



An
Bord
Pleanála

Board Direction
PL29N.246779

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 16th 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the policies and objectives of the current development plan for the area and, in particular, the zoning objective, Z9 'to preserve, provide and improve recreational amenity and open space and green networks', it is considered that, subject to compliance with the conditions set out below, the proposed development, consisting of the redevelopment of an existing club house incorporating a residential unit for use by the school, would constitute an appropriate form of development at this location. The proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29th day of April 2016, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Use of apartment shall be limited to use associated with Belvedere College. Details of occupancy and site supervision as part of an on-going site security management plan shall be submitted to the Planning authority for written agreement prior to commencement of development.

Reason: To ensure consistency with the zoning of the site.

3. As per PA Condition No 4

4. The pavilion facility shall be used solely for sporting events and in the case of non-sporting events for those events organised by Belvedere College/associated schools /clubs to be attended by those school and clubs and their guests. In all such cases the premises shall be vacated by 11.30p.m. in accordance with an agreed security management plan The pavilion shall not be used for corporate functions nor for commercial purposes without a prior grant of planning permission.

Reason: In the interest of residential amenity and having regard to the zoning objective for the site and to control the nature and intensity of use within the site

5. Prior to commencement of construction of the pavilion, details of the materials, colours and textures of all the external finishes to the pavilion and details of external lighting shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Ball nets for football shall be provided as indicated on the submitted plans and shall be substantially lowered or removed when not required and where removed this shall be over a duration of at least 10 weeks over the summer school holidays. Details of a management plan shall be submitted for prior written agreement of the planning authority.

Reason: In the interest of visual amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. No advertisement or advertisement structure shall be erected or displayed within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

10. Water supply and drainage arrangements, including the attenuation of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit details for the prior written agreement to the planning authority demonstrating that the proposals do not increase the risk of flood to adjacent properties in the area.

Reason: In the interest of public health and to ensure a proper standard of development.

11. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the on-going operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. As per PA condition No. 6.

13. With respect to the pavilion use, the following shall apply:

(a) Amplified music or other specific entertainment noise emissions from the pavilion shall not exceed the background noise level by more than 3 dB(A) during the period 08.00 to 22.00 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq,T.

(b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be the subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeq,T.

(c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either

- (i) during a temporary shutdown of the specific noise source, or
- (ii) during a period immediately before or after the specific noise source operates.

(d) When measuring the specific noise, the time (T) shall be any 5 minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of use of the premises. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

14. Covered bicycle store facilities shall be provided within the site and near the pavilion entrance. Prior to commencement of development, details of these facilities shall be agreed with the planning authority.

Reason: To facilitate and promote sustainable transportation.

15. Prior to commencement of development, a Construction Management Plan, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety and to protect the residential amenities of the area.

In deciding not to accept the inspector's recommendation to attach the Section 48 contribution the Board considered that the proposed development qualified for an exemption under Section 12 of the DCC Development Contribution Scheme as it is for sport and recreational use.

Board

Date: 16.02.17

Member

Paul Hyde