



An
Bord
Pleanála

Inspector's Report ABP 313159-22

Development	Refurbishment of tennis courts
Location	Claremont Railway Lawn Tennis Club, Railway and Steam Packet Union SC, Park Avenue, Sandymount, Dublin 4.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3778/21
Applicant	Claremont Railway Lawn Tennis Club
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Pat Kelly
Observers	1. Martina Hartman 2. Michael & Ann Byrne 3. Patricia O'Brien
Date of Site Inspection	16/08/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. Claremont Railway Lawn Tennis Club forms part of the larger Railway Union Sports Club grounds in Sandymount. The grounds also includes the Westwood Fitness Centre. The tennis club and fitness centre are accessed via a barrier controlled access from St. John's Road East off Strand Road and are served by a car park to the east and north of the fitness centre. The tennis club has 10 no.courts; 5 no. located to the north of the fitness centre and 5 no. the south.
- 1.2. Those to the north are served by floodlights. Those subject of the appeal are to the south with court nos. 6 and 7, subject of the refurbishment works, located at the western end of the application site. The said courts are bounded by a lane which provides rear access to the dwellings which front onto St. John's Road East in addition to mews dwellings. The said dwellings fronting onto St. John's Road East comprise of a two storey, red brick, terraced dwellings served by on street parking. The tennis courts are screened from view from the lane by netting erected inside the fencing.
- 1.3. A gated residential estate (Radcliffe Hall) comprising a mix of housing units including duplexes bounds the site to the west.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the **01/11/21** with further plans and details submitted **07/02/22** following a request for further information dated 21/12/21.
- 2.2. The works entail the refurbishment of tennis courts 6 and 7 with full ITF Class 1 professional 12 metre high court sports lighting at the corners of the courts giving a total of 6 no. floodlights.
- 2.3. The lamps are to be 400 lux.
- 2.4. The floodlights are to be centrally controlled, set to automatically shut off at 2230.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 7 conditions including:

Condition 2: Floodlights servicing court 6 to be omitted.

Condition 3: Floodlights serving court 7 to be installed so that no direct lighting from them falls outside the court and shall be switched off no later than 21.30 hrs.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **1st Planner's** report notes:

- The applicant has not specified the extended period during which the courts would be used.
- The proposal is somewhat similar to Herbert Park tennis courts for which Part 8 approval was granted under ref. 2525/15 for 12 metre high floodlights. A curfew of 9.30 pm was attached by condition 3. A similar condition to be attached should permission be granted.
- A noise impact assessment is not considered necessary given the nature of the use.
- Applicant to provide details on managing the use of the courts and closing times.
- Detailed product information, drawings showing light distribution and light spillage and a light impact assessment required.
- Rationale for the proposed height of the columns required.
- Although utilitarian in appearance the floodlights would not be visible from public roads and would be sufficiently removed from the rear facades of the houses on St. John's Road and Radcliff Hall so as not to adversely impact on the visual amenities of these properties.

- The site is within a defended flood zone (Zone A). It does not introduce any uses vulnerable to flood impacts.
- The floodlights would improve security levels on the adjoining lane by providing passive surveillance when the courts are in use.
- Having regard to the built up nature of the area adverse impacts on biodiversity arising from light pollution or otherwise is not anticipated.

A request for further information recommended.

The **2nd Planner's** report following further information notes:

- In the absence of a comprehensive assessment of light spill and glare impacts, adverse impacts on the residential amenities of adjoining properties and the apartments and mews dwellings to the west of court 6, specifically, cannot be ruled out. The proposed floodlights serving court 6 should, therefore, be omitted.
- The justification for the higher lighting columns is accepted noting that UP Guidance states that higher mounting heights allow lower main beam angles which can assist in reducing glare.
- A 21.30 curfew to apply given the proximity of the courts to residential properties.

A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Engineering Department – Drainage Division has no objection subject to condition.

Environmental Health Officer recommends that the hours of use should be regulated to protect surrounding residences from noise nuisance.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to the issues set out in the 3rd party appeal and observations summarised in section 6 below. Issues relating to need for extent/illuminance of lighting, impact on wildlife and security concerns also raised

4.0 Planning History

From the details provided in the City Council's Planner's report on file 10 metre high floodlights were granted permission to the tennis courts to the north of the fitness club (0444/98).

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016

The site is within an area zoned Z9 the objective for which is to preserve, provide and improve recreational amenity and open space and green networks.

The lands in the vicinity are zoned Z2 the objective for which is to protect and/or improve the amenities of residential conservation areas.

Policy SI26: To ensure that the design of external lighting proposals minimises light spillage or pollution in the surrounding environment and has due regard to the residential amenity of the surrounding area.

Policy GI31: To improve on existing sports/recreational facilities in the city through the implementation of the Dublin City Sport and Active Recreation Strategy 2009-2016 and ensure the availability of a range of recreational facilities to the general population of all ages and groups and locations throughout the city, including ice skating. In areas where deficiency exists Dublin City Council will work with the providers of such facilities including schools, institutions and private operators to ensure access to the local population.

Policy SN19: To enhance and improve the provision of playgrounds, play spaces, playing pitches and recreational spaces in residential areas and in the city centre in accordance with City Council's standards and guidelines.

5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA c. 200 metres to the east.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd Party appeal by Pat Kelly can be summarised as follows:

- The proposed columns and floodlights would seriously injure the residential amenity of his dwelling by reason of visual obtrusiveness and nuisance associated with light overspill.
- The proposal is not similar to that at Herbert Park.
- The Inspector's report and recommendation on ABP 304940-19 is noted.

6.2. Applicant Response

The submission by Cummins & Voortman Ltd. on behalf of the applicant can be summarised as follows:

- The Killcullen Lawn Tennis Club has similar separation distances to residential property as in the subject case. Sutton Lawn Tennis Club was recently granted permission for lighting. Herbert Park Tennis Courts are managed differently as it is not a club.
- Lighting to the tennis courts to the north of the clubhouse are closer to properties than those proposed.
- The closest pole to the appellant's dwelling is 19.672 metres.
- Concern that conditions 2 and 3 are in direct response to submissions rather than the detail of the application documents, in particular the light impact

assessment. The planning authority should have requested clarification of further information on lighting if it was unsure of the impact.

- The proposal will assist in making facilities available to members which is increasing.
- The increase in noise and interference from lighting on court 6 will be minimal and controlled.
- Additional netting could be installed around the courts to reduce interference.
- Courts 6 and 7 would be managed in line with the club policies. The floodlights would be centrally controlled and activated by members using a club supplied lights card or by a committee member using the light activation key. Power to the lights is automatically disabled by 22.30 each evening.
- The lighting would allow for increased playtime during the winter months.
- A 21.30 lighting curfew will be a deterrent to potential members. During summer months it is possible to play without artificial lighting until 22.30.
- It does not make sense to have two different lighting curfews at the same club. A 22.30 curfew is requested.

6.3. Planning Authority Response

None received.

6.4. Observations

Observations have been received from

- Martina Hartman
- Michael & Ann Byrne
- Patricia O'Brien

The submissions can be summarised as follows:

- The planning authority did not apply its own development plan provisions with respect to light pollution.

- The lighting will adversely impact the residential amenities of their properties. Residential amenities include the gardens.
- The columns would be visually obtrusive.
- The proposal is not comparable to that undertaken at Herbert Park.
- The Inspector's report and recommendation on ABP 304940-19 is noted.
- There are no references found supporting the need for 12 metre high poles to light a tennis court with LED lighting outside of ATP professional play. At no stage has the applicant matched the environment to the appropriate LTA standard and selected the appropriate type of lamp.
- No reference is made to glare.
- A 6 metre high pole layout is sufficient to light a tennis court, being the minimum all governing bodies reference.
- Maximum 8 metre poles stating the appropriate intensity (300 EM lx, even 400 which is the Tennis Ireland recommendation), a curfew and a condition requiring adherence to the obtrusive light levels recommended.

7.0 **Assessment**

- 7.1. The proposal entails the refurbishment of 2 no. tennis courts (Nos. 6 & 7) in the south-western corner of the long established Claremont Railway Lawn Tennis Club. The club has a total of 10 no. outdoor courts, 5 no. to either side of the Westwood leisure centre. I note that the courts to the north of the leisure centre are served by floodlighting on 10 metre high columns.
- 7.2. The Dublin City Development Plan 2016-2022 includes policies GI31 and SN19 which support the improvement of existing sporting and recreational facilities, including tennis courts. The installation of floodlighting would comply with such policies, particularly in increasing the timescales available to use the courts during the October to March period.
- 7.3. The substantive issue arising is the impact of the proposed floodlighting on the amenities of property in the vicinity. Parties to the appeal contest the need for the height of the columns and that lower columns would be sufficient. There is criticism

that the lighting assessment utilises championship tennis standard lighting which is considered to be inappropriate. Examples of other tennis courts are referenced. Whilst I note reference made to other cases which are considered to be comparable/not comparable to the proposed development, each case is assessed on its merits with specific regard to the context of the development.

- 7.4. The proposed lighting entails 8 no. 1000 watt LED lanterns mounted on 6 no. columns (2 no. which will carry 2 no. lanterns each) to be positioned behind the base line of the tennis courts. By reason of the layout this results in 3 no. columns being located on the southern site boundary to the lane to the rear of the dwellings that front onto St. Johns' Road East. There would be a separation distance of in the region of 4 metres to the rear boundary wall of the nearest property with a setback of c.18 metres from the nearest rear façade. 1 no. column is to be located at the north-eastern boundary to Ratcliffe Hall with a setback of approx. 12 metres from the wall of the nearest building in the complex.
- 7.5. The height is justified on the basis that it facilitates the achievement of satisfactory lighting performance on the play area, while limiting the lantern tilt angle in order to achieve good uniformity, restrict glare and minimise light spill. All lanterns are to be fitted with internal louvres.
- 7.6. An important consideration in determining the application and appeal is the fact that the subject site is located within an urban area c.5 kilometres from Dublin City Centre where there is a high prevalence of artificial lighting attributed to the existing club to the north, public street lighting and also artificial lighting associated with the houses in the surrounding area. Therefore, there is already a residual level of artificial lighting associated with this urban/inner suburban area.
- 7.7. The light spill and light glare calculation have been modelled in the lighting design calculation report submitted by way of further information, a copy of which accompanies the appeal response. The lux units on a horizontal plane at ground level at adjacent properties is 8 lux at Ratcliffe Hall to the east and approx. 1 lux to the rear of the dwellings in St. John's Terrace East.
- 7.8. Having regard to the vertical illuminance, the environmental zone in which the subject site is located as per the Guidance Notes for the Reduction of Obtrusive Light (GNO1:2011) is E3 "suburban". In such areas the vertical illuminance in lux

which is deemed to be permissible pre-curfew is 10 lux. As per the details provided in the lighting design calculation the maximum vertical light spill to the properties in Ratcliffe Hall to the east would be approx. 6 lux. That to the rear of the dwellings on St. John's Road east would be below 1 lux. The calculated figures are all well below the recommended pre-curfew maximum of 10 lux.

- 7.9. Furthermore, it should be noted that the light in question will only occur when the tennis courts are in operation and will only be required to be illuminated outside the summer months.
- 7.10. The Guidance Notes for the Reduction of Obtrusive Light states that "in most cases it would be beneficial to use as high a mounting height as possible, giving due regard to the daytime appearance of the installation" and noted that there is correlation between the height of the columns to support the floodlights and the amount of glare/light spill that can arise from the installation. Where lights are mounted at a higher level it enables more effective cowling of the lights and enables the lights to be focussed downward on the task area. The downward focussing of the lights prohibits upward light spread to and beyond the horizontal plane. It is clear, therefore, that there is a trade-off between the height of the mounting and the amount of light spill which can occur. Thus the height of the columns proposed ensure that the vertical cut-off of light spill is maximised.
- 7.11. I consider that sufficient detail has been provided to confirm that the light spill from the proposed lighting fixtures would not adversely impact on the amenities of adjoining property and thus would not concur with the planning authority's determination to omit a number of columns as per condition 2. I recommend that this condition be removed.
- 7.12. From details available in the public realm the tennis club has operating hours of between 9am and 10pm. Westwood Gym, which is a separate entity, has longer opening hours. The agent for the applicant considers that to attach a different curfew than what exists would not make sense and recommends a curfew of 22.30 which is in line with other tennis clubs in the city. Notwithstanding and considering the pattern of development in the vicinity I consider that a curfew of 2200 which aligns with the opening hours of the club to be appropriate and recommend a condition to this effect.

- 7.13. Concerns are expressed that the incorporation of the proposed floodlighting would give rise to increased nuisance and noise. Again, I would refer the Board to the fact that the subject site is located within an urban area where ambient noise levels can be expected to be higher than that associated with a rural area. The tennis club within the larger grounds of the sports club is long established where the courts can be used late into the evening, particularly during the summer months. The incorporation of floodlights will enable the courts to be used later during the winter months. However, all activity will be curtailed by means of a curfew. Having regard to the urban/inner suburban location of the subject site together with the ambient noise levels associated with such areas, I do not consider that the additional noise which may arise during usage of the courts up to 22.00 hours can be considered excessive or material in terms of effecting surrounding residential amenity.
- 7.14. I readily acknowledge that the poles at 12 metres in height are relatively high. However, the structures are slim and will not have any significant impact in terms of being overbearing. The slender, stainless-steel poles will not have any significant or undue impact on the visual amenities of residents in the vicinity. They will not be visible when viewed from the south along St. John's Road East.

Appropriate Assessment

- 7.15. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development will be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the established recreational use of the site zoned Z9 the current Dublin City Development Plan, the objective for which is to preserve, provide and improve recreational amenity and open space and green networks and to the pattern of development in the vicinity it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential amenities of property in the vicinity or amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 7th day of February, 2002, 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 shall not operate between the hours of 2200 and 1000 Monday to Sunday.

Reason: To protect the residential amenities of the area.

3. The floodlights shall be directed onto the playing surface of the tennis courts 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 any adjacent houses and gardens.

Reason: In the interest of residential amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, the proposed lighting poles shall not be used for the erection or placing thereon of any structures other than the luminaries proposed.

Reason: In order to allow the planning authority to assess the implications of the visual amenity of any further structures through the statutory planning processes.

5. Site development works shall be carried out between the hours of 0700 to 1800 hours Monday to Friday inclusive, between the hours of 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

Pauline Fitzpatrick
Senior Inspector

September, 2022