



An
Bord
Pleanála

Inspector's Report PL01.247590

Development

Change of use of existing educational building as granted under 12/6504 to use as a funeral home and internal and external alterations to accommodate the same, ancillary car parking, and all ancillary site works and services.

Location

Site at Station Road, Carlow, Co. Carlow.

Planning Authority

Carlow county Council

Planning Authority Reg. Ref.

16/264

Applicant(s)

Charles McDermott & James Burke

Type of Application

Permission

Planning Authority Decision

Grant, subject to 13 conditions

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|--------------------------------|-------------------------------|
| Type of Appeal | Third Party -v- Decision |
| Appellant(s) | Michael P Doyle |
| Observer(s) | None |
| Date of Site Inspection | 1 st February 2017 |
| Inspector | Hugh D. Morrison |

1.0 Site Location and Description

- 1.1. The site is located to the north of Carlow town centre and in a position adjacent to the town's railway station. The site accommodates a detached two storey house (174.56 sqm), which is presently vacant, having last been used for an educational purpose on an ancillary basis to that of St. Mary's Academy. (The grounds of this house are in use as a staff car park for this Academy). This house lies at the eastern end of a row of detached dwelling houses on the southern side of Railway Road. Two schools lie on the opposite side of this Road, St Mary's Academy (CBS) and Bishop Foley National School.
- 1.2. St. Joseph's Road and Railway Road form a continuous route between the R448 (Green Lane) to the south and the R888 (Old Dublin Road) to the west. The site is accessed off the latter Road. It is of rectangular shape and it extends over an area of 0.203 hectares. To the south of this site lies St. Catherine's Community Services Centre, which includes a crèche and play school, and beyond that St. Joseph's National School.

2.0 Proposed Development

- 2.1. The proposal would entail the conversion of the house on the site from its last use as an educational facility to a funeral home. External and internal works would be carried out to facilitate this new use and the grounds would be laid out to provide a car park with 30 spaces, including two mobility impaired spaces.
- 2.2. At the appeal stage the applicant submitted a revised site layout plan, which shows the omission of a grassed soakaway area along the southern portion of the site and the specification of an enlarged car park with 50 spaces.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 13 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The case planner places considerable weight on the advice of Transportation, which draws attention to the following facts: the grounds of the site are presently in use for staff car parking and funeral homes tend to operate in the evenings and thus outside the normal school day. She also draws attention to the ample scope for car parking within the grounds of the site and the availability of supplementary car parking in the railway station car park.

3.2.2. Other Technical Reports

- Fire Officer: No objection, subject to conditions.
- Irish Water: No objection.
- Water Services: No objection.
- Transportation: No objection.
- Area Engineer: No objection.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

See grounds of appeal.

4.0 **Planning History**

- 12/6504: Applicant: Board of Management St. Mary's Academy: Change of use from residential to educational use ancillary to existing school, together with widening of existing vehicular site entrance, relocation of staff car parking from the existing school to the front and rear of the property, provision of a wall to the western boundary, demolition of the existing shed structures to rear and all associated site works: Permitted.

- 15/16: Applicant: Board of Management St. Mary's Academy: Change of use from educational use ancillary to existing school to residential use: Permitted. A letter of support that accompanied this application stated that

The school bought this property to provide parking facilities for the staff and to provide temporary accommodation for administration/offices and student support facilities. We have now purchased a site adjacent to the school which will better serve these purposes and we wish to sell the property for residential use.

5.0 Policy Context

5.1. Development Plan

Under the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012 – 2018 (JSP), the site is shown as lying within an area that is zoned town centre, wherein the objective is “To protect the vitality and vibrancy of the town centre and provide for town centre facilities” and the purpose is “To protect and enhance the vitality and vibrancy of the town centre and to provide for and improve retailing, residential, commercial, office, cultural, tourism, public facilities, amenity and other uses appropriate to the centre of a developing urban core.” Under this zone, funeral home is “open for consideration”, which means that “the use may be acceptable in principle depending on the characteristics of the particular site location and the detailed nature of the use...more detailed assessment of the particular development proposal must be made before the Council determines its acceptability in principle...”

The JSP identifies Carlow Railway Station and the surrounding area as an opportunity site (denoted as No. 9) for regeneration and it sets out a description of this site and a development brief for the same.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

The appellant resides “two doors down” from the site at “Innisfree” on Railway Road. Objection is raised on the following grounds:

- The site lies next to Carlow Railway Station. While reposes tend to occur from 16.00 hours on, mourners may arrive well in advance. Commuter trains from Dublin presently arrive at 17.13, 17.47, 18.36, and 19.35 and in the future additional services can be anticipated. Thus, the congestion already generated by the evening peak traffic would be exacerbated by the traffic generated by the proposed funeral home.
- Six schools exist within 400m of the site. Traffic generated by these schools, including that generated by after school hours study and sporting activities, already causes congestion, which would be exacerbated by the traffic generated by the proposed funeral home.
- The appropriateness of locating a funeral home across the road from an existing school is questioned, especially for any bereaved children who may thus have cause to attend this home.
- The site is located on a corner and so sightlines from the vehicular access to the same are poor in the direction of this corner. Furthermore, the Area Engineer accepts that congestion would arise and yet appears unconcerned over the implications of the same for the junction between Dublin Road and Railway Road.
- The proposed car park would have 30 spaces, which would be insufficient on their own to service the proposed funeral home. While post the evening peak the railway station car park would be available, at other times this car park would be in use and so it would not supplement the proposed on-site one.
- Under the JSP’s town centre zoning of the site, funeral homes are “open for consideration”. Nevertheless, the stated purpose for this zoning would not be furthered by this use of the site.

- Other far more suitable sites for funeral homes exist in Carlow for a funeral home than this one.

6.2. Applicant Response

The applicants have responded to the above cited grounds of appeal as follows:

- The concentration of schools in the vicinity of the site and the traffic generated thereby demonstrates that the local road network can cope with volumes of traffic. As funeral homes typically operate after the school morning and evening peaks, i.e. after 10.00 for delivery to churches and after 17.30 for the reception of mourners, no overlap of traffic with these school peaks would arise.
- The grounds of the site are used at present for car parking by staff of St. Mary's Academy. If permission is granted for the proposed funeral home, then such parking would be replicated elsewhere on school property.
- The grounds of the site are sufficiently large to facilitated being laid out for 50 rather than 30 car parking spaces, should the Board consider this to be necessary.

6.3. Planning Authority Response

No further comments.

6.4. Observations

None

6.5. Further Responses

The appellant has responded to the applicant's response as follows:

- The capacity of the local road network to accommodate traffic generated by the proposed funeral home is questioned, given existing levels of congestion associated with the railway station and surrounding schools. In relation to the former, an extract from the local newspaper ("The Nationalist" dated 15th

December 2016) has been submitted, which illustrates the pressure on the railway station car park and Irish Rail's acknowledgment of the same. The introduction of mourners and sympathisers unfamiliar with the local road network into this situation would be particularly retrograde.

- Examples of death notices have been submitted, wherein the deceased repose at the relevant funeral home from times that would overlap with the school day, i.e. it is the bereaved family's prerogative to decide upon this time.
- Whereas the present use entails c.30 cars exiting the site from 15.00 hours on, the proposed use could, if 3 removals occurred over a single afternoon and the car park was expanded to 50 spaces, entail as many as 150 trips to and from the site. Again, given existing congestion levels, the introduction of so many additional traffic movements would be intolerable.

7.0 Assessment

I have reviewed the proposal in the light of the JSP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and amenity,
- (ii) Traffic, access, and parking, and
- (iii) AA.

(i) Land use and amenity

7.1.1 The proposal would entail a change of use of the house on the site from an educational use ancillary to St. Mary's Academy to a funeral home. Under the JSP, the site is shown as lying within an area zoned town centre, within which schools are normally acceptable and funeral homes are open for consideration.

7.1.2 The appellant questions the appropriateness of locating a funeral home next to schools. He considers the possible difficulties that this juxtaposition could cause, especially to children who may have been bereaved. The applicant has not responded to this concern. I consider that it reaches beyond normal land use considerations to a wider societal question that could also be said to affect the location of schools in relation to churches and grave yards.

- 7.1.3 The aforementioned existing use of the site was permitted under application 12/6504. While this use of the house on this site has ceased, the grounds, in accordance with the permission granted, continue to be used as a staff car parking area, which is accessed from Railway Road via a widened site entrance way. During my site visit, on a Wednesday afternoon, there were 33 cars parked on the site. The applicant advises that the school has property elsewhere on which replacement parking would be provided, should the site no longer be available for this purpose. St. Mary's Academy conveyed the same information in a letter of support to its more recent application 15/16, for a reversion in the use of the house to residential use.
- 7.1.4 The submitted plans show how the house would be laid out for use as a funeral home. Several minor external and internal alterations would be needed to facilitate this use. The former alterations would be in the rear and eastern side elevations of the house. These would be consistent with the character of this house and they would have limited visibility from public vantage points. They would thus be compatible with the visual amenities of the area. Essentially, the house and the grounds, would lend themselves to the proposed use.
- 7.1.5 The applicants advise that, whereas the educational use of the site is a day time use, the funeral home would tend to operate in the evenings with removals in the mornings. Thus, activity would be concentrated in the evenings. The site adjoins a short row of residential properties to the west. While the use of the house would be a quiet and respectful one, the traffic generated by this use would lead to noise, fumes, and light spillage. Such amenity and environmental impacts would arise within the context of the nearby Carlow Railway Station, which is open in the evenings. Likewise, in view of the town centre zoning of the site, urban rather than suburban residential amenity levels are applicable. Nevertheless, I consider that some strengthening of the western boundary of the site with the rear garden of the adjoining residential property would be appropriate. At present, this boundary is denoted by a block work wall. While the submitted site layout plan indicates that there is a hedgerow along this boundary, none was evident during my site visit. One should, however, be planted to mitigate the impact of the use of the grounds of the house as a car park.

7.1.6 I conclude that the proposed use of the site would be acceptable and that, subject to strengthening of the western boundary, it would be compatible with the visual and residential amenities of the area.

(ii) Traffic, access, and parking

7.2.1 During my site visit, which took place on a Wednesday during the early to mid-afternoon period, I observed significant traffic congestion at school closing time. I also observed that the railway station car park was almost full. Accordingly, I have no difficulty in accepting the appellant's reports of significant traffic congestion during the morning peak for commuters using the railway station and parents/guardians dropping off school children. I also have no difficulty in accepting the risk of such significant traffic congestion during the evening peak, although in the likely absence of school traffic and in the presence of a more extended period during which commuters return home, I anticipate that such risk would be considerably less than in the morning peak.

7.2.2 The applicant advises that the proposed funeral home would tend to attract mourners and sympathisers from 17.00 hours on and so, insofar as they would be car borne, the traffic generated thereby would coincide with the evening peak.

7.2.3 The appellant has submitted evidence of funeral homes wherein mourners and sympathisers gather at earlier times during the day, times that would overlap with the school day. He comments that it is the bereaved family's prerogative to nominate such times. While I recognise that this is indeed so, I anticipate that the selection of the said times would tend to be the exception rather than the rule and so the likelihood that overlap would be a regular occurrence would be remote. The corollary of this reality however is that any conditioning of days and times would, presumably, be unreasonable. The applicants have certainly not indicated that they could work within any restricted hours.

7.2.4 The appellant advises that, at present, commuter services arrive at 17.13, 17.47, 18.36, and 19.35 during the late afternoon/early evening, i.e. at intervals of 34, 49, and 59 minutes respectively. He also advises that such services would be likely to become more frequent in the future.

7.2.5 The appellant has submitted a local newspaper extract, which illustrates that the railway station car park is under pressure. Irish Rail acknowledges that this is the situation, too. The JSP identifies an opportunity for a multi-storey car park to be built to the east of the railway station, as a means of addressing this situation. It also envisages, as a consequence, the opportunity for the existing area in front of the railway station, to the west, to be turned into a plaza. While this vision has yet to progress, it does represent the possibility that future frequent services would occur within the context of improved car park facilities.

7.2.6 I note that the County Council's roads engineers have raised no objection to the proposal. I note, too, that, while the proposal would risk adding to incidences of existing congestion during the evening peak, I anticipate that the applicants may, based on experience, seek to advise bereaved families as to when to gather to minimise the said risk. I thus take the view that there is sufficient capacity in the local road network to accommodate traffic.

7.2.7 In the light of the foregoing paragraphs, I cannot dismiss the possibility that the frequency of commuter services could increase without any improvement in car parking facilities. Likewise, I cannot dismiss the possibility that the proposed funeral home would not be managed in a manner consistent with the minimisation of the risk of adding to traffic congestion. In these circumstances and in the light of the advice set out in Section 7.5 of the Development Management Guidelines, I consider that a temporary permission of 5 years would be justified, to enable a review of the proposed use to be undertaken in the light traffic conditions then prevailing "on the ground".

7.2.8 The existing authorised use of the site entails the parking of c.30 cars therein throughout the school day. This use would typically generate at least 30 in/30 out vehicular movements daily, although more could be anticipated if, for example, staff make use of their cars during lunch times.

7.2.9 The proposed use would be likely to increase significantly traffic movements to and from the site, albeit these would tend to be outside the school day in the late afternoon and early evening. While the vehicular entrance to the site was previously widened, I observed during my site visit that the sightline to the east is poor, due to the gate pier and wall that encloses the north eastern corner of

the site. If these items were to be lowered to a maximum of 1.1m above the crown level of the adjacent carriageway, then this sightline could be improved appreciably.

7.2.10 The CDP standards require that, for funeral homes, 1 car parking space should be provided for every 6 sqm of floorspace. As the proposed funeral home would have a floorspace of 174.56 sqm, 29 spaces would be required. The applicants originally submitted site layout plan shows 30 spaces and so this standard would be complied with. At the appeal stage, they responded to the appellant's critique that the proposed provision would be too little by submitting a further site layout plan for 50 spaces. However, I consider that the original number would be the appropriate level of provision and that the layout shown therein would be sufficiently adaptable to facilitate the landscaping discussed under the first heading of my assessment.

7.2.11 I conclude that, on the basis of current commuter train services and the judicious management of the proposed funeral home, the traffic generated by the proposal would be capable of being accommodated on the local road network. Temporary permission is warranted to enable both these factors to be reviewed. I also conclude that the eastern sightline should be improved and that the proposed provision of 30 off-street car parking spaces would be appropriate.

(iii) AA

7.3.1 The site is a fully service urban site. It does not lie within a Natura 2000 site and the nearest such site is c. 700m to the west, i.e. the River Barrow and River Nore SAC. The proposal is for the conversion of an existing house only and so I do not consider it would have any significant effect upon the conservation objectives of this or any other Natura 2000 site.

7.3.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

In the light of my assessment, I recommend that the proposal be permitted.

9.0 Reasons and Considerations

Having regard to the Joint Spatial Plan for Greater Carlow Graiguecullen Urban Area 2012 – 2018 and the planning history of the site, it is considered that, subject to conditions, the proposed funeral home would fulfil the town centre zoning objective for the site and it would be compatible with the visual and residential amenities of the area. Traffic generated by the proposed use would, at present and subject to judicious management of this use, be capable of being accommodated on the local road network. Temporary permission would, however, be warranted to afford an opportunity for these factors to be reviewed in the future. Subject to improvement in the eastern sightline, access to the site would be satisfactory and the originally proposed level of car parking provision would be appropriate. No Appropriate Assessment issues would arise. The proposal would thus accord 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 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 development shall be amended as follows:
 - (a) A hedgerow shall be planted alongside that portion of the western boundary wall to the site that accompanies land to the rear of the house on this site. The species of hedgerow and the number of plants shall be specified. Any plant which dies, is removed or becomes seriously damaged or diseased within a period of 5 years from the commencement of the re-use of the house shall be replaced within the

next planting season.

- (b) The eastern gate pier and the accompanying lower portion of the boundary wall that encloses the north eastern corner of the site shall be lowered to a height of no more than 1.1 metres above the crown level of the adjacent carriageway. Likewise, no item higher than 1.1 metres above this crown level shall be introduced to the visibility splay thus formed within the site.

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 order to safeguard the residential amenities of the area and to ensure that the visibility available to road users is improved, in the interest of road safety.

3. The use of the site as a funeral home shall be discontinued on or before 5 years from its commencement of use, unless permission has been obtained for its continued use.

Reason: In order to afford the planning authority the opportunity to review the use, in the light of the local traffic conditions and in the interests of good traffic management.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Prior to the commencement of the use, all 30 car parking spaces on the site shall be clearly delineated.

Reason: In order to ensure the efficient use of the car park.

7. Prior to their installation, the developer shall submit to and agree in writing with the planning authority all external signage for the use. Thereafter, and notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no other signage shall be installed, unless a further planning permission has first been obtained for it.

Reason: In order to afford the planning authority the opportunity to control signage, in the interest of visual amenity and road safety.

8. 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.

Hugh D. Morrison
Planning Inspector

15th February 2017