

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 4297/15

An Bord Pleanála Reference Number: PL 29N.246779

APPEAL by Steve and Angela O'Toole of 55 Villa Park Gardens, Navan Road, Dublin and by John Guiney and the trustees of Bevedere College care of Michael Halligan of Seapoint House, Balbriggan, County Dublin and by others against the decision made on the 26th day of May, 2016 by Dublin City Council to grant subject to conditions a permission to the said John Guiney and the trustees of Bevedere College in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of all existing buildings (sports pavilion and student residence) on site and construction of new detached, two-storey with pitched roof sports pavilion, adjacent to eastern site boundary. Proposed new pavilion includes four bed apartment at first floor for visiting students with south-facing external private terrace, west-facing covered external viewing terrace and viewing mound facing the playing fields, external double height circulation void with openings to east elevation, and rooflights to east-facing roof slope. Proposed new outbuildings consist of detached, single storey with pitched roof maintenance shed adjacent to car park and detached, single storey with pitched roof water storage building, behind proposed new pavilion on eastern boundary. Existing car park to be enlarged to provide 100 number car (including five number accessible), 21 number cycle and three number coach parking spaces. Works to front boundary wall along the Navan Road include new concrete cappings and wet dash finish to full height of wall and replacement of gates to secondary car park entrance and pedestrian entrance, all at Belvedere College Sports Ground, Navan Road and Baggot Road, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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.

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

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 the 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 and agreed in writing with the planning authority prior to commencement of development.

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

3. The southern external stairway from the terrace shall be for the use of the occupants of the apartment and as an escape route/maintenance route only. A gate shall be located at the top of the stairs so as to prohibit general access from the terrace to the stairs.

Reason: To prevent overlooking of adjacent residential property.

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 2330 hours 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 and agreed in writing with the planning authority.

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 to and agreed in writing with 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, details demonstrating that the proposals do not increase the risk of flood to adjacent properties in the area shall be submitted to and agreed in writing with the planning authority.

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. The following requirements of the planning authority shall be complied with:
- (a) The LAeq level measured over five minutes, when measured at the nearest noise sensitive premises when entertainment is taking place at the proposed development, shall show no increase when compared with the representative LAeq (five minutes) level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.
 - (b) The Leq level measured over five minutes, in the 63 Hz and 125 Hz octave bands measured at the nearest noise sensitive premises with entertainment taking place at the proposed development shall show no increase when compared with the representative Leq measured over five minutes in the 63 Hz and 125 Hz octave bands measured from the same position, under the same conditions and during a comparable period with no entertainment taking place
 - (c) Any public address system shall only be used for controlling an event and not for giving commentaries, advertising or playing music.

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.

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 0800 to 2200 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 five 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 submitted to and agreed in writing 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.