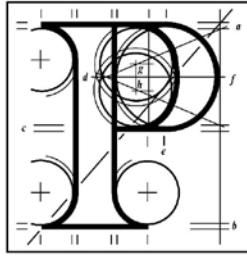


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref.: PL03.245689

Development: Boat and equipment store, Liscannor Road Car Park, Dough, Lahinch, Co. Clare.

Planning Application

Planning Authority:	Clare County Council
Planning Authority Reg. Ref.:	P15/549
Applicant:	Lahinch Search, and Rescue Co.
Type of Application:	Permission
Planning Authority Decision:	Grant Permission

Planning Appeal

Appellant(s):	Austin Slattery and others
Type of Appeal:	Third Party
Observers:	None
Date of Site Inspection:	21 st of January 2016
Inspector:	Angela Brereton

1.0 SITE LOCATION AND DESCRIPTION

The subject site is located to the west of the junction of the R478 Regional Road and Kettle Street (N67 Ennistymon Road), within the Liscannor road carpark, Lahinch, Co. Clare. Lahinch strand and extensive other carparking areas are located to the west. The proposed boat store is to be located at the north western corner of the carpark adjacent to a natural stone wall with the adjoining carpark of Lahinch Golf Club to the north and west. There is a shed belonging to the Golf Course to the west of the site. This is a paid parking area, and spaces in the northern part of the carpark are poorly marked out and it appeared to have weathered, perhaps as a result of flooding. There was no flooding in the carpark area seen during my site visit in January. The sole vehicular access is from the R478, there is pedestrian access to the south west closer to the strand area.

There is a bus-stop to the south of the access on the R478. Residential and commercial development is located on the opposite side of road to the subject public carpark. The town centre is located to the south. The site is visible from both the regional road R478 and also the N67 National Road to the south. These roads are designated scenic routes. The site is accessed off the R478 which is part of the Wild Atlantic Way route from Lahinch to the Cliffs of Moher.

2.0 PROPOSED DEVELOPMENT

Permission is sought for the erection of a boat and equipment store at the Liscannor road car-park, Lahinch. The development is to consist of a metal clad building of dimensions 9.2m x 7.3m x 2.4m side walls, and a roof ridge height of 3.65m above floor level located 100mm above the general carpark level. A ramp access is proposed to the roller door. It is shown located 1.2m from the dry stone wall with the Golf Club to the north-west.

The application form provides that the g.f.a is 69sq.m. and that it is to be sited within the north western corner of the public carpark. This provides that rainwater is to be collected in a water butt on both sides of the gutter and the surplus disposed to existing percolation area and carpark surface gullies.

Floor plans, sections and elevations have been submitted showing the proposed structure and its concrete base. A pictorial image of the proposed boat store shows that the cladding is to be 'olive green'.

3.0 PLANNING HISTORY

The Planner's Report provides that there is no planning history relevant to the subject site.

However the Report has regard to a number of applications relevant to the east (refers to residential) and north (refers to Lahinch Golf Club) of the subject site.

4.0 PLANNING AUTHORITY APPLICATION

Technical Reports – Clare County Council

A letter from the *Corporative Services Section* provides that the Council has no objection to the applicants lodging the application.

Submissions have been received from local residents including on behalf of Austin Slattery and others. Their concerns are addressed more fully relative to the grounds of appeal but include the following:

- Visual Impact of the proposed design and location on the surrounding area and scenic route;
- Health and Safety risk and not fit for purpose;
- Contrary to Planning Policy relative to high amenity area and scenic routes and views.
- Concerns regarding flooding in the area;
- Unsuitable location for proposed development;
- Adverse impact on residential amenities;
- Reduction in a number of car-parking spaces;
- They understand that Lahinch Search & Rescue is not a registered rescue service.

Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. They noted that community facilities are permitted in principle on these lands. The site is visible from two designated scenic routes and that this is part of the Wild Atlantic Way. However they did not consider that the proposed development located in this carpark would have a significant visual impact. They concluded that further information was required with regard to impact on parking, access, flood risk and wastewater.

However the F.I was not requested and a subsequent Planner's Report noted that the subject site falls within a category 'water compatible development' as per the Departmental Guidelines on flooding. The development is to utilise the existing carpark access and the development description is for a boat and equipment store and does not include for the creation of an emergency access and egress point. They consider that such 'works' can be conditioned to be agreed as they would not constitute 'works' within the meaning of the Act, and recommended that permission is appropriate in this case.

5.0 PLANNING AUTHORITY DECISION

On the 5th of October 2016 Clare County Council granted permission for the proposed development subject to 6 no. conditions. These include the following:

- Condition no.2 – relative to parking and road markings.
- Condition no.3 – restriction of use for storage purposes only.
- Condition no.4 – external finishes.
- Condition no.5 – undergrounding of service cables.
- Condition no.6 – surface water disposal.

6.0 GROUNDS OF APPEAL

A Third Party Appeal has been submitted by P.Coleman & Associates Consulting Engineers on behalf of Austin Slattery and Others. A Map and list of names and addresses of the appellants who (own properties) live in

proximity to the site has been included. The grounds of appeal include the following:

- They are unreservedly opposed to the location of the proposed development on the site at the carpark. They believe that the best location for such a facility is adjacent to the beach where there is ample room for such redevelopment if required.
- They are concerned at the proposed design/appearance of the structure and they refer to their submission as lodged. They consider that not enough consideration has been given in relation to the proposed location and design of the proposed development.
- The proposed development of a steel portal framed industrial style structure will be visually inappropriate and incongruous in such a high amenity area.
- The site is located in an area of high amenity value in the seaside resort of Lahinch and is adjacent to the internationally renowned Lahinch Golf Club.
- It would be contrary to Policy CDP16.6 relative to designated scenic routes in the Clare CDP 2011-2017. The R478 is one of the main routes to the Cliffs of Moher and is part of the Wild Atlantic Way.
- There is no screening and the structure would be highly visible from this tourist route. They are seeking to ensure that this scenic route is protected.
- They are concerned about flooding issues and refer to the 'Planning System and Flood Risk Management Guidelines' 2009.
- They include a number of photographs to show the extensive flooding of the Liscannor Road carpark that occurred in January 2014 and note such flooding has happened a number of times. Local properties have also suffered significant flood damage.
- There is traffic congestion in the area during the summer and they are concerned that access to the rescue boat could be compromised in the event of an emergency.
- The location is a considerable distance from the sea front and beach and details have not been given of the route the rescue boat will take – will it have to be towed from the car-park.
- The proposed development should be located in the public carpark adjacent to the beach and slipway where it is currently located and provides direct access to the beach.
- Due consideration of these issues was not given in the assessment of the planning application.
- The proposal does not show how many carparking spaces will be eliminated by the proposed development. While they note the Council's condition no. 2 they consider that the loss of any spaces should be replaced.
- They are concerned about the effect on residential amenities in the area, having regard to the impact of the proposed structure, traffic generation, after dark activity, anti-social behaviour etc and query if security lighting will be necessary.
- They consider that the proposed development will be contrary to the proper planning and sustainable development of the area. A more

suitable location should be sought and the design and materials used should be re-examined.

7.0 RESPONSES

7.1 *Clare County Council*

They refer to their permission and to the summation by the P.A that having regard to the zoning of the site as 'Community' as set out in the North Clare LAP 2011-2017 and to the nature, scale and design of the proposed development. They consider that it would not subject to compliance with their conditions seriously injure the amenities or detract from the character of the area. Therefore they consider that the proposed development would be in accordance with the proper planning and sustainable development of the area.

7.2 *First Party*

Thomas O'Sullivan has submitted a response on behalf of Lahinch Search & Rescue Co. This includes the following:

- They provide details of the history of the site and note that a house and a shop were located there in the past and that these would not have been constructed if the location was subject to flooding.
- Lahinch Search & Rescue is a voluntary group that has carried out its business since the 1990's and they refer to previous temporary premises. They note that a number of sites have been looked at over the years and provide details of these.
- They provide they have made a considerable effort in regard to a search for a suitable site. The existing 20ft container has had to be moved to the car park near the Leisure Centre.
- They note that the promenade carpark is very much subject to traffic during the summer months especially at weekends.
- On many occasions they have had to call a warden to remove obstructing vehicles from the entrance to their current temporary siting.
- They provide details relative to launching and note problems with traffic congestion.
- They provide details of pre-planning meetings held with the Council relative to the proposed development.
- They note that they hold an AGM open to the community to attend each year, where the operation of the unit, including progress relating to the procurement of a site for the rescue boat- is outlined.
- They note metal cladding has been used in some other buildings in the area and have regard to some of the Golf Club buildings and pre-fabs.
- The proposed structure does not have a visual impact on the scenic amenity along this route.
- They have regard to flooding and note that the site is not within the floodplain.
- The floodplain is subject to regular to flooding when the Inagh river overflows its banks due to an incoming hightide. The flooding that occurred in 2014 hurricane 'Katriona' was considerably greater than normal.

- They have regard to drainage in the area and provide details of the location of culverts and piped drains and note problems with blockages at the culvert inlet.
- Ground levels over the carpark are not being increased or interfered with in connection with the proposed structure.
- It would not be a problem to access the boat store, or its contents or to take out a boat.
- Severe traffic congestion takes place every weekend at the promenade carpark, during the Summer season.
- This proposal has much less interference with the Liscannor carpark area and is more accessible for Liscannor Harbour.
- The applicant has no problem implementing any conditions attached to a permission concerning road markings, parking layout etc.
- The siting and use of the boat store will not impact adversely on the residential amenities of the area.

8.0 PLANNING POLICY

Clare County Development Plan 2011-2017 (as varied)

Chapter 16 refers to Landscape. Section 16.5 refers to Scenic Routes and Policy CDP16.6 provides the following objectives:

- a) To protect sensitive areas from inappropriate development while providing development and change that will benefit the rural community;
- b) To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact;
- c) To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

Map 16A and Appendix 7 refers to designated Scenic Routes.

Section 1.3 notes the Format and Content of the Clare CDP 2011-2017 relative to the role of the CDP and LAP's.

Section 21.4.2 refers to *Community* land-use Zoning.

North Clare Local Area Plan 2011-2017

This includes Specific Objectives and Land-use zoning Maps relative to the small towns and villages in the North Clare area. The land-use zoning of the area relative to subject site in Lahinch is for 'Community' use i.e:

The development of lands for community uses shall be taken to include the use of land for community, public or educational uses, including the provision of schools, community halls, health care institutions, utilities, libraries and the development of other community uses. Ancillary facilities such as dedicated open space and sports facilities will also be facilitated within this type of zoned land. (Section 1.10.1 provides the land use zoning definitions).

The Planning System and Flood Risk Management Guidelines 2009

These have been adopted and are the DOEHLG Guidelines for Planning Authorities (November 2009). The key principles are:

- Avoid the risk, where possible –precautionary approach.
- Substitute less vulnerable uses, where avoidance is not possible, and

- Mitigate and manage the risk, where avoidance and substitution are not possible.

Flood Zone A has the highest probability of flooding, Zone B has a moderate risk of flooding and Zone C (which covers all remaining areas) has a low risk of flooding.

The sequential approach should aim to avoid development in areas at risk of flooding through the development management process.

An appropriate flood risk assessment and justification for development in and management of areas subject to flooding and adherence to SUDS is recommended.

9.0 ASSESSMENT

9.1 Principle of Development

The North Clare LAP 2011-2017 includes in Section 2 policies and objectives for Ennistymon/Lahinch. They are located approximately 1.5 km apart from each other and are linked by the N67 and a footpath. These are jointly identified in the Clare County Development Plan 2011-2017 and the Mid-West Regional Planning Guidelines 2010–2022 as a Service Town in North Clare, due to their role as important service centres and drivers of growth for their respective hinterlands. They both provide service functions for the local population (Ennistymon being a market town), Lahinch is noted for its national and international tourism product which includes recreational activities associated with its seaside location.

As shown on the Land Use Zoning Map for Lahinch the site of the carpark is zoned 'Community use', adjacent to the recreational area of the Golf Course to the north and west, the commercial area including the Leisure Centre further to the west and the town centre to the south and residential to the east. Section 1.10.1 provides a description of the land use zoning and it is considered that the current proposal for a boat and equipment store for Lahinch Search and Rescue Co. would fall into the category of 'community uses'.

The Third Parties are concerned that the location of the proposed development within a public carpark is in an area of high amenity value and that the unattractive design and finish appearance would constitute a visually obtrusive form of development which could seriously injure the amenities of the area and the scenic route. They are also concerned about any reduction in carparking and further traffic congestion during the busy tourist season in this seaside resort. Also noted are issues of flooding of the carpark area.

Therefore it is considered that while the principle of the proposed development is acceptable in this location in accordance with the landuse zoning, the issue relative to the constraints of the proposed siting needs to be addressed. This includes the impact on the scenic amenity/route of the area, on existing parking, access and traffic arrangements and having regard to implications regarding flooding issues. Also as to whether any alternatives have been investigated, and the impact on the character and amenity of the area. These issues are discussed further in the Assessment below.

9.2 The current and proposed usage

The site is located within the existing surfaced carparking area. This is a public paid carpark area accessed via the R478 Liscannor Road. The existing carparking spaces are marked out but have been subject to weathering. It is proposed to site the Boat and Equipment Store in the north western corner of the carpark. The proposed structure is to be 9.2m in length, 7.3m in width i.e. 67sq.m. The side walls are shown as 2.4m in height, with a pitched roof to the apex 3.65m. Light panels are to be included at roof level. It is proposed that it have a ramp to 3m roller shutter door in the front elevation. Details have been given of the concrete floor slab. It is provided that the material to be used in the proposed structure is plastic coated olive-green metal cladding and not painted metal sheeting. It is to be sited 1.2m from the dry stone wall at the northern and from the western site boundaries. Therefore the proposed development would add this structure for use as a Boat and Equipment Store to what is now solely a Council carparking area.

The First Party provide details regarding their search for a suitable alternative site for the proposed development. It is also of note that there is a smaller storage shed for a Rescue Boat located in the eastern part of the carpark adjacent to the Leisure Centre, which is closer to the slipway to the sea front and the Lahinch Life Guard Station. It is not entirely clear whether this is directly associated with this application or is for a different rescue boat. Although it is noted that the First Party response provides that this proposal would cause less interference. There is a box in front of the current siting where no parking is allowed (signage has been erected) so as to allow access for the rescue boat. The current application does not include such an exclusion area which would impact on the parking circulation area in the public carpark.

9.3 Access and Parking

It is proposed to site the Boat and Equipment Store in the north western corner of the site and it would appear that the structure will take up c. 3no. parking spaces. As noted there is a ramp to the proposed store, and an exclusion area to allow for access has not been shown. There is concern that this proposal would have implications for the parking circulation area in this area of the public carpark. It is also noted that there is a height restriction barrier to the sole vehicular access into the carpark. It is not known whether access for the rescue boat would interfere with this. There is also pedestrian access to the promenade/seafront area from the western part of the carpark.

The Third Parties are concerned that the proposed development would increase traffic congestion problems which are prevalent especially at weekends in the Summer months. There is a considerable amount of parking available in Lahinch especially by the promenade and they query why the proposal both in the interests of safety, quick response times and relative to carparking issues could not be better located here close to the seafront slipway and Lahinch Lifeguard Station. The First Party response provides that severe traffic congestion takes place at the promenade carpark, during the summer season. They note that car-parking spaces are taken up at its present location and that these would become available, in addition to spaces nearby used for turning out the boat. They contend that there is much less

interference at the Liscannor car-park area and it only takes about 10minutes to go the harbour at Liscannor. They consider it can take longer to go from the present base at the carpark close to the promenade during periods of heavy traffic. Details have not been given as to how it is proposed to launch the rescue boat.

It is noted that traffic is seen to be an issue in the area, albeit a seasonal one and as provided in Section 2 of the North Clare LAP 2011-2017 objectives relative to Lahinch include: *To provide for comprehensive traffic management in Ennistymon/Lahinch that will contribute to an improved quality of environment and increased development potential.*

They provide that they would have no problem in implementing any conditions in relation to road markings or parking layout. It is noted that the Council's condition no.2 provides in the interest of orderly development and traffic safety: *Prior to commencement of development, details of all road markings and clearways together with emergency parking or revised parking layout shall be submitted to the PA for agreement and approval.* Therefore it must be concluded that the Council anticipate there to be some changes to the carpark to facilitate this proposal. If the Board decide to permit I would recommend that a similar type of condition be included.

9.4 Impact on the Character and Amenities of the Area

The Third Parties are concerned that the subject structure is akin to an agricultural, commercial or industrial development in appearance and is not suited to this high amenity area. Also that it would be visually detrimental to the character of the area and contrary to Policy CDP16.6 of the Clare CDP 2011-2017 relative to objectives for scenic routes. The objectives relative to this Policy include the need to protect sensitive areas from inappropriate development. It could be argued that a carpark is not a particularly sensitive location. However the fact that it is proximate to a scenic route and that the proposed structure will be visible from such needs to be taken into account. Also while there is limited screening to the north and west afforded by the low stone wall boundary, with the Golf course there is no screening landscaping proposed nor would this be appropriate in the context of the wider carpark setting.

The First Party response notes the shed in the Golf Club grounds to the west of the carpark and other such shed/pre-fabricated structures visible in the area and from the scenic route. However each case must be considered on its merits having regard to its particular circumstances and sensitivities. As shown on the submitted plans the proposed structure will be set back c.30m from the boundary of the carpark with the footpath to the R478 scenic route. It will be set back more than 50m from the nearest property on the opposite side of the road. It will also be seen in context of the proximate shed to the west in the Golf Course grounds. In view of the set back of the proposed boat store from the public road, and the dark olive green cladding proposed, it is considered that it will be seen in the context of the carpark setting rather than in the wider area. Therefore it is not considered that it will adversely affect the visual amenities of the area.

The issue of security and possible anti-social behaviour has also been raised. It is noted that the First Party provide that the building will have a relatively low usage. It is situated away from residential properties. It is not considered that it poses much of a risk. However it is recommended in the interests of visual and residential amenity that if the Board decides to permit that it be conditioned that any external security, lighting or signage measures proposed be agreed in writing with the Council prior to the commencement of development.

9.5 Flooding

The issue of flooding has been raised by the Third Parties and photographs have been submitted showing extensive flooding in the area in January 2014. The First Party has responded that this was in the aftermath an extreme weather event. I noted that when I visited the site in January 2016 after an extended period of rain that the carpark was not flooded. However in view of the location and the weathering seen on the surface of the carpark it does appear to be susceptible flooding.

The site is not within a designated flood risk area. However the photographs submitted show that the carpark has been subject to flooding. There is concern that adequate consideration has not been given to the location of the development and as to how the rescue service will be operated at times of flooding. Also that any form of development where ground levels are increased, will increase the risk of additional flooding to properties in the area.

It is provided in view of the flooding issues in the area that the bottom of the proposed structure side walls are to be 100mm above the level of the existing carpark where it is to be located and not 100mm above the general car-park level. Therefore ground levels over the carpark will not be increased or interfered with. The First Party provide that flooding will not be an issue when accessing the boat store, its contents or in taking out the boat. They provide it would be less of a problem than when trying to launch from the beach, or Liscannor harbour, where the water depth is usually 600mm, or greater.

Regard is had to 'The Planning System and Flood Risk Management Guidelines' 2009. This includes that the vulnerability of development to flooding depends on the nature of the development, its occupation and the construction methods used (S.2.19 refers). Table 3.1 provides a classification of vulnerability of different types of development. While not specifically referred to it is considered that a boat and associated equipment store would fall under 'Water Compatible Development'. In accordance with Table 3.2 this is considered to be 'appropriate' in Flood Zones A,B,C. Therefore it is considered that relative to the proposed use, flooding is not an issue. In view of the ground levels of the store being raised as described above it is not considered that the proposed structure will have an adverse impact relative to flooding on the wider carpark area.

9.6 Appropriate Assessment

The site is c.350m from the designations associated with Inagh River Estuary SAC and pNHA. A Screening Report has been submitted by Clare County Council and this provides that an AA is not required in this instance. It is

considered that having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely within a public carpark on land zoned for community use, no appropriate assessment issues arise.

9.7 Other issues: Development Contributions

It is noted that the Planner's Report provided that no development contributions are required as the development has charitable status.

Legal Interest

Clare Co.Co. owns the carpark. The relevant letter of consent has been submitted with this application.

10.0 CONCLUSION AND RECOMMENDATION

Having regard to all of the information submitted including submissions made and to the Assessment above, to relevant planning policy and the Third Party grounds of appeal and to the responses made and having visited the site, it is considered that the principle of a boat and equipment store for Lahinch Search & Rescue Co. is acceptable on these 'Community' zoned lands within the urban boundaries of the town of Lahinch. In view of the small scale of the development, and having regard to the proposed location within the existing carpark and the merits of the proposal it is considered that this proposal would not detract from the character and amenities of the area and would be acceptable on this site.

It is therefore recommended that permission be granted subject to the conditions below.

11.0 REASONS AND CONSIDERATIONS

Having regard to the limited scale and the usage of the proposed development as Boat and Equipment Store and the Community land use zoning of the site, and to the character and pattern of development of the area it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

12.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 17th day of November, 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.

2. The structure hereby permitted, shall be used as a boat and equipment store for Lahinch Search and Rescue Co. only, it shall not be used for commercial purposes. Any change of use/user, shall be subject to the written agreement of the Planning Authority.

Reason: In the interests of orderly development and residential amenity.

3. Prior to the commencement of development the following shall be submitted for the written agreement of the Planning Authority:
 - a) Details of all of the external finishes.
 - b) Details of any external security features, lighting or signage proposed.

Reason: In the interest of visual and residential amenity.

4. Prior to the commencement of development the following shall be submitted:
 - a) Details of the access and egress route to and from the Liscannor Road carpark for the proposed rescue boat.
 - b) Details of all road markings and clearways together with emergency parking or revised parking layout necessary to facilitate the development.
 - c) Details showing the availability of additional carparking spaces in the promenade carpark due to the implementation of the current proposal.

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 the interests of orderly development and road safety.

5. Arrangements for 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. All public service cables for the development, including electrical and telecommunications cables shall be located underground.

Reason: In the interests of visual amenity.

Angela Brereton,
Inspector,
15th of February 2016