



An
Bord
Pleanála

Inspector's Report ABP317373-23

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| Development | Change of use from commercial unit/yard to funeral home. |
| Location | An Tigin, Marine Terrace, Greystones, County Wicklow. |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 22/1205 |
| Applicant(s) | Lorna Bolton Lee |
| Type of Application | Permission. |
| Planning Authority Decision | Grant with conditions. |
| Type of Appeal | Third Party v Grant |
| Appellant(s) | Bernard Rogan. |
| Observer(s) | None. |
| Date of Site Inspection | 5 th January 2024 |
| Inspector | Hugh Mannion |

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1.0 Site Location and Description

1.1. The application site comprises two single storey cottages and a small rear yard on the northern side of Marine Terrace in Greystones, County Wicklow. The subject site was part of a larger site which was granted permission in appeal for the redevelopment of La Touche hotel under ABP 300553-18. The southern side of Marine Terrace is comprised of Greystones Garda station and a terrace of 5 houses. Marine Terrace has a junction with Cliff Road at its eastern/seaward end and with Trafalgar Road at its western end. The immediate area is generally mixed use – residential uses predominate, community uses (garda station/coast guard), pet care and personal services.

2.0 Proposed Development

2.1. Change of use of existing commercial units and yard to provide funeral services at An Tigin, Marine Terrace, Greystones, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Grant with 2 conditions. Condition 1 required compliance with the additional information received and condition 2 limited the use to the holding of funerals with no other undertaking services allowed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first planner's report sought further information as follows.

1. The applicant should submit screening proposal for the transfer of coffins from the hearse to the funeral home to protect the amenity of residential uses that overlook the rear of the proposed funeral home.
2. There are concerns in relation to the traffic impact of the proposed development. A traffic survey should be submitted indicating the peak and

trough times for expected funerals and demonstrate the impacts on nearby uses. The applicant should give expected funeral numbers and times for same (influenced by the findings of the traffic surveys). The applicant should confirm if funerals are to be staggered having regard to the proposed provision of 2 reposing rooms. The public car park capacity should be surveyed and funeral times should be managed to avoid peak times.

3.2.2. Other Technical Reports

Uisce Éireann/Irish Water reported that where connection to public water supplies/public sewerage is proposed that connection agreements with Uisce Éireann/Irish Water would be required.

Senior Engineer Roads no comment in relation to the proposed development.

4.0 Planning History

- 4.1. The site was once part of a larger landholding comprising the La Touche hotel which was subject to a series of planning applications and appeals which may be summarised as follows.
- 4.2. **PL27.245501** register reference 15/114 Permission granted for 26 town houses and associated works within the shell of the former La Touche hotel (February 2016).
- 4.3. Under Register Reference 20/200 permission was granted for amendments to the development permitted under PL27.245501.
- 4.4. Under Register Reference 20/1058 permission was granted for further amendments to the development permitted under PL27.245501.

5.0 Policy and Context

5.1. Development Plan

- 5.2. The Wicklow County Development Plan 2022 – 2028 is the relevant county development plan for the area.

5.3. The site is zoned TC Town Centre in the Greystones- Delgany Kilcoole LAP 2013 – 2019 with the objective “To protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas”.

5.4. **Natural Heritage Designations**

Not relevant.

5.5. **EIA Screening**

5.6. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The decision to grant permission is unclear in that it does not reference the unsolicited additional information submitted with the application.
- The additional information submitted with the application is inadequate since it references only Catholic funerals omitting other denominations and non-religious funerals, underestimates the frequency of funerals having regard to the size of the premises, over-estimates the numbers of families who would use their own homes for repose pose of the deceased, over estimates the vacancy period of local schools, all of which leads to an under estimate of the traffic volumes and consequent congestion in the area.
- The traffic report submitted with the application is incorrect in its estimate of the timing of highest traffic flows in the area. There are three nearby car parks

which are heavily occupied and serve existing businesses. The closest Trafalgar carpark has 33 spaces not 39 as stated in the application.

- The immediate area that includes Marine Terrace operates as a cul de sac requiring access over the Dublin/Wexford railway at La Touche Place to the south and Victoria Road to the north. Marine Terrace includes a Garda station and Coast Guard Station that require 24 hours access/365 days of the year and a secondary and primary school. The proposed use would generate traffic congestion in a manner as to disrupt traffic and access movements in this area.
- Permission was granted under PL27.245501 for redevelopment on the La Touche hotel and conditions of that permission are relevant. Condition 2 omitted car parking on Marine Terrace in the interests of traffic and pedestrian safety and condition 3 limited the use to offices or shops. The inspector's report in that case concluded that Marine Terrace was not suitable for further traffic loading.
- The nature of the proposed use as 'funeral services' is unclear.

6.2. Applicant Response

- No response

6.3. Planning Authority Response

- No response

6.4. Observations

- None

6.5. Further Responses

- None

7.0 **Assessment.**

- 7.1. The main planning issues in this case are as set out in the appeal and this assessment will address them as follows, ambiguity of PA decision and traffic. Additionally, I will reference residential amenity and appropriate assessment.
- 7.2. **Ambiguity of PA decision.**
- 7.3. The appeal makes two points – that the unsolicited additional information is not referenced in the first condition attached to the decision to grant and that ‘funeral services’ is undefined in the application.
- 7.4. In relation to the lack of reference to unsolicited information the application is described in the application documents and further information submitted on foot of a request by the planning authority. I consider that the application is adequately detailed and described in the documents submitted to the planning authority and that no ambiguity in the nature of the decision arises.
- 7.5. The appeal also states that the term ‘funeral services’ is unclear. There is no definition of ‘funeral services’ in the Planning and Development Act or Regulations and no glossary of terms in the County Development Plan. Nonetheless the rule of thumb in relation to planning matters is that terms should have their ordinary meaning. I conclude that funeral services comprise the provision of services relating to funerals. Where a use departs from that permitted by a grant of planning permission the planning authority has enforcement powers under a separate part of the Act.
- 7.6. **Traffic Safety.**
- 7.7. The appeal makes the following points in relation to traffic safety in the area of the application site; the additional information submitted underestimates the traffic generating capacity of the proposed development, mistimes the peak traffic flows associated with the proposal, overestimates the capacity of the locally available car parking spaces, and that traffic patterns in the area are constrained by its effective status as a cul de sac with access restricted at La Touche Place to the south and Victoria Road to the north. It is noteworthy in relation to traffic safety that the Senior Engineer for Roads Section reported no adverse comment on this application.
- 7.8. The planning authority requested further information including;

- submission of a traffic survey of Marine Terrace and surrounding area indicating the peak and trough times for expected funerals and demonstrate the impacts on nearby uses.
- Estimate the expected number of funerals per week numbers and times for same (influenced by the findings of the traffic surveys).
- The applicant should confirm if funerals are to be staggered having regard to the proposed provision of 2 reposing rooms.
- The public car park capacity should be surveyed and funeral times should be managed to avoid peak times.

7.9. The applicant submitted a response to the request for further information. The traffic survey was carried out and a copy submitted by Dr Martin Rogers a civil engineer and town planner. The survey predicts one or 2 funerals per week generally related to a funeral mass at 10am. This will avoid the weekday peak of 5-6pm. The appeal, *inter alia*, make the point that this is an underestimation of the number of funerals and that the traffic survey is incorrect on the point of peak traffic times. I would make the point here that the material lodged in relation to a planning application necessarily incorporates an element of professional judgment. I accept the professional expertise of the author of the traffic survey – the issue in this case is one of principle - would the proposed development so alter the traffic loading and patterns in the area as to endanger public safety by reason of traffic hazard ?

7.10. The area was zoned in the most recent LAP to protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office and civic uses. The area exhibits a mix of uses including residential, commercial and civic the proposed development is compatible with the zoning in the most recent LAP and with the pattern of mixed development in the area. The subject building was constructed under a previous grant of permission with a commercial use which implies at least some traffic generating capacity. The application makes the point that the facility is small and can cater for only one funeral at a time – thus funerals will be staggered as suggested by the planning authority. The appeal makes the point that the capacity of the nearby public car parks has been overestimated by about 6 spaces. While this overestimation may be true it does not materially impact on the conclusion that adequate parking exists in the wider area to accommodate the

proposed use. Allowing for some variation in the number of funerals per week and acknowledging that there are religious denominations other than Roman Catholic in the catchment of the proposed funeral home and having regard to the provision of on street and off-street public parking in the area, the estimates of current and predicted traffic loading and traffic patterns and in the area I am satisfied that the proposed development does not have the capacity to give rise to a materially different traffic regime in the area so as to endanger public safety by reason of traffic hazard or give rise to unreasonable traffic congestion in the area.

7.11. I note the reference in the appeal to the case PL27.245501 which addressed the carrying capacity of the road system in the area. All applications for permission are dealt with on their own individual merits. In relation to the traffic impacts of this proposed development I am satisfied for the reasons set out above that it does not have the capacity to materially alter the traffic loading or patterns in the town centre in a manner as to endanger public safety by reason of traffic hazard.

7.12. **Residential Amenity**

7.13. I note the point raised by the planning authority in its request for further information in relation to overlooking of the rear yard from nearby residential uses. The applicant has proposed screening of the yard and, in common with the planning authority, I am satisfied that the screening will adequately protect the amenity of adjoining property.

7.14. **Appropriate Assessment Screening**

7.15. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built-up urban area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 **Recommendation**

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

Having regard to the location of the proposed development in the town centre in Greystones, County Wicklow, to the pattern of mixed commercial, residential, community and service uses in the area, to the modest scale of the proposed funeral home use and the availability of on and off-street parking in the area and subject to the conditions set out below it is considered that the proposed development would not seriously injure the amenity of nearby residential uses or endanger public safety by reason of traffic hazard or congestion and would, otherwise, accord with the provisions of the Wicklow County Development Plan 2022 – 2028 and the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 28 th day of April 2023. Reason: In the interest of clarity. |
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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.

Hugh Mannion

Senior Planning Inspector

5th January 2024