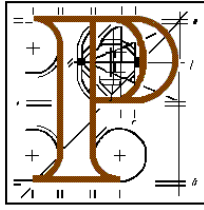

An Bord Pleanála



Inspector's Report

Development: Provision of 3 no. additional caravan plots and upgrading of existing wastewater treatment system at Garrylucas, Ballinspittle, Co. Cork

Planning Application

Planning Authority : Cork County Council
Planning Authority Register Reference : 15/05103
Type of Planning Application : Permission
Applicant : Nicholas Sellors
Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellants : Joseph Murphy
Type of Appeal : 3rd v. Grant
Observers : None
Inspector : Pauline Fitzpatrick
Date of Site Inspection : 19/11/15

Appendices - Photographs

1. SITE LOCATION AND DESCRIPTION

The site subject of the appeal constitutes a long established caravan park within Garrylucas village c. 3km to the south of Ballinaspittle. The village which has the benefit of two beaches (Garrettstown Strand and White Strand) has a noticeable level of holiday accommodation both in terms of dwellings and caravan/mobile home sites.

The site, which is rectangular in shape, is set behind and upslope of a number of dwellings/sites that front onto the local road and has views of White Strand and the sea. Access is via a shared driveway with a single storey dwelling. The caravan park currently has 34 pitches with the site served by two septic tanks.

The lands to the north of the site are undeveloped. There is a single storey dwelling to the north-western corner. 2 no. semi-detached dwellings back onto the site in the south-western corner with the shared boundaries delineated by a mix of a low block wall and planting. 2 mobile homes occupy the site to the east of the said dwellings with frontage onto the local road. To the other side of the site entrance a large 2 storey dwelling backs onto the site with the shared boundary delineated by a hedge. A two storey dwelling and associated outbuildings bound the site to the north-east.

2. PROPOSED DEVELOPMENT

The application was lodged with the Planning Authority (PA) **27/05/15** with further plans and details received **10/08/15** following a further information (FI) request dated 20/07/15.

The proposal entails the provision of an additional 3 no. pitches in the south-western corner bringing the total number to 37.

A new proprietary effluent treatment system to serve the park is proposed which is to be located along the eastern site boundary. The existing septic tanks (one located where the new system is proposed and the other adjoining the site entrance) are to be retained. Wastewater is to be directed to the existing septic tanks units where it is to undergo initial treatment before being pumped to the puraflo peat filter system.

As per the details accompanying the application the proposed wastewater treatment plant is proposed on foot of an examination of the existing system on site during the assessment of an application for a discharge licence which concluded that the system was substandard. A licence to discharge sewage effluent was granted in 2013.

The application is accompanied by a site assessment, characterisation and suitability report. No water was encountered in the trial hole with a T value of 16.92 and P value of 32.69 recorded.

An AA – Screening report concludes that the works proposed are minor in nature and will not give rise to any direct or indirect impacts.

By way of FI it is considered that the requirement for the provision of soakaways is unduly onerous given the scale of the proposed development. It is noted that the proposal will have no appreciable impact on the surface water regime insofar as the works will not entail the formation of any new area of impermeable hardstanding. Should such provision be required it could be attached by way of condition.

Note: An objection to the proposal received by the PA has been forwarded to the Board for its information. The issues raised are comparable to those cited in the 3rd party appeal summarised in section 5 below.

The applicant responded to the objection in an unsolicited submission.

3. TECHNICAL REPORTS

The **Archaeologist** in a report dated **24/06/15** notes that the site is within the Zone of Archaeological Potential around Recorded Monument CO124-056 – Settlement Cluster. A condition requiring monitoring of all ground works associated with the wastewater treatment system is recommended.

The **Area Engineer** in a report dated **16/07/15** states that the proposal shall comply with the wastewater discharge licence as granted. No details are provided on proposed soakaways. The **2nd report** dated **31/08/15** following FI has no objection subject to a condition precluding water discharging onto the public road.

The report from **Environment Section** dated **17/07/15** notes that the works are to comply with the wastewater discharge licence. There is no objection subject to conditions.

The **Heritage Unit** in a report dated **20/07/15** is satisfied that the proposal will not have a significant impact on the Natura 2000 site or local biodiversity. A schedule of conditions are detailed should permission be granted.

Irish Water in a report dated **25/06/15** has no objection subject to conditions.

The **1st Planner's** report dated **20/07/15** notes that the proposed additional caravans will be clustered with the existing pitches and will not encroach on any 3rd party boundaries. The PA is satisfied that they will not interfere with the visual or residential amenity of the surrounding area. FI is recommended on proposed soakaways. The **2nd report** dated **01/09/15** following FI recommends a grant of permission subject to conditions.

4. PLANNING AUTHORITY'S DECISION

The PA decided to grant permission for the above described development subject to 10 conditions. Of note:

Condition 2: The total number of caravan plots shall not exceed 37.

Condition 3: Archaeological monitoring of ground works associated with the waste water treatment plant.

5. GROUNDS OF APPEAL

The 3rd Party appeal against the PA's notification of decision to grant permission can be summarised as follows:

- Detailed drawings showing the position of additional/relocated caravans, roadways, turning arrangements etc. have not been provided. It is not possible to assess the impact of the additional caravans on his dwelling in terms of overlooking, overshadowing, loss of privacy, loss of value etc. If existing layout arrangements are followed then the caravans would be within 1 metre of his dwelling.
- A fire risk assessment was not carried out.
- The area delineated is not sufficient for the additional caravans.
- Due consideration was not given to the impact on adjoining wells, the nearest being within 10 metres of the proposed treatment plant.
- The development does not provide for any recreational areas as required under the relevant guidelines.
- An EIS was not sought.

6. APPLICANT'S RESPONSE TO GROUNDS OF APPEAL

The submission by Barnes, Murray, de Bhail on behalf of the applicant can be summarised as follows:

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- The site layout clearly shows the proposed works. No caravan shall be located closer than 1.5 metres to any boundary.
 - A fire safety risk assessment is not required.
 - The existing effluent disposal arrangements on the site have been in operation for in excess of 25 years with no evidence that it is having any impact on water quality in the area. However as the system does not comply with current guidelines it is being upgraded. It will represent a significant improvement on the existing situation and will reduce any potential risk to ground and surface water.
 - Water supply in the area is by mains and there is no record of any domestic wells in the general vicinity.
 - A recreational area is not required.
 - An EIS is not required.

7. PLANNING AUTHORITY'S RESPONSE TO APPEAL SUBMISSION

No response received.

8. OBSERVATIONS

None

9. RELEVANT PLANNING HISTORY

I am not aware of any previous planning applications on the site.

10. DEVELOPMENT PLAN PROVISIONS

Bandon Electoral Area LAP 2011

The site is within the development boundary of Garrettstown/Garrylucas village nucleus. The site is not specifically zoned. Proposals will be assessed on a case by case basis subject to compliance with the objectives of the Plan and LAP and proper planning considerations.

Section 17.2.9 – the Council recognises the importance of providing tourism facilities in the area.

The site is located within a Very High Sensitivity Landscape area.

11.0 ISSUES AND ASSESSMENT

The site of the appeal is an established caravan park with 34 pitches within the development boundary of Garrettstown/Garrylucas in close proximity to White Strand.

The appellant's property backs onto the site in the south-western corner with a separation of in the region of 1 metre between the rear wall of the dwelling and the site boundary. Contrary to the view that sufficient information is not provided I consider that the location of the additional pitches are clearly delineated on the site layout plan and that the area is comparable to that afforded to the existing pitches on the site.

Whilst there is an undertaking that no pitch would be within 1.5 metres of the site boundary this would result in a separation of only 2.5 metres between the rear wall of the appellant's dwelling and the south-western most pitch. I would concur with the appellant that such proximity could have an adverse impact on the amenities of his property both in terms of overlooking and loss of privacy. On this basis I recommend that this pitch be omitted. In addition it is recommended that the planting along this section of the boundary be supplemented to provide further screening to the adjoining properties.

The proposed upgrading of the effluent treatment system will result in a positive gain with sufficient detail submitted in support of the application that the site can adequately accommodate same. I note that the area is served by mains water supply with no reference in the internal Council reports as to concerns regarding private wells.

The proposal, seeking an additional 3 caravan pitches bringing the total provision to 37, falls materially short of the 100 pitch threshold as set out in class 12 of Schedule 5 of the Planning and Development Regulations 2001, as amended and does not exceed the parameters in terms of extensions as set out Class 13. In terms of sub-threshold development and the provisions of Article 131 of the Regulations as amended and having due regard to the criteria for determining whether a development would or would not be likely to have significant effects on the environment as set out in Schedule 7 I submit that in view of the limited nature and scale of the proposal within an established caravan park within the development boundary of Garrettstown/Garrylucas there is no likelihood of significant effects on the environment. As such the requirement for an EIS for such a sub-threshold development is not considered necessary.

The addition of three pitches and new wastewater treatment system would not trigger the requirement to provide for recreational/playground facilities on the site.

AA – Screening

The nearest designated site is the Old Head of Kinsale SPA (site code 4021) c.3 km to the south. Taking into consideration the small scale nature of the development as proposed within the development boundary of Garrettstown/Garrylucas and the relative separation to 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.

12. CONCLUSIONS AND RECOMMENDATION

Having regard to the above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to the limited nature and scale of the proposed development within an established caravan park within the development boundary of Garrettstown/Garrylucas, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and development of the area

CONDITIONS

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 particulars submitted on the 10th day of August 2015, 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.

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2. The caravan pitch proposed in south-western most corner of the site as delineated on the drawing titled 'Proposed Layout (1 of 2)' submitted to the planning authority on the 27th day of May, 2015, shall be omitted.

Reason: In the interest of preserving the residential amenity of adjoining property.

3. Planting proposals for the south-western boundary of the site in the vicinity of the additional pitches as delineated on the drawing titled 'Proposed Layout (1 of 2)' and timescale for implementation shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of the visual and residential amenities of the area.

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority 27th day of May 2015. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from its installation and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the installation of the treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner.

Reason: In the interest of public health.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the area of the proposed wastewater treatment system. In this regard, the developer shall -

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- (a) notify the planning authority in writing at least four weeks prior to the commencement of development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Pauline Fitzpatrick
Inspectorate

January, 2016