



An
Bord
Pleanála

Inspector's Report ABP.302304-18

Development	10 no. glamping pods, and ancillary site development works.
Location	Ballybeg, Ballinacor South, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	18447
Applicant(s)	Ballybeg Weddings Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ken & Maria Ross
Observer(s)	None
Date of Site Inspection	29 th November 2018
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area situated approximately 4km north-east of Tinahely, Co. Wicklow.
- 1.2. The appeal site is located within the grounds of Ballybeg House. Ballybeg House is a country house for private hire such as weddings.
- 1.3. The overall size of the appeal site 0.81ha (2 acres) is and the shape of the site is irregular.
- 1.4. Ballybeg house is accessed by a private access road and there is a marquee on site, a walled garden, stone stables and courtyard. The marquee is used to accommodate wedding functions.
- 1.5. The glamping pods are located to the front (south) of the site and are located on sloping ground within a wooded area adjacent to the access road.

2.0 Proposed Development

- 2.1. Permission is sought for retention of 10 no. glamping pods and a utility / amenity building. The proposed development also includes the provision of a eurotank waste water treatment plant.
- 2.2. The glamping pods are single storey in height and barrel shaped structures. The pods accommodate either a double bed or a double and single bed unit.
- 2.3. The development also includes a utility / amenity building. This utility / amenity building is located to the north of the wooded area. The utility / amenity area provides for a kitchen / breakfast area, boiler room, toilets and showers.
- 2.4. Planning permission is also sought for a eurotank waste water treatment plant which is located to the north-east of Ballybeg House.

Additional information is sought for (a) details demonstrating traffic and access proposals in compliance with condition no. 4 of decision in appeal ref. 219412 (L.A. Ref. 06/5590, (b) waste water disposal details.

3.0 Planning Authority Decision

3.1. Wicklow County Council decided to **grant** planning permission subject to 7 no. conditions.

3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- Proposal is acceptable in principle.
- The development utilises a contra flow traffic system.
- The proposed development would not be visually intrusive.
- The Environment Section has no objections to the proposed development.

The Area Planner recommended refusal as it is was considered that there is insufficient evidence to demonstrate that the percolation area is adequately designed.

3.3. Internal Reports;

- Road's Section; - Refusal Recommended. Contra flow system does not comply with condition no. 4 of L.A. 06/5590 (appeal ref. 219412).
- Area Engineer; - No objections.
- Environment Section; - Additional information sought demonstrating capacity of waste water treatment plant.
- Environmental Health; - No objections.

3.4. Third Party Observations

- There is one third party submission objecting to the proposed development and the main issues raised are as follows;
 - Unauthorised development
 - Light pollution
 - Noise nuisance
 - Environmental Impact
 - Traffic and Safety
 - Car Parking
 - Hours of operation
 - Lack of construction management plan

4.0 Planning History

The following is the summary of the recent relevant planning history;

- L.A. 18/120 – Retention permission **refused** for 10. no. glamping pods and utility / amenity building for the following reasons; (a) proposal is prejudicial to public health because inadequate proposals for water supply and wastewater treatment system, (b) the proposal would be failing to implement a permitted contra flow system and therefore would consolidate un-authorised development on the site.
- L.A. 17/1224 – Retention permission sought for 3 no. glamping pods, 1 no. utility / amenity building and permission to construct 7 no. glamping pods. This application was **withdrawn**. A draft refusal had been prepared with same refusal reasons to L.A. 18/120.
- L.A. Ref. 16/630 – Permission **granted** for 6 no. 1 single storey circular detached dwellings.

- L.A. Ref. 11/4783 – Permission **granted** for the retention of the existing water treatment system and associated site works.

- L.A. Ref. 11/4106 – Permission **granted** for the change of use and refurbishment of part of existing derelict single storey farm out building for wedding ceremony use and reinstatement of existing derelict two-storey building for landuary and storage use.

- Appeal ref. 219412 – Permission sought for the following;
 - 33 no. accommodation units
 - Serviced communal kitchen, dining and recreation area.
 - 35-space car park
 - New vehicular entrance
 - Installation of sewage treatment system facility with percolation area
 - Change of existing house to commercial use
 - Retention of marquee structure

The Board issued a **split-decision** refusing permission for the courtyard accommodation units granting permission for the rest of the development. The reasons for refusal related to adverse impacts on adjoining residential amenities and adverse implications for built heritage. The Local Authority (L.A. Ref. 06/5590) had issued a decision to refuse permission.

5.0 Policy Context

5.1. County Development Plan

- 5.1.1. The operational Development Plan is the Wicklow County Development Plan, 2016 – 2022.

5.1.2. Chapter 7 – Tourism and Recreation

The following tourism policies are relevant;

- T4 – Only permit tourism activity in rural areas where development is dependent on its location.
- T10 – facilitate the development of a variety of quality accommodation types at various locations
- T13 – require new holiday accommodation to locate either in established settlements or established tourism / recreation facilities
- T17 – Encourage camping accommodation to locate either in established settlements or established tourism / recreation facilities

5.1.3. Chapter 10 – Heritage

- The appeal site is located within the designated landscape ‘Southern Hills – Area of High Amenity’.
- The appeal site or its environs is not afforded any designated ‘Views of Special Amenity Value or Special Interest’.

Appendix 1 of Volume 3 sets out guidance in relation to ‘Tourism and Recreation’.

This includes guidance for caravan and camping developments.

6.0 **The Appeal**

6.1. The following is the summary of a third-party appeal submitted by Ken and Maria Ross.

- It is contended that the cumulative impact of the expansion to Ballybeg Weddings has encroached on their residential amenities.
- The proposed glamping pods is part of an overall development which is part of a wedding venue.

- It is considered that the proposed unauthorised development would consolidate existing unauthorised development.
- An Bord Pleanála are requested to consider whether Wicklow County Council took appropriate consideration of the planning history of the site.
- It is questioned whether Wicklow County Council sufficiently considered the appellant's amenity.
- The development has intruded upon established residential amenities in terms of noise and traffic movements.
- It is contended that the adverse impacts on established residential amenities will continue with the availability of on-site accommodation.
- It is contended that the car parking proposed will result in overdevelopment.
- The entrance proposed is taken from the access lane to the appellants home.
- There is an unauthorised development file in relation to the use of an entrance.
- There has been an expansion of accommodation provision on the site. This includes bungalows, self-catering units and the glamping pods. This is having the effect of significantly reducing business to local operators and a threat to other tourism providers.

7.0 Responses

The applicant's agent submitted a response submission. The submission outlines the context to the application, the planning history and a response to the appeal submission. The following is a summary of the response submission;

- It is submitted that the issues raised by the appellant relate almost solely to enforcement. These issues are outside the remit of An Bord Pleanála.
- It is inappropriate for the Board to examine previously granted development.
- It is submitted that tourism related development / permission predated the appellant's move to their current property in 1997. L.A. Ref. 92/8165 granted permission for the conversion of stables into 8 no. units.

- The applicant has taken mitigation measures to address potential for amenity conflicts to occur. In planning permission L.A. Ref. 11/4106 a noise survey was conducted in response to a request for additional information.
- A condition was applied requiring the applicant to conduct a noise survey at monitoring stations.
- The applicant has prohibited fire work displays at the venue in the interest of protecting residential amenities.
- It is submitted that there has been no significant intensification of use at the venue. The marquee permitted (in accordance with L.A. 06/5590 and appeal ref. 219412) has a maximum capacity of 160 people. This has not changed since this permission.
- The provision of glamping pods adds to the uniqueness of the wedding event.
- The use of the shebeen as an entertainment hub is part of the overall wedding venue. This is confirmed by case law (Carrol v Brushfield Ltd, 1992). The shebeen is therefore not development and is not unauthorised development.
- There has been no increase in wedding guests and noise levels are compliant with a condition.
- The temporary laneway to the west of the glamping pods was used to facilitate construction vehicles. This is no longer used.
- The laneway to the west is a right of way.
- The site is accessed by two laneways. Both laneways are connected by an inner laneway to form a contra flow traffic system.
- The contra flow system was conditioned in accordance with permission L.A. Ref. 06/5590. The current application is consistent with this contra flow system.
- It is submitted that the overall site now accommodates 40 people. As the venue caters for 160 persons there is a need to accommodate 120 people off site.
- The proposed development is within the spirit of planning permission granted on the site since 2007.

- The proposed development complies with Policy Objective ‘Tourism and Recreation Policy T17’.

8.0 **Assessment**

- Principle of Development
- Impact on Established Residential Amenities
- Traffic / Access
- Waste Water Disposal
- Appropriate Assessment
- EIA Screening

8.1. **Principle of Development**

- 8.1.1. The appeal site is located in a rural area which is un-zoned. However, there is an established use on site. The established use comprises of a wedding venue with ancillary accommodation. Ballybeg House has permission in accordance with L.A. Ref. 06/5590 (appeal ref. 219412) to operate a commercial use. There is some ancillary accommodation within the overall site and there is also a further permission (L.A. Ref. 16/630) providing for 6 no. bungalows. These permitted bungalows are currently not constructed.
- 8.1.2. The development proposed for retention is ancillary to the established use on the appeal site. It is intended that the 10 no. glamping pods will be used by guests attending private functions such as weddings.
- 8.1.3. Policy Objective T17 of the Wicklow County Development Plan, 2016 – 2022, encourages camping sites to locate within existing tourism facilities.

8.1.4. The proposed development would therefore be supportive of an established use and therefore I would consider that the principle of the proposed development is acceptable.

8.2. **Impact on Established Residential Amenities**

8.2.1. The appellant's house is located some 200 metres from the site of the 10 no. glamping pods proposed to be retained. The area within which the glamping pods are located is essentially covered in forest. The proposed glamping pods are not visible from the appellant's property nor are the glamping pods visible from the public road.

8.2.2. In relation to noise concerns I would note in accordance with a condition from planning permission (L.A. Ref. 11/4106) that upon request of the Planning Authority that the applicant is required to carry out a noise survey at monitoring stations on adjacent properties. I would not consider that the glamping pods would exacerbate noise having regard to the location of the subject development relative to the appellant's property. Furthermore, the wedding venue has a maximum capacity of 160 persons and the current proposal will not alter this.

8.2.3. I have reviewed Section 4 'Caravan and Camping Developments' of Appendix I, Volume 3 of the Wicklow County Development Plan, 2016 – 2022, and I would consider the proposed development is consistent with this guidance.

8.2.4. I would consider, having regard to the scale of the development to be retained, that the 10 no. glamping pods would not unduly impact on established residential amenities in terms of noise or inconvenience.

8.3. **Traffic & Access**

8.3.1. The submitted drawing no. ETC.BBW.1.18.NO 2C indicates the traffic flow system in place. The site has two vehicular entrances onto the local road, i.e. L3205. This traffic system allows for a singular entrance and singular exit.

- 8.3.2. In relation to traffic the applicant confirms that the specific one-way traffic system as per L.A. Ref. 06/5590 will be implemented. Therefore this is the approved traffic system.
- 8.3.3. The submitted drawing no. ETC.BBW.1.18.NO 2C indicates a sightline provision of 83m towards Tinahely and 100m towards Aughrim. These are acceptable sightline provisions given the nature of the local road.
- 8.3.4. I would note that the Municipal District Engineer has no objections to the proposed development.
- 8.3.5. Overall, I would consider that the traffic and access is acceptable subject to a condition that the traffic arrangements comply with permitted contra flow system.

8.4. **Waste Water Disposal**

- 8.4.1. It is proposed to install a euro tank treatment system and ancillary site development works which will utilise the existing percolation area.
- 8.4.2. The Environment Section sought additional information to confirm that the existing percolation area is sufficiently designed and sized to handle the proposed hydraulic load for the development. The applicant submitted that a Tier 2 assessment is currently being prepared by consultants in respect of the percolation area. The local authority sought additional information requesting the applicant to demonstrate compliance with the request from the Environment Section.
- 8.4.3. The Local Authority concluded that this can be agreed and completed by condition. I would concur with this conclusion and recommend a condition to the Board should they favour granting permission.

8.5. Appropriate Assessment

8.5.1. The appeal site is located approximately 3km to the north-east of two Natura 2000 sites, namely the River Slaney SAC (site code 000781).

8.5.2. The qualifying interests for the River Slaney SAC are as follows;

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- Mediterranean salt meadows (*Juncetalia maritimi*)
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)
- *Margaritifera margaritifera* (Freshwater Pearl Mussel)
- *Petromyzon marinus* (Sea Lamprey)
- *Lampetra planeri* (Brook Lamprey)
- *Lampetra fluviatilis* (River Lamprey)
- *Alosa fallax fallax* (Twaites Shad)
- *Salmo salar* (Salmon)
- *Lutra lutra* (Otter)
- *Phoca vitulina* (Harbour Seal)

8.5.3. I noted from my site inspection that the contours of the land fall eastwards away from the appeal site and essentially away from the SAC. As such any ground water flow from the proposed treatment plant and any surface water from the proposed development would flow away from the SAC.

8.5.4. Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

8.6. **EIA Screening**

- 8.6.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

9.0 **Recommendation**

- 9.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

10.0 **Reasons and Considerations**

Having regard to the nature, extent and design of the development to be retained and proposed, to the general character and pattern of development in the area and to the provisions of the Wicklow County Development Plan, 2016 – 2022, it is considered that, subject to compliance with conditions set out below, the subject development would not be out of character with the area or constitute a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 glamping pods shall not be occupied until the contra-flow system has been constructed in accordance with PL27.219412 (PRR 06/5590) to the written satisfaction of the Planning Authority.

Reason: In the interest of traffic safety.

3. The glamping pods shall not be occupied until, the developer has obtained a discharge licence under the Water Pollution Act for wastewater discharge.

Reason: In the interest of public health.

4. The 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 and to ensure a proper standard of development.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

6. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development

Reason: In the interest of protecting the character of the area.

Kenneth Moloney
Planning Inspector
7th December 2018