



An
Bord
Pleanála

Inspector's Report ABP-304997-19

Development	Installation of floodlighting to the sides of a playing pitch, comprising six 18m-high support columns
Location	Whitehall Colmcille GAA Grounds, Collins Avenue, Whitehall, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4190/18
Applicant(s)	Whitehall Colmcille GAA Club
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	High Park Residents' Association
Observer(s)	Transport Infrastructure Ireland
Date of Site Inspection	21 st October 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on the south side of Collins Avenue (R103 regional road), close to the intersection with the Swords Road (R132 regional road). It is approximately 3.5km north of Dublin city centre.
- 1.2. It is stated to measure 2ha and currently comprises the grounds of a GAA club, including a two-storey clubhouse and a grass playing pitch. Vehicular access is available from the northeast corner off Collins Avenue onto a car park area currently finished with loose gravel. The playing pitch is enclosed by a green-steel perimeter fence with sponsorship signs attached intermittently and 13m-high ball-stopping nets positioned directly to the rear of the goalposts on both ends of the playing pitch. Two dug-out structures are situated on the northwest side of the pitch and there are containers situated to the west side of the clubhouse. The front and southeast side boundaries are formed by capped block walls, while the northwestern boundary is formed by a 2m-high green steel fence.
- 1.3. The surrounding area is characterised by a variety of uses, including commercial units opposite the site to the north on Collins Avenue. Residential uses dominate the area to the southeast, including three-storey apartment blocks in The Belfry complex, and High Park residential estate comprising two-storey semi-detached houses. Lands adjoining to the northwest and southwest are open and undeveloped and do not appear to be in use at present for a specific purpose. Areas within these lands are situated over the M50 port tunnel and the application drawings submitted suggest that some of these lands may in future form part of the applicant's GAA club facilities. Ground levels on site are relatively flat, while in the surrounding area they generally drop gradually in a southeast direction.

2.0 Proposed Development

- 2.1. The proposed development initially submitted to the planning authority for their consideration comprised the following:
 - installation of floodlighting to both sides of a playing pitch, comprising six 16m-high support columns with a total of 40 luminaires.

2.2. In addition to the standard planning application documentation and drawings, the application was accompanied by a letter of consent to lodge the planning application from the stated owner of the lands; Dublin City Council. As part of a further information response the applicant submitted a structural report relating to the Dublin Port Tunnel, a Lighting Report and Lighting Assessment and a report assessing the impact of the proposed development on bat fauna. The height of the proposed support columns was increased to 18m and the number of proposed luminaires was reduced to 36 as part of this further information response.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to nine conditions of a standard nature, including the following:

- Condition no.2(a) – the floodlights shall not operate between the hours of 2200 hours and 1000 hours Monday to Sunday;
- Condition 3(b) – a landscape plan shall be submitted with screening from areas where bats may be present;
- Condition 4 – a construction management plan shall be submitted with the written approval of Transport Infrastructure Ireland (TII).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (December 2018) noted the following:

- the floodlighting may unduly impact on the amenities enjoyed by residents of housing to the south and east of the site;
- it is not clear whether or not the proposed development would lead to increased activity on site;
- it is unlikely that the proposed development would result in parking spilling into neighbouring residential areas;

- any increase in activity on site would primarily be centred on the car park located on the northern side of the site;
- a lighting report and assessment, a bat survey and a structural assessment with respect to the port tunnel are required.

The final report of the Planning Officer (July 2019) clarified that the previous matters raised had been addressed by way of the further information submitted and the recommendation of the Planning Officer reflects the decision of the planning authority.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) – no objection, subject to a condition;
- Dublin Port Tunnel Project Office – no response.

3.3. Prescribed Bodies

- TII – further information initially requested and subsequently recommended attachment of a condition should permission be granted;
- National Transport Authority – no response;
- Irish Water – no response.

3.4. Third-Party Observations

- 3.4.1. During consideration of the application by the Planning Authority, four third-party submissions were received from neighbouring residents of High Park, including the High Park Residents' Association. The issues raised in these submissions are similar to those raised within the grounds of appeal and are summarised under this heading below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. The following recent planning applications relate to the appeal site:

- Dublin City Council (DCC) Ref. 2398/16 – retention permission granted by the Planning Authority in June 2016 for a revised layout to the facility, including playing pitch location, vehicular access off Collins Avenue to a car park with 57 spaces and a two-storey clubhouse facility;
- DCC Ref. 2004/11 – permission granted by the Planning Authority in June 2011 for a two-storey clubhouse, ball-stopping nets, including 13m-high nets behind the goalposts and a retractable 8m-high net along the southeast side of the pitch, two accesses off Collins Avenue and a car park with 85 spaces.

4.2. Surrounding Sites

4.2.1. There have been numerous applications for development in the immediate area, including the following application for a proposed residential development on the lands adjoining to the southwest of the appeal site:

- DCC Ref. 3405/19 – in August 2019 the Planning Authority requested further information with respect to a proposed development comprising amendments to Block F permitted under ABP Ref. PL29N.238685 (as extended until February 2022 by DCC Ref. 3269/10x01) for 358 apartments, a crèche and 3 no. retail/commercial units in 7 no. four to seven-storey blocks over a partial basement level.

5.0 Policy & Context

5.1. Development Plan

5.1.1. The appeal site has a zoning objective 'Z12 - Institutional Land (Future Development Potential)' within the Dublin City Development Plan 2016-2022, with a stated objective 'to ensure that existing environmental amenities are protected in the predominantly residential future use of these lands'. Sections 9 (Sustainable Environmental Infrastructure), 10 (Green Infrastructure, Open Space and Recreation) and 12 (Sustainable Communities and Neighbourhoods) of Volume 1 to the Development Plan are relevant in the assessment of the appeal, including the following planning policies:

- Policy SI26 – lighting proposals to address light spillage;

- Policy SI27 – lighting design to be appropriate to the end use;
- Policy G31 – improve existing sporting/recreational facilities;
- Policy SN19 – improve playing pitches and other recreational facilities;
- Policy MT22 – require structural assessments with respect to developments along the Port Tunnel and other large-scale infrastructure routes.

5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal has been lodged by High Park Residents' Association and in combination with the third-party submissions, the grounds of appeal can be summarised as follows:

Lighting

- proposals would result in excessive light overspill and glare into neighbouring houses within High Park, including rear bedroom windows facing the site;
- there would be excessive light spilling onto the lands to the south, which have permission for a residential development;
- there are several inconsistencies in the lighting report and assessment relative to the proposed development, including the assessment of lighting with 18m high support columns and floodlighting using 36 luminaires, as opposed to the 16m-high support columns and floodlighting using 40 luminaires initially proposed for the development;
- the results of the lighting study submitted are inconclusive, including whether or not spill-lighting control louvres would be fitted to the floodlighting;

- the proposals are silent regarding the scope for alternative lux levels for the floodlighting to be operated relative to the type of activity that would take place, including a necessity for a 300 lux to facilitate hurling matches and a lower lux of 200 for football matches and 100 lux for training;
- an earlier cut-off time of 2130 hours would be more appropriate;

Visual Impacts

- the proposals would have a visually obtrusive appearance both by day and night and a visual impact assessment is necessary to fully assess same;
- there is a lack of planning precedent in the area for the height of the support columns proposed and it is unclear whether or not alternative designs were considered;
- the proposed support columns would be excessive in height and it is clear that their height is needed given the low number of support columns relative to the area they are intended to serve;

Other Matters

- increased activity would arise on site, including additional noise and anti-social behaviour during night-time hours, which would result in undue disturbance to neighbouring properties;
- the survey undertaken to assess the impact of the proposed development on the local bat population was undertaken during the hibernation period when there would have been limited bat numbers;
- the applicant has failed to comply with previous permissions for development on site and during previous construction works on site flooding arose along the High Park boundary and works were undertaken outside of the standard construction hours;
- High Park was in situ prior to the GAA facility and the applicants have not engaged with neighbours regarding their proposals;
- the Irish Aviation Authority was not engaged in relation to the potential impact of the proposed development.

6.2. Applicants' Response

6.2.1. The applicants' response to the grounds of appeal can be summarised as follows:

- grant funding, which the applicants are dependent on, restricted the initial submission of a light assessment;
- as stated in the further information submission, the applicant intends using the spill lighting control louvre;
- this playing pitch is predominantly used for training purposes as the club's main and larger playing pitch is based in Cloghran close to Dublin airport;
- controls would be fitted to reduce lighting lux levels, in order to correspond with the activity being undertaken;
- following the lighting assessment the revised design resulted in the floodlight support columns increasing in height from 16m to 18m and the need for a reduced number of luminaires from 40 to 36;
- use of a maintenance level for the assessment of lighting, as per the lighting report submitted, is common practise, given that the lux lighting levels would be expected to degrade over time and would not always operate at the maximum levels initially installed;
- the lux levels in the area of the future residential development to the south are not significant;
- support columns are positioned as far as practically possible from the residential properties in High Park;
- planning permission was granted in June 2018 for 20m-high floodlighting support columns at the DCU St. Patrick's campus (DCC Ref. 2948/17);
- the condition restricting the operational hours for the floodlighting from 1000 hours to 2200 hours, Monday through Sunday, is reasonable;
- the bat survey undertaken identified low levels of bat activity in the area and any recommendations or mitigation measures outlined within the assessment would be integrated into the proposed development.

6.3. Planning Authority Response

6.3.1. The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1. An observation was received from TII and this outlined their previous engagement with the application and requested that a construction management plan be submitted for the proposed development, subject to written approval from TII.

7.0 Assessment

7.1. Introduction

7.1.1. Within the planning application the potential impact of the development on the structural integrity of the Dublin port tunnel and local bat populations has been addressed. In relation to this I note that TII require further engagement prior to the construction of the proposed development and that the installation of the proposed floodlighting would not result in the loss of habitat for bats, including foraging areas, and the proposed floodlighting would be used intermittently with controls and downward emphasis. Consequently, I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Siting & Visual Impact;
- Lighting & Residential Impact.

7.2. Siting & Visual Impact

7.2.1. The grounds of appeal assert that there is no precedent in the area for the proposed development and that the 18m height of the support columns would be excessive and would have a visually obtrusive appearance. In response the applicant notes that permission was granted in June 2018 for 20m-high floodlighting support columns (DCC Ref. 2948/17) on the neighbouring DCU St. Patrick's campus and that the proposed floodlighting support columns have been sited as far as possible from the nearest residential properties.

- 7.2.2. The subject GAA grounds are comparatively new relative to other recreational facilities in the area, including those served by floodlighting, such as Parnell Park, located 1.8km to the east, and the pitches within the DCU St. Patrick's campus, located 1.2km to the southwest. The Dublin City Development Plan 2016-2022 includes policies G31 and SN19, which support the improvement of existing sporting and recreational facilities, including playing pitches. The installation of floodlighting would comply with such policies, particularly in increasing the timescales available to use the playing pitch during the October to March period.
- 7.2.3. The floodlighting is intended to serve an established playing pitch with various ancillary structures, such as ball-stopping nets, dug outs and perimeter fence, and as a result scope to reposition the support columns on site would be restricted to the pitch side. It is stated that the floodlighting support columns would be between 14.6m and 15.9m from the rear gardens of the nearest properties along High Park. The lighting assessment undertaken has identified that six support columns of 18m height would be necessary based on the technical requirements and the receiving environment.
- 7.2.4. The siting of the support columns relative to the nearest residential properties and the number of support columns would be typical for a facility of this scale and nature. The height of the proposed floodlights, as illustrated on the drawings submitted in appendix B to the applicant's report titled 'Dublin Port Tunnel Development Assessment', would also appear reasonable given their distance from residential properties and their intended use and operational controls. The floodlight support columns are of slender design and I am satisfied that when visible during daylight hours, they would not be visually incongruous and, accordingly, would not unduly impact on the character of the area.
- 7.2.5. In conclusion, the proposed development would provide for an upgrade of an established facility in line with policies of the Development Plan and the siting and design of the proposed floodlight support columns would be appropriate relative to their intended function and context. Accordingly, permission should not be refused for reasons relating to the siting of the proposed floodlight support columns and the visual impact of the development.

7.3. Lighting & Residential Impact

- 7.3.1. The grounds of appeal assert that the proposed development would result in excess artificial light from the floodlights spilling into these adjoining areas, which would have undue impacts on the amenities of existing residents along the southeast side of the site and the amenities of future occupants of permitted apartments on open lands adjoining the site to the south. The grounds of appeal also seek clarification regarding certain aspects of the development and the extent of controls that would be applied in the operation of the proposed floodlighting. In response, the applicant states that the proposed development has been designed cognisant of the adjoining areas, including housing along the southeast site, and that the additional lighting to neighbouring areas over the existing levels would not be significant. Within the planning application, including the Lighting Report and Lighting Assessment, the applicant has outlined the technical specifications for the proposed development and the controls and features that would be applied to reduce the potential impact of the development on the immediate area.
- 7.3.2. The proposed floodlighting would be capable of operating at two lux levels. A 100 lux mode would be used during training sessions, while a brighter 300 lux mode would operate during matches, which are anticipated to amount to one match per week during October and March. The floodlights would feature an automatic daily cut-off time of 2200 hours. Furthermore, the floodlights would be an asymmetrical down-light type that would be fitted with spill lighting control louvres and would not feature upward light.
- 7.3.3. According to the applicant the lighting design complies with the standards provided for in the Institute of Lighting Professionals: (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011. Based on this ILP guidance, the immediate site area would fall into environmental zone 'E – medium district brightness areas', and the guidance sets specific exterior light limitations set for this environment. As part of the further information response, the applicant has submitted a drawing (no. DWG 02) illustrating the lux level of lighting on the pitch and its environs based on a standard floodlit match scenario with a 300 lux level and with a maintenance factor of 0.9 (i.e. a 10% reduction in lighting levels).

- 7.3.4. Policies SI26 and SI27 of the Development Plan require lighting proposals to address light spillage and to be appropriate to the end use. The lighting assessment undertaken reveals that the extent of light overspill into neighbouring properties arising from the installation of the proposed floodlights would be most pronounced within the rear gardens of properties to the southeast along High Park. The extent of light spilling into these areas would result in a lux level of 0.2 to 0.8, which would generally be akin to the standard lux level of lighting arising from street lights. Conditions can be attached to ensure that the floodlighting system operates to the levels described and, while the appellant has sought a daily cut-off time of 2130 hours, I am satisfied that given the likely extent of use, the estimated light overspill and the immediate urban context, an automatic daily cut-off time of 2200 hours would be appropriate.
- 7.3.5. In conclusion, I am satisfied that the extent of controls and design features proposed would suitably alleviate the potential extent of light spill into the immediate areas. Consequently, I am satisfied that the proposed development would be in line with relevant Development Plan policies SI26 and SI27 and would not result in undue impacts on the residential amenities of neighbouring properties, both existing, and permitted.

8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development and to the established use of the site, it is considered that subject to compliance with the conditions below, the proposed development would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity and would be in accordance with the policies of the Dublin City Development Plan 2016-2022, including policies G31 and SN19 supporting the improvement of sporting facilities and policies SI26 and SI27 requiring appropriately designed lighting proposals. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 further plans and particulars submitted on the 6th day of June 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The floodlights or any equivalent replacement floodlights shall be of the asymmetrical down-light type, fitted with spill-lighting control louvres. The floodlights shall be directed onto the playing surface of the pitch and away from adjacent housing and gardens. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent

lands, houses and gardens.

Reason: In the interest of residential amenity.

3. The daily operational hours of the floodlighting shall not extend beyond 2200 hours with automatic cut-off of floodlighting at that time.

Reason: To protect the residential amenity of properties in the vicinity.

4. Floodlighting shall be angled and constructed so that no light is emitted above a horizontal plane through the fitting. Positioning and design shall also ensure that no glare is caused to users of the public roads in the vicinity of the development.

Reason: In the interest of traffic safety.

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

Reason: In the interest of public health.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This Plan shall provide details of measures to protect the Dublin port tunnel, the intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

Colm McLoughlin
Planning Inspector

12th November 2019