



An
Bord
Pleanála

Inspector's Report

ABP-306356-20

Development	To (a) change the use from school to family resource centre, (b) a new associated but separate small crèche building and (c) retention of the existing 'Men's Shed' building in place.
Location	West Street, Callan, Co. Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	19/388
Applicant(s)	Droichead Family Resource Centre.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party V. Grant
Appellant(s)	Seamus and Lillian Kelly.
Observer(s)	None.
Date of Site Inspection	7 th May 2020.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located in the centre of Callan town, in south County Kilkenny.
- 1.2. The site comprises a backland site located to the rear/south of properties along West Street and to the north and east of residential properties within 'The Meadows' housing estate. The site is adjoined to the east by a former Nursing Home which is undergoing renovation for change of use.
- 1.3. The appeal site is accessed from the R699 West Street which is a relatively narrow street with on street parallel parking. The entrance from West Street is via a narrow driveway along the gable of the adjoining end of terrace house a protected structure and home to the appellants in the current appeal.
- 1.4. The site comprises an existing single storey school building, school yard and parking area formerly associated with the McAuley Rice National School. It is currently in use as a Family Resource Centre operated by Droichead with associated signage is located at the entrance from West Street.
- 1.5. A single storey 'Men's Shed' is located to the rear of the school building and is visible from the adjoining cul de sac within 'The Meadows' housing estate.
- 1.6. Existing on site car parking is located inside the entrance abutting the rear boundary of the residential property to the north and west and along the boundary with the former nursing home to the east.
- 1.7. The site has an unusual configuration and has a stated area of 0.27ha.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on 4/06/2019, with further plans and details submitted on 13/09/2019. The latter triggered revised public notices. Further plans and details were also submitted on 13/11/2019.
- 2.2. The proposal as lodged comprises permission for;
 - (a) Change of use of current facility from a school use to family resource centre use, this has a stated floor area of 400sqm.
 - (b) Construction of new associated but separate small crèche building with a stated floor area of 72sqm. This is to be located adjacent to the Men's Shed building to

the rear of the site. It is to consist of a prefabricated structure with a floors area of 72sqm and a 'play deck' to the rear.

(c) Retention permission for existing 'Men's Shed' building in place, this has a stated floor area of 40sqm. It comprises a prefabricated building which includes a large workshop and a smaller area identified on drawings as 'future kitchenet'.

2.3. It is proposed to avail of the 19 car parking spaces on site, with use the existing school yard for staff and additional parking.

2.4. Surface water disposal is by way of on site soakaways. It is proposed to provide a new connection to the foul sewer to serve the existing 'men's shed' and proposed crèche.

2.5. The application was accompanied by the following;

- Letter from Revenue re Charity status of the Droichead Family Resources Centre Ltd.
- Supplementary application form indicating hours of operation between 8:00am to 10pm Monday to Friday and 8.30am to 12pm Saturday.

2.6. In response to the further information request the following were submitted :

- Revised Site Layout Plan indicating revised parking layout within the entrance forecourt and school yard area with a provision of 25 no. spaces, with marked pedestrian path and associated signage.
- Revised public notices referring to the following;
 - Retention permission for change of use of current facility from school use to family resource centre.
 - Retention of existing related sign affixed to the entrance to the site,

2.7. In response to the clarification of further information the following was submitted:

- Revised Site Layout Plan indicating existing commemorative plaque and structural flower bed feature and road 'stop' marking to be retained in current location with no alterations.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to **grant** planning permission and retention permission subject to 7 no. conditions. Conditions of relevance to the current appeal include;

Condition No. 5: Crèche shall not operate for commercial gain and operated so as to not interfere with the neighbouring residential amenity.

Condition No. 6: Men's Shed shall not operate after 10pm.

3.2. Planning Authority Reports

3.2.1. The **1st Planner's Report** dated **24/07/2019** is the basis for the Planning Authority decision. It includes;

- *Nature of Use* - Notes existing school building is currently in use as a Family resource centre and associated signage at the entrance to the site from West Street. Development description does not refer to retention of change of use or retention of signage, applicant to clarify the current use of the former school building and or re advertise to include for retention.
- *Former National School* - Site comprises a detached single storey building formerly the CBS national school. No floor plan drawing of the family resource centre use submitted, further information required.
- *'Men's Shed'* – Location and use of structure is acceptable.
- *Proposed Crèche* – No details in relation to the no. of children that will be catered for, and therefore unclear as to the traffic implications.
- *Access/Parking* – Access to the site is via a narrow, winding laneway leading off West Street, notes 19 no. car parking spaces are to be provided on site and that existing access does not allow for 2 way traffic along its full length and visibility at its junction with West Street is restricted due to the gable end of the neighbouring building to the west and high boundary wall to the east.
- Recommends further information.

3.2.2. The **2nd Planners Report** dated **07/10/2019** included the following;

- *Family Resource Centre* - Applicant confirms current use and has re advertised the proposed development to include for the retention of this change of use. Presently 6 no. staff and 36 no. using after school facility.
- *Proposed Crèche* – 3 no. staff and 8 no. pre-school children.
- *Access* – Notes proposed marked pedestrian path from the public road alongside the internal vehicular access route which will terminate at the resource centre entrance.
- *Site Layout Plan* – Does not show existing historic plaque and raised flower bed, which needs to be indicated in the context of the proposed traffic and pedestrian routes.
- *Traffic control pedestrian access* – Based on submitted staff/children no.s 15 no. car parking spaces are required for the development to be retained, and a further 5 no. spaces for the proposed new crèche. Notes a total of 25 no. spaces available on site (9 for staff and 16 for customers/patrons of the facility). Many of the people that access the proposed facilities use public transport and will walk to the site and at staggered different times. Consider that the parking bay provision allowance of 25 spaces on site and circulation width for cars is acceptable for the various uses but clarity is required in relation to the Men's Shed.
- *Signage* – 'Droichead Family Resource Centre' sign at the entrance to the site is acceptable.
- Recommends clarification of further information.

3.2.3. The **3rd Planners Report** dated **06/12/2019** included the following;

- *'Men's Shed'* – Generates 3 to 4 traffic movements.
- *Commemorative Plaque and flowerbed* – Not proposed to interfere with the either in providing demarcated walk/path.
- Recommends permission be granted.

3.2.4. **Other Technical Reports**

Roads Dept: 1st Report dated 2/07/2019 recommends further information. 2nd report dated 4/10/2019 recommended clarification of additional information. 3rd report dated 6/12/2019 recommended no objection.

Conservation Officer: 1st Planners report refers to verbal report received which recommends no objection subject to condition in relation to archaeological monitoring. 2nd report dated 4/10/2019 recommended clarification of additional information. Planners report refers to 3rd report which recommended no objection, no report on file.

CFO: Report dated 26/06/2019 recommends no objection.

3.3. **Prescribed Bodies**

Irish Water: Report dated 26/06/2019 recommends no objection.

The application was also referred to Department of Culture, Heritage and the Gaeltacht but no report was received.

3.4. **Third Party Observations**

3.4.1. There was one objection lodged with the planning application from the following parties;

- Seamus and Lillian Kelly, West Street, Callan.

3.4.2. A further submission was also received on foot of the significant further information from the same parties.

3.4.3. These have been forwarded to the board and are on file for its information. The issues raised are comparable to those raised in the third party appeal and summarised in section 6 below.

4.0 **Planning History**

There is no recent planning history relevant to the appeal site.

Adjoining Former Nursing Home

P.A.Reg.Ref.17/461: Permission **granted** 05/04/2018 to a) sub-divide premises, b) change of use from Nursing Home to residence with the demolition of portion of the property with all ancillary site works, to Angela and John Guiry. (see file attached).

P.A.Reg.Ref.17/462: Permission **granted** 05/04/2018 to a) sub-divide premises, b) change of use from Nursing Home to Office space with all associated site works, to Angela and John Guiry. (see file attached).

5.0 Policy Context

5.1. Kilkenny County Development Plan 2014 – 2020

The applicable Development Plan is the Kilkenny County Development Plan 2014-2020.

5.2. Callan Local Area Plan 2019-2025

5.2.1. The Callan Local Area Plan identifies the site as zoned '**General Business**'. The objective for which is '*to allow a flexible approach to development that supports the vitality and viability of the town centre*'. (see map attached).

5.2.2. **Chapter 5** sets out policies for the **Town Centre, Economic Development and Employment**.

5.2.3. **Chapter 6** contains policies on **Housing and Community**.

5.2.4. **Chapter 7 – Cultural, Built and Natural Heritage** includes policies and objectives for **Protected Structures**.

Section 7.1.3 refers to the Callan Architectural Conservation Area, and Figure 4 identifies the entrance to the appeal site and the protected structure noted above within the ACA. (see map attached).

Section 7.1.6 refers to Archaeological Heritage and Figure 5 identifies the appeal site within the Zone of Archaeological Potential. (see map attached).

5.2.5. **Appendix 2 - Architectural Heritage** - Immediately adjoining property to the west is listed as a Protected Structure. RPS Ref.C779 described as a detached, six bay, two storey house, c.1875.

5.2.6. National Inventory of Architectural Heritage (NIAH): Ref. 12314023 (see also NIAH Map attached).

5.3. **Natural Heritage Designations**

The appeal site is not located within any European site. The closest such site is the River Barrow and River Nore SAC (Site Code 002162) which is located c.100m to the north of the appeal site at its closest point.

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development and development to be retained, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The third party appeal was lodged by Seamus and Lillian Kelly, owners of the property to the west of the entrance to the appeal site. The grounds of appeal can be summarised as follows;

- Appellants property bounds the appeal site to the rear, and is in both residential and commercial use, with a footpath in front and on street parking.
- *Suitability of Site* - Note that the group seeking to develop the crèche already operate a purpose built State Funded Community Crèche and childcare

facility in Callan. This site was and is state of the art with parking facilities, offices, workshops, with ample room for expansion, and is on the same site as a community park and next to a public car park. It is located close to schools, and children can walk to the local schools without crossing any main roads, so query the need to replicate the same building and services in a less favourable location.

- Contend that the construction of a new crèche on the site at West Street splits up the children and moves childcare farther away from the schools. Parents and children have to make more journeys than before across town to get to the school thereby increasing traffic movements. Access to the school from this development is through Bridge Street or out onto the bypass, creating a new traffic hazard. No encouragement in this location for children to walk safely to school etc.
- *Inadequate Sightlines* - Entrance and exit to the appeal site is totally blind coming out onto the path as the gable end blocks the west view, and the pier at the east side blocks the view to the east as a car needs to be on the path before it can see a pedestrian to the left or right. Pedestrians have no vision of a vehicle coming until it is on the path, as vehicles are parked in front of the appellants property and this will further reduce the vision of a vehicle coming out or the ability of a driver on the road to see them. There is a steep slope from the path up into the site and this could be a danger in the event of frost or snow as a car could slip and fail to stop before moving onto the path.
- *Pedestrian Safety* – As the entrance is tight and also blind at the top corner with a serious pinch point, the movement of vehicles in and out is a concern. Parents, children, less mobile people and people using buggies sharing the restricted sloping entrance space with vehicles presents a danger.
- *Parking Restrictions* - If this development goes ahead it would most likely result in restrictions on parking in front of appellants property. This will impact on customers pulling in to carry out their business on the premises.
- *Background to Access Lane* - Proposed development was one part of the former Christian Brothers Monastery, which included a primary and secondary school. In the late 1980's the Monastery and secondary school were

disposed of and a new secondary school was built on the north side of the town.

- The Christian Brothers at the time discussed with the family the options available to access the primary school, now the proposed development site. It was agreed to remove a toilet block which was located against the east gable of the appellants property and relocate the entrance lane to the west by approx. 10-15ft., along the gable of the appellants property.
- As the gable was then vulnerable, it was structurally assessed and a plan agreed for protection of same.
- A concrete tank structure similar to a flowerbed now underpins the gable end. It acts as a drain to keep the water away from the property as the lane is now higher than the internal floor levels of the house. It also keeps the weight of heavy traffic away from the gable end. This is a structural part of the residential property and cannot be interfered with in any way.

6.2. **Applicant Response**

None received.

6.3. **Planning Authority Response**

The planning authority in their response had no further comments and refer to the planners report.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Principle of Development

- Access and Traffic Safety
- Parking
- Architectural Heritage
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The site is zoned 'General Business' under the provisions of the Callan Local Area Plan 2019. The objective is '*to allow a flexible approach to development that supports the vitality and viability of the town centre*'. Permissible uses include public buildings or places of assembly, cultural or educational buildings, recreational buildings, and clubs, and 'other uses as permitted and open for consideration in residential zoning'. Childcare facilities (crèche/nursery) and club house uses are permissible uses within existing and new residential zoning.
- 7.2.2. The planning authority sought clarity by way of further information on the nature of the existing use of the former national school and proposed crèche. The applicant confirmed that the current use of the single storey school building is as a Family Resource Centre and submitted revised public notices describing the retention of this change of use, and associated signage at the entrance.
- 7.2.3. The applicant also clarified the number of staff and children using the existing afterschool facility comprising 6 no. staff and 36 no. children, and for the proposed crèche as 3 no. staff and 8 no. pre-school children. I consider the scale of the proposed crèche with an area of 72sqm is relatively modest, and complements the afterschool facility and the total number of staff and children between both facilities to be reasonable.
- 7.2.4. I can confirm from my site visit that the Droichead Family Resource Centre are currently operating from the former national school and the 'Mens Shed' on site appears well established. The site however was locked and facilities temporarily closed on the day of my site inspection in early May, due to Covid19 restrictions.
- 7.2.5. The appellants have raised concern in relation to the suitability of the subject site for the proposed use and necessity for the facility given that an existing childcare facility

in Callan could be extended and is located closer to schools, open spaces and public car parking. The appellants contend that the provision of a new crèche on the appeal site will increase traffic movements and result in a potential traffic hazard.

- 7.2.6. In my view, the current proposal should be assessed on its own merits particularly given the former and established use of the site for educational purposes. I do not consider the nature and scale of the uses proposed and to be retained to be excessive and in my opinion will contribute to the vitality and viability of the town centre.
- 7.2.7. I am satisfied, therefore, that the nature of the proposal is consistent with the objectives of the Callan Local Area Plan, and is acceptable in principle, subject to the detailed considerations below.

7.3. Access and Traffic Safety

- 7.3.1. Access to the site is via a narrow, winding laneway leading off West Street.
- 7.3.2. The appellants have raised concern in relation to inadequate sightlines for vehicles entering and exiting the appeal site, noting that the pier on the east side and gable end of their property on the west side blocks views to the right and left, such that a car needs to be on the path before it can see pedestrians, and vice versa. The appellants also note that on street parking will further reduce visibility splays, and the steep slope from the path up into the site which could be a danger in icy conditions.
- 7.3.3. The appellants also raise concern in relation to pedestrian safety along the entrance which is tight and includes a pinch point for the movement of vehicles in and out.
- 7.3.4. The Road Design section of the planning authority noting the access from West Street was poor, the narrowness of the entrance and absence of designated pedestrian routes from West Street into the site, requested the applicant submit proposals to provide safe pedestrian routes within the development.
- 7.3.5. I can confirm from my site visit that sightlines are restricted to the right and left, however, there is an established use on this site and is located within the town centre where I observed traffic speeds to be very low given the narrow nature of the Street and mix of commercial uses.

- 7.3.6. I also accept that the entrance is constrained, but I actually think given the central location of the appeal site, availability of car parking in the vicinity and nature of the vehicular entrance, may act as a disincentive for family cars to enter the site in the first instance.
- 7.3.7. In response to the request for further information the applicant submitted a revised site layout Drawing no. FI-1-08 indicating a marked pedestrian path from the entrance running along the eastern side of the site boundary to as far as the family resource centre. Appropriate signage is incorporated at the entrance and two other pinch points within the site.
- 7.3.8. I am satisfied, therefore, that the proposed development is acceptable in terms of traffic safety and convenience.

7.4. Parking

- 7.4.1. The proposed development provides for on site parking to serve the existing and proposed uses. Initially 19 no. spaces were proposed, but the layout was amended by way of further information to provide for a total of 25 no. spaces with adequate turning circles for vehicles and appropriate stop surface markings and signage, as indicated on Drawing no. FI-1-08.
- 7.4.2. Staff parking for 9 no. cars with turning circle are indicated in the existing yard in front of the single storey school, with the remaining spaces located along the access lane to the north, west and eastern boundaries.
- 7.4.3. The Road Design section of the planning authority had no objection to the revised layout subject to all traffic works being completed prior to the operation of the proposed new developments within the site. Condition no. 4 of the notification of planning permission refers.
- 7.4.4. I consider this provision of parking to be sufficient particularly as noted in the planners report given the nature of the uses and staggered hours of operation.
- 7.4.5. The appellants have raised concern in relation to potential restrictions on parking in front of the appellants property. The property comprises a residential and commercial use and concern is raised that the proposed development will impact on

customers pulling in to carry out their auctioneer/land consultant business on the premises.

- 7.4.6. In this regard I note that while there are double yellow lines in front of the existing entrance to the appeal site and former nursing home to the east, there is informal on-street parking currently in front of the appellants premises. There is also marked and unmarked on-street parking available along the length of West Street which serve a mix of residential and commercial uses.
- 7.4.7. The appellants property is located within the town centre where the management of parking is overseen by the planning authority, and therefore outside the scope of the current application.
- 7.4.8. I am satisfied, therefore that there is no basis to this grounds of appeal.

7.5. Architectural Heritage

- 7.5.1. The appeal site immediately adjoins the appellants property which is included on the Record of Protected Structures (RPS C779) and in the National Inventory of Architectural Heritage (NIAH 12314023). I also note that the appellants property and northern section of the appeal site and are also included within the Callan Architectural Conservation Area (ACA).
- 7.5.2. The appellants outline the background to the relocation of the access lane which runs along the gable of the protected structure, and subsequent construction of a concrete tank structure similar to a flowerbed which underpins the gable end of the protected structure. These works were carried out by agreement with the Christian Brothers at the time. A commemorative plaque was also erected marking the historical connection to the former Christian Brothers School established in 1868. Other issues raised by the appellant in relation to the structural stability of the protected structure are dealt with in section 7.6 below.
- 7.5.3. The Conservation Officer of the planning authority noted that the application as lodged made no reference to the raised bed or commemorative plaque and recommended that both remain in situ. The applicant submitted revised drawings and confirmed that there were no proposals to interfere with either, which was acceptable to the Conservation Officer.

- 7.5.4. I can confirm from my site inspection that two surface water drain pipes from the eaves of the existing house drain to this 'raised flower bed' before out falling to a surface water drain at the entrance to the appeal site.
- 7.5.5. The proposal as amended provides for the retention of signage associated with the current use which is located on the front pillar and eastern boundary wall at and just inside the existing entrance. The signage which is located within the Callan ACA but is not does not detract from the visual amenity of the area.
- 7.5.6. I also note that the proposed crèche is to comprise a fully insulated pre-fabricated structure, and as such in my opinion will require little ground works. On this basis, while cognisant that the appeal site is identified as within a Zone of Archaeological Potential, I consider a requirement to carry out archaeological investigations overly onerous in the context. I also note that the Department of Culture, Heritage and the Gaeltacht did not comment on the application.
- 7.5.7. I am satisfied, therefore that the proposed development and that to be retained will not impact on the adjoining protected structure, architectural heritage of the site or the Callan ACA and is acceptable.

7.6. Other Matters

- 7.6.1. *Structural Stability of the Protected Structure*— While strictly speaking this is not a planning matter, I saw no evidence of structural instability along the gable of the appellants property. I do not see therefore, any basis for addressing potential structural issues in relation to the appellants property under the planning code.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of development proposed and to be retained, and to the nature of the receiving environment, the intervening distances and to the lack of a hydrological connection, it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission and retention permission be **granted** for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the nature of the development proposed and for retention, and its location in an urban area, it is considered that, subject to compliance with the conditions set out below, the development proposed and for retention is acceptable in terms of traffic safety and convenience and would not seriously injure the residential amenities of the area, or depreciate the value of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed development and development to be retained shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 13th day of September 2019 and 13th day of November 2019, except as may be 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 number of children to be accommodated within the overall premises shall not exceed 44 at any time on any day or 44 in any session.

Reason: To limit the development in the interest of residential amenity.

3. The after school facility and proposed crèche shall not operate outside the period of 0800 to 1800 hours Monday to Friday and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

4. The Family Resource Centre and 'Men's Shed' shall be operated so as to not interfere with the neighbouring residential amenity and shall not operate outside the period of 0800 to 22:00hrs Monday to Friday and 08:30 to 1200hrs Saturday.

Reason: In the interest of residential amenity.

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 commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. A maximum of 25 on-site car parking spaces only shall be provided as indicated on Site Layout Drawing No. Drawing no. FI-1-08 dated 13/09/2019.

Reason: In the interest of encouraging the use of sustainable modes of transport.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

Susan McHugh
Senior Planning Inspector

11th June 2020