



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306702-20

<b>Development</b>	Demolition of buildings, construction of community centre and Place of Worship (Mosque), parking, 2 apartments, administrative spaces, 2 classrooms, library/book store, restaurant, retailing/services units , boundary treatments, entrances.
<b>Location</b>	Site at Balgaddy, South Lucan, Co. Dublin
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD19A/0008
<b>Applicant(s)</b>	South Dublin Maktab Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party V. Decision
<b>Appellant(s)</b>	1. Orla Hunt & Others 2. Balgaddy Working Together Community Group
<b>Observer(s)</b>	1. Marie and Anthony Kelly

**Date of Site Inspection**

11<sup>th</sup> September 2020.

**Inspector**

Susan McHugh

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	7
3.1. Decision .....	7
3.2. Planning Authority Reports .....	8
3.3. Prescribed Bodies .....	13
3.4. Third Party Observations .....	13
4.0 Planning History.....	14
5.0 Policy Context.....	14
5.1. Development Plan.....	14
5.2. National Policy .....	15
5.3. Natural Heritage Designations .....	15
5.4. EIA Screening .....	15
6.0 The Appeal .....	15
6.1. Grounds of Appeal .....	15
6.2. Applicant Response .....	19
6.3. Planning Authority Response .....	22
6.4. Observation.....	22
6.5. Further Responses.....	23
7.0 Assessment.....	23
8.0 Recommendation.....	36
9.0 Reasons and Considerations.....	36
10.0 Conditions .....	37

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Blagaddy, south-east of Lucan Village and approx. 1.5km south-west of Liffey Valley Shopping Centre, in west Dublin.
- 1.2. It is accessed from a short cul-de-sac located off Newlands Road and is within approx. 150m of the Newlands Road/Fonthill Road a large capacity traffic signal controlled junction on the Regional Road 113.
- 1.3. The subject site is located directly across from The South Dublin Football League complex and associated pitches and parkland. It is within an established residential area with associated community facilities including the Catholic Church of Divine Mercy and local schools.
- 1.4. Foxdene Park and Foxdene Drive, consisting of two storey terraced residential dwellings are situated to the immediate south and east of the subject site. Existing single storey dwellings are located to the immediate west of the subject site, the nearest appears to be occupied and the remainder are vacant with the end building in use as an Auto Repair Business. The existing cul de sac currently serves all of these properties.
- 1.5. The site is currently vacant with 2 existing unoccupied and derelict single storey structures. These appear to have formerly been in use as a dwelling and a shop unit.
- 1.6. The site is bounded to the north by a 2-2.5m high palisade fence and block wall and a 2m block wall on all other boundaries backing onto residential properties to the south, east and west. There are mature trees along the western boundary of the site.
- 1.7. The site is level and has a stated area of 0.4277ha.

## 2.0 Proposed Development

- 2.1. The application was lodged with the Planning Authority on the 11/01/2019 with further plans and details submitted on the 04/12/2019. The latter triggered revised public notices.
- 2.2. The proposed development as lodged comprises:

- Demolition of two existing unoccupied, unused and dilapidated single storey buildings with a stated floor area of 127.36 sqm
- Permission for construction of a Community Centre and Place of Worship (Mosque) in a detached three storey over basement building, part pitched and part flat roofed, incorporating solar PV panels and a feature minaret and dome on/over roof levels.
- The stated floor area of the proposed development is 6,170sqm and comprises the following;

(a) basement level - circulation spaces, car parking, bicycle parking, exercise room, service rooms, service plant and bin storage;

(b) ground floor level - main entrance and circulation spaces, administrative spaces, toilets and ablutions areas, storage rooms, tea stations, mortuary, prayer room with supporting service rooms, 2 classrooms, a library/book store, 3 retailing/services units, child minding rooms;

(c) first floor level - circulation spaces, administrative spaces, toilets and ablutions areas, 2 apartments, community health rooms, events room, kitchen/servery, prayer gallery overlooking the prayer room;

(d) second floor level - circulation spaces, administrative spaces, toilets, restaurant, kitchen;

2.3. The proposed vehicular and pedestrian site entrances include gates in the new northern boundary,

- Limited car and bicycled parking, ramp entrance/exit to & from the underground basement car park, service yard, external circulation,
- Children's play space, hard and soft landscaped areas, boundary treatments including walls and metal fencing.

2.4. The applicant South Dublin Maktab Limited, is a voluntary charitable organisation which represents members of the Islamic community in the Lucan/Clondalkin area of West County Dublin.

2.5. The application was accompanied by the following;

- Cover Letter from Applicant

- Cover Letter from Agent – Paul O’Connell and Associates
- Planning Proposal Report
- Infrastructure Report – David Jenkins Consulting Engineers
- Report – SEHA, Consulting Mechanical and Electrical Engineering Consultants
- Landscape Report – JJ Digby Brady Landscaping Consultants
- Sustainability Report – SEHA Technical Services Ltd
- Bat Assessment Report – Donna Mullen M.P.P.M. Wildlife Surveys
- Letter of agreement – CEO of the South Dublin Football League, and Fr. John Laizer, C.S.Sp. of the Parish of Devine Mercy, Lucan South, to use parking facilities for Friday prayers and feast days.

2.6. The applicant requested an extension of time on 20/08/2019 beyond 6<sup>th</sup> September 2019 to 31<sup>st</sup> December 2019. By Order dated 22/08/2019 a three month extension of time to respond to request for further information up to 05/12/2019 was granted by the PA.

2.7. In the interests of clarity for the Board, pursuant to further information, the applicant submitted revised plans on 04/12/2019 with revised public notices 18/12/2019.

2.8. The proposal as amended has a stated floor area of 4,260.91sqm and comprises:

A reduction in:

- Overall scale and height from three-storey over basement to two storey over basement, including a significant set back from the south-western corner and western boundary of the site.
- No. of retail units, from 3 to 2 and relocation to a more prominent location relative to the access, omission of the restaurant and replacement with a small coffee shop on the ground floor.
- No. of apartments from 2 to 1.

Relocation of:

- Mortuary in the basement level along with 68 car parking spaces.
- Access road and entrance to the western/southern side of the building.

- Service yard to the western side of the site.

2.9. The response to further information was accompanied by the following;

- Letter from South Dublin Maktab Ltd.
- Planning Proposal Report – Outlines exact uses proposed on each floor and hours of operation.
- Sustainability Report – SEHA Technical Services Ltd.
- Transport Impact Assessment – NRB Consulting Engineers
- Drainage Report – David Jenkins Consulting Engineers
- Arboriculture Report – Charles McCorkell
- Landscape Specification and Maintenance Document – Landmark Designs
- Site Lighting Report – SEHA Technical Services Ltd.
- Bat, Badger and Invasive Species Assessment – Wildlife Surveys Ireland
- Photomontages – James Horan, Architectural Illustration
- Fire Safety Report – GSP Fire Ltd.

2.10. Unsolicited additional information was submitted 17/12/2020 which makes reference to a typographical error in the response to item 3 of the further information request, which should have referenced a document submitted titled 'Planning Proposal for building the Lucan Islamic Community Centre, a project of South Dublin Maktab'.

2.11. This assessment makes references to the plans submitted at further information stage and the original application stage.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority decided to **grant** permission subject to 20 no. conditions.

Conditions of note include

Condition 1. Compliance with plans and particulars

Condition 2. Requirements of Irish Water

- Condition 3. Drainage – Surface Water Requirements
- Condition 4. Apartment Use restrictions
- Condition 5. External Amplification
- Condition 6. Signage
- Condition 7. Materials/Finishes
- Condition 8. Trees
- Condition 9. Bat Badger and Invasive Species Assessment
- Condition 10. Roads requirements
- Condition 11. Section 48(2)(c) Financial Contribution €25,000
- Condition 12. Restrictions on signage
- Condition 13. Signage not internally lit
- Condition 14. Hours of operation
- Condition 15. Recyclable Waste and Bin Storage Facilities
- Condition 16. Air Blown Dust
- Condition 17. Construction Noise and Hours
- Condition 18. Operational Noise
- Condition 19. Section 48 Financial Contribution €12,395.52.
- Condition 20. Section 49 Supplementary Contribution €3,605.57.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports (dated 06/03/2019 and 23/01/2020)

Basis for the planning authority decision. First planning report recommends further information on the following:

Item No. 1 Scale and Extent – Request to submit (a) revised plans and particulars to address over dominant, overbearing and oppressive visual impact to surrounding



residential properties to the south, east and west, and (b) photomontages of the amended proposal.

Item No. 2 Nature of Use (a) Request to address concerns in relation to negative impact on residential amenity in terms of overlooking, overshadowing and noise from the south-eastern corner of the site (b) submit a daylight/shadow survey to demonstrate the impact of the proposed development on residential properties to the west (c) submit revised design to mitigate against any overlooking or overshadowing impacts and (d) submit proposals to address noise from outdoor service yard and impact on residential amenities of adjacent properties.

Item No. 3 Traffic – Request to submit Traffic and Transport Assessment to quantify the impact of the proposed development on the surrounding road network, having regard to the proposed parking provision and reliance on public transport, with reference to existing travel patterns and potential growth of the community numbers due to such a proposed facility.

Item No. 4 Car Parking – Request to submit detailed analysis of and schedule for car parking provision which takes cognisance of all the proposed uses within the proposed development and SDCCDP.

Item No. 5 Traffic – Request to submit (a) details on the no. of bicycle parking spaces (b) revised layout to address concerns in relation to servicing yard area in the south-east corner of the site, location of the gated vehicular access point, location of basement ramp, access road (off to one side), accessible parking space and pedestrian access, priority for pedestrians and cyclists, layout in terms of the proposed access road to the left of the of the gated entrance.

(c) Swept Path Analysis for larger vehicles (d) details of full length footpath to provide access across the public road and along the frontage of the site leading to the pedestrian entrance and (e) details of the proposed external lighting system taking cognisance of local bat populations.

Item No. 6 Ecology – Request to submit (a) an Ecological Survey that includes bats, badgers and invasive species screening assessment and (b) Tree Assessment identifying any trees proposed for removal.

Item No. 7 Proposed Uses– Request to submit detailed schedule specifying each use and hours of operation, including hours of opening during Ramadan.

Item No. 8 Surface Water Drainage – Request to submit (a) revised surface water storage attenuation storage layout, (b) details of proposed SuDS features, (c) contact Parks Dept. in relation to encroachment of surface water drain onto public parklands and (d) details of any chemicals to be used in the Mortuary.

Item No. 9 Retail units and Mortuary – Request to address (a) location of three retail units, (b) necessity for tea stations and toilets in two of the retail units and (c) location of the Mortuary.

Item No. 10 Landscaping – Request to submit Landscape Design Rationale and landscape proposals.

Item No. 11 Trees – Request to submit Tree Report including Tree Survey, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement.

Item No. 12 Boundary Treatments – Request to submit full details.

Item No. 13 Surface Water Drainage Layout – Review of SuDS and layout excluding the use of any underground attenuation and include a management and maintenance plan.

The second planners report dealt with the applicants' response to further information and is summarised as follows:

- *Scale and Extent* – Revised design for the proposed development reduces the overall height from three storey over basement to two storey over basement and the overall size and mass of the proposed building has been scaled down. Applicant states the revised scheme has been reduced in size by in excess of 30% from that originally proposed.
- *Height* - Overall height including the minaret has been reduced from 23.8m to 20.6m. The single storey element of the building is 5.5m in height, the two storey element is between 8.4m – 9.4m high which steps up to 10.4m above the main entrance, this is between 3-3.5m lower than originally proposed.
- Applicant has made significant reductions in the overall size, scale and mass of the proposed development, including a reduction in the no. of retail units, the omission of the restaurant, and replacement with a small coffee shop on the ground floor.

- *Proposed layout* - Has been altered with the access road and entrance to the underground car park now located to the western/southern side of the building, and the building itself has been significantly set back 14.7m from the south-western corner of the site with 13.1m set back from the western boundary.
- Single storey element on the southern elevation has a 30m separation distance to No. 18 Foxdene Park.
- Scale of the building has been reduced along the eastern boundary and a landscaped area created as a buffer between the proposed building and the rear of properties on Foxdene Drive, a small children's play area is also proposed to the rear of the building.
- Proposed single storey element at the north-east corner of the building adjacent to the small service yard for the retail shop is now set back an additional 3m from the boundary with No. 16 Foxdene Drive.
- *Photomontages* – Indicate that the proposed building will not negatively impact on the existing surrounding area.
- *Residential Amenity* - Due to the significant reduction in the overall scale and mass of the building within the site, proposed re-design whereby the first floor and second floor are set back further from the boundaries, and the reduction in the overall height, considers that the proposed design is acceptable and will not negatively impact on the residential amenities of the area.
- *Nature of Use* – Note that certain uses will be available for use by the wider community and the centre will not open before 7.30am.
- *Overlooking* - Revised design submitted indicates no windows above ground floor facing in the southern direction, only above ground floor windows facing in a westerly direction are high level windows in the events room, with no above ground floor windows facing in an eastern direction.
- *Overshadowing* – Due to the redesign of the building considers that overshadowing will be minimal and notes also mature trees on the western boundary which create a certain amount of shadowing.

- Revised scheme will not impact significantly on the residential amenity of adjacent properties.
- *Traffic Impact Assessment* – Roads Section is satisfied that the proposed development will have a moderate but manageable effect on the receiving road network, sufficient parking has been provided, and is acceptable.
- *Traffic Movements* – Recommend financial contribution of €25,000 for the provision of a new signalised pedestrian cross on the Lucan Newlands Road.
- *Ecological Survey* – No evidence of bats, badgers or invasive species, recommend the use of bat boxes by way of condition.
- *Nature of the uses and opening hours* – Acceptable subject to conditions.
- *Revised Layout* – Relocated retail units, removal of tea stations and toilets and mortuary in the basement level are acceptable.
- *Boundary Treatments* – Acceptable to the PA.

### 3.2.2. Other Technical Reports

**Water Services:** Report dated 18/02/2019 recommended further information in relation to the location of the proposed surface water attenuation. Report dated 09/01/2020 recommended no objection subject to requirements.

**Roads:** Report dated 11/01/2019 recommended additional information in relation to a Traffic and Transport Assessment, car parking, access arrangements, footpath and lighting details. Report dated 20/01/2020 notes that the main events are held outside of peak am and pm times, will have a moderate but manageable effect on the receiving road network. Notes 71 car parking spaces at basement and surface level, along with over flow car parking north of Lucan Newlands Road and at the Church of the Devine Mercy is acceptable, as is the provision of bicycle parking spaces and revised layout for vehicles pedestrians and cyclists.

**Parks & Landscape Services/Public Realm:** Report dated 01/02/2019 recommends further information in relation to a more detailed landscape plan, lighting columns, additional screening adjacent to residential dwellings to the east and south, cross sections, submission of an arborist report, details of boundary

details and the public realm, revised bat survey and proposed SuDS features. Report dated 16/01/2020 recommends no objection subject to conditions in relation to trees and landscaping.

**EHO:** Report referred to in planners report dated 6/03/2019 but no report on file. No objections subject to conditions.

**Heritage Officer:** Report referred to in planners report dated 6/03/2019 but not on file. Recommends further information in respect of an updated bat survey of the buildings and trees around the site, submission of a tree assessment, and details of external lighting.

### 3.3. Prescribed Bodies

**Irish Water:** Reports dated 18/02/2019 and 22/01/2020 recommended no objection subject to requirements.

### 3.4. Third Party Observations

3.4.1. A significant number of third party observations were lodged with the planning authority. The submissions were mostly from local residents, including;

- Orla Hunt & Local Residents c/o 12 Abbeywood Crescent.
- Balgaddy Working Together Community Group c/o Donna Mayne 19 Foxdene Park.
- Anthony & Marie Kelly                    21 Foxdene Park.
- Louise Cassidy                                10 Abbeywood Crescent.
- Christine Connolly                         32 Abbeywood Crescent.

3.4.2. Letters of support were received from Cllr. P. Gogarty and Cllr. M. Johansson.

3.4.3. In response to the further information, third party submissions from Orla Hunt and local residents including a petition, and the Balgaddy Working Together Community Group were lodged with the planning authority. A submission was also received from Louise Cassidy.

3.4.4. Issues raised were similar to those previously raised.

3.4.5. Submissions and representations received are on file and issues raised are similar to those raised in the grounds of appeal and are summarised in section 6.0 below.

## 4.0 Planning History

None of relevance.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative development plan for the area is the South Dublin County Development Plan 2016-2022. The site is zoned 'RES – *To Protect and/or Improve Residential Amenity*'. Community centres and places of worship are uses 'open for consideration' under this zoning objective.

**Chapter 3** refers to **Community Infrastructure**

#### **Policy C1** Community Centres

It is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.

**C1 Objective 3** – 'To support the clustering of community facilities such as community centres, sports and leisure facilities and open spaces to create multi-purpose community hubs.'

#### **Policy C4** Places of Worship

'It is the policy of the Council to support and facilitate the development of places of worship and multi-faith facilities at suitable locations within the County.'

**C4 Objective 1** – 'To support and facilitate the development of places of worship and multi-faith facilities at appropriate locations, such as town, village, district and local centres or other suitable locations where they do not adversely impact on existing amenities.'

5.1.2. **Chapter 11** refers to **Implementation**

**Section 11.4.2** refers to Car Parking Standards

Table 11.23 and 11.24 refer.

## 5.2. National Policy

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018.
- Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy 2019-2031.
- Retail Planning Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (April 2012).

## 5.3. Natural Heritage Designations

The site is neither within nor immediately abutting any nature conservation area.

## 5.4. EIA Screening

Having regard to the nature of the proposed development, the nature of the receiving environment, and proximity to the nearest 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. Appeal No. 1 is lodged by Orla Hunt & Others c/o 12 Abbeywood Crescent, The Oaks, Lucan, and was accompanied by letters from;

Louise Cassidy                      30 Abbeywood Crescent,

Christine Connolly                32 Abbeywood Crescent and 11 other residents.

The main grounds of appeal can be summarised as follows;

- *Traffic Congestion* – Appeal site is on a narrow feeder road which is already overburdened with traffic day and night. The road serves two schools, a

church, South Dublin Football League and Stewarts Special school which is due to open shortly. High volume of traffic already on this road lends itself to traffic congestion and a traffic hazard. The road also serves 6 housing estates which leads to high volumes of traffic on a small narrow road. Proposed new set of traffic lights very close to main Fonthill Road.

- *Privacy/overlooking* – Proposed Mosque and Community Centre will overshadow/overlook the Foxdene, housing estate, which is behind the boundary wall, and impacts directly on people's privacy and light.
- *Overdevelopment* – On an already over developed stretch of road.
- *Residential Site* – Due to location and scale considered highly unsuitable in such a built up area and contrary to the proper planning and development of the area.
- *Clonburris site* - Is a consolidated metropolitan district located at the centre of transport is a more suitable location.

6.1.2. Appeal No. 2 is lodged by Balgaddy Working Together Community Group c/o Donna Mayne, 19 Foxdene Park, Lucan. The appeal was accompanied by a lengthy petition from residents within Foxdene Gardens/Green/Grove/Drive and Park. The main grounds of the appeal can be summarised as follows;

- *Immediate Area of Balgaddy North Clondalkin* – Severe lack of local access to essential services to meet the needs of the young population. Most new facilities serve the local area and not local residents, who still travel to Clondalkin to avail of essential services. This leads to ever increasing levels of traffic into and out of the local area. Lack of local youth facilities, poor policing, lack of bus stops and transport services, and antisocial behaviour does not encourage pedestrians. No bus routes on Balgaddy road to serve the six schools, traffic congestion is unsustainable. Concern that future development will result in existing residential streets and cul de sacs could be opened up as part of the public roads transport network. Proposed development is not a residential development and not clear of its benefits to the local community.



- *Master Plan* – Submit that the Master Plan for the local area was to provide for step down and assisted living accommodation for senior citizens and people with disability's and the provision of affordable housing. Significant increase in need and the plan has not been implemented. Essential that the site remains residential and serves the needs of the local community.
- *Car Parking* – Is severely restricted throughout the Balgaddy area for residents, and access to local shops, schools and services is affected, ongoing issue with parking in the residential streets, which is impacting on access for emergency vehicles.
- Proximity of the site to existing and planned educational, community, health and sports facilities which are all within 500m of the proposed development.
- *Excessive Height and Density* - Proximity to the rear of many residential properties in Foxdene Park, Drive and Avenue, concern in relation to loss of privacy, visual impact, overbearing being four times higher than residents house's, blocks views of skyline and local park, overshadowing, and associated noise and call to prayers.
- *Impact on Cottage* - Area of site relatively small, impact on residents in the adjoining cottage, approx. five times the height of the old farm dwelling, will block light and cause overshadowing, and is out of character with the surrounding landscape.
- *Proximity of Development* – Tight to boundary walls and adjacent neighbouring residential properties.
- *Access for Fire Service* – No access to the rear of the building for fire service vehicles and firefighting equipment, escape from fire exit doors to the south side and west of the building pose a risk, concern in relation to the child care facility and external areas.
- *Loss of Green Space* – Concern in relation to drainage impact on neighbouring residential properties.
- *Public Transport and Parking* – Limited public transport and parking in the area and within the development.

- *Construction Works* – Concern in relation to works and impact on neighbouring residents.
- *Noise* – Concern in relation to noise and submit that a noise assessment be carried out.
- *Lack of Community Facilities* – With the exception of the small library to be used primarily for teaching, unclear how the building will be used by the local and wider community.
- *Finishes* – Render finish not in keeping with the character of the area, need for up-lift in material quality and design.
- *Traffic Safety/Inadequate Car Parking* – Concern that current overflow car parking particularly on Fridays is a major traffic disruption, leading to traffic congestion, and traffic safety concerns. New facility which includes a mortuary will attract more visitors and traffic to the area. Inadequate provision of 68 parking spaces within the development, unclear if there is a travel plan, even with additional parking facilities no. of spaces will be inadequate.
- *Increased Traffic* - Development will cater for limited no. of immediate local community, and predominantly serves the wider Dublin West community who travel by car.
- *Site Coverage* – Development occupies 80% of the site and is un-precedented in the area.
- *Residential Apartments* – Private accommodation for in house staff not available to the open market, will result in overlooking of properties on the east side of the building, namely house no.16 and 18 Foxdene Drive.
- *Retail Units* – Three units proposed are accessible only from within the building or through a lockable gate within the site. Access is restricted with no parking or delivery bays provided for retail units or restaurant on the top floor. Units have no shop frontage and face onto a party wall co-owned by the neighbouring residential properties.
- *Community Use Space* – Limited for local community and usable only by request.

- *Trees and Bats* – Evidence of bats roosting in mature trees, concern they be protected.
- *Subject Site* – Not safe or appropriate for the proposed use and should remain in residential use only.
- *Clonburriss SDZ* – Propose that SDCC consider a land swap with the applicant and contend that Clonburriss SDZ is a more suitable area with better transport links to cope with traffic.
- *Development Contributions* – Concern that the developers contribution to fund pedestrian lights to access the car park adjacent, will not benefit the local area, as pedestrian lights are already in place on the Fonthill Road junction 30m away. The contribution for the Railway upgrade will also not benefit the local Clondalkin rail line.

## 6.2. Applicant Response

- 6.2.1. A response to the third party appeals was lodged by Doyle Kent Planning Partnership Ltd. on behalf of the applicant South Dublin Maktab Ltd.
- 6.2.2. The response was accompanied by a letter of support from the CEO Clonskeagh Mosque, and copies of architects drawings submitted to the PA as part of the further information response. The response can be summarised as follows;
- *Muslim Community of Lucan* - Have been using the facilities of the South Dublin Football League, across the road from the appeal site, for religious ceremonies for many years and will continue to do so, until an affordable replacement facility can be constructed.
  - *Development should be in Clonburriss SDZ* – Planning Scheme for the SDZ was approved by the Board in 2019, ABP-301962-18, but development in Clonburriss is likely to be some years away. Current proposal is to serve the needs of the existing Muslim community in Lucan and environs.
  - *The Balgaddy site should remain residential and serve local community* – Subject site is appropriately zoned and serviced land, currently with no beneficial purpose. Cites the Catholic Church of the Divine Mercy approx. 200m to the west and other community facilities on residential zoned lands in the vicinity. Any new facility primarily for the Muslim community will of

necessity be attended by people from the wider Lucan area and will serve the needs of the local (Muslim) community.

- *Lack of services for local people, existing developments not serving local needs* – Many of the facilities of the proposed community centre will be available to non-Muslims in the area.
- *Existing over intensification of development, unsustainable traffic congestion, insufficient public transport* – Refers to TIA submitted by way of further information, proposed development effectively involves relocating an existing facility to the other side of the road and will have negligible traffic impacts and parking provision will be adequate. Site is in a highly permeable area with a modern road network. Traffic generated by ceremonies will not compromise the existing road network and is at off peak times. Inaccurate description in appeal grounds of road network in terms of its quality and capacity. Contend the site is reasonably served by public transport. Little evidence submitted by appellants to quantify traffic congestion caused by schools in the area.
- *Over-intensification of development of the site* – Submit that the revised design is not excessive in a public/community building and will not be overly prominent. Main part of the building is roughly twice the height of the cottage (not five times the height as asserted in the appeal grounds). No standard for site coverage in the CDP, but revised proposal equates to 39% site coverage which is reasonable in a suburban context.
- *Development visually obtrusive* – Contend that the revised design, reduced height and site coverage, would make a positive contribution to the visual amenity of the area. Revised building is well designed and will be a strong local landmark while respecting the domestic scale of existing buildings in the vicinity and complement the contemporary treatment of the nearby Church of the Divine Mercy.
- *External Finishes* – Contend that proposed external finishes predominantly brick and decorative curtain walling will ensure a high quality appearance to the development.

- *Loss of light and overshadowing* – Submit that revised design submitted by way of further information provides for a reduced scale and building height which would have no impact in terms of daylight to adjoining houses. Refer to shadow diagrams submitted in respect of the revised design which illustrate that there would be minimal impact in respect of overshadowing.
- *Loss of privacy and aspect* – Assert that there would be no loss of privacy to the Foxdene houses nor any significant loss of view, given existing boundary walls to rear gardens, lack of windows over ground floor level facing these houses in the proposed building, separation distances and building heights proposed.
- *Proximity to boundaries* – Refers to set back distances on the eastern, and southern boundaries, noting the basement access ramp including green roof over will be closer to the boundary. Boundaries will be landscaped as indicated on the Landscape Design drawing submitted by way of further information.
- *Loss of Green Space* – The site of the proposed development is not an amenity space and adds little to the visual amenity of the area. Its redevelopment would improve the appearance, with extensive planting proposed, existing trees along the western boundary will be retained and protected, as outlined in the Landscape Design proposals and Arborists recommendations.
- *Fire Safety* – Refer to report from GSP Fire Ltd, Chartered Engineers and Fire Safety Consultants submitted by way of further information, which notes that access for fire vehicles is not required to all sides of the building given its relatively modest scale.
- *Call to prayer* – There will be no amplified call to prayer broadcast outside the proposed building and note condition no. 5 of the PA decision in relation to external amplification.
- *Noise from plant and equipment* – Do not foresee any significant issue arising, and willing to accept an appropriate condition similar to condition no. 18 of the PA decision if considered appropriate.

- *Noise from childcare facility* – Primarily for small children when adults are engaged in prayer, facilities are not a commercial undertaking, and will only be for limited times.
- *Community Use* – Refer to letter from the CEO of the Clonskeagh Mosque setting out how it operates and how well it has integrated into the local community.
- *Biodiversity* – Site has been surveyed by an ecologist in relation to bats, badgers and invasive species and no evidence of bat roosting was found, noting recommendation that bat boxes be installed.
- *Construction impacts* – Note PA conditions, development is not particularly large and will not give rise to any unusual impacts.
- *Incorrect address given for the site* – Unclear of relevance but confirm address as per Eircode website as Balgaddy Road, Lucan, Co. Dublin K78 D422.

### 6.3. **Planning Authority Response**

The planning authority refer to conditions in the event of a decision to grant permission in terms of obligations under Part V and Supplementary Development Contributions are applicable in relation to the Kildare Route Project.

### 6.4. **Observation**

6.4.1. An observation was lodged by Marie and Anthony Kelly, 21 Foxdene Park, Balgaddy, Lucan. The observation was accompanied by photographs taken from and relative to the observers property and can be summarised as follows;

- Height, overshadowing, loss of natural light
- Visual impact, prominent location, need for maintenance, out of character
- Dust and noise during construction, noise disturbance during call for prayers
- Traffic congestion, lack of public transport, parking, need for TIA
- Request for additional reports in the event of a grant of permission

## 6.5. Further Responses

None.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings;

- Principle of Development
- Nature of Use
- Design Scale and Visual Impact
- Impact on Adjoining Residential Amenities
- Traffic Access and Car Parking
- Other Matters
- Appropriate Assessment

### 7.2. Principle of Development

- 7.2.1. The South Dublin County Development Plan 2016-2022 is the current statutory development plan for the area.
- 7.2.2. The appeal site has a land-use zoning objective 'RES': 'To protect and/or improve residential amenity'. Community centres and places of worship are open for consideration under this zoning.
- 7.2.3. The subject site is located adjacent to a number of other community, religious and educational facilities. The proposed uses are therefore, considered suitable at this location and accord with Policy C1 Objective 3 in terms of clustering of community facilities and Policy C4 Objective 1 in terms of places of worship as set out in the South Dublin County Development Plan 2016-2022.
- 7.2.4. The adjoining facilities to the north within the South Dublin Football League grounds located on zoned open space, are currently used by the applicants as a temporary facility for religious ceremonies. The use, therefore, is already established in the

area. The applicants have stated that they have purchased the site subject of the appeal, which is located directly opposite.

- 7.2.5. The appellants assert that the proposed development would be better located within the Clonburris SDZ which is located a distance to the south of the appeal site. In my opinion, this is academic as the current application which is before the Board relates to the subject site.
- 7.2.6. In my opinion, the proposed development will form a new streetscape and provide an opportunity for a high quality architectural response to this serviced and underutilised site, while enhancing the built environment at this prominent location, along the Newlands Road.
- 7.2.7. I am satisfied therefore, that the proposed development complies with the relevant objectives and policies of the South Dublin County Council Development Plan, is in keeping with the pattern of development in the area, and that the principle of the proposed development is acceptable provided that the proposal does not adversely impact on the amenities of the area.

### 7.3. **Nature of Use**

- 7.3.1. The appellants assert that the proposed development does not provide for the needs of the local community, or access to the various facilities for the wider community.
- 7.3.2. There are a number of uses proposed within the proposed development. These include mortuary and car park at basement level, prayer room, two retail units, coffee shop, book store/library and child minding rooms at ground floor, with residential apartment and events room at first floor.
- 7.3.3. While it is accepted that the proposed development will primarily serve the wider Muslim community, the applicant has clearly stated that certain facilities will be open to the general community.
- 7.3.4. I also note the correspondence from the CEO of Clonskeagh Mosque which states that the Clonskeagh Mosque which was completed in 1996, has integrated very successfully into the local community. For reference to the Board, this development (which is also located within an established residential area) was permitted by ABP in 1994.



- 7.3.5. I also draw the Boards attention to another three storey mosque, cultural centre, primary school and residential apartment development which was granted by the Board under PL29N.241808 in 2013, at Clongriffin, Dublin 13, and for a mosque, community facility, school and related facilities under PL06F.249341 in 2018, at Blanchardstown, Dublin 15.
- 7.3.6. I am satisfied, therefore, that the nature of the proposed uses which will serve the wider Muslim community complies with the objectives and policies of the County Development Plan.

#### **7.4. Scale Design and Visual Impact**

- 7.4.1. The appellants have raised concern in relation to the scale of the proposed development and submit that the proposal constitutes overdevelopment of the site.
- 7.4.2. The revised design proposals submitted by way of further information, however, have reduced the overall scale of the development from a three storey over basement to ostensibly two stories over basement with significant setbacks from site boundaries and at upper levels. The reduction in the bulk and massing has been achieved by increasing the area of the basement which includes a car park and relocated mortuary. The no. of residential units has been reduced from two to one, the number of retail units has been reduced from three to two, and the restaurant has been omitted.
- 7.4.3. The overall floor area was reduced from 6,170sqm to 4,261sqm. The amended floor area at basement level is 1,870.35sqm, at ground floor is 1,215.53sqm and at first floor is 582.02sqm.
- 7.4.4. I concur with the applicant in that some issues raised in the appeals appear not to take account of the revised proposals submitted by way of further information.
- 7.4.5. I note that applicant submitted as part of the response to further information and in the response to the third party appeals, a number of comparative drawings illustrating the proposed development as lodged compared to the revised proposal, submitted by way of further information. The comparative elevations and site layout plans are useful in illustrating the reduction in overall height, massing and building

footprint, which I consider to be significant in reducing the overall scale bulk and massing of the proposal.

- 7.4.6. I have considered the overall area of the subject site relative to the scale of development proposed, and on balance, I am satisfied that the proposed development does not constitute overdevelopment of the site and is acceptable.
- 7.4.7. The appellants have also raised concern in relation to the overall design of the proposed mosque and submit that it would be out of character with the established pattern of development in the area.
- 7.4.8. In this regard I note design features and finishes proposed in revised floor plans and elevation drawings, and have examined the photomontages submitted in response to the further information request by the PA.
- 7.4.9. I accept that elements of the proposed design which include a feature dome at second floor level (above the prayer room), and feature minaret which rises to 20m in height are distinctive elements of the design. The feature dome is to be finished in metal cladding to replicate zinc, while the minaret which is set on a rectangular base will be finished in curved brickwork over part with vertical top element similar to the feature dome.
- 7.4.10. The principal front elevation is located on the northern side which addresses Newlands Road, while the secondary elevation is located on the western side which addresses the cul de sac. The retail units and coffee shop are located to the front with main entrance doors to the development set at an angle at the north-western corner of the building. The rear south facing, and side east facing elevations include windows and access doors at ground floor only.
- 7.4.11. Finishes proposed to external elevations include buff coloured brick with contrasting coloured joints, with projecting brick feature decorative horizontal bands..
- 7.4.12. The main entrance doors include the use of glazed curtain walling rising to two storeys. The glazing will have a decorative fine aluminium or fine galvanised steel with cut outs showing a pattern of traditional cultural shapes fixed to the outside of the glazing. A similar finish is proposed to ground and first floor windows, and access doors, which along with the main entrance doors will include a decorative band of reconstituted stone or sand and cement render painted in a selected colour.

Other design elements include decorative wall panels between ground and first floor level windows with projecting decorative brick to match the feature decorative horizontal bands between ground and first floor and below the parapets.

- 7.4.13. In my opinion, the overall design has been well considered. Importantly the design reflects the nature of the proposed use and culture of the community it serves and is acceptable in the context of the particular site.
- 7.4.14. I have examined the photomontages from different viewpoints in turn and would accept having driven along the public roads that they provide a realistic representation of the proposed building.
- 7.4.15. I can confirm from my site visit that there are a mix of different building types and styles in the vicinity of the site most notably the existing Catholic Church of Divine Mercy which is contemporary in form. Given the variety of different building types, including the South Dublin Football League building opposite the appeal site, I do not consider that there is an easily defined established building character in the area. I accept that the proposed building will be distinctive in design, form and materials, but also consider that this contributes to enhanced urban legibility in the area.
- 7.4.16. The Landscape Design Rationale and landscape proposals submitted by way of further information, and proposals to retain existing trees along the western boundary are noted. I have regard to the Arboriculture Report, including Tree Survey, Tree Survey Constraints Plan, Layout and Tree Removals Plan and Tree Protection Plan, and note that these were acceptable to the Parks and Landscape Services Dept. section of the PA.
- 7.4.17. I am satisfied that the comprehensive landscaping and planting proposals will help integrate the new build into the existing urban environment and will enhance the visual amenity of the site.
- 7.4.18. Signage is proposed to the shopfronts located to the front with larger signage for the community centre located at first floor level on the northern and western elevations. Condition No. 6 of the notification to grant permission refers to signage details to be agreed. If the Board are minded to grant permission a similarly worded condition could be attached.

7.4.19. I am satisfied, therefore, that the proposed development as revised by way of further information does not represent overdevelopment of the site, is acceptable in terms of height and design, and would not be out of keeping with the established character of the area.

## **7.5. Impact on Adjoining Residential Amenities**

- 7.5.1. The main concerns raised by the appellants regarding impact on existing residential amenities pertain to overlooking, overshadowing and overbearance. Issues in relation to noise are also raised.
- 7.5.2. At the outset I would draw the Boards attention to the proposed layout, building height and design which was significantly modified by way of further information. Modifications include significant reductions in the massing and scale of the proposed development including increased setbacks from adjoining site boundaries and residential properties.
- 7.5.3. Concerns raised in relation to overlooking are specific to residential properties located to the southwest of the appeal site along a terrace within Foxdene Park. The terrace comprises five no. two storey houses (house no.s 18-22). Both end of terrace houses no.s 18 and 22 benefit from large roughly triangular shaped rear gardens, and consequently longer rear garden wall/boundaries with the appeal site.
- 7.5.4. I have examined the revised site layout plans, elevation drawings and floor plans, in conjunction with the location of windows on the south western elevation which address adjoining residential properties. I can confirm there are no windows over ground floor level facing houses located on Foxdene Park to the southwest or Foxdene Drive to the southeast of the proposed development.
- 7.5.5. I am satisfied, therefore, that there will be no overlooking or loss of privacy to adjoining houses from the proposed development.
- 7.5.6. Concerns are raised in relation to the impact of overshadowing in particular to the two storey residential properties located to the south east along Foxdene Drive, and the south west along Foxdene Park. Concern is also raised in relation to the impact on the single storey cottage to the west.

- 7.5.7. I note the north western and north eastern orientations of the rear elevations and gardens of the aforementioned properties within Foxdene Drive and Foxdene Park and respective rear garden lengths which abut the appeal site.
- 7.5.8. I have reviewed the revised design proposals particularly with regard to building height, separation distances, and shadow diagrams submitted to the PA by way of further information, which take account of the revised design proposals. The shadow diagrams illustrate relative to the March and September Equinox that the proposed development will have a negligible impact in terms of overshadowing.
- 7.5.9. The nearest part of the new building to the Foxdene Drive houses will be single storey and is located approx. 23.5m from the rear of the houses. The parapet height of the single storey element is 8.65m.
- 7.5.10. At the nearest point to house No's 18 and 26 Foxdene Drive, the higher part of the proposed building will be a further 6m away i.e. c.29.5m. To the south, the separation distances from the houses on Foxdene Park are generally slightly greater overall, at 26.6m at the nearest point.
- 7.5.11. I am satisfied, therefore, that the location and height of the proposed development relative to adjoining houses and generous separation distances proposed between the proposed development particularly above ground floor level, will not result in overshadowing of adjoining properties.
- 7.5.12. Concerns are also raised in relation to the overbearing impact of the proposed development on adjoining residential properties. I have had regard to the revised building heights, set backs at first and second floor and separation distances to adjoining two storey houses and cottage and am satisfied that the proposed development which is two storey over basement will not be overbearing on the adjoining residential properties.
- 7.5.13. In summary, I am satisfied that the proposed development will not result in significant overlooking, overshadowing or overbearance on adjoining residential properties, and that the concerns raised by the appellants in this regard have been overstated.
- 7.5.14. The appellants have raised concern in relation to noise from the proposed development, and specifically relating to the hours of operation, nature of the use and call to prayer, and the proposed childcare facility. Concern is also raised in

relation to noise generated during construction, and from plant and equipment, and submit that a noise assessment should be carried out.

- 7.5.15. The applicant was requested by the PA to submit a detailed schedule specifying the nature of each use and hours of operation, including hours of opening during Ramadan.
- 7.5.16. I note the hours of opening which the applicant has confirmed in their response to the further information request will not open before 7.30am. I also note condition No. 14 of the Notification to grant permission which restricts the hours of operation from between 07.30am and 11.00pm which I consider reasonable.
- 7.5.17. The applicant has noted in response to the third party appeal that there will be no amplified call to prayer broadcast outside the proposed building and Condition No. 5 of the PA decision which explicitly refers to external amplification. If the Board are minded to grant permission I recommend that a similar condition be attached.
- 7.5.18. The applicant notes that the proposed childcare facility is primarily for small children when adults are at prayer and is not intended to be run as a commercial entity. While I note the location of the children's open play area relative to the rear boundary walls of adjoining properties, I do not consider that noise will be a significant issue given the nature of the childcare facility.
- 7.5.19. Initially concern was raised by the PA in relation to potential noise from the south-eastern corner of the site from the outdoor service yard and associated impact on residential amenities of adjacent properties. This issue however, is largely addressed in the revised layout.
- 7.5.20. I note condition No. 18 of the PA decision relates to operational noise which I consider appropriate. If the Board are minded to grant planning permission a similarly worded condition can be attached.
- 7.5.21. I am satisfied, therefore, that the proposed development will not seriously injure residential amenities of adjoining residential properties by way of overlooking, overshadowing, overbearance, or give rise to excessive noise and is acceptable.

## 7.6. Traffic Access and Car Parking

- 7.6.1. The appellants have raised concern in relation to the volume of car based traffic generated by the proposed development and associated traffic congestion on the local road network. The appellants submit this concern is based in the context of existing traffic associated with existing community uses, including schools etc. and the current temporary use by the applicant of the South Dublin Football League complex. The appellants have cited inadequate public transport in the area, combined with the nature of patrons travelling from the wider community, who will by necessity travel by car.
- 7.6.2. The Transport section of the PA had similar concerns regarding the significant number, range and type of uses proposed within the development which has the potential to attract a significant volume of visitors. The PA consequently sought a Traffic Impact Assessment (TIA) in order to quantify the impact of the proposed development on surrounding road network in the context of parking, reliance on public transport and existing travel patterns for the site currently used by the applicants and potential for future growth of the community numbers.
- 7.6.3. I have had regard to the TIA prepared by NRB Consulting Engineers submitted by way of further information and associated traffic survey. The TIA report addresses the adequacy of the existing road network to safely accommodate the worst case peak hour traffic associated with the proposed development, when the community centre and place of worship are operating at full capacity, the adequacy of the proposed access, modal splits in transportation, public transport provision and adequacy of proposed parking.
- 7.6.4. The TIA report notes that Newlands Road is accessed from the east via the large capacity traffic signal controlled junction on the Regional Road 113 adjacent to the subject site. From the west, Newlands Road/Castle Road leads to a similar large capacity traffic signal controlled junction at the intersection with the Regional Road R136. The TIA concludes that, with large capacity Regional Roads at either end of Newlands Road/Lucan Newlands Road, the area is considered highly permeable resulting in an easy dispersion of any additional related traffic.
- 7.6.5. Newlands Road consists of a wide single carriageway road which is provided with continuous footpaths along both sides. Details of a traffic survey carried out by

Traffinomics at six separate junctions along Newlands Road in September 2019 are included in Appendix D of the TIA. Details with the peak hour flows extracted and reproduced as Traffic Flow Diagrams are included in Appendix E.

- 7.6.6. The TIA includes a traffic assessment, using PICADY traffic analysis software, of junction modelling of the Balgaddy Rd/Newlands Road in Appendix F. The modelling concludes that the existing T junction will have more than adequate capacity to accommodate the worst case traffic associated with the facility with 400 in attendance.
- 7.6.7. The TIA concludes that the base background traffic flow during the development peak was observed to be very substantially lower than the weekday am and particularly the pm commuter times. The TIA determines that the road is moderately trafficked, and that Balgaddy Road onto which the direct access to the facilities to be formed is effectively a quiet cul-de-sac and is very lightly trafficked.
- 7.6.8. An Operational Briefing Note is included in Appendix C, which concludes that the subject site has almost-unique Traffic/Transportation characteristics, with a single weekly peak demand period of Friday afternoon just after lunchtime. The proposed development is expected to generate very low traffic demands during the network-critical traditional weekday am and weekday pm commuter periods. The Friday Weekly Prayer is identified as the normal largest Community Prayer Gathering of the week and is held during early afternoon every Friday, with an expected attendance of 400 people. Currently stewards manage access at the entrance to the car park and on the approach roads to direct overflow traffic and parking to the Catholic Church.
- 7.6.9. The Transport Section of the PA acknowledge that the main events are held outside of peak am and pm times and are satisfied that that the proposed development will have a moderate but manageable effect on the receiving road network. On the Friday afternoon of my site visit in early September, I did not observe any traffic congestion along Newlands Road associated with the adjoining community uses. Nor did I observe any overflow parking, however large public ceremonies are restricted currently because of Covid19 HSE health guidance.



- 7.6.10. Chapter 5 of the TIA highlights specific traffic/transportation issues. In this regard the separate pedestrian/cyclist access to the vehicular access is identified and indicated in Figure 5.4 of the TIA.
- 7.6.11. An assessment of the layout of the service yard and swept path assessment using the TRACK software package was carried out, with drawings are included in Appendix A. It concludes that the anticipated day to day deliveries will be by very small vehicles and have demonstrated that the proposed yard can accommodate the swept path of a long wheelbase delivery lorry.
- 7.6.12. I am satisfied, therefore, given the nature of the proposed development that it will not result in significant traffic congestion on the local road network and is acceptable in terms of traffic safety.
- 7.6.13. The appellants have also raised concern in relation to car parking which it is asserted is severely restricted in the area. The appellants contend that the proposal provides for inadequate car parking and refer to overflow parking particularly on Fridays as a major traffic disruption.
- 7.6.14. The proposed development provides for vehicular access from the short cul de sac located off Newlands Road to an access ramp and basement car park. The applicant has provided a parking schedule with respect to each use within the development, in response to the request for further information from the PA. A total of 71 no. car parking spaces are proposed as well as bicycle storage for 70 no. bicycles.
- 7.6.15. It is also proposed to use existing surface parking facilities located at the Catholic Church of Divine Mercy and The South Dublin Football League for Friday prayers and feast days. Letters of agreement from the respective parties were submitted with the application.
- 7.6.16. In relation to car parking requirements the applicant submits that the subject site is within 'Zone 2' for parking assessment purposes. Figure 2.2 of the TIA identifies the proximity of the site to the Clondalkin Train Services as being within 800m distance. Figure 2.3 of the TIA illustrates Dublin Bus Services 40, 51D and 777 within 270m distance of the site, with Bus Service Frequency evidenced in Figure 2.4 and Figure 2.5. The development site, therefore, meets the CDP requirements of being 'within

400m of a High Quality Bus Service', and evidences I am satisfied therefore that the subject site is within 'Zone 2' for SDCC Parking Assessment purposes.

- 7.6.17. Having regard to the maximum car parking requirements based on Table 11.23 and 11.24 of the SDCCDP, a car parking requirement of 70 no. car parking spaces applies. A bicycle parking requirement based on Table 11.22 of the SDCCDP, is 69 no. spaces.
- 7.6.18. The Transport section of the PA were satisfied that the 71 no. on site car parking spaces proposed with 68 no. at basement and 3 no. at surface level, 70 no. bicycle parking spaces in addition to overflow car parking arrangements, that sufficient parking is provided for each use in accordance with CDP standards. I also note from my site inspection that existing houses are served by individual driveways and benefit from on street parking.
- 7.6.19. I am satisfied, therefore, that sufficient car parking and bicycle parking has been proposed both within the site and on adjoining sites within the immediate vicinity and is acceptable.
- 7.6.20. In summary therefore, I am satisfied in terms of traffic safety and convenience, and parking that the proposed development is acceptable and accords with the parking requirements of the SDCCDP.

## **7.7. Other Matters**

- 7.7.1. *Residential Apartment* - A single three bedroom apartment at first floor is proposed in lieu of the original two no. apartments. It has a stated floor area of 112.89sqm, with recessed balcony. The main habitable room has a north facing window and direct access to the balcony. The bedrooms are also served by north facing windows with the end bedroom benefiting from a second window on the west facing elevation.

It benefits from an unobstructed view of The South Dublin Football League complex and associated pitches and parkland. The apartment meets the minimum standards required as per the Design Standards for New Apartment Guidelines 2018 and is acceptable.

7.7.2. *Surface Water* - The PA initially raised concerns in relation to the layout of the proposed surface water attenuation tank, which was amended by way of further information. Condition no. 3 of the notification of grant of permission refers to surface water requirements on foot of the report of the Water Services section of the PA. In the event of a grant of permission I recommend a similarly worded condition be attached.

7.7.3. *Ecology/Biodiversity* - The appellants have raised concern in relation to biodiversity noting evidence of bats roosting in trees proposed for removal.

In this regard I note that the site has been surveyed by an ecologist with respect to bats, badgers and invasive species, and no evidence of bat roosting was found. I note the recommendation of the ecologist that bat boxes be installed and requirements as per Condition No. 9 of the Notification of decision to grant permission, which I consider appropriate. If the Board are minded to grant planning permission a similar condition can be attached.

7.7.4. *Fire Safety* - Issues are raised in the appeals regarding fire safety and particularly in relation to access for fire service vehicles and firefighting equipment along with fire exit doors to the south and west side of the building.

The application was accompanied by a Fire Safety Report prepared by GSP Fire Ltd, Chartered Engineers and Fire Safety Consultants. I also note the revised layout for the proposed development which provides for increased separation distances to site boundaries and therefore improved access within the site.

Fire safety and compliance with building regulations is governed separately under the Building Control Regulations. That being said, I note the application was assessed by Irish Water which indicated no objection to the proposed. No report was received from the Chief Fire Officer.

7.7.5. *Development Contributions*

*Section 48 (2)(c) Financial Contribution* - The planning authority has sought a financial contribution in respect of new signalised pedestrian cross on the Lucan Newlands Road. The Board will be aware that the provisions of Section 48 (2)(c) of the Planning and Development Act as amended, provides such a condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.

The only information on file regarding the contribution relates to the recommended conditions of the Roads Department section of the PA for a sum of €25,000 for the provision of a signalised pedestrian crossing on the Lucan Newlands Road.

The appellants have noted that the contribution to fund pedestrian lights to access the car park adjacent, will not benefit the local area, as pedestrian lights are already in place on the Fonthill Road junction 30m away.

In my opinion the inclusion of this financial contribution for the provision of a signalised pedestrian crossing is justified in this particular case.

*Section 49 Supplementary Contribution* - The appellants have noted that the contribution for the Railway upgrade will not benefit the local Clondalkin rail line. Given the location of the site however, I am satisfied that the application of a development contribution is in accordance with the Section 49 Supplementary Contribution Scheme as it relates to the future development of the Kildare Route Project.

## 7.8. **Appropriate Assessment**

- 7.8.1. Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site, it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required.

## 8.0 **Recommendation**

- 8.1. I recommend a **grant** of permission subject to the following reasons and considerations.

## 9.0 **Reasons and Considerations**

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, the nature and scale of the proposed development, the proximity of other community facilities including schools, and places of worship it is considered that,

subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development 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 4<sup>th</sup> December 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 use of the retail units and caretaker's residential unit shall remain ancillary to the main use on the site as a religious, cultural, community facility, 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 building 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. Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of amenities of the area and visual amenity.

5. 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.

6. 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.

7. 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.

8. The recommendations of the Ecology Report with respect to Bats shall be carried out. Details of the location of bat boxes shall be submitted to the planning authority for written agreement before development commences.

**Reason:** To protect wildlife and biodiversity.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, 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.

10. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

11. There shall be no calling to prayer or other public address system either in the minaret or externally elsewhere on the site.

**Reason:** In order to protect existing amenities.

12. 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.

13. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

14. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

15. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (community and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the community areas or commercial units are made available for occupation.

**Reason:** To provide for the future maintenance of this development in the interest of residential amenity and orderly development.



16. 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 provision of broadband infrastructure within the proposed development.
- Reason:** In the interests of visual and residential amenity.
17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.
- Reason:** In the interest of sustainable waste management.
18. 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.
19. 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, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

21. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be 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.

**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.

22. The developer shall pay to the planning authority a financial contribution in respect of the Irish Rail Kildare Route Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

---

Susan McHugh  
Senior Planning Inspector

24<sup>th</sup> September 2020