showing the omission of the proposed 6 no. floodlight columns of 18.3m high.</p> <p>Reason: In the interest of protecting the residential amenity of the dwelling to the south.</p>

3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
4.	<p>The hours operation shall remain at 09.00 to 21.00, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of protecting the residential amenity of the adjoining properties.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gillian Kane
Senior Planning Inspector

29 September 2023