

An
Bord
Pleanála

Inspector's Report ABP320713-24

Development	Change of use of ground floor and buildings to rear from retail to funeral home with associated site works.
Location	6 Willowfield Park, Goatstown, Dublin 14, D14P9V2.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D24A/0430/WEB.
Applicant(s)	Fanagans Funeral Directors.
Type of Application	permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Michael Doyle.
Observer(s)	None.
Date of Site Inspection	05/02/25.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The subject premises is located in a terrace of 4 commercial two-storey units within a designated neighbourhood centre. No. 6 Willowfield Park is a mid-terrace two-storey retail unit presently vacant.
- 1.2. The commercial streetscape is located at an angle to Goatstown Road at the entrance to Willowfield Park a suburban avenue of two-storey houses. The 4 3-bay commercial units have similar plot frontage widths.
- 1.3. The adjoining premises the streetscape at ground floor level *inter alia* comprise a café / restaurant and a children's footwear store.
- 1.4. There is a deep footpath in front of the commercial streetscape with a lay-by separated from the carriageway by a grassed island. The lay-by provides on-street car parking.
- 1.5. There is a large surface car park to the rear of the commercial streetscape attached to "Vectors Motors" presently used for car storage.
- 1.6. There is vehicular / pedestrian access to the rear of the premises via a rear lane to the east of the commercial streetscape.
- 1.7. The site area is given as 163 sqm.

2.0 Proposed Development

- 2.1. The change of use of the ground floor and the buildings to rear from retail to funeral home including new fascia signage.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dun Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

The Planning Transport Division does not object to the proposal subject to the number of funerals at the proposed development being restricted to not more than one at a time.

The Environmental Health Officer does not object to the proposal subject to condition.

4.0 Planning History

The following planning history is noted:

In 2010, under Reg. Ref: D09A/0048 (ABP PL06D.235433) planning permission was granted for the rear extension of the existing retail unit. The applicant confirms that this permission was extended but was not implemented.

In 2008, under Reg. Ref: D08A/0654 planning permission was refused for demolition and of existing out houses and the extension of the existing retail unit (86 sqm.).

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

- Chapter 13 (Land Use Zoning Objectives) Table 13.1.1 (Development Plan Zoning Objectives) is relevant.

The area zoning objective is "NC": *to protect, provide for and / or improve mixed-use neighbourhood facilities.*

- Funeral Home is a permitted in principle land use.
- Chapter 7 (Towns, Villages and Retail Development) Section 7.2.3.1, Policy Objective MFC1 (Multifunctional Centres) is relevant and states:

It is a Policy Objective of the Council to embrace and support the development of the County's Major Town Centres, District Centres and Neighbourhood Centres as multifunctional centres which provide a variety of uses that meet the needs of the community they serve.

- Table 12.5 (Car Parking Zones & Standards) is relevant. A funeral home requires 5 car parking spaces within Zone 3.

5.2. EIA Screening

The proposed development is not within a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The planning authority did not take into account the over supply of funeral homes in the area. Fanagans operate a funeral home in Dundrum 1 km from the proposed additional premises. No evidence has been provided to justify local need for a new establishment.
- Furthermore, the site is unsuitable. The proposed use is incompatible with existing established adjoining residential areas and commercial activities.
- The applicant states that their existing facilities in Dundrum are sufficient to cater to meet local needs. It is claimed that the Dundrum funeral home serves the same catchment as the proposal (Observation submitted by Fanagans' under Ref: D14A/0203 for a funeral home on the Goat site)
- The Dun Laoghaire-Rathdown County Development Plan provides a definition of a funeral home (Pg.317), which is quoted by the applicant. It is understood that all functions including preparing human remains and embalmment would occur on site.

- There is no specialised plan provided for human waste or facilities for storing human remains. The absence of suitable facilities (including specialised areas and refrigeration) raises ethical and logistical concerns in the matter of the safe and respectful management of human remains.
- The proposed route for loading and unloading human remains is a lane used for deliveries and is lined with bins and waste containers. It is claimed this arrangement could compromise the dignified handling of human remains and ceremonial procession.
- The proposed premises and drainage network is not suitable / sufficient for the operation of a modern funeral home. A report from a drainage consultant should have accompanied this application.
- The omission of a comprehensive waste water study in order to assess the impact of the proposal on the sewer system should have resulted in an invalid application.
- There is no evidence that the proposed funeral home has obtained the necessary licenses or permits to handle clinical waste (as provided for under the Waste Management Act 1996) including medical waste.
- The vitality and vibrancy are a concern as a core consideration in retail planning guidelines. Funeral homes are a destination business and do not directly provide footfall. The loss of a retail unit will have an adverse impact on the neighbourhood centre.
- The funeral homes will have an adverse impact on residential amenities and existing commercial activity by reason of increased traffic congestion, noise and parking challenges. There has been a huge increase in vehicle movements, including deliveries, due to the opening of many new enterprises in adjoining premises.
- The use of public parking to the front of the premises (between the footpath and the island feature at the front of nos. 4, 6 & 8 Willowfield Park) for the exclusive use of the funeral home, in order to satisfy development plan standards for 5 car spaces and bicycle parking, is unsatisfactory.

- The designated car spaces are in current use facilitating existing adjoining businesses (the existing cycle parking is oversubscribed). Furthermore, the relevant section of the lay-by is un-zoned, which is not referenced in the planning authority assessment.
- The proposal fails to designate car parking spaces for visitors to the funeral home if more than 5 mourners attend and fails to adequately address the spatial requirements for funeral cars and hearse vehicles.
- It is claimed without precise parking dimensions and a realistic assessment of vehicle sizes the proposal ignores the practical difficulties of accommodating funeral cars.
- Notwithstanding public transport availability the majority of journeys will be by car and there is no alternative paid parking available for mourners / visitors / staff who may resort to parking on local streets.
- There is no plan outlined how the subject 5 car parking spaces will be managed and controlled. The lack of clarity could potentially lead to disputes with adjoining businesses in terms of visitor, staff and customer parking.
- A previous application at no. 6 Willowfield Park was refused on the grounds of parking, including the fact that the on-street parking is operating at capacity (Ref: D08A/0654).
- This application was granted under appeal subject to condition, including significant road works and parking bay works. However, these works have not been carried out to date.
- The assertion that existing traffic conditions are manageable contradicts the reality of Goatstown Road, a crucial artery for city traffic, which is prone to congestion during peak commuting hours.
- There is a lack of a detailed plan for managing traffic flow during funeral processions underscoring the unsuitability of the site. It is claimed that the development would endanger public safety by reason of traffic hazard or obstruction of road users.
- The application does not clarify the operation hours of the funeral home.

- The appellant outlines a number procedural matters including an incorrect response to the site area in the application form.
- The original application outlined in red does not include the car parking to the front of the premises, which should have been outlined in blue as required by regulation. The application should have been deemed invalid.

6.2. Applicant Response

The applicant response, prepared by Manahan Planners on behalf of 'Fanagans Funeral Directors', is summarised below:

- The site located within a four-unit commercial block zoned neighbourhood centre where a funeral home is permitted in principle under the "NC" zoning and aligns with Policy Objective MFC1 in contributing to multi-functioning neighbourhood centres.
- The subject unit is currently vacant. It previously operated as a retail unit on the ground floor and offices and storage above. There is a recently constructed single-storey rear extension at ground floor level and there is vehicular and pedestrian access via a rear lane.
- The owner of the retail unit purchased the freehold of the footpath and layby in front of the unit following a refusal of planning permission in 2008 based on deficient car parking. A subsequent application for the extension of the premises was granted permission but has not been implemented.
- The applicant complies with Table 12.5 of the development plan. There would be a much lower generation of traffic compared with a retail offering and no need for visitors to park at the door. The proposed 5 number car parking spaces form part of the general parking offering for the neighbourhood centre.
- The transport note provided by NRB Consulting Engineers demonstrates that there is a high level of multi-modal accessibility. There are bus stops within 200m of the site serviced by Dublin Bus Route 11. Ballaly Luas stop is within 1.5 km. There is existing cycle parking outside the premises.

- In the matter of medical waste and the storage of human remains, the applicant confirms that the possibility of embalming, storage of remains and medical waste handling will not occur on the premises. All embalming is carried out in a facility in the city centre.
- The purpose of the development is to provide an alternative funeral home location containing a single private chapel to cater for local families during busy periods when the existing funeral home is at capacity.
- The existing water and foul connections are adequate and the planning authority Environmental Health Officer has no objection.
- In the matter of operating hours, the anticipated frequency of no more than two funerals per week has been set out in the planning application and there would be no more than one funeral at any given time.
- It is claimed that operation hours would be aligned with other funeral homes and can be conditioned upon grant of permission.
- In the matter of inadequate parking and traffic management, the planning authority have assessed the impacts for visitor parking and the loading bay for hearse vehicles and do not consider the proposal would result in congestion.
- In the matter of procedural matters, the site area has been correctly measured by the architects in the planning application and refers to approximately 163 sqm. of which 127 sqm (GFA) is buildings.

6.3. Planning Authority Response

The planning authority refer the Board to the previous planners report. It is considered that the grounds of appeal do not raise any new matters that would justify a change of attitude.

6.4. Observations

None to date.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and is an overall consideration of the application. It is noted there are no new matters for consideration.
- 7.2. The applicant proposes to change the use of ground floor of an existing retail unit at no. 6 Willowfield Park, located within a terrace of commercial units, to a funeral home. The proposed floor area of the unit is given as approximately 128 sqm.
- 7.3. There would be no increase in floor area. However, elevation works are proposed including new fascia signage and the provision of a new rear access door. A landscaped garden would be provided in the yard to the rear of the premises.
- 7.4. The appellant, located at no. 4 Willowfield Park in the adjoining premises to the east, claims there is an over-supply of funeral homes in the area and that the existing 'Fanagans' funeral home in Dundrum (1 km distance from the applicant premises) provides coverage within the local catchment.
- 7.5. Furthermore, the appellant claims that the premises is unsuitable as a location for a funeral home by reason *inter alia* of a deficiency in car parking for mourners, employees and customers and potential unsatisfactory vehicular movement for hearses, insufficient clarity in the matter of waste and in the matter of the capacity of drainage network and the loss of a retail unit including the negative impact of a destination premises on footfall.
- 7.6. The applicant response, dated 30th September 2024, clarifies a number of matters highlighted by the appellant. These matters are interrogated below.

Principle of development

- 7.7. The appellant claims that the proposed use as funeral home is incompatible with existing established adjoining residential areas and adjoining commercial activities.
- 7.8. The "NC" (neighbourhood centre) zoning objective to protect, provide for and / or improve mixed-use neighbourhood facilities. The use as funeral home is permitted in principle where the proposed development is compatible with the overall policies and objectives for the Neighbourhood zone.

- 7.9. The appellant highlights that the section of the lay-by that would accommodate car parking to facilitate the funeral home is un-zoned. I note that the "NC" zoning is restricted to the footprint of the commercial building block (Zoning Map 1 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028). The site as defined by the red line boundary is designated "NC".
- 7.10. The principle of development is acceptable in the matter of land use. I interrogate the other grounds of appeal in my assessment below.

Loss of a retail unit

- 7.11. The appellant claims that the requirement for an additional funeral home within the local catchment is not justified, as the applicant operates a funeral home 1 km distance at Dundrum.
- 7.12. The applicant clarifies the proposed development is intend as a facility to complement the existing funeral home serving the local community (located at Dundrum), which provides a full range of services.
- 7.13. The proposal for change of use of the existing retail unit would provide for an alternative venue increasing capacity at peak times in the operation of the applicant's funeral business. I consider that the applicant has demonstrated justification for the proposal.
- 7.14. Furthermore, the appellant claims that the vitality and vibrancy of the neighbourhood centre commercial streetscape would be adversely impacted by the loss of one of the 4 retail units. It is claimed that funeral homes are a destination business and do not directly provide footfall.
- 7.15. Policy Objective MFC1 seeks to provide a variety of uses *inter alia* within neighbourhood centres that meet the needs of the community they serve. I consider that the proposed development comprising change of use to a funeral home would be consistent with this policy objective.
- 7.16. However, I also acknowledge the appellants concern in the matter of the potential loss of vitality and vibrancy given that the applicant has clarified that the unit would only be operational for 2 funerals per week notwithstanding that the funerals may have a 3 day duration.

- 7.17. The internal layout has been clarified by the applicant. It is evident that operational activity will be restricted to use as an overflow facility ancillary to the main funeral home elsewhere and that the function of the unit is primarily a "reflection" chapel space.
- 7.18. I would concur with the planning case officer that the proposal would not have a significant negative impact on the existing residential amenities of the surrounding area.
- 7.19. In conclusion, I consider that the proposed operational activity of the funeral home is not optimum in the context of the generation of footfall within the neighbourhood centre. However, on balance the proposed change of use from retail to funeral home is acceptable, given that the frontage of the subject premises represents only 25% of the overall active commercial frontage and the fact that the existing unit is vacant.

Parking, congestion and vehicular movements

- 7.20. The appellant claims that the proposed development *inter alia* by reason of inadequate parking provision and traffic management would cause conflict with existing road users and would endanger public safety.
- 7.21. The appellant questions the ownership of the existing parking area in front of the subject premises and asks the planning authority to consider the cumulative impact of increased traffic and parking constraints on local infrastructure.
- 7.22. The application proposes 5 number car parking spaces located to the front of the premises to facilitate the operation of the funeral home. The applicant claims compliance with Table 12.5 (Car Parking Zones & Standards) of the development plan and that the proposal would utilise existing off-street parking spaces.

NRB Consulting Engineers application note

- 7.23. A transport note, dated 16/ 03/24, is provided by NRB Consulting Engineers as part of the application documentation. The note demonstrates that there is a high level of multi-modal accessibility.
- 7.24. There are bus stops within 200m of the site serviced by Dublin Bus Route 11 (15-20 minute peak hour frequency). Ballaly Luas stop is within 1.5 km. There is existing cycle parking outside the premises with a high quality segregated cycle lanes provided along the length of Goatstown Road.

- 7.25. The NRB Consulting Engineers note highlights that the existing retail unit requires (1 space per 30sqm) a maximum parking provision of 4.2 spaces. The NRB note states that the existing public car parking provision is adequate for the intended use given that the funeral home would require a maximum 5 parking spaces.
- 7.26. Finally, the NRB note highlights that the proposed premises is intended to have only one funeral chapel with most similar facilities having 2 or 3 chapels. It is therefore envisaged that the proposed funeral home will generate lower levels of traffic citing a maximum operational commitment of two funerals per week.

Land ownership matters

- 7.27. In the matter of ownership of the premises and the car parking area to the front of the commercial units, the applicant response has clarified that the applicant 'Fanagans Funeral Directors' have a leasehold interest in the premises. The owner of the premises Calafort Ltd. have an additional freehold ownership of the footpath and lay-by.
- 7.28. The applicant response notes that following a refusal of planning permission in 2008, under Reg. Ref: D08A/0654, that the freehold of the footpath and lay-by in front of the premises was purchased by the owner to increase off-street car parking capacity.
- 7.29. A subsequent second application in 2009 under Reg. Ref: D09A/0048 (ABP PL06D.235433), including 9 no. parking bays, was granted permission on appeal. However, the permission was not implemented.
- 7.30. The applicant clarifies that parking provision comprises 5 number spaces, which form part of the general parking provision, as such, they are not included in the red line boundary.
- 7.31. I note the landlord letter submitted with the application dated 12th June, 2024 in the matter of the lease granted to 'Fanagans Funeral Directors' by Calafort Limited. I am satisfied that the applicant has clarified the relationship between the subject premises and the adjoining car parking area in front of the premises.

Parking / traffic management

- 7.32. Table 12.5 (Car Parking Zoning and Standards) requires 5 car parking spaces for a funeral home located within Zone 3. I note that the car parking provision comprises

the existing car parking area located to the front of the premises. The applicant can comply with the standard.

- 7.33. I accept the applicants argument that the existing retail unit requires 4 car parking spaces at present in order to comply with Table 12.5.
- 7.34. I note the existing cycle parking provision on the footpath to the front of the premises and the availability of cycle parking on the day of my site visit.
- 7.35. The Transport Planning Division of the planning authority do not object to the proposal subject to restricting the number of funerals to not more than one at a time. This restriction is reasonable and can be dealt with by way of condition.
- 7.36. The appellant states that the proposal ignores the practical difficulties of accommodating funeral cars (hearse) in the environs of the premises. The appellant considers that this matter was not properly assessed by the planning authority.
- 7.37. The applicant clarifies that the hearse(s) will utilise the rear laneway as the access point to the funeral home. I consider that hearse and ancillary vehicular movements can be successfully regulated by the applicant who are expert in this matter as established funeral directors.
- 7.38. Finally, in the matter of the requirement for additional car parking given the practicality of the majority of mourners arriving by car.
- 7.39. I consider on balance that the existing car parking provision would be adequate given the nature (1 chapel on site) and frequency of the proposed use accommodating 2 funerals per week, the proximity of frequent public transport (bus stops 200m distance) and cycle infrastructure, the restriction on the number of funerals to not more than one at a time and the national and local policy context supporting modal change from use of the private car to walking, cycling and public transport.
- 7.40. *Impact on the drainage network*
- 7.41. The appellant claims the drainage network is not suitable / sufficient for the operation of a modern funeral home. The lack of a comprehensive appraisal of the impact on the drainage network should have invalidated the application.
- 7.42. The applicant has clarified by applicant response (30/09/24) that the funeral home would comprise a lobby, reception area, a single private chapel for reflection,

landscape garden, staff room and WC facilities. There would be no dedicated areas for the storage of human remains or the embalming of the deceased.

7.43. I consider that the existing water and foul connections are adequate. I note that the planning authority Environmental Health Officer has no objection to the proposal subject to condition.

7.44. *Fascia signage*

7.45. The applicant proposes to provide fascia signage advertising the funeral home on street. I note that the fascia is blank and in a poor condition at present. I consider that the provision of fascia signage proportionate to the shopfront frame, as proposed by the applicant, would be a planning gain.

Other Matters

7.46. The Development Management Guidelines for Planning Authorities (June, 2007), Section 7.8 (Conditions Relating to Other Codes), that it is inappropriate in development management to deal with matters which are the subject of other controls.

7.47. The appellant has cited the necessary licenses or permits to handle clinical waste (as provided for under the Waste Management Act 1996) including medical waste. I consider this matter is outside the scope of a planning permission to regulate.

7.48. Furthermore, the applicant confirms that the possibility of embalming, storage of human remains and medical waste handling will not occur on the premises.

7.49. Finally, the appellant questions the validity of the planning application with reference to the application form. It is claimed that the form has been incorrectly completed in the matter of the site area.

7.50. The applicant clarifies that the site has been correctly measured by the architects in the planning application and refers to approximately 163 sqm. of which 127 sqm (GFA) is buildings

7.51. I accept the bona fides of the applicant.

Conclusion

7.52. I conclude that the proposed change of use of the ground floor of the existing vacant retail unit located within a neighbourhood centre to a funeral home is acceptable

given the site zoning objective, which provides for funeral home as an accepted in principle land use, the existing mix of commercial units within the neighbourhood centre, including a café and shoe shop, where a funeral home would add diversity to the commercial mix while not having an adverse impact on the amenities of residential properties in the vicinity, and the provision of a renewed commercial frontage including fascia signage.

7.53. **Appropriate Assessment Screening**

The proposed development comprises a change of use of an existing premises in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 **Recommendation**

- 8.1. I recommend a grant of permission subject to condition for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

Having regard to the grounds of appeal, the applicant response, the neighbourhood zoning objective, to protect, provide for and / or improve mixed-use neighbourhood facilities, and the policy framework provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the proposed change of use from retail to funeral home, subject to condition, would be consistent with Policy Objective MFC1, which seeks to provide a variety of uses *inter alia* within neighbourhood centres that meet the needs of the community they serve, would not have an adverse impact on residential amenities of the area and, as such, would be consistent with the proper planning and sustainable development of the area.

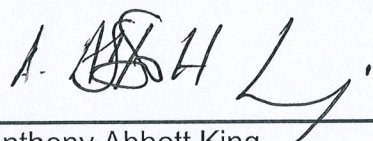
10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The number of funerals / services or similar events carried out at the proposed development shall not be more than one at a time.</p> <p>Reason: In order to clarify the scope of this change of use permission and in the interests of the residential amenities of the surrounding area.</p>
3.	<p>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. 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. 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

A handwritten signature in black ink, appearing to read 'A. A. King', written over a horizontal line.

Anthony Abbott King
Planning Inspector

06 February 2025