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| Development | Relocation of Fair City Lott filming set comprising of 11 sets including internal roads and footpaths, provision of a new road and fence along boundary of set and all associated works. |
| Location | RTE Campus, Stillorgan Road and Nutley Lane, Dublin 4. |
| Planning Authority | Dublin City Council. |
| Planning Authority Reg. Ref. | 2874/17. |
| Applicant | RTE. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant. |
| Type of Appeal | Third Party -v- Grant. |
| Appellant(s) | (i) Brian & Elizabeth McDermott, (ii) Peter and Paula Ledbetter. |
| Observer(s) | (i) Lyons Kelly Architecture and Design, (ii) Nutley Residents Association, (iii) Stephen and Ruth Skehan, (iv) Liam Byrne. |
| Date of Site Inspection | 7 th November, 2017. |
| Inspector | Paul Caprani. |

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1.0 Introduction

PL29S.248946 relates to a number of third party appeals against the decision of Dublin City Council to issue notification to grant planning permission for the relocation of the Fair City film set within the RTE campus at Donnybrook. The third party appeals raise concerns primarily in relation to the impact of the proposal on the visual and residential amenities of residents residing to the north of the RTE campus on Nutley Road. A number of observations were also submitted supporting the grounds of appeal.

2.0 Site Location and Description

- 2.1. The existing Fair City set is located in the north-western area of the RTE campus, approximately 150 metres north-west of the site which is now proposed for the reallocation. The existing site comprises of an area of approximately 0.26 hectares. It accommodates a number of building facades together with internal roadways which are used on outdoor sets for the filming of Fair City Soap. The existing set is surrounded to the west and south by access roads and green areas associated with the existing RTE campus. The northern boundary of the existing set shares a common boundary with an apartment development fronting onto Nutley Road (Nutley Court) and the German Ambassador's residence. The south-eastern boundary of the existing film set adjoins a surface car park.
- 2.2. Under the current application it is proposed to relocate the set to a new area approximately 150 metres to the south-east adjoining the northern boundary of the RTE campus. The new site will share a common boundary with the rear of House Nos. 36 to 46 Nutley Road.

3.0 Proposed Development

- 3.1. Three separate areas are included in the current application for the purposes of relocating uses within the site.

- 3.2. Area No. 1 currently comprises of a car park to facilitate RTE staff as well as a waste receptacle area and landscaping along the northern boundary of the campus. It is within this area (Application Area No. 1) where the proposed set is to be relocated. The Fair City lot comprises a total of 11 sets which makes up “Carrickstown” in which the soap opera Fair City is set. Each of the sets are set out in the planning report submitted with the application. Each of the 11 sets are to be relocated and reconfigured within the new site and the reconfiguration is set out in Drawing 17051-PLA-006. The sets are to be set out around a new internal access road together with lamppost, bus stops, road markings etc.
- 3.3. The proposed set will be constructed as a steel framed system with a sheet cladding façade. An external render finished on sheeting board together with slate roofs, PVC doors and windows and hardwood shopfronts are proposed. The proposed set exterior design will replicate the existing Fair City set in order to ensure consistency in filming.
- 3.4. Application Area No. 2 is located to the immediate north-west of the existing construction workshop within the campus and to the immediate south of Application Site No.1. This area is L-shaped and incorporates a grassed margin and an area of hardstanding adjacent to the construction workshop. The waste and recycling area which is located within the surface car park at site no.1, will be relocated to Application Site No. 2,
- 3.5. A separate third area (Application Site No.3) comprises of a rectangular piece of land to the south-west and it comprises of a grassed amenity area. It is proposed to construct a new service road within the green area in Application Site No. 3. This new service road runs to the east of the existing administrative and restaurant building within the RTE complex. The proposed service road is 6 metres in width and 90 metres in length. This access road will link up with two existing internal roads which traverse the RTE campus. The proposed road will also provide direct access to the new Fair City film set from a new access to the campus which was recently granted planning permission to the site from the Stillorgan Road under Reg. Ref. 3094/16.

4.0 Planning Authority Decision

4.1. Decision

Dublin City Council on 5th July, 2017 issued notification to grant planning permission for the proposal subject to 11 conditions.

4.2. Documentation Submitted with the Planning Application Form

4.2.1. The planning application was lodged with Dublin City Council on 9th May, 2017. The application was accompanied by the following documentation which is briefly set out below.

4.2.2. A **Planning Report** prepared by John Spain and Associates Planning Consultants. It sets out:

- the site location and description,
- the background and context to the current application,
- a description of the proposed development,
- the relevant planning history,
- the relevant planning policy context,
- an Appropriate Assessment screening report which concludes that a Stage 2 Appropriate Assessment is not necessary in this instance and an assessment of the proposed development in planning terms.

The critical planning issues in determining the application are identified as being landscape, visual assessment, overshadowing, daylight and sunlight assessment, noise impact, lighting and car parking. Having assessed these issues the Planning Report considered that the proposed development is appropriate and in accordance with the proper planning and sustainable development of the area.

4.3. Also submitted was **A Bat Survey Report**. This report describes the survey undertaken on site. A number of bats were recorded within the RTE campus. Three species of bat were recorded commuting/foraging through the survey area, principally along the tree lined boundary of sycamores. It is noted that this tree line is marked for felling. Two trees were deemed important for roosting bats and are marked for felling. While there will be an impact on the local bat population, the

impact is considered to be low. The report recommends that the removal of trees should not be undertaken where possible but where trees are removed, a new native tree hedge and deciduous trees should be planted along the boundary. It is also recommended that four bat boxes be provided.

- 4.4. **An Arborist Report** was also submitted. It included a tree survey of all trees located within the area of the proposed development. It is noted that a total of 137 trees were surveyed and a total of 33 trees will require removal. In the context of the wider area (where over 500 trees are situated), the removal of 33 trees will have minimal impact on the amenity of the area. A landscape plan will be incorporated which will include compensatory planting. The trees to be removed are indicated on Drawing RTE 4-TS-02A contained to the rear of the report.
- 4.5. **A Screening Report for Appropriate Assessment** was also submitted. It notes that the proposed development is not located within or adjacent to any SAC or SPA. The site is approximately 1.2 kilometres from the boundary of the South Dublin Bay and River Tolka SPA/SAC. It is noted that there is no pathway between the subject site and the nearest Natura 2000 site. Therefore, the potential for loss or disturbance of Natura 2000 habitats or species is negligible. It is concluded therefore that no significant effects are likely to arise either alone or in combination with other plans or projects on any SPA or SAC in the area.
- 4.6. A **Construction/Demolition and Operational Waste Management Plan** was also submitted. It sets out the predicted waste types and the project management approach. This includes contractor requirements, the demolition procedures involved and the assignment of responsibilities and training for those involved in the project.
- 4.7. **An Engineering Planning Report** prepared by Atkins was also submitted. It notes that for the proposed application there is no potable water supply requirements or foul drainage requirements. In terms of storm water drainage, a system has been designed in accordance with the (Greater Dublin Regional Code of Practice for Drainage Works).

In terms of parking it is noted that 87 car parking spaces will be removed to facilitate the proposed development. This reduction will bring the total number of car parking spaces within the RTE campus to 681. It is stated that there is overall target reduction of car parking by RTE of 20% (from 821 car parking spaces to 656 car

parking spaces). The removal of 87 car parking spaces will assist in achieving this goal. The report includes a number of appendices including:

- Appendix A – SUDS Attenuation Detail.
- Appendix B – Storm Drainage Network Design Calculations.
- Appendix C – Flow Control Device Details.
- Appendix D – Existing Car Park Run-off Rates.
- Appendix E – Traffic Assessment and Mobility Management Plan Framework.
- Appendix F – A Flood Risk Assessment.

4.7.1. A **Sunlight and Daylight Impact Analysis** was also undertaken by ARC Consultants Limited. The analysis undertaken indicates that the impact of shadows cast by the construction of the new Fair City set will result in little or no change in the sunlight access to the windows of the existing houses on Nutley Road. When effects of the shadow cast by the dense band of existing and proposed trees along the RTE boundary is considered, the proposed Fair City set will have no potential to change sunlight penetration to the windows of the existing buildings. The analysis also indicates that the new set at Fair City will result in little or no change in sunlight access to the existing rear gardens on Nutley Road. The proposed development is too low in height, too far away from the houses at Nutley Road to bring about a material change in daylight access within those houses.

4.7.2. A Fair City Film Set **Street Lighting Report** was prepared by Delap and Waller Limited. The analysis undertaken indicates that there will be light trespass of less than 10 lux to the rear windows of the adjoining properties and this falls within the limitations associated with the environmental zone, (see Table 1 of report entitled – Obtrusive Light Limitations for Exterior Lighting Installations from “Guidance Notes for the Reduction of Light Pollution, Institute of Lighting Engineers (2002)”. Furthermore, it should be noted that the presence of trees along the boundary have not been included within the calculation which would inherently lower lux levels beyond the canopy. The overall conclusion therefore is that street lighting and/or production lighting is unlikely to have an impact on adjoining properties.

4.7.3. A **Noise Impact Report** was also submitted. It assesses the construction activities involved in relocating the set. The construction activities will take place between

0700 hours to 1800 hours Monday to Friday and 0800 hours to 1400 hours on Saturday. It is proposed that filming on the set will normally be undertaken between 0800 hours and 1800 hours Monday to Friday with increased filming hours up to 2200 hours two nights a week and between 0800 hours to 1800 hours on Saturdays. The most significant noise source anticipated is the cast/film crew talking on set. The normal acting out of scenes is considered to be inaudible during the set.

- 4.7.4. A separate report entitled **Landscape and Visual Assessment** was prepared by Doyle and O'Troitichigh Landscape Architecture. It predicts the overall visual impact to be modest and the site is located within the confines of the RTE campus. It is acknowledged a quantity of trees will be need to be removed to accommodate the scheme. However, this will be mitigated against with a considerable replanting across the site.
- 4.7.5. A separate report by the same authors sets out details of the landscape proposals, planting programme and landscape performance standards associated with the proposed development.

4.8. **Objections and Observations**

A number of objections were submitted in respect of the proposed development. Many of the objections were submitted by residents of Nutley Road and a separate letter of objection was submitted by the Nutley Residents Association. The issues raised in the observations include arguments that the proposed development contravenes various policy statements contained in the development plan, would result in overshadowing and become overbearing to adjoining development. Concerns are expressed in relation to noise pollution, light pollution and impacts on trees and natural habitats.

4.9. **Planning Authority's Assessment**

- 4.9.1. A report from the **Waste Management Division** makes reference to the need to comply with requirements for construction and demolition projects (larger projects C661) and waste (standards for commercial/industrial developments – C762).

- 4.9.2. A report from the **Engineering Department Drainage Division** states that there is no objection to the development subject to the proposal complying with the Regional Code of Practice for Drainage Works.
- 4.9.3. A report from the **Conservation Officer** states that there are no substantive conservation issues and no input is required from the conservation officer in respect of the proposed application.
- 4.9.4. A report from the **Roads and Traffic Planning Division** states that there is no objection to the reduction in car parking proposed under the current application nor is there any objection to the proposed internal service road. It is therefore recommended that if planning permission be granted a total of two conditions be attached.
- 4.9.5. The **Planner's Report** sets out details of the proposed development and outlines the extensive planning history associated with the RTE site. In terms of assessing the proposal, the report notes that the applicant has submitted various plans in relation to daylight/sunlight assessment, landscaping, noise report, lighting report etc., and it is considered generally that these reports successfully address any amenity issues on adjoining residents. It is noted that it is proposed to film until 10 p.m. on two evenings a week. It is stated that this represents a substantial increase in evening operation and will need to be monitored. In this regard a temporary permission is recommended. Overall it is considered that the proposed relocation of the Fair City set is considered to be acceptable and will not negatively impact on the site itself or neighbouring properties.

5.0 **Planning History**

- 5.1. There is an extensive history associated with the RTE campus. There are no details of any of the planning history attached to this file.
- 5.2. Relevant planning history as set out in the local authority planner's report and the planning report accompanying the application is set out below.

Under **Reg. Ref. 0182/91** planning permission was granted by An Bord Pleanála on 25th August, 1992 for a temporary permission of 3 years for the production set

involving the provision of a streetscape façade behind the radio centre at the RTE campus.

Under **Reg. Ref. 1476/98** Dublin City Council granted permission for the retention of the existing Fair City production set of streetscapes.

Under **Reg. Ref. 2051/02** permission was granted for the retention of the Fair City set in October, 2002.

Under **Reg. Ref. 5398/03** planning permission was granted for the construction of a temporary filming set consisting of six structures of various heights between 3 metres and 10 metres together with associated site and landscaping works at the RTE site.

Under **Reg. Ref. 3046/10** retention of planning permission for a 10-year period was granted for external film sets used in programme production including nine set structures in height between 1 and 8 metres together with all associated development works. The decision of Dublin City Council was the subject of a first party appeal against a number of conditions and some of the conditions were amended by the Board on foot of the appeal.

Under **Reg. Ref. 2392/13** permission was granted for the retention of an external film set and the construction of two external film sets together with the retention and relocation of ancillary works including portacabins etc.

Under **Reg. Ref. 3035/14** retention of planning permission for a period of five years was granted for external film sets used in programme production together with portacabins and other structures. Permission was granted for five years.

Under **Reg. Ref. 3094/16** Dublin City Council granted planning permission for a new access to the RTE lands from the R138 (Stillorgan Road) together with footpaths, pedestrian crossings and landscaping and amendments to the existing internal road network on the RTE campus. The proposal will involve the closure of the existing main access on Nutley Lane and associated new boundary treatment etc.

Under **Reg. Ref. 2682/16** planning permission was granted by Dublin City Council for a change of use of Montrose House (a protected structure from office and administrative use to use as a crèche).

Under **PL29S.236717** An Bord Pleanála upheld the decision of Dublin City Council to grant planning permission for a 10-year permission for a new broadcasting facility consisting of three new blocks (totalling 103,553 square metres, 800 parking spaces and a new four-arm signalised access onto the N11 at the RTE campus). The Board granted planning permission subject to 23 conditions in 2010.

6.0 The Appeal

2 no. third party appeals were submitted in respect of the decision of Dublin City Council. Many issues raised in both grounds of appeal overlap and for this reason the issues are summarised under the headings below.

6.1. Visual Impact

- 6.1.1. Some of the sets are up to 8.5 metres in height and are only 14 to 15 metres from the rear dwellings on Nutley Road. The RTE lands are on grounds which are approximately 2 metres higher than the appellant's rear gardens.
- 6.1.2. Concerns are expressed that so many trees are being removed. There is no guarantee that the landscaping will be maintained. If the Board grant permission, it is requested that a condition be attached requiring specific and effective maintenance of the woodland would take place.
- 6.1.3. The proposal represents an abrupt transition in scale and this is not in accordance with the zoning provision set out in the development plan. Specific reference is made to Section 14.7 of the development plan.
- 6.1.4. The existing woodland along the northern boundary of RTE is an important environmental amenity which is required to be protected under the Z12 zoning. The removal of this woodland is considered to be unacceptable.

6.2. Working Hours

It is unreasonable that RTE would be permitted to work until 10 p.m. on two nights a week as this will have an adverse impact on residential amenity through noise.

6.3. Alternative Sites

It is suggested that there are more suitable alternative sites within the campus which would not have such a destructive impact on the woodland of the area or amenity of

residents in the vicinity. Reference is made to a site close to the existing Fair City set or an alternative site closer to the main RTE buildings.

6.4. Access to Daylight and Sunlight

- 6.4.1. It is argued that the proposed Fair City set will block light to the rear gardens of the appellants' dwellings particularly during the winter and early spring.
- 6.4.2. Both original observations to the Planning Authority (both prepared by McGill Planning) were submitted as part of the grounds of appeal. These original observations reiterate the concern set out in the grounds of appeal and also suggest that a masterplan should have been submitted with the application.

7.0 Appeal Responses

7.1. Applicants Response to the Grounds of Appeal

- 7.1.1. A response was received by John Spain and Associates on behalf of the applicant. It sets out details of the proposed development including the landscape proposals and details of the site location and planning policy context. Specifically, in relation to the grounds of appeal the following is stated:
- 7.1.2. In relation to landscaping and maintenance, it is stated the majority of existing trees will be maintained and augmented through supplementary planting. This will minimise the visual impact of the film set. Details of the Landscape Design Report and Performance Standards are already set out in the report submitted to the Planning Authority. All trees scheduled for retention shall be protected with a tree protection fence and a mature hedge is proposed along the northern edge of the proposed 2.5-metre-high fence. In addition to the layered planting and landscape screening, a timber cladding is proposed along the rear façade of the north facing aspect of the film set. Only 33 of the 137 trees on site will be removed. Along the northern boundary of the site only 20 of the 96 trees surveyed will be removed. The trees to be removed are evaluated based on the condition, quality and value. Should An Bord Pleanála deem it necessary the applicant will be happy to accept a condition which requires the preparation of a landscape maintenance plan. Details of the proposed maintenance regime to be incorporated is set out in the response to the grounds of appeal.

- 7.1.3. In terms of the visual impact arising from the proposal, it is stated that the visual impact has been comprehensively examined by way of a landscape and visual impact assessment submitted with the application. The retention of mature trees along the buffer of the northern boundary of the site will minimise the visual impact. Some of the sets have been modified to include significant height reductions. The revised building and boundary heights together with the existing buffer zone and proposed new planting will minimise the visual impact.
- 7.1.4. With regard to separation distances, it is stated that No. 42 Nutley Lane is over 30 metres from the proposed film set. While the rear of No. 44 Nutley Road is approximately 14 metres from the boundary with the RTE campus, it is noted that this house is orientated to face the garden to the north. There is only one no. bedroom window facing towards the RTE boundary.
- 7.1.5. In terms of overshadowing and loss of light, it is stated that the impact of the proposed development on sunlight and daylight has been comprehensively examined and it is concluded that the proposed development will have no material change in sunlight access. In terms of daylight access, the proposed development is sufficiently low in height and sufficiently separated to ensure that there is no material change in daylight access. The planner's report reiterates this view.
- 7.1.6. With regard to production noise and lighting, again a noise assessment was undertaken which suggests that the day to day operation of the Fair City set will not have a material impact on existing noise environment. The nature of film production requires absolute silence for filming. Furthermore, the relocation of the waste and recycling area from the subject site will have a positive impact in terms of noise. Lighting design requires that there will be no overspill as the power and direction of the lighting will be highly focused on a specific scene.
- 7.1.7. The requirement for extended filming hours at two nights a week is fundamental to the success of Fair City as a production. It has already been demonstrated that from the noise impact assessment that this extension of filming will have a negligible impact on surrounding residential amenity. Furthermore, condition no. 3 limits the extended evening hours two nights a week to a period of 3 years so a full assessment can be made on the impact.

- 7.1.8. It is stated that a for a variety of reasons, alternative sites are not suitable including the non-compliance with the overarching strategy to develop the RTE lands in accordance with Reg. Ref. 3094/16.
- 7.1.9. An outline of the masterplan is contained in Appendix D of the response to the grounds of appeal. It is also argued that a masterplan for this development proposal is not required as there is no change in the existing land use within the overall site. The proposed development involves the relocation of an existing RTE function within the campus rather than the introduction of a new use.

7.2. **Planning Authority's Response**

- 7.3. Dublin City Council have not submitted a response to the grounds of appeal.

8.0 **Observations**

- 8.1. A number of observations were submitted supporting the grounds of appeal. An observation was submitted by **Lyons Kelly Architects** on behalf of the applicants of No. 44 Nutley Lane. Of particular concern is the impact of the proposed development on the quantity and quality of sunlight reaching the garden and house at No. 44 Nutley Lane. It is suggested that the largest and most significant window at No. 44 is a dining room window which faces south-west towards the boundary with RTE. This window is designed specifically to take advantage of the low winter light that enters the site in late Autumn, Winter and early Spring. The suggestion that a solid building will have no greater impact than the bare winter trees is incorrect. It is suggested that due to ground levels the film sets will be 9.45 metres high when viewed from the garden and dining room of No. 44.

It is also argued that the proposed development is contrary to the zoning objective Z12 which seeks to ensure that existing environmental amenities are protected in the predominantly residential future use of these lands. It is suggested that the intention of the zoning is to preserve the green amenity space for integration into future residential development. Removing this green amenity space is contrary to the zoning objective. The remaining land left between the sets and the boundary fence of the houses on Nutley Road would not be classified as sufficient private open

space for residential use. It is suggested that the imposition of the film set at this location would introduce abrupt transition scale and use.

It is suggested that the proposed set could be pulled back from the boundary and developed within the footprint of the current car park and hardstanding. This would minimise the impact on the house on Nutley Road.

- 8.2. The observation by **Stephen and Ruth Skehan of 40** Nutley Road states that it fully supports all the points made by both appellants and the issues raised in the original letters of objection submitted by McGill Planning Consultants. The proposed development of large industrial/commercial units at close proximity to a mature residential area is inappropriate. There is scant consideration of the sensitive nature of the border between the residents and the RTE campus.
- 8.2.1. The new structure will have a total height in excess of 8 metres which is only 11 metres from the observers' rear boundary. This will result in a complete change of character of the rear garden. The proposal will result in the destruction of mature woodland. While it is understood that RTE need to relocate the Fair City set it is suggested that other possible locations within the RTE campus should be considered.
- 8.3. The Observation from the **Nutley Residents Association** states that the association notes the third party appeal submitted and supports the appeals by both parties.
- 8.4. The Observation from **Liam Byrne** (No. 36 Nutley Road) expresses concerns in relation to the proposed development on the following grounds.
 - 8.4.1. The proposed development is likely to impact on light shadowing on the properties in the vicinity. Dappled light can still penetrate the rear garden through the existing woodland. This will not be the case with solid structures. The planning application seeks approval for filming to take place on four days a week from 0800 hours to 1800 hours and two days a week from 0800 hours to 2200 hours. This will result in disturbance to the observer's amenity for six days a week. The proposed development will have an adverse impact on trees and natural habitats.
 - 8.4.2. It is argued that the above matters will have a serious adverse impact on the value of the appellant's home. RTE did not inform the residents of its intention to lodge the application. It is argued that there is no legitimate reason why night-time filming

should be increased to twice a week or why permission to shoot on Saturday should be granted.

- 8.4.3. It is argued that there are several potential alternatives to accommodate the Fair City lott within the campus. Concerns are expressed that the lott may expand as has been the case with the existing Fair City set on site.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.
- 9.2. The subject site is zoned Z12 “*to ensure existing environmental amenities are protected in the predominantly residential future of these lands*”. Cultural/recreational buildings and uses are permitted under this zoning.
- 9.3. Section 14.7 relates to transitional zone areas. The land use zoning objectives and control standards show the boundaries between zones. While zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and use zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of more environmentally sensitive zones. For instance, zones abutting residential areas or abutting residential development within predominantly mixed use zones, particular attention must be paid to the use, scale, density and design of development proposals and to the landscaping and screening proposals in order to protect the amenity of residential properties.
- 9.4. Also in relation to Z12 zones, it is stated that in considering any proposal for development on lands subject to zoning objective Z12, other than development directly related to the existing community and institutional uses, Dublin City Council will require the preparation and submission of a masterplan setting out a clear vision for the future for the development of the entire landholding.

10.0 Planning Assessment

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Loss of Woodland
- Visual Impact
- Daylight and Sunlight Penetration
- Impact on Residential Amenity through Noise
- Contravention of Zoning Provisions
- Alternative Sites within the Campus

10.1. Loss of Woodland

- 10.1.1. Concerns are expressed amongst both appellants and the numerous observations submitted, that the proposed development will have an unacceptable impact on the existing woodland along the northern boundary of the RTE campus. The common boundary between the rear gardens of Nutley Road and the RTE campus incorporate a wide band of mature trees. It is estimated that of the 96 trees located along the northern boundary in the vicinity of the site, 20 of these trees would have to be removed to cater for the proposed development. It is also stated that the trees to be removed are generally in poor condition and therefore appropriate for removal. The trees to be removed are indicated on the drawings submitted with the arborist report. The Board will note from the drawing, that many of the trees to be removed are the smaller, less mature trees and these trees are located on the 'inner band' of trees closer to where the film set is to be located. In terms of visual impact, I do not consider that the removal of these trees will have a profound visual impact on the overall tree canopy when viewed from the rear garden of the houses on Nutley Lane.
- 10.1.2. Furthermore, I do not consider that the removal of approximately 20% of the entire tree population in this area justifies reasonable grounds for refusal particularly as very detailed landscaping plan and planting plans have been submitted in order to supplement the landscaping of the general area. I do not consider that it can be

reasonably argued that the removal of 20% of the trees, many of which are described as being of poor health, and the vast majority of which are not located contiguous to the common boundary, or will result in the denuding of woodland when viewed from the rear gardens of Nutley Road. The fact that additional trees and planting is to take place in order to compensate for the removal will further reduce the already negligible impact of the tree population along the common boundary of the site.

- 10.1.3. Having regard to the modest amount of trees being removed and the additional planting to take place, I likewise consider that the proposed development will have a negligible impact on woodland wildlife in the area. The woodland itself does not attract any specific wildlife designation.

10.2. **Visual Impact**

- 10.2.1. Having inspected the site and having regard to the density of woodland along the common boundary, I do not consider that the proposed relocation of the film set will have a particularly adverse impact on the visual amenities of the area. Both the existing mature woodland together with the proposed supplementary planting will significantly screen the proposed film set. The rear of the film sets will also be finished in timber cladding so as to reduce the potential adverse visual impact arising from the proposal.
- 10.2.2. The Board should also have regard to the fact that, where views are apparent presently through the dense landscaping, the views offered to the residents of Nutley Road include views onto a car park and a waste receptacle area. The views onto the film set will not in my view result in diminution of aspect.

10.3. **Daylight and Sunlight Penetration**

- 10.3.1. Concerns are expressed that the construction of sets on the subject site will result in solid blank walls which will significantly impact on daylight and sunlight penetration to the rear gardens of the dwellings. Currently it is argued that the existing woodland allows for dappled sunlight penetration into the rear gardens of the dwellings of Nos. 36 to 46 Nutley Road. The woodland along the common boundary is dense however I do not acknowledge that, particularly in winter months when the foliage falls off the trees, the woodland would allow for some sunlight penetration. Although the level of penetration is likely to be reduced at lower levels due to the denseness in the

canopy. The separation distances between the rear building line of the dwellings on Nutley Road and the proposed film set vary, but in all cases are in excess of 10 metres and with one exception range between 25 and 34 metres. The height and scale of the proposed sets notwithstanding the fact that they are located on grounds of higher elevation will not have any material impact on daylight and sunlight penetration on the living rooms to the rear of the dwellings. Even in the case of mid-winter the majority of houses will be unaffected. With regard to the impact on the rear gardens the location of film sets in close proximity to the common boundary may increase the levels of shadow casting on the rear gardens. However, I consider this to be minor in nature and would only occur during the mid-winter months when outdoor garden use is generally at a minimum.

- 10.3.2. No. 44 is perhaps the exception. No. 44 incorporates a building of considerable length with a large return to the rear of the dwelling. The separation distance between the rear building line of No. 44 and the proposed sets is in the order of 14 to 15 metres. The separation distance together with the intervening woodland would result in a negligible increase in overshadowing. It should also be borne in mind that none of the sets constitute habitable structures and therefore no overlooking will occur notwithstanding the fact that some of the structures are two-storeys in height.
- 10.3.3. The application has been subject to a detailed sunlight and daylight assessment and I would generally agree with the conclusions contained in the assessment that the proposed development will have a negligible impact on the amenities of residential dwellings to the north in terms of reduced sunlight and daylight penetration.

10.4. Impact on Residential Amenity through Noise

- 10.4.1. The planning application was accompanied by a noise impact assessment. It adequately demonstrates that while elevated noise levels occur during the construction period this is an inevitable consequence of any development that takes place and construction will only occur for a temporary period.
- 10.4.2. During the operational phase, it can be reasonably anticipated that noise levels will be low. The filming of the set will necessitate very low ambient noise levels for recording purposes and therefore will not result in any significant disturbance of adjoining residences. The presence of intervening woodland along the northern boundary of the site will offer further attenuation of noise levels for the occupants of

the dwellings to the north. The Board should also bear in mind that the appellants and observers in this instance live in an urban/suburban area where ambient noise levels are likely to be higher than those associated with an isolated rural area. It would seem reasonable, and in fact it has been demonstrated through the noise assessment, that the noise levels associated with the activity will primarily revolve around talking and giving instructions on a film set. Given the separation distances involved and the fact that the site is located in an urban area I consider the noise levels generated by the activity would be acceptable.

10.4.3. Concerns are expressed that the extension of filming into the evening time could adversely impact on the residential amenity of residents to the north. I have argued above that the proposed development will not give rise to any excessive noise levels and as such, will not impact on the residential amenity of the area. Nevertheless, I would recommend that the extension of filming to 10pm on two evenings a week by the subject of a temporary permission for 3 years in order to monitor the potential impacts on amenity.

10.4.4. The proposal will give rise to additional lighting requirements during the extended filming times. However, the lighting reports submitted with the application indicate that all lighting will be cowled away from the boundary of the site and will result in increased artificial light levels in the order of 10 lux which constitutes a very slight increase. Furthermore, I would again make reference to the dense line of woodland between the subject site and the rear gardens of the third party appellants and observers. This will further restrict light spill into the adjoining residential gardens. There would be a level of light pollution generally in the area through street lighting, internal lighting within the houses and car lights etc. I do not consider that the additional lighting resulting from filming on the lands in question will exacerbate light pollution to any material extent.

10.5. **Contravention of Zoning Provisions**

The original observation is submitted with the application and the appeal submitted to the Board argue that the proposed development is contrary to the policy and provisions contained in the Dublin City Development Plan on the grounds that it constitutes an abrupt transition between two alternative land uses. The RTE campus is zoned Z12 as institutional lands. While the campus itself incorporates large

amounts of undeveloped green space it also accommodates a large number of buildings within the campus including a construction workshop, administrative buildings and a canteen building in the area surrounding the subject site. The incorporation of a number of two-storey sets on the subject lands does not in my view constitute an abrupt transition in scale. The proposed sets reflect the scale of existing buildings in the vicinity and if anything constitute a small infill development between the existing construction workshop and the dwellings in question. It cannot be reasonably argued in my view that the proposal constitutes a significant or abrupt transition in scale between the established structures in the area.

10.6. Alternative Sites within the Campus

The grounds of appeal suggest that there are more suitable alternative sites within the campus to accommodate the Fair City set. Having regard to my assessment above, I do not consider that the grounds of appeal have demonstrated that the subject site is unsuitable for the relocation of the filming set in question. I further consider that the new location of the Fair City set will have negligible impact on the residential or visual amenity on the residential receptors to the north of the site and as such I consider the site to be suitable to accommodate the use proposed. I therefore do not consider that the evaluation of alternative sites is warranted or justified in this instance as the proposed development is in my view in accordance with the proper planning and sustainable development of the area.

10.7. Other Issues

It is suggested that the proposed development should be the subject of a masterplan in accordance with the Z12 zoning objectives. It is apparent from the applicant's response to the grounds of appeal that a masterplan has been prepared for the overall development of the RTE campus lands. What is proposed in this instance is not a large scale redevelopment of the lands in question but merely a relocation of a small film set within the campus approximately 150 metres west of the current site. This in my view would not warrant or justify a large scale masterplan in itself.

11.0 Appropriate Assessment

I note that an appropriate assessment screening report was submitted with the planning application. It correctly and reasonably concludes in my opinion that due to the modest nature of the development together with the separation distance between the subject site and the nearest Natura 2000 site that no appropriate assessment issues arise. Therefore, having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity of the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 Conclusions and Recommendation

Arising from my assessment above, I am satisfied that the proposed development would be acceptable in terms of its impact on adjoining residential amenity and I therefore recommend that the decision of Dublin City Council in this instance be upheld and that planning permission be granted for the proposed development.

13.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

14.0 Reasons and Considerations

It is considered that the proposed relocation of a filming set lott to the site in question, subject to conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 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 drawings received by the Board on the 29th day of August 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions required details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the 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. The use of the production set shall be confined to normal working hours between the hours of 8 a.m. and 6 p.m. Monday to Friday and 8 a.m. to 13 p.m. on Saturdays.

Reason: In order to protect residential amenity.

3. The use of the set for two nights a week shall be permitted up to 10 p.m. The use of the set for two nights a week shall cease after a period of three years from the date of this order so that a full assessment can be made of the impact on residential amenity unless prior to the end of this period, planning permission has been granted for the use of the film set until 10 p.m. for a further period.

Reason: To allow a full assessment be made of the impact on adjoining residential amenity.

4. The entire production set shall be removed from site within five years of the grant of planning permission unless before that time a further permission is granted for the planning authority or An Bord Pleanála on appeal.

Reason: To enable the planning authority to monitor this temporary development and its impact on the amenities of the area.

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

Reason: In the interest of public health.

6. A landscaping scheme shown on the drawings submitted as submitted to the planning authority on 9th day of May, 2017 shall be carried out within six months of the date of the development. All planting shall be adequately protected from damage until established. Any plants which die or removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority. Details of a landscape preparation and maintenance plan shall be submitted to the planning authority for written agreement within three months of the date of this permission.

Reason: In the interest of visual amenity.

7. The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays 7 a.m. to 6 p.m.

Saturdays 8 a.m. to 2 p.m. and Sundays and Bank Holidays no activity on site. 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 properties in the vicinity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

9. All costs incurred by the City Council including any repairs to the public road and services as a result of the development shall be at the expense of the developer. The developer shall be required to comply with the requirements set out in the Roads and Traffic Planning Division Code of Practice.

Reason: In the interest of traffic safety.

Paul Caprani,
Senior Planning Inspector.
7th November, 2017.