



An
Bord
Pleanála

Inspector's Report ABP-300525-17

Development

Resurfacing of an existing grass pitch to provide for a new 4G all-weather pitch and flood lighting and associated fencing around the pitch with protective cladding. The flood lights will comprise of 6 no. 12m height stanchions 100 LUX. Drainage works, landscaping, the diversion of services, lighting and all associated works above and below ground.

Location

St. Mary's College, Rathmines Road Lower, Dublin 6. (Protected Structure.)

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3990/17

Applicant

The Congregation of the Holy Spirit.

Type of Application

Permission.

Decision

Grant Permission

Type of Appeal

Third Party

Appellant

Phillip O'Reilly.

Date of Inspection

21st February, 2017.

Inspector

Jane Dennehy

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1.0 Site Location and Description

- 1.1. St Mary's College is in Lower Rathmines and comprises the St Mary's College Junior and Secondary School buildings, St Mary's Church and a sports hall. The application site comprises the sports playing fields to the front/east side of the buildings within the campus extending as far as frontage onto Lower Rathmines Road to the east. The buildings and their immediate front curtilage are elevated above the level of the sports playing fields which slope downwards towards the Lower Rathmines Road frontage. Steps and white cast iron railing are located at the western edge of the pitch in front of the buildings.
- 1.2. The northern side boundary adjoins apartment development (Lissenfield) and the southern side boundary adjoins Military Road off which there is a vehicular entrance. The rear of one block within Lissenfield overlooks the pitches and the units have balconies, terraces and shared private open space adjacent to the boundary with the application site. Residential development in apartment blocks are located on the southern side of Military Road which also overlook the playing fields. Cathal Brugha Military Barracks which has access off the western end of Military Road is to the west and north of the buildings on the site.
- 1.3. Cast iron railings on a wall circa 1.2 metres in height are located along the Lower Rathmines Road frontage at the northern end of the frontage of which there is a second vehicular entrance opening onto a driveway with railings to the side adjacent to the playing fields. Mature deciduous trees are located along the inner side of the Lower Rathmines Road frontage. On the southern frontage at Military Road there are mature trees in the public road outside the site and there are three trees on the inner side of the boundary.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for development of:

- A 4G playing and training pitch constructed in a 60 mm artificial grass carpet with a sand and rubber crumb fill on 20 mm polyethylene shock pad. A sand and stone sub base beneath will provide drainage to a collector drain via a series of land drains. The subsurface stone base will provide attenuation with a hydro brake limiting flow into the existing public sewer on Rathmines Road. It is stated that the design for surface water drainage provides for infiltration back into the ground catering for a 100-year storm event. Existing surface water runoff from the pitch is to existing gullies and back to the ground.
- A tarmac apron is to be located around the perimeter along with a dividing handrail on the inner side of the fence.
- Floodlighting consisting of 6 No 12 m high stanchions 100 LUX, (The applicant undertakes not to operate the lighting after 9 pm in the evenings.)
- Additional mature tree planting for screening purposes along with retention of trees on Lower Rathmines Road frontage and semi mature tree planting on the Military Road frontage where fencing is to be retained and one existing tree is to be removed.
- The vehicular entrance on the southern frontage on Military Road is to be used as a service vehicular entrance the pitch ad emergency services. Pedestrian steps on the northern boundary are to be retained.

2.2. The application includes an Arborist report, floodlighting proposal report, an engineering report on the design of the proposed drainage arrangements and, stormwater calculations, flood risk assessment and a conservation statement.

2.3. According to the written submission, it is intended that the pitch be used for rugby training for junior school pupils providing for improved facilities and greater flexibility regarding use and that it will be a valuable resource for the school. It is stated that senior pupils may also use the pitch.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 29th November, 2018, the planning authority decided to grant permission for the proposed development subject to conditions of a standard nature which relate to requirements for the construction stage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer having reviewed the application states that he considers that the proposed development is satisfactory.

3.2.2. Technical Reports

The report of the Conservation Officer indicates that the impact of the proposed development would not be positive in impact or an enhancement. It is acknowledged that the proposed use of the pitch facilitates modern day school activities, noted that there is potential for reversal to a grass surface and, that the lighting could be addressed by management arrangements.

The report of the Drainage Division indicates no objection to the proposed development subject to conditions.

3.3. Third Party Observations

- 3.3.1. The submission of Ms Siobhain Davitt made on behalf Rathmines Initiative indicates concern about impact of the lighting on nocturnal wildlife and on road safety due to risk of glare to road users.
- 3.3.2. The submission of Mr. O'Reilly indicates objection to the proposed development on grounds that it is inappropriate in use and in character having regard to the interests of urban and building conservation the open grass setting in the foreground of the buildings which are included on the record of protected structures and as to potential for further similar development that could destroy the amenities and character of the area including the applicant's playing fields at Kenilworth Park. He also indicates

serious concerns about flooding with reference to the capacity of the 150 years old drainage system in the area.

4.0 Planning History

4.1. Outline details of prior applications referred to in the application submission follow:

P. A. Reg. Ref. 2026/09: Permission was refused for new railings to replace the existing white railings along the north and wet perimeter of the site because the proposed development would result in detracting from the special character of the protected structures.

Permission was also granted for use of a store as a changing room under P. A. Reg. 3701/13 and for an external sign under Ref. 2627/13

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022. according to which:

the sports field subject of the application is within an area subject to the zoning objective: Z9: *“to preserve, provide and improve recreational amenity and open space and green networks.”* Section 14.8.9 refers to design standards for sports facilities in private ownership are set out in section 16.2.

The terraced houses and St Mary Immaculate Refuge of Sinners Church on the east side of Rathmines Road Lower, opposite the site frontage are within an area subject to the zoning objective Z2: *Residential conservation areas*. These houses and St Mary Immaculate Refuge of Sinners Church are also included on the record of protected structures.

The site of the proposed development is within the school campus, in which are two buildings, College Church and original (Old) School Buildings are included on the record of protected structures. (Reference Nos 7196 and 8725)

Policies, and objectives for tree preservation and for tree planting are set out in sections 10.5.7 and development management standards for tree protection are set out in section 16.33.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Mr O'Reilly on his own behalf on 20th December, 2017 the contents of which are outlined in brief below:

- The protected structures at St Mary's and attendant grounds and, the architectural and historic interest of the surrounding area are important and significant which would be adversely affected by the proposed development.
- The proposed development comprising concrete aggregate, artificial grass and lighting will cause loss of habitat, and loss of one of the remaining important green open amenity spaces in the city which fronts onto the Lower Rathmines Road and which provides a natural setting, within the public realm in which the protected structures are visually highly prominent.
- The historic structures, location and adjoining historic architecture has been integral to the character of Rathmines for over two hundred years as is indicative in the protected structure status. The floodlights in height would be comparable to the highest buildings in Rathmines.
- There has been serious flooding risk in the area. The area is a flooding black spot with two branches of the Swan River in the immediate vicinity. Rathmines, Rathgar and Ranelagh were built around the Swan River system. Serious flooding occurred in Lower Rathmines in 2011 and this scenario will be exacerbated. No amount of attenuation will improve the situation. The one hundred and fifty years old drainage system is not fit for purpose and any interference with natural ground drainage should be stopped.

The proposal water seals the site so that it is no longer a natural drainage sink in the remaining green space in the area capable of storing large quantities before flow to the main draining system. It will be a sealed entity from which

water will discharge to the overwhelmed system leading to increased flooding risk in the catchment area.

6.2. Applicant Response

6.2.1. A submission was received from the applicant's agent, Robert Nowlan and Associates on behalf of the applicant on 25th January, 2018. Attached are, a letter of support for the application prepared by Members of Beechwood Football Club, and a small group of former pupils of St. Mary's College, (St Mary's Pitch 2020 Group) in support of the proposed development. Also provided are copies of the Flood Lighting Proposal report, an Engineering report on Drainage arrangements, View Images and associated documentation submitted with the application to the planning authority.

6.2.2. An outline summary of the rebuttal of the appeal follows:

- The protected structures referred to in the appeal are not fully referenced. It is assumed that reference is being made to St Mary Immaculate Refuge of Sinners Church on the opposite side of Lower Rathmines Road. The proposed development would not affect this structure. The proposed treelined boundaries mitigate impact to Lower Rathmines Road and the conservation officer does not consider that the primary school and St Mary's Church at St. Mary's would be affected.
- The Drainage section at Dublin City Council has no concerns and the applicant undertakes to comply with the requirements under Condition No 2 attached to the planning authority decision.
- The design for the proposed drainage which is based on recommendations within the flood risk assessment submitted with the application significantly improves the existing on-site situation although the pitch does not have a history of significant flooding.
- It is not intended to provide flood lighting at Kenilworth Square as contended in the appeal. The proposed development is for improvement to the facilities at St Mary's that would be massively positive for the school whereas the existing pitch, due to its limitations is under-utilised.

- The proposed development is 'conservation led' and sympathetic in retaining existing trees and providing additional planting at boundaries which will also absorb the lighting and no netting or fencing will be necessary on the boundaries. The existing and proposed planting complies with section 16.3.3 of the development plan.
- The flood lighting level is 250 LUX maintained one metre above grade. The flooding lighting system is designed so that lighting is confined to the pitch and avoid light spillage to third party space as demonstrated in the submitted floodlight report.
- Sometime after the application was lodged with the planning authority, Beechwood Football Club entered discussions with a view to use of the proposed facilities, possibly along with other sport organisations. (Details are in correspondence attached to the appeal.) The proposed development would be available for use by the school and local community through the year for rugby, PE, cricket and athletes.

It is requested that the planning authority decision to grant permission be upheld.

6.3. Planning Authority Response

There is no submission on file from the planning authority.

6.4. Further Submission of the Appellant.

- 6.4.1. A further submission was received from Mr. O'Reilly on his own behalf on 27th February, 2018 which is outlined in brief below.

- There are trees in the vicinity of the playing fields. Trees re not a mitigation factor as the church and school are fully visible from Lower Rathmines Road.
- Any suggestion as to no impact on the protected structures is totally refutable.
- The appellant concerns about the 150 year old drainage system serving the area, about flooding and about the proposed drainage arrangements which he considers inadequate and ineffective rather than an improvement on the existing arrangements for the site, as set out in appeal are elaborated on and reiterated in detail. It is submitted that the internal drainage division seldom objects to proposed developments in areas of flooding. Mr O'Reilly comments in detail on

the Drainage Engineering report provided on behalf of the applicant by Casey O'Rourke and included in the in the submission

- Mr. O'Reilly rejects to references to Kenilworth Square in the applicant's submission and claims that they serve to benefit solely the applicant's interests. Without due regard to the community interest.
- The claim that the covering over of and a destruction of a natural open space, which is to be lost with an artificial source along with twelve metres high floodlights, and light pollution will not be mitigated by boundary trees is reiterated, in that the fields are clearly visible from the public realm and is not a positive addition to Rathmines is elaborated on and reiterated by Mr. O'Reilly.
- The school's need for the proposed development is questionable in that it is not now intended for exclusive use by the school. Lights will be blazing up to midnight seven days a week with impact on the environment and this is not consistent with the Z9 zoning for open space and green networks.
- The proposed development would only be suitable for backland location and no for a built are predominated by protected structures and the Z2 zoned residential conservation area an Z4 zoning south of Richmond Hill. A printout of the list of protected structures within 500 metres of the site location is provided with the submission. It is contended that the list was not consulted by the applicant.
- Mr O'Reilly comments in detail on the planning report of FW Nolan provide on behalf of the applicant elaborating on and reiterating the views he has set out in the appeal. In his concluding remarks he states that new sports facilities at St. Mary's should not be considered in isolation without regard for the cost to the local area and environment. He submits that the existing sports facilities should be retained and not changed inappropriately, adversely impacting on the Rathmines area.

7.0 Assessment

7.1. The considerations central to the determination of the decision and considered below are:

(1) Architectural Heritage Protection: Impact on the integrity and character of

the protected structures and on the historic architectural character of the area:

- within the campus of St Mary's College
- in the immediate vicinity at Lower Rathmines Road which come within an area zoned Z2: Residential Conservation Area.

(2) Surface Water Drainage and Flooding Risk: Impact of the proposed means of surface water drainage on flooding risk and the existing public drainage facilities.

(3) Impact on Residential Amenities.

(4) Natural Heritage.

(5) Lighting and Traffic Safety.

7.2. Architectural Heritage Protection.

7.2.1. The playing fields subject of the application come within attendant grounds of the buildings complex on the campus, for the purposes of consideration of proposals for works and/or development at or within the curtilage of protected structures.

7.2.2. There is a distinct, positive and integral architectural character to the built heritage of this area in which within the campus at St. Mary's the existing buildings are setback and elevated above the grounds to the front at the lower level falling towards the east but rising slightly at the northern end of the frontage on Lower Rathmines Road. In addition, the built environment of the Lower Rathmines Road area opposite the site location is characterised by protected structures within the Residential Conservation Area comprising three storey over basement early to mid-nineteenth century houses and, the Church of the Immaculate Refuge of Sinners, the most significant and predominant historic structure in the context of the historic streetscape immediately outside the Canal ring on approach to the city centre.

7.2.3. The existing grass covered sports fields in the foreground of the campus buildings are integral to the historic architectural character and visual amenities of St Mary's and the historic built environment in the immediate environs. This existing scenario whereby there is minimalist intervention to the existing sports fields laid out under grass and enclosed by tree lined boundaries and which are free of artificial material, features and fixtures positively contribute to the visual amenities and context of the

campus itself and the immediate historic environs. In addition, even though there is an extant sports use and restricted access, the school campus grounds being in private ownership the open, natural space, trees and vegetation are integral to the visual and natural amenities and character of the historic area.

- 7.2.4. It is agreed with the appellant that the proposed replacement of the existing playing field with an artificial surface and the erection of twelve metres high floodlighting stanchions supporting flooding lighting is incompatible with the historical architectural character and integrity of the elevated protected structures at the St Mary's complex in public views from the Lower Rathmines Road to the east. It should also be borne in mind that the proposed development would involve some intervention to the existing levels to provide for the required even level artificial surface to facilitate the required sports use and the proposed drainage arrangements which also alters the established characteristics.
- 7.2.5. The existing mature trees along the frontage through which the public views towards the open green space of the playing fields towards the campus buildings can be enjoyed are of special interest as an integral feature of the St Mary's campus. The loss of the visual amenities of the existing sports fields and the negative visual impact of the proposed artificial surface renders the ameliorative supplementary screen planting essential to restrict views into the grounds, across the playing fields towards the buildings at the western end. Consequently, the views would be fully obscured. Furthermore, the proposed supplementary screen planting would be ineffective in ameliorating the visual impact of the twelve metres high flood lighting stanchions irrespective of whether the lighting is in operation. When in operation, the lighting would be very dominant and visually obtrusive within the intense historic urban context.
- 7.2.6. The southern frontage onto Military Road, although significant in public views is less sensitive but again the open views across the playing fields and towards the buildings would be altered by artificial surfaced pitches and floodlighting stanchions. Similarly, the proposed ameliorative measure of introducing semi mature tree planting inside the boundary removes the public benefit of the visual amenities of the views into the grounds and towards the buildings. At present there are mature trees outside the site boundary on benefits from the mature trees on Military Road at the

western end of the frontage close to the vehicular entrance to the site but few trees on the inner side of southern frontage of the site.

- 7.2.7. It can be concluded that the proposed development would adversely affect the character and integrity of the context and setting of the protected structures within the campus of St. Mary's and in the historic context of the historic built heritage at Lower Rathmines Road to an undue negative degree.

7.3. **Surface Water Drainage and Flooding Risk**

- 7.3.1. The appellant's concerns as to serious overloading of the one hundred and fifty-year-old public sewer system in the area are acknowledged and appreciated. The existing playing fields, it is understood are adequately catered for through the existing natural drainage of surface water into the ground and is acceptable. It is questionable as to whether the proposed development is an improvement as contended in the submissions made on behalf of the applicant. The proposed artificial surface is to be supported by attenuation and control of flow from drainage channels within the proposed stone and sand substrata of to the artificial surface to a collection unit and hydro-brake system prior to entry to the public 225 mm sewer in Lower Rathmines Road.
- 7.3.2. While, relative to the 'do-nothing' scenario regarding the existing natural drainage of the grass covered playing fields, the proposed development would contribute to the overloading of the public collection system. However, the additional flow is not significant and it is agreed that it would be particularly onerous to reject the proposed development outright over this issue.

7.4. **Residential Amenities.**

- 7.4.1. The location of the proposed development is adjacent to residential properties to the north and south and is opposite residential properties included on the record of protected structures within the 'Z2' zoned residential conservation area on the east side of Lower Rathmines Road. Notwithstanding the proposed design for the flooding lighting which it is understood is such the overspill beyond the site boundaries is to be controlled, it is considered that use of the proposed floodlighting from the twelve metre high truncheons on winter evenings particularly in evening hours of darkness would result in adverse impact on residential amenities of adjoining properties to the north, east and south and most especially the duplex units

at Lissenfield immediately adjoining the northern boundary overlooking playing fields. While outdoor sports use is not fully compatible with the protection of residential amenities of surrounding properties it is reasonable to assume that spectator attendance at evening time events would be insignificant and that noise disturbance would not arise as a major concern. Furthermore, if required, a restriction on hours of use can be imposed by condition.

7.5. Natural Heritage.

- 7.5.1. It is agreed that St Mary's campus although in an inner urban area, is likely to support wildlife habitats owing to the open grassland and trees and vegetation and that the proposed development is likely to interfere with the existing habitats especially given the relative sparsity of open space and natural vegetation within the area. However, it is noted that there is no record of protected species or habitats within the site area and it appears that there is insufficient evidence available to justify rejection of the proposed development over concerns as to interference with the interest of conservation of natural heritage due to lack of survey details from primary or secondary sources and impact assessment on natural heritage.

7.6. Traffic Safety

- 7.6.1. It is noted that concern was expressed about potential traffic hazard owing to glare from the floodlighting of the playing fields when in operation. However, it is considered that glare can be prevented by way of appropriate specification and design for the lighting system. Floodlighting within a built up area within an urban street work may potentially be a slight source of distraction to road users. However, it is not accepted that the proposed flood lighting system would endanger public safety due to traffic hazard.

7.7. Appropriate Assessment

- 7.7.1. Having regard to and to the nature of the proposed development and to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. It has been concluded that the proposed development is unacceptable on grounds of (a) significant adverse negative impact on the integrity, setting and historic character, of the protected structures within St Mary's Campus, on the historic architectural context and character protected structures on the Lower Rathmines streetscape which is within a Residential Conservation Area and on the natural and visual amenities of the area and, (b) serious injury to the residential amenities of the apartments to the north side of the playing fields due to their close proximity and the night time use of flood lighting of the playing fields and noise and disturbance. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.
- 8.2. The case made as to justification for the proposed development because it entails an upgrade of the facilities to modern standards is not accepted as the existing grass pitch facilities would satisfactorily meet the daytime needs for primary school pupils for the use of which the proposed development is primarily intended.
- 8.3. In view of the foregoing it is recommended that the appeal be upheld and that permission be refused. Draft reasons and considerations are set out below.

9.0 Reasons and Considerations

1. The site of the proposed development is within the St. Mary's campus and in the foreground of and overlooked by the school buildings within which the College Church and original School Buildings are included on the record of protected structures, and opposite the Church of St Mary Immaculate Refuge of Sinners and terraced nineteenth century houses in the streetscape on Lower Rathmines Road which are included on the record of protected

structures and within an area subject to the zoning objective Z2: according to the Dublin City Development Plan, 2016-2022.

It is considered that the proposed development comprising replacement of the natural grass covered playing pitches and erection of twelve metre high stanchions to facilitating flood lighting use and supplementary landscaping would cause material adverse negative impact on the integrity, setting and historic character, of the complex of buildings elevated above and overlooking the playing fields, the historic architectural context and character of the Church of St Mary Immaculate Refuge of Sinners and nineteenth century terraced house on the Lower Rathmines streetscape and on the natural and visual amenities of the area. As a result, the proposed development would materially affect the integrity and context and setting of the protected structures and the architectural character and context of the protected structures within the residential conservation area, and the visual and natural amenities of the area and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would seriously injure the residential amenities of the apartments adjoin the north side boundary of the proposed development due to the night time use of flood lighting and noise and disturbance. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
16th March, 2018.