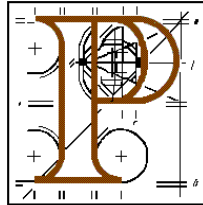


# An Bord Pleanála



## Inspector's Report

PL.03.243480.

**DEVELOPMENT:-**

Change of use of 9 residential units from holiday homes to dwellinghouses, at Garville Court, Shanaway Road, Ennis, County Clare.

**PLANNING APPLICATION**

**Planning Authority:** Clare County Council.

**Planning Authority Reg. No:** 14/180.

**Applicant:** Woodstock Golf and Country Club.

**Application Type:** Permission.

**Planning Authority Decision:** Permission with conditions.

**APPEAL**

**Appellant:** Residents of Woodstock View.

**Type of Appeal:** Third Party.

**OBSERVER** None.

**DATE OF SITE INSPECTION:** 4<sup>th</sup> September 2014

**Inspector:** Derek Daly

## **1.0 SITE LOCATION AND DESCRIPTION.**

The appeal site is located on the western fringes of the built up area of Ennis.

The development is located off Shanaway Road. Shanaway Road is a public road running westwards from a junction with the N85 Ennis Ennistymon National Secondary Route. The site is approximately 2 kilometres west of the junction. There are houses fronting the Shanaway Road on both sides from the junction with the N85 and there is footpath on one side of the road and public lighting. In addition to the road frontage development there are a number of in-depth developments with access to Shanaway Road. The residential development extends to the west of the appeal site to a housing development Woodstock View. The residential development along Shanaway Road is primarily detached properties on large sites.

In relation to the appeal site it is an existing residential development of 24 dwellings on the site with its own road access onto Shanaway Road and the development is referred to as Garville Court Holiday Homes. The residential development is set back from the road. The units are two storied and in an overall layout which has terraced and semi-detached clusters.

Twenty of the units form a U shape and overlook a hard landscaped area in which there is communal car parking. All the properties have private rear garden areas. There is an archway in one of the terraces which provides access to the remaining four properties located to the rear of properties 15 to 20 and these properties also have private rear gardens. There is a green area with a putting green adjoining the access road leading to the residential units.

The appeal site is surrounded by open area and to the east are the grounds of the Woodstock Hotel and Golf Club. To the west is a housing development Woodstock View a residential development of detached house with access to Shanaway Road,

## **2.0 PROPOSED DEVELOPMENT.**

The proposed development as submitted to the planning authority on the 4<sup>th</sup> of April 2014 is for

- Change of use of nine residential units in the existing development.
- The units in question are nos. 3, 6, 7, 8, 14, 21, 22, 23 and 24.

## **3.0 PLANNING HISTORY.**

P.A. Ref. No. 03/341.

Permission granted for 24 holiday homes, access road and site works on the 24<sup>th</sup> January 2004 subject to 38 conditions. Condition no. 2 is of relevance indicating “no units shall be disposed of separately. The proposed development shall be maintained and operated by a Management Company

with a minimum of 12 units being made available for letting as short term tourist accommodation at any one time”.

P.A. Ref. No. 13/561.

An application for a similar type development to that currently under appeal was withdrawn.

#### **4.0 PLANNING AUTHORITY REPORTS.**

The planning report of the planning authority dated the 21<sup>st</sup> of May 2014 refers to the development plan provisions and that multiple units for apartments will not be permitted under the current zoning. Reference is made to P.A. Ref. No. 13/561 where it is indicated that this application was withdrawn owing to concerns relating to open space provision. It is indicated that under the current proposal 15 houses would remain as holiday homes. It is indicated that there is no objection in principle to the proposed change of use given the pattern of development in the area.

Reference is made to the provision of additional open space outside of the boundary of the planning application but within the applicant’s landholding but this additional of land is considered satisfactory subject to appropriate conditions placed on a grant of planning permission. Planning permission was recommended.

#### **5.0 PLANNING AUTHORITY’S DECISION.**

The Planning Authority decided to grant permission for the development subject to two conditions. Condition no.2 relates to the provision of the “proposed informal open area” and “proposed kick about area” and being reserved for such use. The condition also requires the areas to be contoured, soiled and seeded prior to the proposed dwelling being made ready for occupation.

#### **6.0 APPEAL SUBMISSIONS.**

##### **6.1 THIRD PARTY APPEAL.**

The appellants in the grounds of appeal state,

- The appellants do not agree with the planning authority’s view that the proposed development will not seriously injure the amenities of the area.
- The site is not residential and there are not established residential units on the site as they are holiday homes.
- The planning authority consistently opposed conversion of holiday homes to residential units in the past.
- The development is a variance with the pattern of residential units in the area.

- The development represents a material contravention of the current development plan for the area as the site is zoned rural-tourism amenity-low density residential.
- Reference is made to policy S7 of the development plan.
- The development would represent a serious deterioration of existing residential density, promote negative clustered development in a rural area and set an undesirable precedent in relation to the remaining holiday homes in the development.
- The development would be an erosion of existing tourism amenity.
- The development is contrary to the existing planning permission 03/341 condition no. 2.
- The development has transport implications in an area with inadequate transport infrastructure.
- The area has inadequate sanitary services infrastructure.
- The permission will exacerbate the position in relation to existing vacant and abundant housing stock in the area and in County Clare.
- Reference is made to power lines in the area.
- Reference is made to the positioning of public open space.

## **7.0 RESPONSES TO GROUNDS OF APPEAL.**

### **7.1 PLANNING AUTHORITY RESPONSE.**

The Planning Authority in a response dated the 25<sup>th</sup> of June 2014 indicate,

- The site is located on lands zoned “Other Settlement Land” whereby it is not considered that the change of use to permanent occupation would be contrary to the zoning objectives for same.
- The houses are existing and therefore could not impact on density.
- While condition no.2 of the parent permission restricted use to holiday homes the current application has been made in accordance with Section 34 and assessed under the current development plan.
- Permitting 9 houses to change use is not diluting the overall tourist product.
- A condition has been included in relation to the open space being provided prior to the occupation of the houses.

### **7.2 FIRST PARTY RESPONSE.**

The first party in a response indicates,

- The area is predominantly residential and reference is made to the nature of the current residential development.
- Reference is made to the planning history of the site and that the development has operated in accordance with the terms and conditions of the planning permission on the site.
- There is reference made to the changing nature of tourism accommodation in Ennis in the intervening period.
- The current proposal is for a change of use and no physical changes to the units are proposed.

- Reference is made to the current development plan provisions.
- The Other Settlement Land zoning relates to extensive areas of the plan area including established residential districts.
- Reference is made to policy SS7 and Policy H17.
- It is difficult to see how the development directly or significantly impacts on the appellants.
- The site is not rural and no physical new built development is proposed.
- The current proposal is in accordance with the established function and role of this predominantly residential area.
- The proposal affects 38% of the overall development.
- Each house has its own rear garden area and ample parking is provided.
- Public open space is provided and additional open space is to be provided and the applicant will comply with the requirements of condition no. 2 outlined in the planning authority's decision to grant planning permission.
- The management of the entire residential development will be retained.
- The proposal will result in a loss of 7 tourist units and there are currently 700 bed spaces in the greater Ennis area.
- The development will provide all year occupancy and activity in the off season.
- The junction has adequate sightlines and is not deficient and there will not be any significant impact on the road network.
- There are no issues in relation to wastewater treatment.

## **8.0 POLICY.**

### **8.1 Ennis and Environs Development Plan 2008-2014 included adopted variations.**

In relation to the plan it is indicated that “the Ennis and Environs Development Plan 2008 (the Plan) has been made in accordance with the Planning and Development Act, 2000 (as amended). It is a joint plan made by Ennis Town Council and Clare County Council (hereafter referred to as ‘the Council’) and sets out an overall strategy for the proper planning and sustainable development of the Plan area. The Ennis and Environs Development Plan 2008-2014 comprises the adopted Development Plan together with the adopted variation no. 1 July 2010 and adopted variation no. 2 of November 2011”. (Section 1.2).

In relation to relationship with other plans section 1.7 indicates, “in the interest of consistency, the Ennis and Environs Development Plan 2008- 2014 as varied has had regard, where appropriate, to the policies of the Clare County Development Plan 2011- 2017. The area covered by the four Local Area Plans all border onto the Plan area boundary”.

The appeal site is located within the boundary of the plan. The site is zoned Other Settlement Land and is within the boundary of the Ennis settlement area in Maps C1 and C2. The settlement boundary in effect has identified the extent of built development in Ennis and its Environs and includes residential development including clusters of residential development on the fringe of the urban area, commercial and other uses. The plan also identifies rural areas as areas under development pressure and the site is not within this area (Map A and Map C).

Chapter 4 relates to the plan's settlement strategy and identifies a hierarchy of settlements. In relation to lands zoned Other Settlement Land, the plan refers to these areas as lands currently zoned as Other Settlement Land in Ennis/Clarecastle, where it comprises of existing, mainly residential development. There is also reference to a number of residential clusters that also have 'Other Settlement Land' zoning within defined boundaries.

The policy associated with this zoning is SS7 and refers to,

"It is the policy of the Development plan to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development that is appropriate to the sustainable growth of the settlement. Multiple units of houses or apartments will not be permitted on lands zoned as O.S.L. Exceptions to this include:

(a) O.S.L. which has phase 1 status in Ennis.

(b) O.S.L. within Barefield (phase 1) and Toonagh where small scale low density residential development may be considered in line with policies SS2 and SS3"

Policies SS2 and SS3 relate specifically to Barefield and Toonagh.

Chapter 8 relates to economic, retail and tourism development and there are specific provisions in relation to tourism development in sections 8.14 and 8.15 emphasising the importance of tourism and the provision of tourist accommodation

## **9.0 ASSESSMENT.**

9.1 The proposed development as submitted to the planning authority on the 4<sup>th</sup> of April 2014 is for

- Change of use of nine residential units in an existing holiday home development of 24 residential units.
- The units in question are nos. 3, 6, 7, 8, 14, 21, 22, 23 and 24.

The primary issues in relation to this appeal relate to development plan policy and considerations specific to the site.

## **9.2 DEVELOPMENT PLAN POLICY.**

10.2.1 The site is located within the Development area boundary of the Ennis and Environs and is identified as being the current area of built development in Ennis. The site is on the fringe of the urban area and although there is reference in the grounds of appeal to the site as a rural area, the site fronts onto Shanaway Road which has almost continuous frontage development and some in-depth development off this road. The road also has a footpath and public lighting and from the appeal site is of a reasonable width and alignment.

I would agree that the dominant nature of the residential development in the area is one of detached dwellings on large sites. The residential development relating to this appeal is a purpose built holiday home development consisting of terraced and semidetached tow storied dwellings. It is a standalone development with its own independent access and is not physically linked to other residential developments.

In this regard I note the provisions of policy SS7 and reference to enhancing the quality and character of the area, to protect residential amenity and allow for development that is appropriate to the sustainable growth of the settlement. These matters will be considered in relation site specific considerations.

The policy also it is noted refers to the provision that multiple units of houses or apartments will not be permitted on lands zoned as Other Settlement .Lands. In this regard I would be of the view that no additional physical development or additional residential units are proposed. In relation to the current plan provisions there would appear to no specific provision which precludes consideration of a change of use of the nature proposed within an existing residential development. I would therefore consider that the principle of a change of use from one form of residential unit to another form of residential unit is not precluded.

I would also note that the parent permission required that a minimum of 12 units being made available for letting as short term tourist accommodation at any one time and the proposal as submitted is not at variance with is condition. There is no indication of separate disposal of the individual properties and the existing management company for the overall development is retained.

### **10.3 SITE SPECIFIC CONSIDERATIONS.**

10.3.1 In relation to the actual application the red line boundary of the application defines the nine individual house sites including the actual houses and private amenity areas/rear gardens associated with the individual residential units. Shared parking and public open areas associated the overall development are not within this boundary. There is also a blue line boundary which relates to the overall landholding which includes the golf course in addition to the remainder of the existing housing scheme including shared areas.

The development does provide for additional lands of public open space. The provision of the additional lands was required by the planning authority in the context of the housing associated with full time residential use as distinct from short term holiday letting. Two additional areas are proposed to be provided and are indicated in orange on the site layout plan and are located to the front of unites 21 to 24 inclusive and to the west of unit 21.

Section 34(a) of the Planning and Development Act 2000 as amended does provide for conditions for regulating the development or use of any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant where considered expedient and appropriate. I would have no objection to the inclusion of these additional lands for the purpose of additional public space.

In relation to matters raised in the grounds of appeal I would agree that the development would be at variance with the pattern of residential units but the main objection relates to the contention that it would injure the amenities of the area. The appellants consider that the proposal would represent a serious deterioration of existing residential density, promote negative clustered development in a rural area and set an undesirable precedent in relation to the remaining holiday homes in the development.

The development will not alter any density as no new units are proposed. The development is already in place and it is not immediate to adjoining and other existing residential development. In this regard the development will not I consider impact on the amenities of existing adjoining properties.

In relation to impact on infrastructure the site is serviced and the public road network is I consider satisfactory to serve the development. Shanaway Road from the junction with the N85 to the entrance to the golf club to the east of the appeal site has a footpath on one side of the road and public lighting. The road is of an adequate width and alignment. The existing properties generate traffic volumes on the road network and the difficult to consider that the change of use of nine units will have transport implications as indicated in the grounds of appeal.

I note the reference to power lines in the area and they are present between the appeal site and the site of the appellants but no change is proposed in relation to their location.

## **12.0 CONCLUSION AND RECOMMENDATION.**

Having considers the issues arising, county policy the proposal as submitted is satisfactory. I would therefore recommend that permission be granted for the reasons and considerations set out hereunder:

### **REASONS AND CONSIDERATIONS.**



Having regard to the existing pattern of development in the area and the provisions of the Ennis and Environs Development Plan 2008-2014, it is considered that the proposed development subject to compliance with the conditions set out would not adversely impact on the amenities of the area, would not seriously injure the amenities or depreciate the value of properties in the vicinity of the site and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS.**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application and received by the planning authority on the 4<sup>th</sup> of April 2014, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The areas of public open space identified as “proposed informal amenity area” and “Proposed kick about area” identified on the site layout plan received by the planning authority on the 4<sup>th</sup> of April 2014, shall be reserved for such use. These areas shall be contoured and seeded to the satisfaction of the planning authority, prior to the subject sites being made available for occupation and shall be maintained as public open space by the developer/applicant.

**Reason:** In the interest of orderly development and to ensure the proper development and provision of public open areas for the residential development and their continued use for this purpose.

---

**Derek Daly**

**6<sup>th</sup> September 2014**

**Inspectorate.**