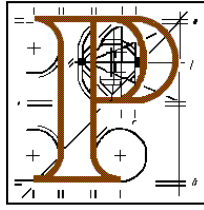


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

South Dublin County

Planning Register Reference Number: SD15A/0366

An Bord Pleanála Reference Number: PL 06S.246231

APPEAL by Fanagan's Funeral Directors Limited care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 2nd day of February, 2016 by South Dublin County Council to refuse permission.

PROPOSED DEVELOPMENT: Development consisting of the following: (a) demolition of the existing public house building of 289 square metres and associated outhouse buildings, (b) construction of a new two storey building of 396 square metres for use as a funeral home containing three number chapels, a reception area, external open air central courtyard, client meeting room with ancillary staff facilities and office space to the first floor; (c) on-site parking for seven client cars in area previously used for parking and (d) a new single storey garage of 304 square metres on grassed open space for the parking of funeral vehicles and staff cars. Vehicular access to the site will be from Willbrook Street, all at The Tuning Fork Public House at the junction of Whitechurch Road and Ballyboden Road, Rathfarnham, Dublin.

DECISION

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

MATTERS CONSIDERED

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

REASONS AND CONSIDERATIONS

Having regard to the nature and 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. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by An Bord Pleanála on the 29th day of February, 2016, 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 proposed garage shall be reduced in size to 150 square metres 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 cowled to reduce light scatter as far as possible.

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

8. All service cables associated with the proposed development (such as electrical and telecommunications cables) shall be located underground.

Reason: In the interests of visual amenity.

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

Reason: To protect the visual amenities of the area.

10. 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, antennae 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.

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. 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.

14. 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.

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

Dated this day of 2016.