

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0474

An Bord Pleanála Reference Number: PL 06F.246009

APPEAL by Paul McDonald care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 7th day of December, 2015 by Fingal County Council to grant subject to conditions a permission to Tariq Salahuddin care of WCA Architects of Broadmeadow Hall, Applewood Village, Swords, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of existing single storey building from Postal Sorting Office to Muslim Prayer, Cultural and Community Centre, minor changes to internal layout and external elevations, partial demolition of existing storage shed and all associated site works at old An Post Sorting Office, The Green (off Rathbeale Road), Swords, County Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature and extent of the development proposed, the former use of the site for commercial purposes, the pattern of development in the area, the location of the development adjacent to a large residential catchment, the close proximity of the site to Swords Town Centre where there is considerable scope for use of alternative modes of transport, the provisions of the Fingal Development Plan 2011–2017, the submissions and documentation on file, and the report of the planning inspector, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to the zoning objective for the site, as set out in the said Development Plan, would not seriously injure the amenities of the area, and would be acceptable in terms traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board accepted the applicant's description of the nature and intensity of the use proposed and considered that this level of usage would not injure residential amenity and would not contravene the 'RS' residential zoning objective or road safety objective T063 of the said Plan having regard to the former commercial use of the premises and to the site's proximity to the town centre. The Board concurred with the planning authority's analysis in respect of traffic and pedestrian safety and also agreed with the planning authority that a temporary permission would be appropriate in this instance to allow a reassessment of the operation of the development from a traffic, car parking and access viewpoint in light of circumstances prevailing at a specified future date.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 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 structure as a prayer, cultural and community centre is hereby approved for a period of two years from the date of this decision and upon expiry of this period the use shall cease unless a prior grant of planning permission has been received from the planning authority and An Bord Pleanála on appeal.

Reason: In the interest of the proper planning and sustainable development of the area and to allow the planning authority to reassess the situation in light of the circumstances at this time.

3. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with, the planning authority:
 - (a) A revised entrance layout incorporating a separate pedestrian entrance and internal pedestrian route within the development, and
 - (b) Proposals for improvement works to the site boundary treatment onto Green Lane.

Reason: In the interest of visual amenity.

4. Details of the days of operation and the opening hours of the facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provisions of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

6. The area subject to the change of use from postal sorting office to prayer, cultural and community centre, as described in the public notices, shall not be used for any other purpose without a prior grant of planning permission nor shall the structure, or any element thereof, be sublet, leased or otherwise be sub-divided from, or operated independently, either by way of sale or letting or otherwise. The facility shall be used only as a prayer, cultural and community centre.

Reason: To prevent unauthorised development and in the interest of the proper planning and sustainable development of the area.

7. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

8. There shall be no calling to prayer or other public address system, music or other amplified sound broadcast externally from the site.

Reason: In order to protect existing amenities.

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, lighting features, banners, canopies, flags or other projecting elements, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. Lighting shall be provided in accordance with a lighting scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to achieve a satisfactory standard of development.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for appropriate management of waste and in particular, recyclable materials, in the interest of protecting the environment.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) (i) The species, variety, number, size and locations of all proposed trees and shrubs
 - (ii) Details of screen planting
 - (iii) Details of roadside/street planting
 - (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

13. Water supply and drainage arrangements, including the 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.

14. The developer shall pay the sum of €2,000 (two thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the signage and road markings for both The Green and Rathbeale Road. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.