



An
Bord
Pleanála

Inspector's Report

ABP-315345-22

Development

Retention of unmetalled drop-off area/carpark ancillary to the GAA pitch and permission for GAA pitch goal posts, improvement to entrance from the road and all associated site works.

Location

Rathcreedan, Newcastle, Co. Dublin

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD22A/0298

Applicant(s)

St. Finian's GAA Club

Type of Application

Permission (s. 34)

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party (s. 37)

Appellant(s)

Sean and Geraldine Fitzgibbon

Observer(s)

None

Date of Site Inspection

14th April 2023

Inspector

Philip Maguire

1.0 Site Location and Description

- 1.1. The appeal site is located along and to the southern side of the R120 (Rathcoole Road) in Newcastle, Co. Dublin, where a 50kph speed limit applies. The site lies c. 1km east, southeast of the town centre between Ballynakelly Cottages, an established residential area to the west, and Newcastle Cemetery to the east. To the south lies agricultural grassland. Lands to north, on the opposite side of the R120, are also under grass. Greenogue Business Park and Greenogue Equestrian Centre are located further east.
- 1.2. The appeal site is roughly rectangular shaped, predominantly under grass and dry underfoot. It has a stated area of 1.98ha and road frontage of some 75m. The site consists of a GAA playing field with some hardstanding adjacent to the roadside. The playing field is slightly elevated above road level. The roadside boundary is defined by a treelined hedgerow and is flanked by a public footpath and street lighting columns. Access is via a recessed gate opening towards the western end. The majority of the western boundary is defined by a timber post and wire fence, and mature trees and hedgerow. A section to the northwest corner is defined by a timber post and rail fence inside of which lies an earth berm. A section to the southwest corner is defined by a timber panel fence. The southern boundary and a section of the eastern boundary is defined by a green paladin fence. The remainder of the eastern boundary is defined by a concrete post and chain-link fence, and tall evergreen trees on the cemetery side.

2.0 Proposed Development

- 2.1. Planning permission is sought to retain the carpark/drop-off area associated with the existing GAA playing field and permission is also sought for improvements to the entrance from the public road and permanent GAA goal posts and ballstop netting.
- 2.2. The carpark/drop-off area has a footprint of roughly 40m by 40m and is currently laid out in compacted stone. It is proposed to accommodate 14 no. car parking spaces, including 1 no. dedicated to impaired mobility users and 2 no. equipped with EV charging points, in this area. Entrance improvements include removal of the existing piers, widening of the carriageway to 6m and provision of a separate pedestrian gate. A covered area with capacity for 6 no. bicycle spaces is also proposed. The 8m high GAA goal posts and ballstop netting would be located at either end of the playing field.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **grant** permission for the proposed development on 24th November 2022, subject to 10 no. conditions.

3.1.2. Conditions of note include:

Condition 9 The use of the pitch shall not extend beyond 9.00 PM weekdays and weekends.

Reason: To protect the amenities of the area.

Condition 10 Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes in a noise sensitive location, shall not exceed the background level for the night time.

Reason: In the interest of public health.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report (29/08/22): Sought Additional Information with regards to the operation of the playing field including days/times of use, number of users and future intentions in respect of changing facilities. Information on parking and access geometry, and landscaping was also recommended.
- Planning Report (24/11/22): Basis for the Planning Authority decision. It considered the applicant's response to the Additional Information request and concluded that the proposed development would not seriously injure the amenities of the area or of property in the vicinity.

3.2.2. Other Technical Reports

- Water Services (17/08/22 and 14/11/22): No objection subject to condition.
- Parks (23/08/22): Additional Information requested.
- Roads (29/07/22): Additional Information requested.
- Roads (16/11/22): No objection.

3.3. Prescribed Bodies

- Irish Water (15/11/22): No objection.
- TII (03/08/22): No observations made.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 1 no. observation from James McInerney on behalf of Sean and Geraldine Fitzgibbon of Ballynakelly, Newcastle, Co. Dublin (indicated as two houses adjoining the northwest boundary).
- 3.4.2. The issues raised are similar to the grounds of appeal – see section 6.1 below.

4.0 Planning History

4.1. Appeal site:

PA ref. SD18A/0401: Permission **refused on appeal** (ABP-309777-21) in May 2019 for 156-bedroom aparthotel. The Board considered that the proposed aparthotel would materially contravene a development objective in the Development Plan for the zoning of land solely or primarily for agricultural use. It also considered that the location of the aparthotel on lands immediately outside of the Newcastle LAP boundary would represent an unplanned and haphazard form of development which would militate against any planned future extension of the LAP boundary in this area.

4.2. Rear of No. 14 Ballynakelly Cottages:

PA ref. SD09B/0395: Permission **granted on appeal** (ABP ref. PL 06S.235639) in April 2010 for adjustments to site boundaries and relocation of entrance permitted under PA ref. SD05A/0652 (4-bed dormer bungalow with shared vehicular access).

5.0 Policy Context

5.1. South County Dublin Development Plan 2022-2028

- 5.1.1. The appeal site is zoned 'Rural and Agriculture' (RU) with a stated zoning objective '*To protect and improve rural amenity and to provide for the development of agriculture*'. 'Recreational-Facility' and 'Sports Club / Facility' are amongst the uses

listed as open for consideration in this zoning. A 'Car Park' is also open for consideration, albeit for small-scale amenity or recreational purposes only.

5.1.2. Relevant policies, objectives and standards are set out under Chapter 2 (Core Strategy and Settlement Strategy), Chapter 7 (Sustainable Movement), Chapter 8 (Community Infrastructure and Open Space) and Chapter 12 (Implementation and Monitoring) of the Written Statement.

5.1.3. The following sections are relevant:

- 2.7 – Settlement Strategy
- 7.5 – Walking and Cycling
- 7.10 – Car Parking
- 8.4 – Social / Community Infrastructure
- 8.6 – Sports Facilities and Centres
- 12.8 – Community Infrastructure and Open Space

5.1.4. The following policies are particularly relevant:

CS9 Objective 1 To ensure that development proposals provide for infrastructure including community buildings, sports pitches and service provision in line with population growth as set out in the Newcastle LAP (2012 extended to December 2022) or any succeeding plan.

Policy COS4 Ensure that all communities are supported by a range of sporting facilities that are fit for purpose, accessible and adaptable.

COS4 Objective 8 To support the provision of permanent space for well-established sports and recreational activities at appropriate locations within the County, aspiring to the standards and conditions met for such playing areas by National Governing Bodies, where feasible and in accordance with proper planning and sustainable development.

COS4 Objective 14 To provide a sports and recreational amenity in Newcastle, incorporating a full-size GAA, multi-use, all-weather playing pitch, two basketball courts, tennis court, dressing rooms, a walking / jogging / cycling track as well as parking areas and related additional open space.

COS4 Objective 17 To ensure that any sports club established for over 5 years in the community be provided with proper facilities (changing rooms / toilets) to ensure they can continue to operate and grow within our community.

5.2. Newcastle Local Area Plan 2012

- 5.2.1. The Newcastle LAP, as amended and extended, came into effect on 10th December 2012. The appeal site lies just outside and east of the LAP boundary.

5.3. Design Manual for Urban Roads and Streets (DMURS)

- 5.3.1. Guidance relating to the design of urban roads and streets is set out in DMURS (DTTS and DHPLG, May 2019). Section 4.4.4 indicates that the stopping sight distance (SSD) for a road design speed of 50kph is 49m on a bus route. Section 4.4.5 notes that priority junctions in urban areas should have a maximum X-distance of 2.4m but this can be reduced to 2m where vehicle speeds are slow and flows on the minor arm are low. The Y-distance should correspond to the SSD while adjustments should be made for certain streets e.g. arterial and link streets with higher frequency bus routes.

5.4. Natural Heritage Designations

- 5.4.1. None relevant.

5.5. EIA Screening

- 5.5.1. The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001 (as amended) and therefore no preliminary examination is required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 3rd Party appeal has been lodged by James McInerney on behalf of the appellants, Sean and Geraldine Fitzgibbon. The grounds of appeal generally reflect the observations made to the Planning Authority and can be summarised as follows:

- The appellants are concerned that the proposal will be injurious to their residential and visual amenities. Particular concerns include noise pollution generated by match activity and vehicular traffic.
- The appellants are worried that the extent of the development will intensify over time with more pitches, floodlighting and clubhouse etc. and temporary structures/steel containers in the interim. The appellants also consider that the lack of toilet facilities could give rise to unsocial behaviour.
- The appellants are opposed to any type of boundary treatment that will block their view of the open countryside and Dublin Mountains. Equally they state that the raised pitch, goal posts and ballstop netting, without any boundary treatment, will be injurious to visual and residential amenity. The proximity could also give rise to footballs and sliotars entering their property.
- The appellants consider the location will not provide for any connection with existing or proposed open spaces and state that the area is 'transitional' in that regard. They state that within the LAP boundary is a more appropriate location having regard to Policy COS4 and COS4 Objective 14 of the Development Plan.
- The appellants outline ongoing enforcement action at the appeal site i.e. 2 no. enforcement notices issued, relating to unauthorised signage and unauthorised hardstanding/gravel area. They also state that the laying out of the playing field and hardstanding were not included in the description in the public notices.
- The appellants consider that concerns they raised with the Planning Authority were not adequately assessed, including the planning status of the playing field upon widening the entrance (i.e. no longer exempted development) and the impact the proposal would have on the implementation of the Development Plan (i.e. Policy COS4 and COS4 Objective 14).
- The appellants consider that the Planning Authority did not adequately assess the extent of the proposed activities and possible future development, including the start times, potential for Summer Camps and likely maximum number of users etc. The appellants also raise concerns regarding the noise condition and query their ability to recognise when it is exceeded. The appellants consider the application

to be premature pending clubhouse facilities etc. and note the rezoning submission on the Draft South Dublin County Development Plan (ref. SD-C195-175).

- The appellants consider that the Planning Authority did not consider the location of their front door and its proximity to the site boundaries. They state that the proposed landscaping will not ameliorate the adverse impact on their dwelling and will takes year to mature and become an effective barrier to noise whilst also interfering with their outlook and blocking morning sunlight.
- The appellants query how the Roads Department determined that the proposal would not endanger public safety by reason of a traffic hazard if the extent of the use was not properly defined. They indicate that the proposal will result in parking along the R120 and could block their entrance.
- The appellants consider the proposal is premature pending the provision of all the sporting facilities proposed within the Newcastle LAP boundary and the GAA club could end up with facilities at three separate locations.

6.2. Applicant Response

6.2.1. Thorton O'Connor Town Planning responded on behalf of the applicant. It can be summarised as follows:

- In respect of principle, it is submitted that the proposal is appropriate and entirely consistent with the policies and objectives of the Development Plan and it will not hinder the implementation of COS4 Objective 14. It is contended that the entrance improvements and ancillary works to the existing GAA pitch including car parking and drop-off area will enhance the recreational facilities in Newcastle.
- With regards to impacts on residential and visual amenity, it is suggested that the development is relatively small-scale principally comprising GAA goal posts and ballstop netting and as such would not seriously injure the residential or visual amenities of the area. It is noted that the use will cease by 21.00 hours and the level of noise will be mitigated by boundary planting. It is also stated that the development will have a negligible impact on the level of sunlight received by the neighbouring properties and whilst it will have an impact on the existing view, it will not be of significance or impact on any protected views or prospects.

- In relation to the potential impact on the local road network, the applicant reiterates that the development is small-scale and contends that with just 14 no. parking spaces, the traffic impact on the R120 will be negligible. Having regard to the degree of use of the GAA pitch by the local community, its location at the urban edge of the town adjacent to residential development served by footpath and public transport and compliance with Development Plan parking standards, it is asserted that the development will not negatively impact on the operation of the R120 by reason of obstruction suggested by the appellant.
- In respect of the status of the development on site and potential for future intensification, it is submitted that the laying of the sports pitch on the subject site is exempted development and thus the use of the lands are of no relevance to the consideration of the development being applied for. It is also submitted that the potential for future intensification or expansion of development is equally irrelevant.

6.3. Planning Authority Response

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

- Planning Authority confirms its decision.
- The issues raised are covered in the Planner's Report.

6.4. Observations

None.

7.0 Assessment

7.1. Preliminary Points

7.1.1. The appellants suggest that the existing playing field would not constitute exempted development should the proposed entrance improvements be carried out. The appellants therefore consider the planning application to be incomplete as it would, in their view, be ancillary to an unauthorised development. The enforcement of planning control is a matter for the Planning Authority and whilst I note that there are ongoing enforcement cases in respect of the appeal site, none of them relate to an alleged unauthorised playing field. Therefore, the Planning Authority appears to accept that

the playing field is exempted development which is a reasonable position to adopt having regard to Schedule 2, Part 1, Class 33(c) of the Planning Regulations. I do note however that a formal declaration has not been sought or issued on the matter.

7.1.2. Whilst the case before me is not under section 5 of the Planning and Development Act 2000 (as amended), it is important to draw a conclusion on this appeal point. In this respect, I find the appellant's thesis in relation to the playing field difficult to accept having regard to the definition of unauthorised development in section 2 of the Planning Act i.e. works or a material change in use that does not benefit from either an exemption or permission. Both permissions and exemptions can clearly co-exist on a site, and I am satisfied that the entrance improvements, whilst ancillary to the existing playing field, do not have a de-exempting effect, if permitted and carried out.

7.1.3. Having examined the application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Zoning
- Visual Amenity
- Residential Amenity
- Traffic
- Appropriate Assessment

7.2. Zoning

7.2.1. The suitability of the subject site is amongst the various grounds raised by the appellant having regard to COS4 Objective 14 and its requirement to provide a multi-sport and recreational facility in Newcastle, as cited in para. 5.1.4 above. In this regard, the appellants suggest that the GAA club could end up with facilities at three separate locations and considers the proposed development premature pending the provision of all the sporting facilities proposed within the Newcastle LAP boundary.

7.2.2. Whilst I fully acknowledge the genuine concerns raised by the appellants, it is important to stress that the appeal before me is limited to the development for which

permission has been sought i.e. retention of a carpark/drop-off area and entrance improvements etc. The proposal is small-scale as suggested by both parties, and ancillary to the existing GAA playing field. The issues raised in this regard are extraneous and would only be relevant if the playing field formed part of the proposal.

- 7.2.3. The only issue for me to consider therefore is whether the zoning of the appeal site can facilitate the proposed development. As noted, the site has a stated zoning objective *'To protect and improve rural amenity and to provide for the development of agriculture'* where recreational facilities and sports clubs are facilitated in addition to car parking for small-scale recreational purposes. The proposed GAA goal posts and ballstop netting, drop-off area and access improvements are consistent with the zoning objective, as is the car park, which is for small-scale recreational purposes. I do not consider the proposed development to be precluded on the subject appeal site.

7.3. Visual Amenity

- 7.3.1. The appellants also raise concerns regarding the impact of the proposed development on their visual amenity. I note one of their houses is orientated due east and c. 15m from the site boundary. The other house addresses the R120 and has a gable wall some 6.50m from the boundary. In this regard I accept that the appellants have some uninterrupted views towards the Dublin Mountains to the southeast, albeit perhaps limited to their upper floor windows given the vegetation and shipping container observed along the eastern boundary of their properties. I would also suggest that these views are oblique at best, and the direct views from these windows are towards the adjacent graveyard and the tall evergreen trees that form that particular boundary.
- 7.3.2. The most impactful on these views will be the GAA goal posts and ballstop netting. The goalposts consist of 2 no. 8m high posts, with a uniform thickness of roughly 100mm, and crossbar. The ballstop netting consists of 6 no. 8m high, evenly spaced, posts sited behind the goalposts. No specification has been provided for the netting, but it presumably will be standard netting capable of stopping balls associated with Gaelic games from exiting the site, including footballs and sliotars. These structures will be located at either end of the playing field and c. 60m and 150m from the closer of the two houses. The backdrop to the northern set of goalposts will be the graveyard trees when viewed from this house. The backdrop to the southern set of goalposts may include glimpses of the Dublin Mountains, although this is an oblique view with a

significant separation. I do not consider that these structures, or indeed the car park, will have a discernible impact on these views or on the appellants visual amenity.

- 7.3.3. The proposal also includes some planting and boundary treatment which I note the appellants are opposed to, suggesting that it will also block these views. Whilst the planting is not critical to the integration of the proposal given the limited visual impact from the structures involved, I am satisfied that it is acceptable and would be beneficial, not least from a residential amenity perspective, as a buffer for privacy purposes. I also consider a condition restricting any additional structures etc. is necessary.

7.4. Residential Amenity

- 7.4.1. The appellants also raise concerns regarding the impact of the proposal on their residential amenity. Amongst the various issues raised are overshadowing, noise and use. As stated previously, concerns regarding use are largely peripheral to the appeal before me as it is encompassed within the exemption under Class 33(c) i.e. the laying out and use of land etc. Notwithstanding, I note there can be no charge for public admission under this exemption. This suggests that the use would be somewhat limited in its scope, as submitted by the applicant. I do not consider the proposal will result in any significant intensification of this use, nor do I consider it relevant to speculate as to the future intentions of the applicant, including the suggested welfare facility. To reiterate, the subject appeal, as described in the statutory notices, is ancillary to the existing playing field. Notwithstanding, I do consider that limiting the use of the facility generally in accordance with Condition 9 is reasonable as it will help ensure that the proposed car park will not be operational significantly beyond this time.
- 7.4.2. Similarly, the Planning Authority imposed a condition restricting normal operational noise, expressed as LAeq over 15 minutes, in excess of the night time background noise level (Condition 10). This condition expressly relates to the “proposed development” and is in response to the Planning Authority’s assumption that the proposal will “result in heavy use”. Whilst I do not necessarily agree with this assumption and consider it more reasonable to assume that the sports facility will lie idle more often than not, and is unlikely to give rise to any significant noise impacts, from traffic or otherwise, I nonetheless consider the condition reasonable. On balance, I am satisfied there will be no adverse impacts on residential amenity by reason of noise, and particularly having regard to the planning conditions cited above.

7.4.3. Finally, in terms of overshadowing, I do not consider that the proposed development will result in any overshadowing of the neighbouring properties. As noted above, the GAA goal posts and ballstop netting are relatively thin structures that are considerably removed from the appellants properties. The buffer planting adjacent to the common boundary of these properties includes *Betula pendula* (Silver birch) and *Pinus sylvestris* (Scots pine). Whilst I have some concerns in respect of these species and their suitability as buffer planting, I am satisfied that the proposed development will not adversely impact on residential amenity by reason of overshadowing. All planting should be agreed with the Planning Authority in the event of a grant of permission.

7.5. Traffic

7.5.1. Finally, the appellants also raise concerns regarding the impact of the proposed development on the local road network, including access arrangements and spillover parking along the R120. They also suggest that traffic impacts cannot be fully assessed in the absence of a defined level of usage. The applicant is proposing 14 no. car parking spaces and 6 no. bicycle parking spaces. This is compliant with the Development Plan maxima standards i.e. 15 car and 4 bicycle spaces per pitch. The applicant reiterates that the proposed development is small-scale and I accept that this level of provision is self-regulating in terms of traffic impacts, particularly given the proximity of the appeal site to the town centre and its accessibility by public footpath.

7.5.2. I also note that the proposed sightlines of 2.4m x 49m are consistent with DMURS and I am satisfied that the proposal will not give rise to a traffic hazard. Moreover, the proposed entrance upgrades will significantly improve on the existing access geometry, which as noted, could operate unrestricted in their absence. On balance, I do not consider that the proposal will endanger public safety by reason of traffic.

7.6. Appropriate Assessment

Having regard to the nature and scale of the proposed development, which is for retention of a carpark/drop-off area associated with an existing GAA playing field and improvements to the entrance from the public road and permanent GAA goal posts and ballstop netting, in an established and serviced urban area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, 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 that planning permission be **granted** for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of South Dublin County Development Plan 2022-2028, the location of the proposed development abutting the settlement boundary of Newcastle, the small scale nature of the proposal and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, and would not seriously injure the visual or residential amenities of the area or be prejudicial to public health. 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 28 th day of October 2022, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity.
2.	The sports facility shall be used solely in connection with St. Finian's GAA Club and the use of the playing field shall not extend beyond 2100 hours weekdays and weekends. Reason: In the interests of residential amenity.
3.	Full visibility shall be made available for 49 metres on either side of the entrance from a point 2.4 metres back in from the edge of the road carriageway prior to commencement of development. Reason: In the interest of traffic safety.

4.	<p>(a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall include a screen along the north-western and south-western boundaries, consisting predominantly of trees, shrubs and hedging of indigenous species, capable of growing to the height of 3 metres. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of development.</p> <p>(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development, in the interest of residential amenity.</p>
5.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other structures shall be displayed, erected or placed within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
6.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interests of public health.</p>
7.	<p>Noise due to the normal operation of the proposed development, expressed as LAeq over 15 minutes in a noise sensitive location, shall not exceed the background level for the night time.</p> <p>Reason: In the interests of public health.</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.

Philip Maguire

Planning Inspector

23rd June 2023