

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3676/15

An Bord Pleanála Reference Number: PL 29S.246470

APPEAL by Larry Massey Funeral Directors care of Delahunty and Harley of 122 Merrion Road, Ballsbridge, Dublin against the decision made on the 22nd day of March, 2016 by Dublin City Council to grant subject to conditions a permission to Lemford Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (i) Change of use to a mixed-use facility comprising retail (coffee shop and florist) and community/cultural/funeral services (Class 2), (ii) part demolition (71 square metres), (iii) construction of a single-storey flat roofed rear infill extension (296 square metres) with six number roof lights, (iv) internal and external alterations, including refurbishment of front façade, comprising a featured main entrance centred on the front elevation, own-door entrance to coffee shop, cut stone and timber shop front to coffee shop and florist, (v) fascia level signage boards to front and rear elevations, (vi) widening of two number existing vehicular entrances, (vii) provision of 22 number on-site car parking spaces (including four number disabled accessible spaces), (viii) hard and soft landscaping, (ix) SUDS drainage and all associated site works at Former Health Centre, Ballyfermot Road, Ballyfermot, 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 designated status of the Ballyfermot District Centre as a Key District Centre (KCD 5) and the land use zoning of the site, District Centre Z4 'To provide for and improve mixed services facilities' under the Dublin City Development Plan 2011-2017, and having regard to the planning history of the site and the established uses on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic and pedestrian safety, and would be consistent with the uses permitted under the Development Plan zoning. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11th 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 uses hereby permitted shall consist of:-
 - (a) a coffee shop/restaurant,
 - (b) a florist shop (Class 1 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001),
 - (c) a funeral home (Class 2 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001), and
 - (d) cultural/community/cultural uses, but not those uses set out in Class 7 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001.

Any other use of the premises shall be the subject of a separate application for planning permission. The coffee shop/restaurant shall not be used for the sale of hot food for consumption off the premises.

Reason: In the interest of clarity, having regard to the content of the public notices submitted as part of the application.

3. No funeral services shall take place within the site between the hours of 0730 and 0930 and between the hours of 1630 and 1830 on Mondays to Fridays.

Reason: In order to limit the impact of the development on traffic flow at peak traffic times, in the interest of traffic and pedestrian safety.

4. The proposed development shall be amended as follows:-
 - (a) The car parking layout of spaces numbers 4 to 8 (as shown on drawing number 151006/PL/001 received by the planning authority on the 11th day of February, 2016) shall be altered to provide for an increase in the dimensions of parking space number 8 to constitute a disabled car parking space (minimum dimension of 3.0 metres by 4.75 metres) and the relocation of parking spaces numbers 4 to 7 eastwards only so far as required to accommodate the increased width of space number 8.
 - (b) The proposed controlled access barrier from the proposed widened entrance to Drumfinn Road shall be omitted and shall be replaced by a vehicular control access barrier at a suitable point along the proposed circulation route adjacent to the east side of the building.
 - (c) The provision of a shared-surface route along the eastern side of the proposed development shall be provided in lieu of the proposed separate vehicular carriageway and pedestrian pavement, the combined width of which shall not be greater than 4.8 metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of pedestrian and vehicular safety.

5. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised drawings and details, having regard to the detailed requirements of the 'Design Manual for Urban Roads and Streets' (2013), providing for the following:
 - (a) Amending the entrance to Ballyfermot Road to accommodate both access and egress traffic movements.
 - (b) Providing for improved pedestrian access to the site from Ballyfermot Road, Drumfinn Road and Drumfinn Avenue.
 - (c) Providing for crossover access of the pedestrian pavement and cycle lane between the proposed vehicular entrance and the vehicular carriageway on Ballyfermot Road and on Drumfinn Road (pedestrian pavement cross over only).

Reason: To provide suitable access and egress arrangements to the proposed development, to prevent the creation of a traffic hazard and to ensure a satisfactory standard of development.

6. The relocated control access barrier referred to in condition number 4 (b) of this permission shall be maintained closed in place between 0730 and 0930 hours and between 1630 and 1830 hours Monday to Friday, excluding bank holidays, unless otherwise agreed in writing with the planning authority.

Reason: To prevent vehicular-through traffic within the site bypassing the signal controlled junction between Ballyfermot Road and Drumfinn Road in the interest of pedestrian and traffic safety.

7. The signage for the development shall be restricted to the front elevation. The proposed signage on the rear (northern) elevation shall be omitted. No signage shall be erected on the side elevations of the building. In relation to the front elevation, the following requirements shall be complied with:-
- (a) All lettering and logos shall consist solely of individually mounted lettering/logos, which shall not be internally illuminated, and shall not exceed 400 millimetres in height.
 - (b) Any roller shutter and casing shall be recessed behind the glazing of any shopfront or other fenestration, and shall be painted. Any such shutters shall not be used for any form of advertising.

Reason: In the interest of visual amenity.

8. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements, other than the signage specified under condition number 7 of this permission, shall be displayed or erected on the building 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, and to allow the planning authority to assess any further signage or other structures through the statutory planning process.

9. Water supply and drainage arrangements, including the provision of separate foul and surface water systems up to a combined final connection discharging to the public combined sewer and the incorporation of Sustainable Drainage Systems in the management of stormwater, shall comply with the requirements of the planning authority for such works and services and shall be subject to the prior written agreement of the planning authority.

Reason: In the interest of public health.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. During construction and demolition phases, the proposed development shall comply with British Standard 5228 "Noise Control on Construction and Open Sites Part 1. Code of practice for basic information and procedures on noise control."

Reason: In order to ensure a satisfactory standard of development in the interest of residential amenity.

12. The developer shall pay to the planning authority a financial contribution of €15,763.50 (fifteen thousand, seven hundred and sixty-three euro and fifty cent) 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 the 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. The application of any indexation required by this condition 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.

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.