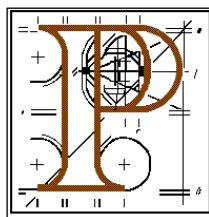


An Bord Pleanála



Inspector's Report

Development: All weather training facility at Howth Celtic FC, Carrickbrack Road, Sutton, Dublin 13.

Planning Application

Planning Authority: Fingal County Council

Planning Authority Reg. Ref.: F15A/0445

Applicant: Howth Celtic F.C.

Type of Application: Permission

Planning Authority Decision: Grant Permission

Planning Appeal

1. Richard Skelton
2. Noel Egan
3. Old Castle Avenue Residents Action Group
4. Carol and Kieran Brady

Type of Appeal: 1st Party

Observers: 1. Hillwatch / Jacqueline Feeley

Date of Site Inspection: 10th March 2016

Inspector: Fiona Fair

Appendices: Photographs, Site location Map

1.0 SITE DESCRIPTION (see photographs and location map)

The appeal site is located in Sutton circa 4-kilometers to the south west of Howth village, in north east County Dublin. The site comprises the grounds of the Howth Celtic football club which includes a single storey club house structure, located in close proximity to the Carrickbrack Road on the eastern portion of the site.

The site benefits from extensive road frontage onto the Carrickbrack Road (R105) along its south western boundary. The vehicular access to Old Castle Avenue, a mature residential cul-de-sac is also located off the Carrickbrack Road a short distance to the west. Old Castle Avenue comprises detached dormer style red brick dwelling houses dating to circa the 1980s characterised and aligning with the western stretch of this road. Immediately to the south east of its junction with the Carrickbrack Road there is a single storey detached dwelling house.

The western boundary of the site contains hedging and along part of this boundary there are a number of semi-mature coniferous trees in close proximity to the aforementioned single storey dwelling house. In addition to this, a deep drainage ditch/channel runs along the western boundary to the site and continues along the adjoining stretch of land to where it runs underground. Outside of the red line site area along Old Castle Avenue there is a sloping grass roadside strip of land on which there is a row of semi-mature single stand popular trees.

Along the southern boundary of the site there is a deep drainage ditch/channel which is undergrounded at the entrance point serving the subject site. At the time of my inspection of the site this drain had a fairly high water level present with water flowing in a westerly direction. The southern boundary is defined by a native hedgerow.

There is a very gradual rise in the ground levels within the main site area in a general easterly direction. The houses on Old Castle Avenue are, however, at a much lower ground level than the appeal site.

To the west of the sites entrance onto the Carrickbrack Road there is a bus stop and an un-signalised pedestrian crossing. On the opposite side of the Carrickbrack Road to the south east of the site there is another bus stop and demarcated set down area. Both sides of the Carrickbrack Road at this point contain footpaths and street lighting.

The site also adjoins Deer Park Golf Course and Howth Golf Course. Saint Fintan's National School and Saint Fintan's Cemetery are both located on the opposite side of the Carrickbrack road.

2.0 PROPOSAL:

The proposal comprises Permission for:

- An all-weather training surface on existing playing area located to the eastern portion of the site.
- The pitch will be 42m x 22m and comprises synthetic grass laid on a porous foundation.
- The pitch is proposed to be enclosed with a 2.4m high mesh fence and 3.6m netting above this, total height of 6m.
- The floodlighting will consist of 4 x 8m high poles with a 1kw light on each pole.

3.0 PLANNING AUTHORITY'S DECISION

Fingal County Council Granted planning permission subject to 9 number conditions. Conditions of note are summarised as follows:

2. Flood lights shall not be lit in such a manner so as to cause excessive glare or distraction to road users or adjoining property owners...

4. The flood lights shall only operate between 08.00 hrs and 21.30 hrs Mondays – Sundays...

7. Tree protection measures shall be submitted for the trees in proximity to the proposed pitch...

4.0 TECHNICAL REPORTS

4.1 The Planners report reflects the draft decision to grant planning permission. It is considered that the proposed development and its associated structures together with intensification of use and hours of operation, subject to limitation will not have a significant adverse impact on surrounding residential amenity. The proposal is considered to be a reasonable intensification of the existing use.

4.2 Transportation Report: No objection subject to condition

4.3 Water Services: No objection subject to condition.

4.4 Parks Department: Report recommends that tree protection measures are agreed prior to the commencement of development on site.

4.5 Heritage Officer: No objection.

4.6 Irish Water: No objection subject to condition.

4.7 Objections/Submissions

A number of objections were submitted to the proposal. The issues raised are similar to those raised in the Appeal and Observation, summarised in detail below.

4.8 Pre Planning

The planners report notes that no preplanning consultation took place in relation to the current proposal.

5.0 APPEAL GROUNDS

5.1 A third party appeal has been lodged by O'Neill Town Planning on behalf of 'Old Castle Avenue Residents Action Group' C/O Norma O'Mahony, 6 Old Castle Avenue, Sutton, Dublin 13. The grounds of appeal are summarised as follows:

- Procedural
 - Queries the ownership of the lands and whether it is in the legal ownership of Howth Celtic
 - The size of the site is not indicated in the planning application form.
 - The applicants have indicated that the site is not subject to flooding when it actually is and is the subject of a flood relief study.
 - Contiguous elevations have not been submitted.
 - No tree survey
 - No photomontages or visual impact assessment submitted.
- Zoning
 - The sports grounds are Not Permitted in Principle within the 'HA' zone.
 - Must be deemed a non-conforming use and given its location in the SAA Buffer would be termed a material contravention
 - The intensification of use on the lands is out of keeping with the primary objective for the lands.
 - The proposal is a significant intensification of use on the lands that cannot be deemed acceptable in land use, planning, visual, or traffic grounds.
- SAAO
 - The pitch, poles fencing and netting will create a visually discordant feature in this HA area and affect the context of the area
 - Views to and from the Hill of Howth will be severely compromised

- Flooding
 - The lands are part of a catchment which creates serious local flooding problems
 - Proposal is premature pending the completion of the Offington Flood Relief Scheme, concluding report for which is over due
 - There have been three major flooding events in the last 6 years
 - The lands the subject of the planning application are part of the problem and part of the solution
 - They offer the best alternative for large scale attenuation and storage of flood waters
 - Must await the outcome of the report before adjudicating on the merits of the planning application
- Intensification of Use
 - Additional cars parking along the Carrickbrack Road would give rise to a traffic hazard, obstruct motorists and cyclists
 - Cars parking on the footpath, block the use of the footpath by pedestrians and buggies / prams.
 - Concern with respect to increased traffic during the day and at night time
- Residential Dis amenity
 - While relocation of the pitch further from residential dwellings alleviates some concerns of residents, concern still remains with respect to residential amenity issues. In particular the crude, high, design of the proposed development
 - Affect the natural beauty of the SAA – Blot on the landscape.
 - Day time and night time use of the pitch and artificial lighting will create significant public and residential dis-amenity
- Undermines the Environmental Quality of the Area
 - At present the small club house and grass pitches are subsumed into the landscape without affecting the Hill of Howth
 - Proposal is a material contravention of the statutory Development Plan for the area

- Dominates views, seriously injurious to visual amenity of the area, would conflict with Development plan policy with respect to protected views i.e. Shielmartin and adjoining roads e.g. Carrickbrack.
- Appeal accompanied with:
 - Memo which was presented at the Howth Malahide Area Committee (Services A – Operational Matters) December 2015
 - Notification of Decision to Grant Planning Permission Reg. Ref. F15A/0445

5.2 A third party appeal has been lodged Carol and Kieran Brady. The grounds of appeal are summarised as follows:

- Negative visual and environmental impact
- Compromise protected views and prospects of Howth Hill
- Negative residential amenity impacts incl. noise, night glare, visual intrusion, late night use, traffic and uncontrolled parking on footpaths and grass verges.
- Intensification in the use of the HC facility, incl. night time and weekend use is inappropriate in a High Amenity Area
- Premature in light of issues in respect of flooding and outcome of the final engineering solution to the flooding.
- Absence of conditions relating to flood remediation
- Disagree that the distance from Old Castle Avenue will dissipate the dis amenity caused by the 14 hr/ day, 365 days per year use of the facility.
- Appeal to the Board to limit the hours / day that the facility is allowed to operate and to curtail the number of days / pear it is allowed to open.
- Query the ownership of the site
- Queries the claim that the land can absorb the rainfall from a 1:100 year flooding event through soil infiltration
- Concern that the proposal will exacerbate problems associated with car parking on footpaths and grass verges.

- Uncontrolled day and night time car parking on the Carrickbrack Road raises hazard levels for pedestrians, cyclists and motorists.
- Appeal accompanied with:
 - Letter of observation to Fingal County Council in respect of Reg. Ref. F15A/0445
 - Photographs of flooding in the area and detailed information relating to flood events which have occurred.

5.3 A third party appeal has been lodged by Noel Egan. The grounds of appeal are summarised as follows:

- Negative impact upon protected views from the Carrickbrack Road and footpath and the Old Castle Ave road and footpath.
- Development will obstruct the protected views of Howth Hill and change the rural character of the slopes, affecting the natural beauty of the area and being contrary to policy in respect of the SAAO.
- Howth Celtic already have a training pitch to the eastern section of their land containing some lighting. A portion of this land could have an all-weather section in it. It could have a 3m high fence around it with a netting to the roof, instead of the proposed 6m netting proposed in the current application.
- The training pitch area is not as elevated as the application site and relocation to this area would not be as severe on the landscape.
- The position of the proposed development on the highest section of the land leased by Howth Celtic will affect protected views and prospects as well as the outstanding natural beauty of the Howth Peninsula.
- Visual impacts of the proposed development on public and private amenity would be significant and is incompatible with a high amenity and prime residential area.
- Significant detrimental impact on the houses of Old Castle Ave – devalue property.
- Intensification of use of the site allowing night time use which would bring noise and light pollution to adjoining residents.
- Exacerbate an already serious car parking problem

- Danger to walkers, cyclists
- There are two other all-weather pitches locally which can be used by Howth Celtic and same not located on a SAA and not intrusive on local residents.
- Concern with respect to flooding.
- There have been 3 major floods in Old Castle Ave and Offington in the past 6 years,
- Proposal premature pending outcome of flood report for the area.

5.4 A third party appeal has been lodged by Richard Skelton. The grounds of appeal are summarised as follows:

- Serious injury to SAA
- Serious injury to the amenities of property in the vicinity
- Concern with respect to flooding and exacerbation of same.
- Proposal premature pending the completion of a Flood Study of the Old Castle Ave and Offington Area
- 3 serious flood events in the Old Castle Ave area in the past 6 years.
- Residents unable to obtain house insurance to cover flooding
- Despite the proposed change of location from that previously proposed the subject appeal site is now closer to the Carrickbrack road which is a tourist scenic route around Howth Head.
- Interferes with the clear view of Howth Head is unsightly for residents, tourists, walkers and cyclists
- Proposal for intensification of use as proposed is contrary to protecting an important SAA

6.0 RESPONSES

6.1 A response has been received from the planning authority. It is summarised as follows:

- The site has an existing and established sporting related land use
- The proposed pitch will be located 98.5m from residential properties on Old Castle Ave and 56 m from Carrickbrack Road and as such it is not

considered that the proposal would be incongruous or result in significant adverse impact in terms of visual amenity.

- Given the separation distances it is also not considered that the proposed development would give rise to negative residential amenity impact regard being had to noise and other nuisances related to the use of the pitch.
- The transportation and water services section of the planning authority have no objection to the proposed development on the grounds of increased car parking requirement or flooding issues.

6.2 A response has been received from McMahon Design and Management Ltd (MDM) on behalf of Howth Celtic FC. It is summarised as follows:

- The proposal will not give rise to flooding and will result in an improvement in the drainage characteristics of the site.
- There will be no increase in run-off from the proposed surface and the foundation will allow for attenuation of rainwater and infiltration to the watercourse.
- The proposed synthetic grass pitch is made up of a permeable surface over a porous foundation of crushed stone.
- There is no reason to suggest that the proposed development would have an impact on the Offington Flood Relief Scheme
- The proposed development would be classified as a recreational facility / sports club in relation to the Development Plan.
- The Development Plan acknowledges the case of non-conforming uses
- The location of the proposed development is within but on the very edge of a high amenity zone, it is not an inappropriate development.
- Floodlights proposed are specifically designed for sports lighting applications to provide no glare and minimal light spill outside of the playing area.
- No issue with Conditions 2 and 4 attached to the notification of decision to grant re direction, mounting and glare of lighting and restriction of times of use from 08.00 hrs – 21:30 hrs Monday to Sunday.

- The proposed development will not have a negative visual impact given its location surrounded by trees and a hedge row.
- Response accompanied with Cover Letter from Howth Celtic FC, summarised as follows:
 - Howth Celtic own the entire grounds since Jan 2011
 - All previous concerns have been taken into account and the playing pitch relocated to the furthest point away from Castle Avenue
 - The proposal has the support of some residents of Old Castle Ave – only 4 of 12 houses have appealed.
- Response accompanied with Letters of support from:
 - John Chambers of Howth Primary School / Scoil Mhuire NS
 - Martin McInerney of St. Fintan's NS Sutton

6.3 A response has been received from O'Neill Town Planning on behalf of 'Old Castle Avenue Residents Action Group' C/O Norma O'Mahony. It is summarised as follows:

- The scale type height and proposed 24/7 activity cannot be ameliorated by any simple condition
- Proposal is for a commercial land use in a sensitive area and is problematic
- Proposal is in the wrong place in terms of zoning and the SAAO
- The proposal is a significant intensification of use on the lands that cannot be deemed acceptable in land use, planning, visual, or traffic grounds.
- The proposal will create a visually discordant feature in this High Amenity Area
- Views to and from the Hill of Howth would be severely compromised.
- The Board previously refused a Mast at this location which would have a lesser visual impact than components made up of a pitch, poles, fencing and netting.
- No photomontages have been submitted thereby the Board's role in adjudicating the proposed development is significantly reduced.

- The proposal is a material contravention of the statutory development plan for the area as both the use and the intensity of the use is not a permitted use in a High Amenity zoned area.
- Concern with regard to additional car parking on the Carrickbrack Road giving rise to traffic hazard.
- The proposal could exacerbate flooding in the area and is premature in this regard.

7.0 OBSERVATIONS

7.1 An Observation was received from Jacqueline Feeley for 'Hillwatch'.

It is summarised as follows:

- The location is within the buffer zone of the Special Amenity Area (SAA) close to the border of the SAA itself.
- At present there are rural views from the entrance gate over a green field (the playing field) to a belt of trees with Shielfmartin Hill in the background.
- The proposed fence with its high netting on top is contrary to the objectives of the SAAO
- Fully support the appeals lodged by local residents.

8.0 PLANNING HISTORY

8.1 PL06F.244285 / Reg. Ref. F14A/0136 Permission Refused on Appeal, May 2015, (Councils decision overturned) for the development of an all-weather training surface on an existing training area measuring 42-meters by 22-meters. In addition, planning permission is sought for a 2.4-meter fence with 3.6-meter netting above this; floodlighting consisting of 4 no. 10-meter high columns; 26 car parking spaces and widening of existing entrance.

Reason for Refusal states: *'The proposed development, while forming part of a high amenity area under the Fingal County Development Plan, 2011-2017,*

and also forming part of a parcel of land that has an existing and established sports related land use associated with Howth Celtic, is also located on land that has a transitional zoning character with the land to the west of the site residentially zoned 'RS for which the said plan has the following stated objective: "provide for residential development and protect and improve residential amenity". In view of the proposed location of the all-weather pitch, its associated structures and the car parking spaces in close proximity to a number of residential properties on Old Castle Avenue, it is considered that the proposed development would seriously injure the amenities of property in the vicinity. For this reason the proposed development would conflict with Objective Z04 of the said Plan and would be contrary to the proper planning and sustainable development of the area'.

8.2 ABP Ref. No. PL 06F.226081 (P.A. Reg. Ref. No. F07A/0979): On appeal to the Board planning permission was **granted** subject to conditions for a development consisting of the retention of three number floodlight pylons and retention and completion of five number floodlight pylons to provide a total of eight number floodlight pylons of 6.5-metres maximum height for training area at existing football grounds at Howth Celtic Football Grounds.

Condition No. 1 of the Boards grant of permission restricts the use of floodlights to no later than 2100 hours on any day and required any extension to these hours to be the subject of a new planning application. The stated reason for this condition is in the interest of residential amenity and the proper planning and sustainable development of the area

Condition No. 2 requires the eight number floodlights to be angled in such a manner as to minimise any light spillage outside of the boundary of the site in order to avoid excessive glare or distraction to adjacent road users and the occupiers of adjoining dwellings. The stated reason for this condition is interest of traffic safety and residential amenity.

8.3 ABP Ref. No. PL 06F.210379 (P.A. Reg. Ref. No. F04A/1490): On appeal to the Board planning permission was **refused** for a development consisting of the erection of a 15-metre monopole (telegraph pole design) containing three number antennae, one number dish, associated equipment, ground level based outdoor cabinets and fencing for a new 3G broadband network at Howth Celtic AFC for the following stated reason and consideration:-

“The site of the proposed development is located in an area zoned G: ‘to protect and improve high amenity areas’ and within the buffer zone for the Howth Special Amenity Area Order. It is the policy of the planning authority, as set out in the current Fingal County Development Plan, that telecommunications masts will not be permitted in areas zoned G. It is considered that the proposed development, located in a prominent position, would seriously injure the visual amenities of the area, would conflict with the development plan policy and would, therefore, be contrary to the proper planning and sustainable development of the area.”

9.0 DEVELOPMENT PLAN

The pertinent statutory Development Plans for the area is the Fingal County Development Plan 2011 – 2017.

The site is zoned ‘HA’ (High Amenity), with a stated zoning objective to: *“protect and enhance high amenity areas”*.

Objective HA01 of the said plan seeks to: *‘protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place’*; and, Objective HA02 of the said plan seeks to: *“ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity Areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality,*

settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity".

Section 9.4 of the said plan deals with the matter of non-conforming uses and states that: *"reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted within the existing curtilage of the development and subject to normal planning criteria"*. This is reiterated under Objective Z05 of the said plan.

The site forms part of the Howth Special Amenity Area Order Buffer.

It is a stated objective of the said plan to protect views and prospects identified on the Development Plan Green Infrastructure Maps and Development Plan Zoning Maps. In addition, Chapter 5 of the said plan states: *"the scenery and landscape of the County are of enormous amenity value to residents and tourists and constitute a valuable economic asset. The protection of this asset is therefore of primary importance in developing the potential of the County. Given the high rates of economic and population growth, the challenge the County faces is to manage the landscape so that any change is positive in its effects, such that the landscapes we value are protected. There is a need, therefore, to protect and conserve views and prospects adjoining public roads throughout the County for future generations. In assessing views and prospects it is not proposed that this should give rise to the prohibition of development along these routes, but development, where permitted, should not hinder or obstruct these views and prospects should be designed and located to minimise their impact"*.

10.0 ASSESSMENT

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relate to:

10.1 Principle of the Proposed Development and Compliance with County Development Plan Policy

10.2 Impact Upon Visual Amenity

10.3 Impact Upon Residential Amenity

10.4 Flooding Impact

10.5 Traffic Hazard

10.6 Other issues

10.7 Appropriate Assessment (AA)

10.1 Principle of the Proposed Development and Compliance with County Development Plan Policy

This appeal site is located within an area designated under the Fingal County Development Plan, 2011-2017, as 'High Amenity' (HA). Where the objective is '*to protect and enhance high amenity areas*'. In addition, the said Plan also sets out the following vision for high amenity zoned land:-

"Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored."

As outlined in section 2.0 of this report above permission is sought for an all-weather training surface on an existing playing area. The pitch will be 42m x 22 m with 2.4m high fence and 3.6m netting above. Floodlighting is also proposed with 4 no. 8m high poles with a 1Kw light on each pole.

The first party submits that the proposed development could be classified as a recreational facility / sports club in relation to the Development Plan. I note that playing pitches / recreational facility use is neither provided for as a 'permitted in principle' or a 'not permitted' land use on 'HA' zoned land. Where such situations arise the Development Plan provides the following guidance for the consideration of planning applications:-

“uses which are neither ‘Permitted in Principle’ nor ‘Not Permitted’ will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan”.

The appeal proposal is essentially considered a 'non-conforming use', regard is had however, that the subject site has an existing and established sporting related land use. On the matter of non-conforming uses Section 9.4 of the County Development Plan states:-

“reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted within the existing curtilage of the development and subject to normal planning criteria”. This guidance is also reiterated as an objective under Objective Z05.

The location of the proposed development is within but on the very edge of a high amenity zone, it is located within, but again on the outer edge of the SAAO Buffer Zone. As indicated above, non-conforming uses are catered for in the County Development Plan, I do not therefore agree, with the appellant, that permission for an all-weather pitch of the nature, scale and extent such as that proposed at this location would materially contravene the County Development Plan.

I note that PL06F.244285 / Reg. Ref. F14A/0136 was refused for one number reason, solely, see section 8.1 of this report above for full description of the reason for refusal. It was considered that the proposed development would seriously injure the amenities of property in the vicinity. For this reason the

proposed development was determined to conflict with Objective Z04 of the said Plan and therefore contrary to the proper planning and sustainable development of the area.

Objective Z04 states: *'Have regard to development in adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries'*

Cognisance being had to the revised location of the all – weather pitch, removed from the western portion of the site and the houses on Old Castle Avenue and omission of the car parking spaces, it is my opinion, the subject application, is fundamentally different from that previously refused on the site on foot of PL06F.244285 / Reg. Ref. F14A/0136 and overcomes the previous reason for refusal, impact upon residential amenity is discussed in detail in section 10.3 of this report.

Overall I am of the opinion that the proposed development is acceptable in principle having regard to the nature of the proposal, the transitional nature of the site and the 'HA' zoning of the site. Regard is had in particular to Section 9.4 and Objective Z05 of the Fingal County Development Plan 2011 – 2017.

Issues in relation to residential amenity, visual amenity, flooding and traffic hazard are considered, in turn, in detail, in the succeeding section of this report.

10.2 Impact Upon Visual Amenity

The subject appeal site is zoned 'HA' (High Amenity), with a stated zoning objective to: *"protect and enhance high amenity areas"*. There are map based objectives *'to preserve views'* along the Carrickbrack road and also to *'protect and preserve, trees, woodlands and hedgerows.'* Relevant Maps attached as Appendix to this report.

Chapter 5 of the Development Plan states: *“the scenery and landscape of the County are of enormous amenity value to residents and tourists and constitute a valuable economic asset...There is a need, therefore, to protect and conserve views and prospects adjoining public roads throughout the County for future generations. In assessing views and prospects it is not proposed that this should give rise to the prohibition of development along these routes, but development, where permitted, should not hinder or obstruct these views and prospects should be designed and located to minimise their impact”*.

The Inspectors Report in relation to the pertinent previous refusal on this site, noted that the proposed development would be highly visible in the context of the Carrickbrack Road and her report states: *‘arguably, if permitted, could partially obscure or diminish protected views available along this stretch of this road. Notwithstanding, this visual impact would be mainly limited to passing road users and for users of school opposite’*.

The Inspector in the previous refusal was also of the opinion that *‘the views from No.s 1, 2, 3 and 4 Old Castle Avenue in a westerly direction in particular would be diminished by the additional fencing, netting and more intensive floodlighting. There would also be a diminishment of views for the remaining properties on Old Castle Avenue’*.

In terms of visual impact I note that while protection of protected views is a valid planning consideration and views are protected from the Carrickbrack Road across the appeal site, entitlement to a view is not a legitimate planning consideration or a valid reason for refusal. It is noteworthy that PL06F.244285 / Reg. Ref. F14A/0136 was not refused planning permission by reason that it would interfere with a view or prospect of special amenity value which it is necessary to preserve.

Green Infrastructure Map Sheet No. 14 of the County Development Plan indicates protected views along the Carrickbrack Road and not along Old Castle Avenue. From my site visit it was evident that as one travels further east along the road, from the appeal site frontage, more extensive views of

Howth Summit are available. I acknowledge that the proposed pitch and associated structures could somewhat diminish views available from northwest along the Carrickbrack Road. However the proposed pitch and associated structures will be set back 56m from the road, the twin wire mesh fencing is proposed to be green which will blend with its surroundings and the columns and poles are slim line which I believe will reduce the overall visual impact.

On balance, it is my opinion, that the proposed scheme compliments the existing permitted use on site. I consider that the application for an all-weather pitch which is supported by local schools in an urban environment represents somewhat special circumstances in the High Amenity Zone subject to conditions restricting the flood lighting and hours of operation, to which I note the applicant has no objection.

10.3 Impact Upon Residential Amenity

The previous proposal on foot of PL06F.244285 / Reg. Ref. F14A/0136 which was refused planning permission by An Bord Pleanala (in May 2015) sought the erection of an all-weather training surface, of similar dimensions to that currently proposed, on the western portion of the site, approx. 3m from its western boundary at its closest point. The pitch in that case was positioned approx. 28 m from the nearest residential property on Old Castle Avenue. The proposal also involved the provision of a 26 space car parking area along the western boundary of the site to the south of the proposed pitch.

In overturning the planning authority decision and refusing permission for the development the Board found that the land has a transitional zoning character with the land to the west of the site residentially zoned. In view of the proximity of the all-weather pitch, its associated structures and the car parking spaces in close proximity of a number of residential properties, it was considered that the proposed development would seriously injure the amenities of residential properties in the vicinity.

The subject appeal proposal omits the proposal for the car park and revises the location of the all-weather training pitch to the eastern portion of the site. The pitch is to be positioned approximately 65.8 m from its western boundary at its closest point and in excess of 100m from the nearest residential property on Old Castle Avenue.

It is my opinion, the subject application, is fundamentally different from that previously refused on the site (PL06F.244285 / Reg. Ref. F14A/0136). Having carried out a site visit and regard being had to the revised location of the all-weather playing pitch removed from the western boundary and omission of car parking, it is my opinion, that the proposed development is acceptable in principle having regard to the nature of the proposal, the transitional nature of the site and the 'HA' zoning of the site. I believe it overcomes the previous reason for refusal, set out, above, in section 8.1 of this report.

I note, it is submitted, that floodlights proposed are specifically designed for sports lighting applications to provide no glare and minimal light spill outside of the playing area. I also recommend that should the Board agree that permission be forthcoming, in the subject case, that Conditions 2 and 4 of the notification of decision to grant permission re: direction, mounting and glare of lighting and restriction of times of use from 08.00 hrs – 21:30 hrs Monday to Sunday be included in any grant of planning permission. In this regard, specific cognisance is had to Ref. No. PL 06F.226081 / P.A. Reg. Ref. No. F07A/0979, in particular conditions 1 and 2 see paragraph 8.2 of this report above for full details.

10.4 Flooding Impact

The issue of flooding was considered, by the inspector, in the previous application on this site PL06F.244285. On consideration of the concerns raised by appellants, similar to those raised in the subject application, it was not considered that refusal of planning permission, based on flooding related reasons and considerations, was warranted.

I note the omission of the car parking area in the subject appeal case and consider same of some significance in terms of propensity of flooding risk.

Again while I am sympathetic to the substantive concerns raised by the appellants in their appeal submission to the Board on the matter of flooding. I note that Irish Water and Water Services Department of the Council have been consulted on the proposal and have raised no objections, subject to conditions. The first party submit that the proposal will not give rise to flooding and will result in an improvement in the drainage characteristics of the site.

It is submitted that the proposed synthetic grass pitch would be made up of a permeable surface over a porous foundation of crushed stone. The foundation will allow for attenuation of rainwater and infiltration to the watercourse. I do not foresee that there will be an increase in run-off from the proposed surface. I tend to agree with the applicant that there is no reason to suggest that the proposed development would have an impact on the Offington Flood Relief Scheme.

Overall it is my opinion that there is no evidence to support that the construction methodology, the use of materials, the nature of the development and the mitigation measures included to deal with the matter of surface water drainage including adverse weather conditions as put forward by the applicants are not fit for purpose or would create a greater risk of flooding for the site and properties in its vicinity.

Based on the above considerations I, therefore, do not recommend refusal of planning permission based on flooding related reasons and considerations.

10.5 Traffic Hazard

Appellants to the appeal have raised concern in relation to increase in traffic and car parking demand in the area. This matter was also raised in the previous appeal on the site. I note that it was adjudicated in that instance, that the proposal was not likely to give rise to significant additional hazard for

existing road users and or other road / safety issues subject to appropriate safeguards in the event of a grant of planning permission.

I highlight that the subject appeal proposal omits on-site car parking and proposes no alterations to the access.

The Transportation Department of the Council have raised no objection the proposal. The regional road is straight at this location with a wide carriageway and footpaths on both sides. The site is served by public transport with a bus stop in close proximity of the site. The speed limit is low, 50 Kph in a westerly direction and 60 Kph in an easterly direction from the site frontage.

Cognisance is had that the all-weather training facility is located on an existing playing area and does not extend the overall facilities. Therefore I am of the opinion that the proposal would not comprise a significant intensification of use of the existing facility such that it would significantly increase traffic and parking demand which in turn would endanger public safety by reason of a traffic hazard.

10.6 Other issues (ownership of the site – photomontages)

I am cognisant that the matter of ownership was raised by the appellants. The applicant, however, has responded that the entire grounds has been in the ownership of Howth Celtic since Jan 2011. I see no evidence to dispute this.

In this regard I would however note that Section 34 (13) of the Planning and Development Act, 2000, as amended, states that a person shall not be entitled solely by reason of a grant of planning permission to carry out development on land where they have no sufficient legal interest.

10.7 Appropriate Assessment (AA)

The appeal site is not located in a Natura 2000 site. I tend to agree with the planning authority that given the modest nature, extent and scale of the

proposed development, it is considered that the proposal would not give rise to any significant impact on any Natura 2000 sites in the vicinity.

Having regard to the nature, extent and scale of the proposed development no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have any significant effect either individually or in combination with other plans or projects on a European site.

11.0 CONCLUSION / RECOMMENDATION

I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In light of this and the assessment above, I recommend that planning permission be Granted subject to the conditions set out below.

12.0 REASONS AND CONSIDERATIONS

Having regard to the zoning of the site, its location and established pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not give rise to a traffic, or flooding hazard and would not, therefore, be contrary to the proper planning and sustainable development of the area.

13.0 CONDITIONS

1. 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 points of detail 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. Flood lights shall not be lit in such a manner so as to cause excessive glare or distraction to road users or adjoining property owners. The floodlights shall be mounted in horizontal orientation. The developer shall comply, at their own expense, with any future requirement of the Council in relation to adjusting the floodlighting, aiming or fitting appropriate additional louvres to deal with remaining glare issues that may arise for road users / residents but may only become apparent when the installation is commissioned.

Reason: In the interest of the amenities of the area.

3. The flood lights shall only operate between 08.00 hrs and 21.30 hrs Mondays – Sundays. Any extension to these operating hours shall be the subject of a new planning application.

Reason: To protect the amenities of the area.

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

Reason: To ensure adequate servicing of the development and to prevent pollution.

5. The developer shall liaise with the planning authority in respect of tree protection measures for the trees in proximity to the proposed pitch. Written agreement of the planning authority, shall be obtained, in respect of tree protection measures, prior to the commencement of any development.

Reason: In the interest of protecting the visual amenity of the area.

6. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

7. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity.

8. Construction waste shall be managed in accordance with a construction waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

Fiona Fair
Planning Inspector
16.03.2016