

An Bord Pleanála



Inspector's Report

Development: The development includes demolishing an existing public house and outhouse buildings, and constructing a two storey building of 396sq.m. for use as a funeral home containing 3No. chapels/ reception areas/ external courtyard/ meeting room, and office with 7No. on site carparking spaces and a single storey garage for parking funeral vehicles. Access to be off Willbrook Street, Ballyboden Road

Planning Application

Planning Authority:	South Dublin County Council
Planning Authority Reg.	SD15A/0366
Applicant:	Flanagan's Funeral Director's Limited
Type of Application:	Permission
Planning Authority Decision:	Refuse Permission

Planning Appeal

Appellant(s):	Flanagan's Funeral Director's Limited
Type of Appeal:	First Party Vs Decision
Observers:	(i) Larry Massey Funeral Directors (ii) Sarah Ann O'Connor (iii) Brendan Cullen (iv) Dodder Anglers Assoc. (v) Glendoher & District Residents

Date of Site Inspection: 21st of June 2016

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, 0.1029Ha, is located at the junction of Whitechurch Road and Ballyboden Road. There is an access into the site from Willbrook Street which is accessed from Ballyboden Road. There are traffic signals fronting the site along Ballyboden road and Whitechurch Road.
- 1.2 There are 4No. elements to the subject site:
- (i) The old two storey premises to the front which was formerly a public house
 - (ii) The outhouses to the rear of the two storey premises
 - (iii) The former carpark which served the public house
 - (iv) The undeveloped grass area to the rear of site.
- 1.3 There is a stream alongside one of the site boundaries that is overgrown and culverted under the site. On the opposite side of Ballyboden road there housing screened by a mature belt of trees giving Ballyboden Road a sylvan appearance. Essentially the immediate area is mature residential with cottages along Willbrook Street to the rear and alongside the subject site. To the east there are large semi-industrial units, which do not dominate the vista.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed developments includes:
- (a) demolishing an existing public house and associated outhouse buildings (280sq.m.)
 - (b) constructing a two storey building of 396sq.m. for use as a funeral home containing 3No. chapels/ reception areas/ external courtyard/ meeting room, and office with 7No. on site carparking spaces and a single storey garage for parking funeral vehicles.
 - (c) Access to be off Willbrook Street, Ballyboden Road as used by the public house

The buildings reduce to a single storey level along the boundaries to merge with the buildings along Willbrook Street.

3.0 SUBMISSIONS RECIEVED

- 3.1 There were objections received from local residents, Dodder Anglers Association and another firm of funeral directors operating in the area, citing the following concerns:
- Access
 - Lack of parking

- Land should be used for the senior citizens of the locality
- The wildlife in the river will be affected
- The existing culvert of the river should be opened up and not extended.
- Drawings and scales are confusing
- Contrary to the zoning for the area. The development plan intention is to have housing at this location
- Excessive in scale
- Misleading details relating to previous site and road usage
- No Traffic Management Plan
- The site is a strategic site, the existing structure has architectural merit and should be retained

4.0 TECHNICAL REPORTS

4.1 *Water Services* – No objections

4.2 *EHO* – No objections

4.3 *Irish Water* – No objections

4.4 *Roads Department* – Refusal recommended

The applicant has indicated 7No. spaces for customers and 6No. spaces within the garage for staff and work vehicles. There is no information regarding traffic in the area. It is not clear if they are offering funeral services at the site. The size, number of chapels and movable partition walls would suggest a larger event can be accommodated. There is capacity to hold three services at the same time. There is no complimentary public parking in the area. Casual parking along Ballyboden Road would interfere with traffic including pedestrian traffic. The proposal is an overdevelopment of the site and carparking associated with the development is likely to cause an obstruction.

4.5 *Planning Report* – In terms of the residential zoning objective, the impact of a funeral home of the existing residential amenities needs to be assessed. It is considered the proposed use would be contrary to the zoning objective because of increased traffic movements and overspill parking. Town, direct and local centres are more appropriate locations for funeral home uses. A business operation of such a scale out would be out of character with the residential area, and more suited to urban areas. There will be increased traffic at a significant junction. The corteges will take place during rush hour traffic. The proposal is been assessed on stated size and scale, and not based on the predictions and statistics provided by applicant. There are no alternatives to the public carparking, and the proposal will give rise to a significant number of

visitors to the site, and the area cannot accommodate increased car parking provision. The design is a high standard, however it is deficient in a number of areas. It has no little regard for adjoining stream, there is insufficient green infrastructure to combat flooding within the design. Japanese Knotweed along the site boundary is a concern and a bat survey is required.

5.0 PLANNING AUTHORITY'S DECISION

South County Dublin Co. Co. refused the proposed development for 6No. reasons:

1. Having regard to the size of the development, the lack of public parking, the potential to have 3No. events at the one location, and the location along narrow residential streets with limited space to accommodate overspill parking at a significant junction off the Ballyboden road.
2. The proposed uses would be out of character with existing residential area and would contravene zoning objective for the site.
3. The proposal would materially contravene the development plan objectives:
 - A riparian strip free of development and of adequate width shall be retained (section 2.3. 21 of the County Development Plan)
 - Policy LHA 19 – to protect the natural resources of the county and conserve the existing wide range of flora and fauna
 - Policy LHA 20 requires planning applications for medium and density development utilise the green city guidelines to effectively retain and incorporate biodiversity
 - LHA 22 – to protect and maintain and improve and enhance the natural and organic character of water courses.
4. The proposal is in an area at risk of flooding. The immediate area has been flooded in recent years. There is an adjoining stream and there are no green infrastructure proposed.
5. The proposed development may give rise to the spread of Japanese Knotweed in the area. The proposal has not addressed how the shrub can be eradicated from the site and its surrounds.
6. There may be bats on the site due to the unused structures on the subject site and its location within a mature area alongside a river course, there is high probability that bats could be roosting on the site or using it as feeding grounds.

6.0 APPEAL GROUNDS

Manahan Planners has presented this appeal on behalf of the applicant

6.1 THE PROPOSAL

The proposal involves demolishing the existing building and outhouses on the site and the provision of a temporary funeral home on the site which includes a separate garage for funeral vehicles, and an internal green courtyard to provide a peaceful and tranquil area for the clients. The applicant states:

- 90% of all funerals do not have evening removal.
- 50% of all funerals do not use funeral homes
- 90% of services are held in churches and crematoriums
- Those attending the funeral homes are close family and normally circa 20No. client spaces are adequate
- The 3No. funeral chapels will not be used at the same time
- It is expected to conduct 50 funerals in year 1 and 100 by year 5.
- It is to cater for the catchment between Tallaght and Dundrum.

There were 17No. objections from local residents and one from a rival funeral home company. A common theme was the perceived high density usage, prompted in part by the term 'chapel' indicated on the submitted drawings. The word has led to misunderstandings as the use of the room is 'resting' or 'viewing' room. Flanagan's normally refer to these as private chapels. Two of them are only 25sq.m. and one is 40sq.m., they are not 'churches' as perceived by the local objectors.

The applicant states the office is required to co-ordinate a funeral with family members following a death. The applicant provides all aspects of funeral arrangements such as coffin selection, removal of the deceased from place of death, to Aungier St. for Embalming and presentation, then return to funeral home, transportation, robe or clothing, floral tributes, mass cards, attendance booklets, liaise with church and attend funerals.

Also ancillary services such as church arrangements, obituary notices, grave purchase, musicians area arranged, and in some instances headstone and grave provision.

Flanagan's are Irelands largest and oldest group of funeral directors. They have 10No. locations throughout the city and county of Dublin. It takes a number of years for a new premises to become established in an area.

There will be 6-8 employees. The carparking provisions for their existing premises throughout Dublin is indicated.

6.1 **RESPONSE TO REASON NO. 1 OF REFUSAL**

This reason for refusal stems from the Traffic Section report on file. The report did not make a recommendation on what was applied for but it came to the conclusion the development was about something entirely different. The report should be discounted due to its erroneous approach. The report mistakenly believes that 3No. events could be happening at the same time. With 3No. removals a week anticipated, it is highly unlikely the applicant will manage all 3No. removals on the one night out of respect for their clients.

The reason for refusal states there is a lack of complimentary public parking. This is incorrect. There is available complimentary parking alongside the premises on Whitechurch Street. There are 7No. spaces which have been used by the public house for years. Most funeral homes in the city have 2-3 resting rooms and this will be no different. The only reason for this is that there may be 3No. deceased arriving on a Sunday but they will have their funerals on separate days. There are 3No. reposing rooms required for families to have privacy. The planning authority has concluded incorrectly that 3No. events can take place at the same time and there is capacity to hold a funeral service on the grounds, what 'grounds'. All events are staggered and the planning authority is incorrect in its assumptions.

The carparking provision complies with development plan standards. When the application was originally submitted it was proposed to provide onsite staff parking. The applicants have now obtained an agreement to park all staff cars on the adjoining site. This frees up 5No. spaces for visitors. In total there are 11No. spaces available and a further &no. s on the adjoining road.

Flanagan's operate a mobility plan on all of their premises whereby their staff are given incentives to use public transport and bicycle scheme.

There is an accompanying traffic impact report accompanying the appeal.

6.2 **RESPONSE TO REASON NO. 2 OF THE REFUSAL**

The site is not located with a standard residential area. It is bounded by three separate roadways which make it almost an island site. The site is bounded to the east by Whitechurch Road, and a very large industrial premises Campbell Packaging. There is only residential property that adjoins the premises.

The site has an existing commercial use in a residentially zoned area. The existing public house will be replaced by a funeral home, the existing carpark will be retained as a carpark and the wasteland to the south will be developed as a garage. The site layout is similar to the existing site layout, the character of the site is not changing significantly. The proposal is not injurious to the residential amenity of the area. The setback will improve the amenity of the house.

6.3 **RESPONSE TO REASON NO. 3 OF THE REFUSAL**

The reason for refusal relates to the adjoining Whitechurch Stream. This is located outside of the application site. It is beyond the applicant's capacity to maintain and improve and enhance the natural character of water courses and to promote recreational uses.

The applicant is assisting biodiversity by introducing an element of biodiversity into the site by bio tree drainage (accompanying drainage report).

The Whitechurch stream is in a culvert running under Whitechurch Road alongside the Tuning Fork building which is to be replaced.

6.4 RESPONSE TO REASON NO. 4 OF THE REFUSAL

SUDS measures were proposed and the planning authority consider them to be deficient, therefore additional measures are proposed on appeal. In advance of the application, there was an attenuation tank and a hydrobrake under the carpark proposed, and the Drainage Section of the planning authority had no objection to the proposal.

On appeal there is permeable paving proposed in the carpark, a biotree system in the courtyard and additional biotrees in the carpark and a rainwater harvesting facility on the roof of the garage. The carpark is currently hard surfaced, so if that became permeable paving this gain would offset the loss of the waste ground to hard surface.

All rainwater will be contained within the site, and none will escape onto Ballyboden Road. Any flooding on the adjoining Ballyboden road is a result of falls along Ballyboden Road creating a saucer like depression towards the traffic lights. The roadside gullies become surcharged and are incapable of dealing with surges of rainfall at certain times of the year.

In relation to the flooding from the Owendoher and Whitechurch streams the River Dodder CFRAMS study has been consulted, and a one in a 100 year flood map is presented.

The riverbed of the Owendoher River is 5metres below the Ballybodden Road and is contained within a concrete retaining wall. Whitechurch stream is in a culvert under the public road as it passes by the turning fork building on the site, and it will not create flooding at this location. The Whitechurch stream is open near the adjoining waste ground but the river bed is 3metres below that level. The attenuation tank and the hydrobrake ensures that at times of high rainfall the surface water runoff is prevented from adding further to the flows in the stream.

6.5 RESPONSE TO REASON NO. 5 OF THE REFUSAL

A consultant was engaged to review the Japanese Knotweed and it was found to the east bank of the Kilmashogue River immediately adjacent to the proposed site. The cover was deemed to be extensive on the bank. It has not encroached onto the subject site due to the presence of underground impermeable barriers.

6.6 **RESPONSE TO REASON NO. 6 OF THE REFUSAL**

A firm of ecologists were engaged, Scott Cawley to examine the site for bats and no evidence was found. There were no roosts confirmed.

6.7 **MISCELLANEOUS MATTERS**

The building for demolition is without any merit, and this was confirmed by An Taisce after the case was referred to it. The applicants could refurbish the existing building, but it was decided to provide a new contemporary structure to the area. The existing postal post service shall be retained on the boundary wall.

7.0 **RESPONSES**

7.1 **Planning Authority**

The planning authority had no further comment to make.

8.0 **OBSERVERS**

8.1 ***Larry Massey Funeral Directors***

- The application is not complete or valid as the address does not include Whitechurch road. There are no contiguous elevations. Signage and lighting are not illustrated on the drawings.
- The zoning objective calls for housing on the site. Funeral homes are only open for consideration under the zoning objective, and are more appropriately located in other zones.
- The site is located along a main road exiting Rathfarnham. There will be increased traffic due to the development. The road is very busy during rush hour and evening removals will impact on traffic. This location is not adjacent to a church. The processions will go a considerable distance and will inconvenience residents. There may be up to 80-120 attending a funeral home within an hour of the planned departure to the church and not 20 as stated by the applicant.
- Surface water will drain to adjoining stream and during the day the funeral cars are cleaned. There is pollution potential from the proposal.
- The extent of the proposed office space is unnecessary for a funeral home, and it may be used for embalming at a future date which is a semi-industrial process, which requires specialised training and facilities.
- Funeral homes should be within commercial areas and away from residential areas in order to avoid discomfort. The AJ Metric Handbook is used for funeral practices in Ireland. Extracts from www.non-

religious –funerals.com are quoted to demonstrates how funeral homes require ample parking

- The planning authority's assessment and decision is robust and the applicant has not provided an acceptable argument against the planning authority other than to reject its assessment.

8.2 Sarah –Ann O'Connor, 6 Willbrook Street

The Board is asked to consider the content of Ms O Connor's original submission to the planning authority.

Intensity of use

The suggestion that the development will work on a maximum of 2No. funerals per week over the next ten years is a highly improbable scenario especially given the three chapels been proposed, along with parking for several hearses in the garage building.

Car parking

There has been an agreement submitted to park cars on an adjoining site. This will free up 5No. spaces in the garage. There are no legal contracts supplied. There are also proposals to use 7No. spaces on the adjoining road and it is unclear how this would work if the spaces are been used by residents.

Traffic Movement

There is unsuitable for the proposed use due to traffic flow reasons. It is unclear how the vehicles especially the hearses will manoeuvre on site. Each funeral can involve two stretched limousines for the chief mourning party and it cannot be identified on the site where they are to be kept when not in use, or the area reserved for passengers to embark and disembark.

Built Development

The central description of the subject site is disingenuous. The open yard will accommodate parking, it is not a courtyard.

Residential Amenity

The appellant states that although the site is governed by a residential zoning, it is not located within a standard residential area, it is not clear what the stamen means. The proposal will look bulky when viewed from the adjoining cottages, the use of the building for car related purposes will involve a degree of noise and disturbance which has not been acknowledged by the applicant. The proposal would be injurious to the residential amenity.

8.3 Brendan Cullen, 1 Willbrook Villas

The scale of the development on site will increase.

Parking will occur along Willbrook Street which has no capacity, and the street is restrictive in width and it will impact on freeflow of traffic along the street.

The applicant is downplaying the demand for the funeral service at this location, which begs the question the need for the facility at this location.

The appeal disparages the traffic report on file and dismisses the SDCC traffic report and concerns of local residents.

The traffic report relies on interpretation of 6No. minimum spaces required yet fails to take account of the unsuitability of surrounding area for casual parking.

No reference of the public liquor licence on the site.

There was no confusion over the use of the word 'chapel's on the submission documents.

If the Board were favourably disposed towards the development then it should be reduced in size, with parking restrictions and embalming to be excluded from the site.

8.4 **Glendoher & District Residents Association**

There were no new issues raised in the submission. A summary of the submission is as follows:

The Turning Fork has a historic and cultural significance and functions as an important landmark.

Visual Amenity : The proposed building is an unacceptable replacement in design terms at this location. The north elevation should be considered as the flat roof building on approach from Rathfarnham will have a solid massing along 7.9mtres and a parapet height 6.8metres addressing the junction. There is no distinctive feature addressing the corner.

Heritage: The building has heritage significance. There is a connection with Willbrook Village and the remaining original cottages. There is a connection with industrial milling heritage linked to the adjacent river, there is a presence of a Victorian mailbox and original signage. The site is close to an Architectural Conservation Area.

Traffic Issues: The staff carparking is off site and has not been identified. There will be an overspill of carparking into the surrounding residential area. There is different traffic movements associated with a funeral home compared to a public house. The public house would have a local catchment, the funeral home will have a wider catchment.

Development Plan Zoning Objectives :

The noise and traffic movements would fail to protect or improve the residential amenity of the area, and would therefore conflict with the development plan zoning.

8.5 **Dodder Anglers Association**

The proposal will result in greater culverting of the river which currently runs under the existing parking area. The scales on the drawings are confusing. It would seem the new structure extending out over the carpark over the river could be built off the suspended bridge/ slab without further or new foundations. There is no engineers report to support such an expectation and it would not seem feasible even with lightweight single storey construction to be able to achieve this. Flooding has occurred at this location due to the Glin/ Whitechurch river is culverted under the main road in order to bring its junction with the Owendoher on the other side of Willbrook Road. There is now an opportunity to reduce the length of the culvert. The drawings should clearly depict the river and the culverted section on all sheets. The Dodder Anglers Association is opposed to culverting. The location is wrong for a funeral parlour in terms of traffic.

9.0 **PLANNING HISTORY**

- 9.1 S97A/0145 Permission granted by the Board for a lounge extension to the side of the public house.

10.0 **DEVELOPMENT PLAN**

South Dublin County Development Plan 2010

Zoning Objective:

The subject site is governed by objective **A** *To protect and/or improve residential amenity.* Funeral Homes are 'Open for Consideration' under this zoning objective.

Car Parking Requirement

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

Draft County Development Plan 2015

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

11.0 **ASSESSMENT**

- 11.1 South Dublin County Council refused the proposed development for six reasons. There were 15No. submissions during the statutory period opposing the development mainly from residents from the area and other funeral undertaker companies operating in the area. There are a number of observers to this third

party appeal. I have inspected the site and summarised the relevant content of all appeal submissions. The appeal will be assessed under a number of headings:

- Development Plan
- Design
- Impact on Residential Amenities
- Traffic
- Carparking
- Other Reasons for Refusal

11.2 **Development Plan**

11.3 The subject site is located within a residential area governed by a residential zoning objective in the current and draft county development plan for South County Dublin 2010-2016. There is an existing public house on the subject site which is vacant and the site has become rundown looking throughout. The applicant argues the public house on the subject site is a long established non-conforming use on the site within a residential area. The proposed use is a funeral home which is 'open to consideration' under the zoning objective.

11.4 Permission is sought for the demolition of a public house of 289sq.m. and associated outbuildings and to construct a new funeral home of 396sq.m. with a new detached garage 304sq.m. for the parking of staff and funeral vehicles. The observers have raised concern at the appropriateness of the proposed development at this residential location and its compatibility with the residential zoning objective. The site is located with an area whereby the zoning objective aims 'To protect and / or improve Residential amenity' . As stated, funeral home is a use which is open for consideration within this zoning. The general footprint of the buildings on the existing site will be maintained under the current proposal however, the total floor area will increase from 289sq.m. to 696sq.m. which a large proportion been dedicated to the large single storey garage.

11.5 Within the proposed funeral home there are 3No. mourning suites proposed, which in my opinion, represents is a significant funeral home in terms of scale . The applicant states that no embalming process takes place within the premises. The unit provides a service space for family and close friends of the deceased to gather and view the remains prior to a funeral service and/or burial and cremation. It is stated in the applicants submission that no funeral services will take place at the premises and that the number of patrons in attendance is relatively small with an average of circa 15-20 persons per viewing. However, I note that the 3No. mourning rooms have partition walls and can be made into 1No. large morning room where one large funeral service could be carried out in future. There will be 1-2 funerals per week on the premises according to the applicant. However, the scale of the proposed development could accommodate at least twice that number of funerals per week. Given the scale

of the proposed development, I would have concerns about the scale of the development within a residential area. The scale of this particular funeral home would be more suited to areas zoned town, district or local centres whereby funeral homes are permitted in principle under such zoning objectives. The site is positioned alongside a residential street, and as outlined below, the traffic associated with the proposed development will impact on the adjoining residential area as a result of traffic and parking.

11.6 Design

The 'Turning Fork' public house on the site is vacant and the site is becoming overgrown and vacant looking. However, the design and layout of the existing development on site is sympathetic to its location and setting. The proposed development is a contemporary design, with a horizontal emphasis embellished by contemporary finishes and a flat roof design. The legibility of the building when viewed from an approach from Rathfarnham is two storey, but to the rear it has a single storey profile.

11.7 The overall design is low impact and it will not impact negatively on the residential amenities of the area, which I consider to be a positive having regard to the overall zoning objective for the area. According to the submission documents submitted with the planning application, which did not include a design analysis of what influenced the overall design, the concept was to design an attractive contemporary building which would address the corner and create a local landmark, and it was considered by the applicant to improve the visual amenities of the area.

11.8 I commend the attempt by the architect of the scheme to insert a contemporary building on the site which in my opinion, correctly addresses the existing proportions along the streetscape. However there is no consideration of the overall design in the context of the streetscape or the area, and I believe it does not acknowledge or respect the existing neighbourhood character which is a mature residential area including a cottage streetscape. The building in my opinion is too clinical and abrupt when viewed from Ballyboden Road on approach from Rathfarnham, and will be visually unsympathetic to the area. I do not agree with the applicant's contention that the building will make a positive contribution to the area, as I believe it will create a sterile and inappropriate contribution to the area in design terms and will detract from the visual qualities of the area. There are large units to the east of the site accessed off Whitechurch Road which contribute nothing architecturally to the area, and the subject site is positioned on a busy and important junction along Ballyboden Road and would require more of a statement than the proposed design provides. The proposal when viewed from the east and west resembles box like prefabricate structures. I would accept the existing building and vacant site to the rear contributes very little architecturally to the area but the existing Turning Fork building in terms of proportions, roof pitch and elevations respects the existing residential architecture of the immediate vicinity.

11.9 Impact on Residential Amenities

In terms of overlooking and overshadowing there will be no negative impact associated with proposed development. The main concern is the traffic associated with the proposed development which is discussed in greater detail below.

11.10 Traffic / Carparking

Traffic and lack of carparking formed the crux of the planning authority's decision to refuse planning permission for the development. The Roads Department had recommended strongly to refuse the development for the following reason:

The size of the development, the lack of available complementary public parking, the capacity for three events at the one time and the potential capacity to hold funeral services on the grounds would generate a traffic and parking requirement where there is inadequate space on the site and the overspill of traffic and parking are likely to create an obstruction for vehicles, pedestrians and cyclists and thereby endanger public safety by reason of a traffic hazard.

- 11.11 On appeal it is submitted by the applicant that the use of the word 'chapel' prompted a perception of high density usage by both the planning authority and the objectors. There were misunderstandings associated with rooms which are viewing or resting rooms, two of them are only 25sq.m. and 40sq.m. respectively, and they are not churches and there will not be three separate funerals/ removals on the premises at any one time. It is expected there will be one funeral per week on the premises rising to two funerals per week over a five year period. There will be 6-8 employees. In its defence of the first reason for refusal, the applicant has stated the Roads Report has made an erroneous approach to the proposed development and its recommendations should be discounted by the Board. There will not be three events occurring on the premises at the same time out of respect for clients, the events will be staggered. The decision does not account for the fact there are 7No. complimentary carparking spaces on Whitechurch Street, which were used by the public house for years. The carparking provision complies with the development plan requirements as the development plan standards state the requirement is 6No. spaces for a funeral home which the application has comfortably provided and more. The staff parking will be located on an adjoining site, therefore there is a total of 11No. carparking spaces for visitors on the site.
- 11.12 On appeal the applicant has also submitted Access / parking report prepared by NRB Consulting Ltd. The Board should note there is not direct access from the site onto Ballyboden Road, the access is from Willbrook Street which has direct access onto Ballyboden Road adjacent to traffic signals and the junction with Whitechurch Road. There is a yellow box at the junction facilitating car movements into and out of Willbrook Street . The applicant submits that the former pub and restaurant generated a significant volume of traffic than that associated with a funeral home. This statement is not substantiated, and in my opinion is not relevant because, the public house and restaurant would have ongoing trade throughout the day and not targeted at curtailed times. In

addition, the patrons of a public house by its nature would be local, and not car-dependent, unlike a funeral home that will attract traffic from a wide geographical area. The report states funeral homes do not generate significant levels as it is only close and extended family member visit funeral homes and the visits are over prolonged periods and there is no high volume of traffic at any one time. The applicant also states 90% of all funerals do not have a funeral home, and 50% of all funerals do not use funeral homes. In my opinion, having regard to the number of funeral homes in the general locality and the statistics the applicant is presenting on appeal, it is questionable whether a funeral homes of this scale is warranted at this location. In my opinion, the applicant has presented a vague retort to the planning authority's assessment and reason for refusal in terms of the scale of the development and the anticipated traffic levels. The Board has to view the proposal as presented. The development includes 3No. chapels as the drawings state or resting rooms, at ground and first floor there are a number offices, staff room, store room, showroom, reception and meeting room with an external courtyard. There is an external yard area for clients parking and a detached garage for the funeral vehicles. This is a sizeable operation, and I believe the applicant is understating the level of business, visitors, parking and traffic associated with the proposal on the site.

- 11.13 The car parking standards in the County Development Plan (CDP) state that funeral homes should be accompanied by 6 car parking spaces. While under the proposed development, it is stated there are 11No. on site spaces, which have not been clearly demarcated on the drawings and additional spaces to be provided on a site along Whitechurch road that was used by the former public house. I note the fleet spaces and client spaces allocated within the detached garage. I find it incredible that there is no spaces for cleaning and preparation of the fleet cars as access will be required at all times for clients. The general operations of the proposed parking do not appear to be manageable to me for a development of this scale. There is no third party legal agreement regarding the use of adjoining parking spaces, and the agreement could be revoked at any time. There is no capacity within the surrounding road network to accommodate on- street parking. The site layout drawings accompanying the Traffic Report on appeal indicated 7No. spaces along Willbrook Street, however I noted that 4No. spaces where occupied during my site inspection as the housing along Willbrook Street has no dedicated parking, and the residents park along the street. The applicant maintains these were used by the public house and are therefore dedicated to the site. The 7 No spaces to the west along Willbrook Street are outside of the site boundaries, therefore are not onsite or dedicated carparking spaces associated with the subject site, but located within the public domain. The funeral home parking would be encroaching into the residential parking area along Willbrook Street, and would ultimately result in a disturbance along the street especially during evening removal times. It is difficult to envisage where or how a funeral cortege could park and exit safely onto Ballyboden Road without impacting significantly onto the free of traffic along Willbrook Street and Ballyboden Road at a significant junction with Whitechurch Road. Ballyboden Road is a major arterial route out of the city, through the suburbs towards the M50.

11.14 The proposed funeral home is likely to be busiest in the late afternoon and early evening. Having regard to normal funeral home activities, I anticipate that the carparking associated with the proposed use, is likely to be under the greatest pressure from the early evening on when the residents would be returning home. Therefore there would be limited or no capacity on the adjoining streets to accommodate carparking associated with removals at the funeral home.

11.15 The access to the appeal site is immediately off a junction of Willbrook Street with Ballyboden Road. Queues leaving the funeral home associated with a cortege or a removal would effectively leave local residents marooned until such times as they cortege left the general area. Evening peak traffic flows on this Road are heavy and cortèges would not easily merge with especially as the junction in question which is signal controlled, and leads onto Whitechurch Road.

11.16 There is an absence of any survey of existing traffic movements in the area during the weekday evening peak and also during the weekend. In the absence of a proper baseline survey of existing traffic movements at the junctions and long Ballyboden Road at this location, it is difficult to assess with confidence the likely effects of traffic movements generated by the proposed funeral home, in particular the cortèges. Furthermore, in the absence of a traffic management plan that expressly links the operation of this proposed development with periods of time when there may be the opportunity to minimise the risk of congestion to other road users, I am concerned that undue levels of such congestion would be likely to arise. The applicant has not demonstrated that the traffic generated by the proposed development would be capable of being accommodated satisfactorily on the local road network without causing undue congestion during peak evening times. The nature of the proposed development would generate significant additional volumes of traffic in the area at certain periods.

11.17 The Roads Report expressed concern that the proposed development represented an overdevelopment of the subject site, and that the traffic and parking generated by the development combined with the lack of complimentary public parking. I would agree with this conclusion.

11.18 Other Reasons for Refusal

South County Dublin Refused the proposal for 6No. reasons, and the first two reasons have been considered above. The four remaining reasons relate to the ecology, flooding, Japanese Knotweed and bats. I believe these issues could have been addressed by way of further information or a revised design and should not have formed the basis for reasons for refusal as the planning authority had limited information on these issues to form such strong conclusions.

11.19 In the first instance the subject site adjoins Whitechurch Stream, and the stream is not located within the site. I noted the stream was overgrown and difficult to view from Whitechurch Road during my inspection. The applicant has stated it is beyond the applicant's capacity to maintain and improve the character of the

watercourse and promote recreational use of same. The Dodder's Anglers Association made an observation on appeal regarding the further culverting of the stream to accommodate the proposed development. The applicant maintains the proposal will improve the biodiversity of the area by introducing bio tree drainage onto the site. The drawings indicate that Whitechurch Stream is culverted under Whitechurch road, and as stated the stream runs alongside the site, and the culvert will be retained. The applicant submits it is unreasonable to expect the applicant to setback the proposed building to open up the existing culvert, and I would agree with the applicant, because at the present time the stream is inaccessible and completely overgrown alongside the site. The stream is not the responsibility of the applicant.

- 11.20 The planning authority had concerns regarding the lack of green infrastructure methods and sustainable urban drainage systems. On appeal the applicant has included revised proposals which includes permeable paving of the carpark, additional bio trees in the carpark area, rain water harvesting from the roof of the single storey garage, and an attenuation tank with a hydrobreak and then into the stream. All rainwater shall be contained within the site and it will not contribute to the flooding of the area. I noted the adjoining watercourses were 2-3metres below the level of the subject site. I consider the applicant has proposed adequate measures to ensure that during periods of heavy rainfall and possible surge-charge of road gullies, the surface water generated on the site as a result of the development will be contained within the site during that time.
- 10.21 The Japanese Knotweed reason for refusal is not supported by any relevant planning policy, and there is no incidence of Japanese Knotweed within the subject site. The shrub was located on the east bank of a river adjacent to the subject site, and it appears not to have encroached onto the subject site due to the presence of impermeable barriers.
- 11.22 The sixth reason related to bats, and on appeal the applicant engaged the services of an ecologists who found no evidence of bats on the subject site. The proposed development is highly unlikely to impact on the local bat population, therefore the reason for refusal is not relevant.

12.0 RECOMMENDATION

Overall I consider the planning authority's decision to refuse should be upheld by the Board for the followings reasons .

REASONS AND CONSIDERATIONS

1. It is considered that the proposed development by reason of its nature would generate significant additional volumes of traffic into the area which, coupled with the lack of adequate existing car parking provision in the vicinity of the site, has the potential to create traffic hazard and obstruction of road users that would seriously impact on the residential amenity of property in the vicinity. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the subject premises just off a major road artery and a quality bus corridor, to the nature and scale of the proposal funeral home and the restricted space on and around the site and to the conditions affecting access to and egress from the premises, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area

Caryn Coogan

Planning Inspector

30/06/2016