



Development	Demolition of sports pavilion and student residence, construction of new pavilion to include 4 bed apartment, provide additional parking and associated site works at Navan Road and Baggot Road, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4297/15
Applicant(s)	Trustees of Belvedere College
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Appellant – First Party	1. Trustees of Belvedere College
Appellants – Third Parties	2. Steve and Angela O'Toole 3. Aidan and Deborah Blaney 4. Community Credit Union 5. Anthony and Mary Dunne 6. A and F Keenan and others
Observer(s)	1. Ciaran Perry 2. Anne Marie English and Diarmuid Murphy 3. Daughters of Charity 4. Claire McManus and Gethin White 5. Ronan Mc Dermott 6. Gus and Anne Gibney

7. Marie Dunne
8. Liam and Karen Confrey
9. Nuala Wylie
10. Brendan Corr, Lord Mayor of Dublin
11. Ruth Coppinger TD
12. Paul Peake
13. Derek Flynn

Date of Site Inspection

28th October 2016 and 26th January 2017

Inspector

Suzanne Kehely

1.0 **Site Location and Description**

- 1.1. The site is a sports grounds facility of 6.12 hectares as part of Belvedere College - a boys secondary School located elsewhere in the City centre. The site is located in the outer city suburbs in Cabra with access from Navan Road on its northern side and this is where the existing pavilion car park and tennis courts are also located. At time of inspection the more eastern vehicular access was open and appears to be the principal access – the other vehicular and pedestrian accesses were closed. On its western side it fronts Baggot Road with a tree lined concrete block wall. To the south the site backs onto a public house and its ancillary car park on Blackhorse Avenue and 12 houses on Martin Grove which are set back from Blackhorse Avenue. To the east the site is backed onto by over 20 houses fronting Villa Park Gardens. In the south east corner, a short lane adjoining the site boundary serves a rear access for 6 houses on Villa Park Gardens.
- 1.2. The site presently accommodates a sports pavilion and tennis courts fronting Navan Road and 6 football pitches (5 sets of rugby posts and one set of soccer posts) centred around a cricket crease/pitch. It is described as having the capacity to field up to 25 schoolboy rugby teams with up to 600 players active on grounds over the course of the day and over the season August to March Mon-Friday training and home games on site. Soccer is played 3 days a week all year with up to 40 students per day. The larger rugby pitch is in the south east corner and there is a small umpire viewing platform tower at the centre line on the eastern side.
- 1.3. While the grounds are fairly level there is moderate slope to the south east but a peripheral mound rises around the corner of the pitch. The boundary is marked by a mix of transparent railings (with credit union building), hedges and trees and walling. Mature evergreen trees line the boundary also.
- 1.4. Please refer to appendices for maps photos of site

2.0 **Proposed Development**

- 2.1. It is proposed to demolish the existing structures alongside the northern boundary and construct new facilities along the eastern side of the site. These facilities include:

- Two-storey Club house with changing room facilities at ground level and hospitality facilities at first floor level such dining area, multi-purpose room and viewing terrace on one side and 4 bed apartment at the southern end. (eaves at 48.6 and 47.2 and ridge at 50.1mOD as compared to ridge of 51.3mOD on Navan Road md 51.4m ridge on Villa Park Gardens, the credit union at 63A Villa Park Gardens is 49.2
- Single storey maintenance shed with groundskeeper office at the western end of the Navan road frontage
- Water buffer store to the rear of the pavilion
- Parking for 100 cars, 3 Coaches and 21 bikes in parking area along the Navan Road frontage in place of existing structures to be demolished.
- Reorganisation of existing pitches and courts principally for rugby, cricket, football and tennis to provide 2 championship rugby pitches and three smaller training pitches with cricket pitch overlapping in the centre. The primary sport is rugby with a capacity to field 600 players training per day during school term rugby season. Athletic area proposed in place of tennis courts.
- Ball nets are indicated in plans behind posts/bar and pitch ends adjoining

2.2. The pavilion structure is proposed in slightly lower ground with an overall ridge height of 50m OD. It is described as being low-slung and semi-submerged in the site context. It is of contemporary design modelled on traditional sporting pavilions. It incorporates astro turf viewing mounds

2.3. Drainage:

- surface water in car park to discharge to permeable paving. Surface water on building to discharge to soakaway designed to BRE365.
- Foul sewer pipe proposed to serve pavilion and to connect to existing pipe to south of boundary. Foul sewer existing for maintenance building in exiting pavilion.

- Existing public s.w. sewer along east side of site to be protected by 3.5m wayleave each side.

2.4. Parking layout – autotrack layout for articulated truck demonstrated in 4 options

2.5. **Further Information requested 23/2 and received on 29/4**

2.5.1. Engineering Report (April 2016)

Clarifies quantities and locations of connection to foul sewer.

Similarly, surface water management is clarified. It is to be contained within site in soakaways

Pavilion building design approach regarding height and layout. This incorporates a below ground element with retaining embankment which forms a terrace over the pitches.

2.5.2. Flood Risk Assessment

- No OPW flood event within 2.5km of site
- No flooding anticipated as result of coastal flood events
- Based on CFRAM studies pluvial flooding requires further investigation in respect of southern part of site. Based on the AEP flood event for 0.5%, 1% and 10% and the floor level at 41.5m it is submitted that the building will not be liable to pluvial flooding. This based on a flood level of 40.75m OD for 0.5%.
- Site Drainage Evaluation – General Guidance.
- Infiltration prioritised – no constraints identified for run-off infiltration to groundwater. It will otherwise be managed within site or discharged to surface water body which is not identified or the DCC public sewer
- To control interception of run-off a depth of 5mm rainfall is usually accommodated through infiltration evapotranspiration or rainwater harvesting. The degree to which these means are relied upon is not quantified.

2.5.3. Appropriate Assessment Screening Report

2.5.4. This examines the potential impacts on the Natura 2000 sites – notably South Dublin Bay and River Tolka SPA and North Bull Island SPA. While most qualifying species forage on the estuarine/coastal habitats with the exception of the light bellied Brent Geese due to the nature of the development retain open space and the availability of extensive grassland in Phoenix Park the Geese are not considered at risk by reason of loss or disturbance of potential foraging areas.

3.0 Planning Authority Decision

3.1. Decision

Following a request for additional information the planning authority issues a decision to GRANT permission subject to 16 conditions.

- Section 48 contribution of 46,169.54
- Condition 3 – restriction of apartment use to only that associated with the applicant school.
- Condition 4 requires that the southern external stairway from the terrace to be used by the occupants of the apartment only and as an escape route. A gate is required at top of stairs to prohibit general access.
- Condition 5 restricts pavilion use to sole use for sporting events and in the case of no sporting, event should be organised by applicant school/ associated schools/clubs and to be attended by these groups and guests. The pavilion shall not be used by corporate functions or hired out for function to outside persons or bodies for commercial purposes. (reason residential amenity and zoning and control nature and intensity of use)
- Condition 6 restricts noise levels
- Condition 13 requires relocation of bicycle parking to nearer pavilion building to provide passive surveillance

3.2. **Planning Authority Reports**

The report of the area planner considers the proposed pavilion and facilities to be broadly acceptable. Key issues were identified and further information was sought to address matters in respect of:

- Apartment use having regard to the zoning which restricts residential use.
- Ball nets and pitch re-organisation is considered not to have been specifically applied for in notice descriptions
- Overlooking from high level changing room windows facing east and from the multi-purpose room. Clarification sought in respect of northward facing window
- Overlooking from stairs at southern end of building
- Nature scale and extent of sporting and social events in day and night relative to current use
- Screening of existing residential property and separation distances between same in view of associated external social and functionally related spaces which have potential to adversely impact on residents.

Aside from the detailed elements above overlooking or overshadowing not considered an issue.

It is noted that the trees will be retained and enhanced and that the building will act as a screen

Notwithstanding concerns regarding injury to amenity it is considered the proposed uses are reasonable

3.3. **Other Technical Reports**

- 3.3.1. Roads and Traffic Planning Division report: It is noted that the revised layout facilitates increased parking and coach parking. There is no objection to the proposed development. It is recommended that bicycle parking be relocated to the Pavilion building.

3.3.2. Drainage Division: Further information required. Following receipt of this no objection subject to conditions.

3.4. **Third Party Observations**

There are 26 objections on file to the planning authority and issues relate to flooding and pavilion siting and layout and use of the pavilion nearer to more houses. The concerns in this regard relate to

- noise and disturbance from spectator crowds and later use of venue
- 214 Navan road is a sheltered housing premises and is adjacent to the proposed entrance.
- Anti-social behaviour issues
- Nature and scale of social events
- Apartment use,
- overlooking,
- Ball nets and rear elevation of pavilion visually intrusive
- Storage of bins and noise from water store
- Road frontage treatment – need railings, trees and cycle lanes.
- Supervision of pavilion as it is now proposed in more remote location
- No consultation with residents

4.0 **Planning History**

4.1.1. Planning authority reg. ref. 4152/15 refers to a grant of permission for construction and assembly of 4 cricket crease including fully enclosed fencing surrounds, full roof netting synthetic creases and associated works. A condition specified hours of use as being 8 am to 10pm Monday to Sunday

4.1.2. 1963 consent for clubhouse and caretaker's cottage.

4.1.3. Pre- app – issues identified stated as: Proximity to houses, use of pavilion for function, light and noise disturbance. Also improvement to boundary wall and retention of trees an issue.

5.0 Development Plan

The site is governed by the objective ‘to preserve, provide and improve recreational amenity and open space and green networks’ (Z9) Club house uses and associated facilities are permissible uses. Car parking for recreational purposes is open for consideration. Residential development is not a permissible use.

Attached relevant maps in pouch (zoning map)

6.0 Natural Heritage Designations

- South Dublin Bay and River Tolka Estuary SPA - 6km away
- North Bull Island SPA – 9km away

7.0 The Appeal

7.1. Grounds of Appeal by Third Parties

7.1.1. Steve and Angela O’Toole, 55 Villa Park Gardens

- Injury to residential amenity due to 12m distance of pavilion from home. Concerns raised in objections not considered to have been fully taken account of by planning authority. Proposed alternate locations fronting Navan Road indicated in attached plans.
- Location not warranted in context of IRFU guidelines.

Attachments:

- Photos of adjoining rear gardens in Villa Park Gardens. 55 57 59, 61, 63 and boundary with community care facility and credit union.
- Photomontage of skyline.
- Site layouts

7.1.2. Jim Brogan on behalf of residents of nos. 51, 61 and 63 Villa Park Gardens

- Injury to long established residential amenity due to location and proximity of pavilion and ancillary activities to homes
- Drawings don't fully illustrate extensions
- 13m high Ball Protection nets are significant structures that have been omitted in the project description. These should be specifically excluded to clarify scope of permission.
- The site of the pavilion is not supported by the IRFU guidelines or English Cricket Board Guidelines with reference to optimal orientation. The site can accommodate other alternatives and be in keeping with these guidelines
- Proposed uses of pavilion: intensification of day and night-time uses consequent on expanded and enhanced spectator facilities; e.g. Use for non-school big games and adult club use
- The roofed terrace provides additional social event facilities possibly associated with significant matches and Old Belvedere Cricket Club. Bar license may be sought.
- Concurs with planning authority concerns about dearth of information on social use. Social; event should be strictly controlled – not for non-sporting events or other schools or clubs and should be limited by numbers and hours (closed 11pm to 8 am).
- Condition regulating social use does not reflect the level of concerns outlined in assessment by planning authority
- The pavilion will not act as a noise buffer
- Zoning: the pavilion site is in a transitional zone. The development site is z9 recreational/open space zone borders but a Z1 zone to protect residential amenity. In accordance with Development plan policy It is necessary to avoid developments that would be more detrimental to the amenities of the more environmentally sensitive zone. Protection of residential amenities is warranted. It is submitted that the proposed development by virtue of location and use would be a very abrupt transition

- Parking: 1m distance of coach parking from houses no 214 which has noise and privacy issues not appreciate close to a care home.
- External uses of pavilion
 - Pedestrian congregation and movement at primary entrance adjacent to 214 Navan Road. The need for noise abatement measures supports the unsuitability of the entrance location
 - Concentration of activity in accessing the pavilion. Noise will escape beyond the wall. The need for a wall again supports the unsuitable relocation.
 - Use of smoking area
 - Lighting of external areas
- Creation of an unsupervised sterile pocket between pavilion and houses presents a security risk
- Further planting will restrict sunlight.
- Exacerbation of flooding along both sides of site boundaries with residents.

7.1.3. Community Credit Union

- Will result in significant change in the nature of use of these grounds from a small local sports venue with limited impact on surrounding neighbours to a much larger venue which will have a major impact on adjacent homes
- No objection to refurbishment of existing building
- Ongoing flooding issues which seems to increase in line with increase of building and hard landscaping. Credit union site floods 6 times a year and is deeper near the developments. (Video footage attached and I have looked at this and printed off screen shot of the for camera clips which is in the pouch with my site inspection photographs).

- Construction of large development will require extensive drainage and should not be allowed to be constructed or drained where there is a drainage problem.
- Lack of control of hours exposed residents to security risks from acts of vandalism and even criminal behaviour.

7.1.4. Aidan and Deborah Blaney, 59 Villa Park Gardens

- Flood risk: areas adjacent (Villa Park Gardens and Martins Grove) have been frequently flooded over 60 years e.g. flood event on 24th October 2011 which involved flooding of 55-64 Villa Park Gardens.(photos attached)
- There is no permanent fix for ongoing flooding problems.
- The conclusion that all surface water generated in site will be disposed of within site boundaries lack evidence.
- The site has underlying drainage issues as demonstrated in heavy rainfall events
- Desk top data is not necessarily applicable to site specific location
- Soakaway will not address drainage issues.
- Proposed licence bar use objectionable on grounds of much closer proximity to homes and associate social event and nuisances
- Alcohol license questioned in light of school use.
- The statement of no-congregation is not acceptable as practicable
- The tree planting is causing a problem with sewer pipes and do not necessarily provide cover
- Transient student uses not compatible to family home use in apartment, not convinced presence will be unnoticed in the closer proximity range of homes.
- Not a community facility – local club and club ceased use due to cost
- Do not necessarily agree about the excellent relationship between College and residents.
- Increased risk due to no man's land.

7.1.5. Anthony and Maurine Dunne 57 Villa Park Gardens

Information is too general to sufficiently address the detailed concerns. The objection is put in context of 26 objections and issues arising therein. It is considered that there are inaccuracies in information submitted and sufficient weight has not been given to alternatives siting of pavilion rather than planning this effective 'nerve centre' close to houses. Insufficient consideration the transitional context. Concerned about impact of proposed remedial screening of residential development. Issues consequently relate to:

- Flooding – despite photographic evidence of flooding on site the application states that there is no history of flooding and accordingly the engineer's generalist unsubstantiated conclusion are not credible.
- The creation of barrier by the pavilion which is the basis of justification by the development is in fact the very basis of objection. On the one hand it is argued it will contain the crowds where as in fact the residents are concerned about the noise and intervening ground.
- Noise and disturbance arising from layout and proximity of terrace due to spectators who are encouraged to roar. The coming and goings associated with up to 800 persons will also give rise to disturbance,
- Anti-social behaviour due to the creation of unsupervised space between the pavilion and the houses, the use of the pavilion by teenage boys in particular at events and in apartment
- Lighting not sufficiently addressed
- Devaluation not addressed.
- Environmental impact – erroneously stated that an EIS not required despite fuel store and ball nets which may impact on birds.
- The objection is appended by 3 options for the proposed redevelopment of the grounds - each option incorporating a pavilion in the vicinity of the existing pavilion
- Concurs with Jim Brogan's submission

An USB stick contains these submissions and also a documentary on school Rugby at Bevedere College and includes footage of Cup match finals and also the headmaster addressing the school in preparation for student support.

7.2. Grounds of Appeal by First Party

- Appeal against condition numbers 2, 4, 5 and 6
- Omit Condition 2: Exemption from financial contribution levy should apply as the development falls under the category of 'social, recreational or religious purposes and not to be used for profit or gain'.
- Omit Condition 4: This restricts use of southern stairwell and is excessive. While it is not the main access point, the provision of a gate will inhibit use of the terrace viewing area over the pitches which is its purpose. It will also cause circulation issues. Overlooking is not considered to be an issue given the orientation of viewing and the provision of screen planting.
- Condition 5 will inhibit community use and this is contrary to established relationship the school has in the locality. While there is no current bar license there was previously which was not an issue. Further licenses would be subject of licensing process. Rewording recommended to include community events. Noise issue can be addressed by conditions.
- Condition 6 in relation to noise is more appropriate for live performance venue - an alternative wording is recommended.
- The restriction on use of a public address system is overly restrictive for school events such as family fin days and sports days e.g. commentary on informal race and these are not frequent in the school year.
- The facility is welcome enhancement and modernisation of an existing valuable sporting facility.

7.3. **Planning Authority Response**

No new issues raised.

7.4. **First Party Response**

The rationale for the pavilion siting is explained by reference to optimal layout for school champion viewing, orientation, access, wind factors....

7.5. **Observations**

7.5.1. Jim Brogan on behalf of A and F Keenan, E MacDermott and M Flynn specifically comments on the first party appeal:

- The contribution levy exemption should not apply to a fee paying school.
- Viewing from southern exit area of terrace is an issue and an additional gate should be provided.
- Community use is too broad. It is effectively a party venue. There is no merit in changing condition 5. There should be specific prohibition of non-sporting events by other clubs or colleges for corporate functions or hiring by other parties for function or commercial purposes in order to protect residential amenities in view of proximity.

7.5.2. Derek Flynn on behalf of M. Flynn

- Objects to proximity (12-14m) from home and anti-social behaviour arising from pavilion and apartment. Flooding a concern also.

7.5.3. Paul Peake

- Objects to bar license and social events with such facilities
- In view of flooding experience in home concerned about drainage capacity and impacts. (Photograph attached)

7.5.4. Ruth Coppinger TD

- Objects on grounds of flooding and insurance difficulties, noise/ social use.

7.5.5. Brendan Carr

- Supports objections from local residents
- Concerned about replacement of grassed area with pavilion and car park and impact on sheltered accommodation at 214 Navan Rd.
- Concerned about traffic issues associated with increased car park and bus corridor.

7.5.6. Nuala Wylie

- No regard to community and unaware of consultation
- Condition 4 should remain to protect privacy of home (no.49)
- Not satisfied with supervisory capacity of student accommodation
- Impact on sheltered accommodation

7.6. Further Responses

- Re-orienting pitches considered but constrained by prevailing winds and geometry of site. (Baggot Road on west side shorter and the proposed layout provides for 2 championship sized pitches). Layout also influenced by need for viewing relationship with championship pitch. Swapping sides for pavilion would also raise complications with access and bus stop. Redeveloping footprint would add 200k to the cost also.
- Noise: In terms of pavilion design and use there is no ventilation needed or provided and windows are placed and designed to avoid external noise. E.g. multi-purpose room has a non-openable window in east.

- Changing rooms are located at ground level and those used for big events are more removed from sensitive location. Showers on west side.
- Omission of mound at southern end of terrace would not remove noise as this is designed (by steep gradient) to hinder gathering
- Apartment noise exaggerated.
- Confident of controlling buffer area (which is acknowledged by applicant's noise consultant's as reducing noise) due to long established experience of site and sports event management.
- Coaches already at near boundary with no.214 Navan Road. Notwithstanding it is proposed to employ management measures such a 'no idling of engines' and such like on certain match days
- The surface water arrangement will constitute an improvement in drainage arrangements. Surface water discharge to combined sewer will be reduced. It is pointed out that the rainfall event of 2011 triggered 1300 reports of flooding in Dublin City Council.
- Overlooking from external stairs at southern end is not an issue as this is a circulation area – there are no landings
- Design has been respectful of transitional zone between open space and residential – architect is experience in pavilion design e.g, Merrion Cricket Club.
- Licensing laws will regulate a bar license facility
- Great care to close east elevation facing houses so that there is no overlooking - ground floor is semi-submerged and uses obscured glazing is proposed in sensitive areas.

8.0 Assessment

8.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of development: zoning and urban design
- Residential Amenity: noise and disturbance of pavilion and car parking, visual impact, overlooking.
- Flooding
- Boundary treatment,
- Conditions 2, 4, 5 and 6 (financial contribution, overlooking, pavilion use and noise)
- Appropriate Assessment

8.2. Principle of development: zoning and urban design

8.2.1. While the open space zoning restricts structural development and notably residential development, in this case it is primarily proposed to replace a pavilion on a long-established sports ground for a city centre school. In doing this it is in effect providing for the same student numbers albeit with enhanced facilities and accordingly cannot in my judgment be seen to constitute a material change or significant intensification of use on the site at large. The apartment use is only ancillary to the school facilities and replaces the caretaker's cottage – the residential element being an integral element of the site security. The core issue centres on the site layout and relocation of the pavilion in closer proximity to the dwelling houses to the east. There is perhaps a case that the pavilion site on the Navan Road will enhance the street scape and accords more with best urban design practice in creating streetscapes, however on the other hand the open aspect of the tree-lined grounds in a suburban setting is appropriate visual relief. On balance I do not consider an issue of material contravention to arise and consider that the proposed development is acceptable in principle

- 8.3. Residential Amenity: noise and disturbance of pavilion, car parking and visual impact
- 8.3.1. The site is surrounded by mature residential housing with the eastern and southern sides of the site bound directly by mostly rear residential gardens. Nos 55, 57, 59 and 61 are directly to the rear of the proposed pavilion at a distance of about 38m (between upper elevations of house). The credit union extends some 30m along the boundary in very close proximity and in the vicinity of the proposed pavilion entrance in the northern end. No. 214 Navan Road a shelter home bounds the north east corner at the Navan Road frontage and this is where the car park is to be retained with marked coach parking spaces at the eastern boundary. The proposed relocation of the pavilion – the ‘nerve-centre’ of the activities on site to the eastern side of the site at a distances of 12 metres from the rear garden walls is of most serious concern for residents by reason of disturbance.
- 8.3.2. Noise and disturbance: The anticipated source of disturbance is that which may arise from the cheering spectator crowd in such close proximity. It is however argued by the applicant that the crowds will in fact be buffered from the housing by the pavilion – the structure being placed between the sloped embankment terrace and also being set back from the boundary along which supplementary screen planting can be provided. This is not accepted as being sufficient on the basis of proximity alone and the limited potential for dissipation. The open terrace at first floor level will be a most significant noise source.
- 8.3.3. The noise consultant’s report for the appellant considers the applicant’s noise report to be misleading and quantifies the noise level from shouting voices at 66db and considered this unacceptable. It is further stated that the viewing mound extends beyond the pavilion structure in the vicinity of house and noise from this area will have little or no attenuation as asserted by the applicant.

- 8.3.4. In the first instance it must be noted that the existing playing field layout presently facilitates viewing for the full extent of the championship pitch right up to the boundary with the houses. In this context the shifting westwards of the championship pitch away from the houses and insertion of an intervening structure will provide for some attenuation. I also note in the detailed design (as explained by the applicant) that the mound design is of varying gradients such that it potentially encourages congregation at the northern end of the pavilion while also providing terrace viewing. Access to the intervening space that is presently open will be restricted and this is based on the school's experience of managing the grounds and activities therein.
- 8.3.5. While noise may be an issue during significant matches it must be accepted that this is an established sports grounds for a large school and that the bigger matches are seasonal and of limited frequency. They are also typically during daytime when higher noise levels are tolerable. Accordingly, while there may be an increase in noise level during these day time events it will be of a limited and infrequent nature and typically during school days/terms. I also note that this is not a facility as comparable to the football stadia such as in Donnybrook or venues (as for example illustrated in the appended footage to the Dunne submission – reference is made to 20000 spectators at these match /venues) where big event matches are catered for. Accordingly, I do not consider the noise caused by spectators on the subject site to constitute a reasonable basis for refusal.
- 8.3.6. With respect to noise from car parking use, there is particular concern about the idling of coach engines associated with the transport of 600 students and event matches. At present there is car parking along the boundary with no214 the premises which I note ranges from about 5m to less than 2m from the boundary by virtue of an extension. This is close to the Navan Road. I note the applicant's proposals to manage the coach parking to control engine idle and in the context of the established use of the parking area for existing coach parking in the vicinity and the proposed layout which retains a grass margin buffer, this is acceptable.

8.3.7. In terms of wider community uses and noise, it must be noted that this is primarily a school sports ground facility with ancillary sport related uses. Historically it used to be the venue for Belvedere Cricket Club but this no longer operates from here however it is indicated in the proposals that this may start up again and that a bar licence may be applied for single events. Community use is referred to also. I accept that the intensive weekend use associated with non-school clubs is of concern. I fully accept that operating weekly clubhouse events in the pavilion for large numbers and particularly with alcohol and music involved could potentially introduce a significant level of noise and disturbance to the local residents within 50m of the venue. However, in this case this is not being explicitly proposed.

8.3.8. While an occasional event could be readily absorbed into the neighbourhood, the risk is in the incremental increase in events coupled with the variability of degrees of rowdiness of masses of schoolboys and possible evening events. In this context it is perhaps understandable that a more precautionary approach to site layout would avoid the closer proximity to the existing established homes. I do however accept that the applicant has taken steps to prevent and control noise by way of layout, internal floor layout (cellular service areas to the rear), window layout and design and building envelope fabric as well as management of use which will permit day to day use of the facility for on-going sporting uses. Commercial catering is not provided or and so ventilation plant and such like is not required.

8.3.9. Aside from the actual levels of noise and disturbance from crowds of cheering boys and the associated comings and goings, I consider a potentially bigger issue is that of absence of supervision of the grounds outside school use and particularly outside school term. In these circumstances the creation of an extensive strip of enclosed grounds between the rear boundary walls and the back of the pavilion which has limited if any opportunity of passive surveillance could potentially pose a risk to the security of the adjacent residents. The maintenance of the road frontage would in this context would be preferable and may also provide for safer access for the school

boys to the pavilion and grounds. It is more likely to inhibit the congregation of groups whether anti-social or not nearer the residential homes. In this regard however I note the importance of the residential element as being integral to the overall site management. The caretaker cottage has provided on-site security. While I note Awn Consulting refer to controlling events such as controlling parking and congregation, it is not fully clear however how the site would be managed outside school term. Although, I note that reference to the long established experience of the Trustees in managing the grounds. In these circumstances I do not consider it unreasonable in the event of a grant of permission to require a 24/7 security management plan and to strictly regulate evening use to protect the amenities of both on-site and adjacent residents.

8.3.10. In terms of overbearing and overlooking, I note is over one metre below the height of houses and this is well illustrated in the submitted drawings and model images. I note that the pavilion height at 50m OD is scaled to be significantly lower than the roof height of the adjacent houses by up to 1.2m lower. Careful consideration has been given to the external modelling and avoidance of mechanical plant. Moreover, I am satisfied that the architectural design approach is well considered and appropriate to the open space setting in an urban context. The integrated approach to road frontage and landscaping will positively enhance the amenities of the area. In terms of overlooking I am satisfied that the window layout and internal uses will minimise this and in any event, boundary planting that would ordinarily screen domestic structures or comparable of an even greater height would also address issues of overlooking. I do not consider the arguments against the development in this regard stand up to scrutiny given the height, extent and nature of use and separation distance. I say this having regard to other decisions for school type facilities in residential areas. (e.g.PL241275 St Oliver Plunkett N.S., Malahide)

8.3.11. In terms of wider visual amenity, the residents also object to the structure on grounds of obstruction of views of the open space and degradation of views generally. I do

not consider the obstruction of private views to be reasonable basis for objection in this case.

8.3.12. On balance, I am reasonably satisfied that the applicant has explored all options for site layout and is constrained by the orientation, prevailing winds and capacity of the grounds to cater for the required school facilities. I do however consider a restriction on commercial events and evening uses to be appropriate to the proposed site layout having regard to the proximity to residential development.

8.4. Flooding

8.4.1. A critical issue arising in the cases of both objectors and appellants is the matter of flooding. The appellants object to the development on the basis of extensive drainage issues and localised flooding of the south west corner of the playing fields and neighbouring properties. While the engineering reports submitted by the applicant are acknowledged these are discredited by the appellants on the basis of the applicant's affirmation on the application form that there is no history of flooding on site. Furthermore, calculations for run-off areas are queried.

8.4.2. While I accept that there is clearly a drainage issue on the site as evidenced in the photographs, I also note that the Drainage Division sought further information in respect of drainage and that this was submitted to its satisfaction. I note that the applicant (in the Flood Risk Assessment submitted as further information) clarifies that the nearest flooding incident as recorded by the OPW is in fact 2.5km away. I note that the proposal incorporated attenuation measures in accordance with SUDs. The Drainage Division has consequently raised no objections to the proposed development. As a matter of course the proposal would however need to comply with its requirements. I do not consider impact on flooding to constitute a reasonable ground to refuse permission however the issues do need to be addressed. The extent of open space together with the need to improve drainage provides an

opportunity to in fact improve the current situation. In this regard I note the proposal to reduce loading on the combined sewer from the surface water run-off. A condition of permission should clarify the need to contain run-off within the site and not generate flooding of adjacent sites. The detailed mechanism for this should be agreed with the Drainage Division who also has responsibility for the wider catchment area.

8.5. Boundary treatment,

8.5.1. There is an objection to trees being planted to provide a noise and visual buffer. This is something that could happen regardless of development and is not a reasonable basis to refuse development.

8.5.2. There is an objection to ball nets as they were not included in the public notices. The planning authority has made it clear that they are considered a separate unit of development in its request for further information. The applicant however indicates that they are clearly indicated in the submitted plans. They could in my opinion, be considered to be ancillary to the overall development. I note the comments that the playing balls are frequently kicked into gardens and in this context they are for the purpose of protecting the neighbouring properties and while the Board may consider the exclusion of these, the matter could be addressed by way of clarification in a grant of permission. I consider that on balance it would be in the interest of amenities of the surrounding residents to provide the nets. Most nets could be removed outside the rugby season, i.e. in late spring summer months. This could be subject to condition or alternatively, the Board may consider requiring an application for permission for ball nets.

8.5.3. The proposal incorporates an upgrading of the front boundary treatment along Navan Road and this is to be welcomed.

8.6. First Party against condition

- 8.6.1. Condition 2 financial levy: I accept that the school sports facility is primarily a non-profit entity and that it is an educational use. However, the Development Contribution Scheme does not exempt fee-paying schools from contributions. In view of the school policy to not require fees in all cases this exemption could perhaps be applied proportionally. Allowance could also be made for the fact that this is a facility for limited community use. In these circumstances a reduction of 10% might be reasonably applied. (reduce from €46,170 to €41,553). However, there is no guarantee of community use or fee payments rates and therefore I would be inclined to retain this condition in the event of grant of permission.
- 8.6.2. Condition 4: This condition seeks to restrict access to part of the viewing terrace which is a key function of the pavilion. In the first instance the use of the terrace will be intermittent. While I accept that the viewers will be facing towards the pitches and therefore away from the rear of the properties this cannot be solely relied on for controlling overlooking of private properties. However, in terms of proximity and levels, the overlooking would I accept be spatially comparable to back to back housing. The provision of screen planting is entirely reasonable in these circumstances. Furthermore, controlling use of pavilion for events will address the matter of disturbance and nuisance. It must be noted that this is a school facility and not a commercial licensed event facility. For these reasons I consider the omission of this condition to be reasonable in the event of a grant of permission. The Board could otherwise consider modifying the condition such that the gate at the southern end be provided but that it generally be kept closed unless the volume of spectators demands its use for capacity and safety. In that way any potential for overlooking is confined to limited periods.
- 8.6.3. Condition 5: This condition seeks to restrict events. In my opinion the use of the pavilion for school and community events is consistent with the school operations and engagement with community. It should not be unduly compromised in providing a local facility. However, the nature and extent of this needs to be controlled in view

of the proximity to the residential dwellings. In the case of Merrion Cricket Club, for example, a total of 5 corporate events are permitted annually in addition to the use of clubhouse bar. In the subject case however a bar licence is seen as temporary occasional feature subject to licensing laws. It could be argued that in view of the historic use of the pavilion as a clubhouse for Belvedere Crick Club, a similar condition restricting non-school events could be applied. However as this is being relocated I consider the wording by the Planning authority to be appropriate. Corporate type use should be subject to a grant of permission. This condition should therefore be substantially retained but modified to regulate hours of operation.

8.6.4. Condition 6 Noise – It is submitted that the condition is more appropriate for an event venue and that the condition should be reworded. It is further argued that the restriction on use of a public address system is overly restrictive for school events such as family fun days and sports days e.g. commentary on informal race and these are not frequent in the school year. I consider that the control of the uses by limiting corporate use and hours of operation of the pavilion that the issue of noise can be addressed. This is not for example comparable to Merrion Cricket Club which clearly catered for corporate events and operating a bar on an on-going basis. I accordingly recommend that that this condition be amended in the event of permission.

8.6.5. Other Matters

8.6.6. The issue of traffic is raised by virtue of the extended car parking facilities. As this is serving the same size school and is replacement pavilion I do not consider intensification of traffic to constitute a material issue. The enhance parking is more likely to reduce generation of on-street parking and potential nuisance for residents in the surrounding road network. I note also that the planning authority has no objections in this regard. I do not consider objections on the basis of traffic hazard to constitute reasonable ground to refuse permission.

8.7. Appropriate Assessment

8.7.1. South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA are at distances of approximately 6km and 9km respectively from the site. The species that are a qualifying interest are listed below.

South Dublin Bay and R.Tolka Estuary	North Bull Island
Features of interest	
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]	Shelduck (<i>Tadorna tadorna</i>) [A048]
Ringed Plover (<i>Charadrius hiaticula</i>) [A137]	Teal (<i>Anas crecca</i>) [A052]
Grey Plover (<i>Pluvialis squatarola</i>) [A141]	Pintail (<i>Anas acuta</i>) [A054]
Knot (<i>Calidris canutus</i>) [A143]	Shoveler (<i>Anas clypeata</i>) [A056]
Sanderling (<i>Calidris alba</i>) [A144]	Oystercatcher (<i>Haematopus ostralegus</i>) [A130]
Dunlin (<i>Calidris alpina</i>) [A149]	Golden Plover (<i>Pluvialis apricaria</i>) [A140]
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	Grey Plover (<i>Pluvialis squatarola</i>) [A141]
Redshank (<i>Tringa totanus</i>) [A162]	Knot (<i>Calidris canutus</i>) [A143]
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	Sanderling (<i>Calidris alba</i>) [A144]
Roseate Tern (<i>Sterna dougallii</i>) [A192]	Dunlin (<i>Calidris alpina</i>) [A149]
Common Tern (<i>Sterna hirundo</i>) [A193]	Black-tailed Godwit (<i>Limosa limosa</i>) [A156]
Arctic Tern (<i>Sterna paradisaea</i>) [A194]	Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]
Wetland and Waterbirds [A999]	Curlew (<i>Numenius arquata</i>) [A160]
	Redshank (<i>Tringa totanus</i>) [A162]
	Turnstone (<i>Arenaria interpres</i>) [A169]
	Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]
	Wetland and Waterbirds [A999]

8.7.2. The majority of features of interest for these sites are species that tend to use the estuaries, mudflats and coastal grasslands. The Light Bellied Brent Goose is identified in the screening report submitted by BSG ecology as being the only species reliant on grasslands as a secondary source outside the site due but the loss

of grassland in the sports grounds will be minimal and therefore of little consequence.

- 8.7.3. I concur with the statement in the that 'due to the distance of the site from the core foraging habitat closer to the coast and the SPAs and the small area of habitat that will be lost that the proposed development is unlikely to result in any negative impact on the light-bellied Brent Geese due to habitat loss. Furthermore, the reduction in loading on the sewage plant discharging to Dublin Bay will be a positive impact. Given the urban context of the site and the nature of the proposal which relates to limited redevelopment while retaining the open space as sports grounds I do not consider the proposed development of this site is likely to, by itself or cumulatively, result in any adverse effect on any European Sites.

9.0 **Recommendation**

- 9.1. I recommend that planning permission should be granted based on the following reasons and considerations and subject to conditions as set out below.

10.0 **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. 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 the 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/shall not be hired out for functions to outside person or bodies 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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. With the exception of two annual school events, any public address system shall only be used for controlling an event and shall not be for advertisements or music.

Reason: In the interest of residential amenity.

12. 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 L_{90} and the specific noise shall be measured at $L_{Aeq, T}$.

(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 $L_{Aeq, T}$.

(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.

13. 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.

14. 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.

15. The developer shall pay to the planning authority a financial contribution €46,170 (forty-six thousand one hundred and seventy euro) 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Suzanne Kehely

Senior Planning Inspector

31st January 2017