



## Board Direction

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**Ref: PL06S.246231**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20<sup>th</sup> July 2016.

The Board decided by a majority of 2:1 to grant permission in accordance with the reasons, considerations and conditions set out below.

### REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, the existing development on this site, the pattern of development in the vicinity, and the RES residential zoning objective for this site as set out in the South Dublin County Development Plan 2016 – 2022, where funeral homes are open for consideration, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the area, would not seriously injure the amenities of the area or of property in the vicinity, would not exacerbate flooding, 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that sufficient car parking could be provided by means of condition. The Board was satisfied that the access to the proposed development on Willbrook Street would be satisfactory, and is at the same location as that of the existing car park entrance. The level of traffic generated by the previous operation of a public house at this location was also taken into account. The Board did not share the Inspector's views in relation to the visual impact of the proposed development. It was considered that the design quality is good, and that this could be reinforced by a condition requiring the use of high quality materials. The Board was also satisfied that further information or a re-design were not necessary, and that any residual concerns could be addressed by means of condition.

### CONDITIONS

1. PlansPartic incl. appeal

2. The proposed garage shall be reduced in size to 150 m<sup>2</sup>, and car parking shall be provided instead for use by visiting members of the public during services. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of providing adequate car parking

3. Prior to commencement of the proposed development, a parking management scheme shall be submitted to and agreed in writing with the planning authority, indicating how it is intended to control car parking in the vicinity during funeral home events.

**Reason:** In the interest of orderly development.

4. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. High quality materials shall be used, generally as indicated in the drawings submitted in support of the planning application.

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

5. Prior to commencement of development, construction-stage plans and particulars shall be submitted to and agreed in writing with the planning authority, setting out a detailed construction methodology for the works proposed in the vicinity of the Whitechurch Stream, including all means for protecting the stream during the course of construction. The details provided shall illustrate how the hydraulic capacity of the stream will be unaffected as a result of construction, and shall not provide for any increase in culverting.

**Reason:** To protect the Whitechurch Stream.

6. Prior to commencement of development, construction-stage plans and particulars of the proposed flood mitigation measures shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of orderly development.

7. Prior to commencement of development, plans and particulars shall be submitted to and agreed in writing with the planning authority, setting out how the proposed lighting shall be directed within the subject site, and away from adjacent housing, gardens and roads. The lights shall be directed and cowed to reduce light scatter as far as possible.

**Reason:** In the interest of residential amenity and traffic safety.

8. Cables

9. RetailAd 3

10. RoofPlant

11. A pre-construction bat survey of the existing building shall be undertaken by a suitably qualified ecologist with appropriate expertise in bats. A report on the survey, including mitigation measures for the management of any bats found, shall be submitted to and agreed in writing with the planning authority prior to commencement of any development.

**Reason:** To protect bats.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, off-site disposal of construction/demolition waste, and the control of invasive species.

**Reason:** In the interest of public safety and residential amenity, and to prevent pollution.

13. CDW

14. Section 48 Unspecified

*Note:*

The Board noted that the planning authority decided to refuse permission on the grounds that the proposed development would materially contravene objectives of the Development Plan in relation to the protection of watercourses and the retention of the riparian strip. The Board was satisfied that the proposed development would not impinge on the Whitechurch Stream any more than the existing building and yard, and that the protection of the stream could be ensured by means of condition. The Board did not consider that the retention of the riparian strip was directly relevant in the context of this site, where the existing building and yard were constructed alongside the stream, and no riparian strip exists at this particular location that could be retained. For these reasons, the Board was satisfied that the proposed development would not materially contravene the Development Plan. Therefore, this decision is not being made under Section 37(2)(a) of the Planning and Development Act, 2000, and the Board is consequently not constrained by the restrictions set out in Section 37(2)(b).

*Please issue a copy of this Direction with the Board Order.*

Board Member: \_\_\_\_\_ Date: 15<sup>th</sup> August 2016  
Fionna O' Regan