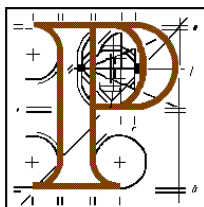


## An Bord Pleanála



## Inspector's Report

**Development:** Retention of Change of Use from light Industrial to Assembly and Continuance of Use of Part Unit 3 as Muslim Prayer Centre, 15 Naas Road, Clondalkin, Dublin 22.

### Planning Application

Planning Authority:	South Dublin County Council
Planning Authority Reg.	SD15A/0370
Applicant:	Abdul Mannan
Type of Application:	Permission
Planning Authority Decision:	Refuse Permission

### Planning Appeal

Appellant(s):	Abdul Mannan
Type of Appeal:	First Party Vs Decision
Observers:	None

**Date of Site Inspection:** 21<sup>st</sup> of June 2016

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site is located just off the major M50/M7 interchange at a minor roundabout leading into Clondalkin and serving the high storey IBIS storey which is a clear landmark from the M50 of the site location.
- 1.2 The site is an Auto repairs business. There is a windscreen repair business immediately adjoining the premises to the south and a cars sales outlet to the east. On the site There is a two storey building on the site with the car repair on the ground floor (3No. units). The subject site is located on the first floor of the building and there is a small ground floor area which includes toilets and a foot bath area. The first floor includes a prayer room, meeting room and Imam's room.

## **2.0 DEVELOPMENT**

- 2.1 The application is for Retention Permission for a change of use from a light industrial to a muslim prayer room within part of the building.
- 2.2 According to the submission documents, the applicants have been unsuccessful in locating an alternative venue within the Clondalkin area. The average attendance at the Prayer Assembly is 25-30 persons with a maximum of 50No. persons. There is an arrangement with the adjoining IBIS hotel to use their carpark.

## **3.0 SUBMISSIONS RECIEVED**

- 3.1 There were no submissions received.

## **4.0 TECHNICAL REPORTS**

- 4.1 EHO: No objections
- 4.2 Irish water: No objections
- 4.3 Water Services: No objections
- 4.4 Roads Department: The access is off Monastery Road. There is limited information regarding parking. The applicant is required to have 6No. spaces under the development plan requirements. There is a heavy car use on site. There is no confirmation of agreement with IBIS regarding carparking. Reliance on third party carparking within a totally different development is not appropriate as this could be revoked at any time. Casual parking on the public road outside of the site could potentially cause problems at a key junction that feeds into the M50.
- 4.5 Planning Report:  
**'Places of Worship'** are open for consideration under the EP2 zoning.

There is minimal visual impact as the structure is in place and there is no associated signage.

The site is within 400metres of the Red Cow Luas stop. There is a demand of 8No on site spaces to cater for the development. Parking Passes for the IBIS hotel carpark are used. There is a constant heavy flow of traffic in the area due to its proximity to a large interchange. The Roads Department strongly recommends a refusal.

Refusal is recommended.

## **5.0 PLANNING AUTHORITY'S DECISION**

South County Dublin Co. Co. refused the proposed development for 3No. reasons:

1. The proposed change of use from a light industrial use with an ancillary office to a prayer centre, would result in an increase in demand for parking provision and an intensification of a use which cannot accommodate this. The site is located on a busy M7/M50 interchange, it would create a traffic hazard.
2. Overdevelopment of the site
3. It is an undesirable principle on a constrained site which would seriously impact on the road network.

## **6.0 APPEAL GROUNDS**

- 6.1 The Clondalkin Muslim Community is part of the Dublin Welfare Society Limited, and is a registered non-charity organisation. The Clondalkin Muslim Community has been operating at these premises since May 2007 and were served a warning Letter on 30/6/2014, and then a subsequent Enforcement Notice on 27/05/2015. This has resulted in the current planning application for Retention. The applicants have been unsuccessful in finding alternative locations.
- 6.2 There is a principal assembly for prayers on Fridays between 1.00pm and 2.30pm with an average attendance of 25-30 persons. A nominal of 5-6 car spaces are provided within the site for the use of the Iman and the Elders of the Community. In order to facilitate those who travel by car and cannot be accommodated on site, the adjoining IBIS hotel provide 20No. spaces for use of the Muslim community for which is paid for by the Muslim community. Pedestrian movement from the hotel carpark to the prayer room is made via public footpaths
- 6.3 The site includes 3No. light industrial units occupied by Motor Servicing operators within 2No. units. There is car maintenance and servicing carried out. The cars are dropped in and collected on the same day with an occasional over

night stay. There is a possible 18-20 spaces on site, there is a surplus of 8-10 spaces available.

- 6.4 There is not an intensity of use relating to the Light Industrial Use. The general traffic movements are early morning and late afternoon associated with the light industrial use and the prayer room is the only exception for a half an hour on Fridays. The development is located away from residential communities also.

## **7.0 RESPONSES**

- 7.1 The planning authority considers all the relevant issues were addressed in the planning report and it has nothing further to add to the report.

## **8.0 PLANNING HISTORY**

- 8.1 S94A/0425/ PL06S.095464 Planning permission granted on appeal for the erection of 4No. two storey industrial units.

## **9.0 DEVELOPMENT PLAN**

- 9.1 **South Dublin County Development Plan 2010**

### **Zoning Objective:**

Enterprise Priority Two (EP2) which seeks *'To facilitate opportunities for manufacturing, research and development facilities, light industry and employment and enterprise related uses in industrial areas and business parks.'*

### **Car Parking Requirement**

Section 2.2.34 states the carparking requirements are set out under Table 2.2.4 which states 6No. spaces per funeral home

### **Draft County Development Plan 2015**

The subject site is zoned *Res- to protect and improve residential amenity.*

## **10.0 ASSESSMENT**

- 10.1 The subject site is located off a roundabout on Monastery Road serving the IBIS hotel and leads to an extremely busy M50/M7 interchange. The site is just off the Naas Road (M7) and positioned 400metres from the Red Cow Luas stop. It is clear from the immediate vicinity of the site that the general pattern of development in the area strongly influenced by the major road infrastructure. On the subject site, which is accessed directly from the small roundabout, is a two storey purpose built light industrial building. There is a very busy auto repairs business working at the premises, a valeting facility, a car sales are to the south of the site which is accessed from the subject site, and other uses on the

first floor of the light industrial building, including the subject development, a muslim prayer room.

- 10.2 The subject site is located on the first floor of the light industrial building. There is a door at ground level located along the front elevation of the building. Inside the door there is a foot bathing area and some toilets, the prayer room is located upstairs. According to the appeal file, the prayer room has existed since 2007, however, there has been no prove submitted to substantiate this claim, and the unauthorised change of use has been the subject of enforcement action taken by the planning authority.
- 10.3 The planning permission for retention of the prayer room was refused for three reasons, all of which are related to traffic and lack of parking. It was considered by the planning authority the development was an intensification of use of the site, overdevelopment of the site which had limited onsite carparking available to cater for the development and could result in an overspill of parking onto the adjoining busy road network and result in a traffic hazard. The Roads Report on the planning file strongly recommended a refusal.
- 10.4 The crux of the appeal relates to carparking and traffic. The zoning of the area in the current South Dublin County Development Plan 2010 is **Enterprise Priority Two (EP2)** which seeks *'To facilitate opportunities for manufacturing, research and development facilities, light industry and employment and enterprise related uses in industrial areas and business parks.'* Although *Places of Worship* is a use which is Open to Consideration under the zoning objective, I would have serious reservations regarding the compatibility and appropriateness of the use within a Light Industrial Building. In my opinion a prayer room and a place of worship is a community facility, and would be more appropriate to a town centre, neighbourhood centre or local centre location as opposed to within a very busy car repair facility.
- 10.5 According to the appeal, the Clondalkin Muslim Community have prayers on the premises on Fridays between 1.00 and 2.30pm with an average of 25-30 persons in attendance. The planning submission documents states there can be up to 50No. persons in attendance. There is onsite parking, however it is clear the spaces are all occupied by cars from the auto repairs business on site. There are no dedicated spaces to the subject landuse. On appeal the applicant has stated the IBIS hotel provides 20No. spaces to the Muslim Community, and a typical invoice for payment of the parking is presented on appeal.
- 10.6 Having regard to the 3No. reasons for refusal relating to carparking/ traffic, the information presented on appeal in relation to the carparking issue is scant. There is no technical information regarding the existing use of the parking spaces on site by the applicant and the autorepairs units and the other occupants on the residual first floor area. According to the development plan car parking requirements, a minimum of 6No. spaces are required to facilitate the development, and these have not been indicated. There has been no copy of an agreement between the IBIS hotel and the applicants submitted on

appeal. Any agreement with a third party such as the IBIS hotel could be revoked at any stage. Furthermore, during my site inspection it came to my attention in 2015, Cannock Dublin Hotel Limited applied for planning permission and were granted permission for, *Change of Use of 40No. of the hotels short term surface carparking spaces to longterm parking spaces at the IBIS Hotel.* There is no reference to the case on the planning file, I have appended a copy of the relevant Manager's Order relating to SD15A/0227.

- 10.7 Essentially, I am recommending the Board uphold the planning authority's decision to refuse planning permission for the development based on traffic and parking grounds. The IBIS hotel cannot be depended upon to provide car parking to cater for the development and the applicant has not provided any formal agreement between the parties on appeal in relation to utilising the IBIS carpark. There is no additional capacity on site to cater for the carparking requirements of the development. The auto repairs business on site involves cars been parked on site in the morning and collected in the evenings. The existing carparking on site at capacity, and no details have been provided relating to other uses on the site and their associated carparking requirements and provisions. Having regard to the lack of any formalised arrangements and dedicated parking, the development could result in overspill or casual parking onto the adjoining public road which is a key junction that feeds onto the M50. The Monastery Road roundabout is heavily trafficked and any obstruction along the road could result in a serious traffic hazard, and is unacceptable in terms of traffic safety at this location. The subject site is located away from other existing community facilities and shared carparking areas. The Red Cow Luas line stop is 400metres from the site therefore in my opinion, this location is car dependent and carparking is an essential requirement associated with this location.

## **11.0 RECOMMENDATION**

I recommend the Board uphold the planning authority's decision to refuse planning permission for the retention of the development.

## **REASONS AND CONSIDERATIONS**

Having regard to site location within a Light Industrial Building and the existing businesses on site which have a significant on site car parking demand, the absence of dedicated on site carparking provisions and formal arrangements presented on appeal to cater for the development, the carparking requirements associated with the subject use, and the significance of the Monastery Road as a link to the M50 off the M7 motorway and general Clondalkin area, it is considered the development is deficient in onsite carparking and could result in overspill carparking onto the adjoining road network which is adjoining and providing access on to the M50/M7 interchange. The traffic generated by the development would impact on the safety and flow of traffic along the adjoining road network that would create a traffic hazard, and the development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Caryn Coogan**

**Planning Inspector**

**23/06/2016**