



An
Bord
Pleanála

Board Order

PL 06F.249341

Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: FW16A/0134

Appeal by Patrick Regan of 128 Churchfields, Killelland, Ashbourne, County Meath and by Shuhada Foundation of Ireland care of McCutcheon Halley Chartered Planning Consultants of Kreston House, Arran Quay, Arran Court, Dublin against the decision made on the 7th day of September, 2017 by Fingal County Council to grant subject to conditions a permission to the said Shuhada Foundation of Ireland in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development comprising a community, cultural and education campus, primarily including a mosque, primary and post-primary school building, a multi-purpose events hall, all-weather playing pitch, use of Warrenstown House for ancillary purposes and associated site development works. Permission is sought to retain two number single-storey extensions currently in use as wc facilities with gross floor area (GFA) circa eight square metres on the south-west elevation of the rear extensions attached to the rear of Warrenstown House. The proposed development will comprise: demolition of various existing extensions to Warrenstown House measuring in total circa 262 square metres gross floor area including part of existing prayer room (north-east side), educational building (south-west side), rear boiler room and school building including wc facilities extensions proposed for retention prior to demolition (north-west side). Alterations to the south-west, north-east and north-west elevation of Warrenstown House are proposed consequent to demolition works. Change of use of ground floor to Warrenstown House from prayer

and association areas to comprise five number ancillary office rooms and staff facilities for the community, cultural and education campus on a ground floor totalling (circa 240 square metres gross floor area) and internal alterations changing the use of existing prayer and associated areas to extend the existing two bedroom ancillary apartment residence at first floor to circa 236 square metres gross floor area. The development includes the demolition and removal of three number existing single storey structures on site, including the shop (circa 86 square metres gross floor area) and associated mobile home storage structure (circa 46 square metres gross floor area) to the south-west of Warrenstown House, and shed structure (circa six square metres gross floor area) to the north-east side of Warrenstown House. The security hut (circa 11 square metres gross floor area) at the main entrance gate (south-west side) will be repositioned and reorientated at the entrance gate. Proposed three storey Mosque building with a maximum (minaret) height of circa 18.2 metres and gross floor area circa 3,896 square metres comprising two number prayer halls, circulation space, three number ancillary office rooms, two number ablution space rooms, plant room, air handling unit (AHU) room, control room and board room, wc facilities, four number partitionable classrooms, azaan room and ancillary mortuary on ground floor; air handling unit room, two number prayer halls, circulation space and 10 number partitionable classrooms on first floor and one number prayer hall, circulation space, two number library rooms, refreshment room and caretaker's ancillary one-bedroom residence (circa 176 square metres) on second floor. Proposed four storey primary and post primary school building with roof plant and a maximum height circa 17.7 metres and gross floor area circa 4,876 square metres comprising five number classrooms, circulation space, plant, refuse, electricity, air handling unit and storage rooms, wc facilities, three number smoke shafts ascending through each level of the building, ancillary offices/reception and library on ground floor; five number classrooms, circulation space, wc facilities, two number staff rooms and three number ancillary offices on first floor; four number classrooms, three number specialised rooms, circulation space, wc facilities, library with ancillary admin room and one number storage room on second floor; six number specialised rooms, circulation space, wc facilities, canteen and storage room on third floor; and two number escape stairs, lift service area and three number smoke shafts on fourth floor roof level. The primary school will generally be located on ground and first floor

levels with the post primary school generally on the second and third floor levels. Proposed two storey multi-purpose events hall building over basement level including car park, with a maximum height of circa 12.6 metres and gross floor area circa 3,481 square metres comprising 36 number car parking spaces, seven number cycle parking, service, storage and plant rooms, refuse collection area, kitchen (ancillary to ground floor restaurant/café), air handling unit rooms and circulation space at basement level; one number sports hall, changing rooms, control and storage rooms, circulation space, wc facilities, ancillary restaurant with soft ball play area (circa 128 square metres), ancillary barber shop (circa 11 square metres), ancillary convenience store (circa 45 square metres net floor area) and ancillary office on ground floor; four number meeting rooms, air handling unit and storage rooms, circulation space, wc facilities and ancillary restaurant seating space (circa 72 square metres) on first floor. The proposed development comprises all site development works including landscaping, boundary treatments and the provision of an all-weather playing pitch (circa 529 square metres), refuse collection area, 47 number car parking spaces, including three number disabled bays, two number coach parking spaces and 12 number cycle parking spaces at surface level. Proposals provide for upgrades to the vehicular and pedestrian access off Blanchardstown Road North, all at Warrenstown House, Blanchardstown Road North, Blanchardstown, Dublin, as amended by the further public notice received by the planning authority on the 14th day of August, 2017.

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 provisions of the Fingal Development Plan 2017-2023 and to the nature and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 information received by the planning authority on the 10th day of August, 2017, 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 use of the halal shop, barbers shop and caretaker's residential unit shall remain ancillary to the main use on the site as a religious, cultural, community and educational campus, and the units shall not be leased or sold as separate independent units.

Reason: In the interest of clarity and orderly development.

3. Details, including samples of the materials, colours and textures of all the 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 the visual amenities of the area.

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. The development shall comply with the following tree protection requirements:-
 - (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

6. The tree planting and landscaping schemes for the open spaces shall be carried out within the first planting season following substantial completion of external construction works. 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 or until the development is taken in charge by the local authority, whichever is the sooner, 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 visual amenity and to protect wildlife and biodiversity.

7. The developer shall carry out a Bat and a Badger survey of the site. The ensuing reports shall contain relevant mitigation measures for the construction and operational stages of the development for each species, in the event that they are found to be present on the site. These reports shall be submitted to the planning authority for written agreement before development commences, and the developer shall apply to the National Parks and Wildlife Service for a derogation licence in respect of each species, as appropriate.

Reason: To protect wildlife and biodiversity.

8. The developer shall comply with the following transportation requirements:
 - (a) Details in relation to the following shall be submitted to the planning authority for written agreement before the development commences:
 - (i) the design and construction details for the provision of the right turn pocket Blanchardstown Road North,
 - (ii) the design and construction details for the proposed upgrading of the existing access road with a view to minimising gradients and providing appropriate traffic calming measures,
 - (iii) the design and construction details for the proposed upgrading of the existing access road with a view to minimising the maximum gradients and providing appropriate traffic calming measures,
 - (iv) the design and construction details of the transitions from the shared surface to the normal road surface/footpaths,
 - (v) the cross section of the internal road network,

- (vi) the location of the proposed set-down areas prioritising bus set-down, and
 - (vii) alterations to the proposed layout and circulation area to accommodate turning movements.
- (b) The design and construction of the right turn pocket shall be carried out at the developer's expense.
 - (c) The recommendations of the Road Safety Audit shall be implemented to the satisfaction of the planning authority.
 - (d) A Revised Mobility Management Plan (MMP) shall be submitted for the written approval of the planning authority within 12 months of completion of the works, including the appointment of a Mobility Management Co-ordinator, the public "Tax-saver" scheme, the "bike to work" scheme and in particular, additional bicycle parking spaces shall be provided if the Mobility Management Plan identifies an increasing bicycle mode share.
 - (e) An Event Management Plan shall be submitted for the written approval of the planning authority before development commences.
 - (f) All underground or overhead services and pole shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.

All of the above works shall be carried out at the developer's expense.

Reason: In the interest of traffic safety, orderly development and the proper planning and sustainable development of the area.

9. The following requirements in relation to noise shall be complied with: -
- (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed: -
 - (i) An Leq,1 hour value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
 - (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity.

10. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

11. The management of waste during the construction and operational phases of the development, shall comply with the requirements of the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

12. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

13. The site works and building works required to implement the development shall be carried out only between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

15. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit or other security to secure the protection of trees which have been identified for protection on the site. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of €20,000 (twenty thousand euro), or

