



---

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20A/0497**

**Appeal** by Ray and Elizabeth Collier of 8 Church Road, Sutton, Dublin and by the Trustees of Sutton Lawn Tennis Club care of Cummins and Voortman Limited of Ballyline, via Callan, County Tipperary against the decision made on the 2<sup>nd</sup> day of July, 2021 by Fingal County Council to grant subject to conditions a permission to the said Trustees of Sutton Lawn Tennis Club in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Planning permission for the following development: (a) general improvements to existing tennis courts/layout including removal of outdoor court lighting to four number existing courts, (b) reorganisation of the existing car parking on site including new landscaping, (c) construction of proprietary fixed cover structure/ membrane system with removable sides (for Summer) to permanently cover four number existing tennis courts for indoor play and all additional site works at 176 Howth Road, Sutton, 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 planning history of the site, to the established nature of the existing sports club, and to the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Open Space zoning objective for the site “to preserve and provide for open space and recreational amenities” under the Fingal Development Plan 2017-2023, would not seriously injure the visual and residential amenities of the area or properties in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. The proposed development 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 submitted with the application, as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of June, 2021, 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.

**Reason:** In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, revised plans, and elevations at a scale of 1:100 and site layout plan at scale 1:200 to demonstrate the following amendments:
  - (a) Reduction in the scale of the development to cover three courts only (excluding the easternmost court).
  - (b) Ensure a minimum setback of 15 metres to the eastern boundary.
  - (c) Revised landscaping scheme along the eastern boundary.
  - (d) Details of all external finishes, including manufactures brochures, pictures etc.

**Reason:** In the interests of residential amenity and the proper planning and sustainable development of the area.

3. Prior to the commencement of the development, the developer shall submit for the written approval of the planning authority and Public Lighting Section of Fingal County Council, a plan detailing acceptable lux levels on the site, as they relate to this development.

**Reason:** In the interest of the proper planning and sustainable development of the area.

4. The developer shall comply with any future requirement of the Council in relation to adjusting the floodlight aiming or fitting appropriate additional louvres to deal with remaining glare issues that may arise for residents/road-users but may only become apparent when the installation is commissioned.

**Reason:** In the interest of the proper planning and sustainable development of the area.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. The noise level shall not exceed 55 dB(A) rated sound level (i.e., corrected sound level for a tonal or impulsive component at any point along the northern boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the amenities of property in the vicinity of the site.

7. No amplified music or other amplified sound shall be broadcast externally from the proposed structure.

**Reason:** To protect the amenities of the area.

8. 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 noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *11<sup>th</sup>* day of *April* 2022.

