



An
Bord
Pleanála

Inspector's Report ABP-303613-19

Development	Permission for Caravan Park
Location	Cotterellsbooly, Stoneyford, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	18281
Applicant(s)	Fred Malzard
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Merino Drive Residents Association
Observer(s)	None
Date of Site Inspection	29 th of May 2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located within the heart of Stoneyford village, Co. Kilkenny. Merino Drive serves 8No. dwellings, the Stoneyford Community Centre and the Stoneyford Soccer Club. It is a short cul de sac with footpaths on both sides.
- 1.2. The subject site is accessed from a narrow partially surfaced lane off Merino Drive (privately owned). The site is to the rear/ east of dwellings along Merino Drive, and to the rear/ north of properties along Main Street, Stoneyford.
- 1.3. There is a pedestrian access along the southern boundary of the site to the rear of Malzards public house (owned by the applicant). This is mid terraced building along the Main Street.
- 1.4. The subject site is flat, has a mature hedgerow along the eastern site boundary, and includes an old shed like structure. There is a soccer pitch to the north of the site. The site and the soccer pitch are accessed from a laneway off Merino Drive which runs alongside the Stoneyford Community Centre.

2.0 Proposed Development

- 2.1. Permission for a new short stay/ holiday camping park consisting of 10No. caravan bays, 4No. glamping pods, conversion of existing 184sq.m. storage building to a guest/ community centre facility with a reception area, kitchenette, toilet block and wash room facility, and office.
- 2.2. Following the submission of the FURTHER INFORMATION on the 27th of November 2018 the application was revised to Four Self-Contained Short Stay Pods only.

3.0 Planning Authority Decision

3.1. Decision

Kilkenny Co. Co. decided to grant planning permission for the development subject to 8No. conditions. The site-specific conditions include:

No. 3 Prior to the commencement of the development, the applicant shall submit proposals for the formal agreement of the Planning Authority for the provision of shared surface arrangement on the private access road leading into the subject site from Merino Drive. The shared access arrangement shall be in line with the Design Manual for Urban Roads and Streets. The agreed proposals shall be constructed by the applicant.

No. 4 Prior to the commencement of the proposed development, the applicant shall submit for the formal agreement of the planning authority proposals to provide an access road from the vehicle access point through the site to the proposed glamping pods. The agreed proposals shall be constructed by the applicant.

No. 6 The glamping pods shall be used for seasonal short terms holidays letting accommodation only.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The subject site is located within a village and consists of services to meet the needs of potential tourists and visitors.
- The site is located within a boundary for Stoneyford as set out in the Kilkenny County development plan 2014-2020.
- The site is accessed off the L42023 which is from the Main Street in Stoneyford.

Following a request for further information revised proposals were received on 27th of November 2019 relocating the glamping pods to the eastern site boundary. The applicant also WITHDREW his proposal for 10No. camping / caravan bays and conversion of the 184sq.m. storage building.

3.2.2. Other Technical Reports

Roads: The applicant is to provide a shared surface arrangement proposal in line with DMURS.

Irish water: No objection

3.3. **Third Party Observations**

The Merino Residents Association objected to the proposed development on the following grounds:

- Use of Merino Drive
- Turning Movements
- Use of Private Road to site
- Sightlines
- Large vehicles
- Residential Amenity

4.0 **Planning History**

There is no relevant planning history associated with the subject site.

5.0 **Policy and Context**

5.1. **Development Plan**

Kilkenny County Development Plan 2014-2020

7 Recreation, Tourism & the Arts

Strategic Aim: To protect and improve recreational, tourism and arts facilities for the benefit of residents and for the promotion of tourism.

Stoneyford LAP 2006 (expired) site is **Village Centre**

Objective: To provide for the development and improvement of appropriate village centre uses and allow for the development of Stoneyford as a focus for local services, sustaining and strengthening its role as a population centre.

The purpose of this zone is to protect and enhance the centre of Stoneyford and to

provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a village. It will be an objective of the Council to encourage the development of backlands. Generally two storey buildings will be preferred.

Permissible Uses: Dwellings, retailing, retail warehousing, wholesale outlets, offices, public buildings or places of assembly, cultural or educational buildings, recreational buildings, halting sites, hotels, motels, guest houses, clubs, private garages, open spaces, public service installations, medical and related consultants, restaurants, public houses, car parks, halls or discotheques, and other uses as permitted and open for consideration in residential zoning.

5.2. Natural Heritage Designations

The site is not located within or close to any designated sites. The nearest designated site to Stoneyford village is approximately 4Km to the north of the village, the River Barrow and River Nore SAC (Site code 002162). The river and the islands from part of the River Nore SPA (Site code 004233).

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The residents of Merino Drive, Stoneyford has lodged the following appeal against the decision to grant permission for the development. The following is a summary of the relevant grounds of appeal:

6.2 Traffic Safety & Congestion

i) Use of Merino Drive

The proposed access is via a public road serving Merino Drive, the Stoneyford Community Centre and playing pitches, and it is a cul-de-sac. The road carriage is 6metres with a 1.8m footpath on each side. There are 9No. private accesses onto the road serving Merino Drive and the Community Centre.

Parking is limited to 24No. spaces at the Community Centre , which is a busy community facility. The proposal will negatively impact on the road and safety of same.

The proposed glamping pods contains a double bed and a couch so can accommodate 3No. people. The planning authority has assumed one carparking space per pod. Each pod could generate 3No. cars, resulting in 12No. visiting cars. Merion Drive cannot cater for that level of traffic.

ii) Further Information Request by Roads Department

The further information response from the applicant did not seriously address the Roads section concerns. The applicant's proposal to omit the propose caravan bays was a refusal to carry out the required research and design including road safety audit to enable the Roads section to make an informed decision.

iii) Turning Movements

The residents continuously highlighted the safety concerns especially regarding traffic from the community centre, and the proposed development will make the traffic matters worse. Traffic during matches combined with the traffic form the proposed development have not been addressed.

iv) Use of Private Lane

The private lane serving Merino Drive is 5.7metres. It runs parallel with the front boundary wall of the community centre. The Roads Department requested a design for the shared surface arrangement and no design was submitted. Vehicles accessing private lane from Merino Drive may have to yield to traffic leaving the site and may have to carry out reversing movements onto Merino Drive.

Merino Drive residents submitted an appeal on the lane on appeal reference PL10.239067, and traffic has got heavier on the lane since that appeal.

The proposed Pedestrian link is via Malzards pub and it will not be available all of the time, therefore access to the development will be via the private laneway.

v) Pedestrian Safety

The Community Centre has greatly increased pedestrian movements along Merino Drive. The proposed development and associated traffic will increase the risk to vulnerable users. Merino Drive has recently been given a 'Slow Zone' status. There is an existing pedestrian gateway from the community centre onto the private roadway, and pedestrian safety will be negatively impacted upon. Cars parked along the footpaths which reduces the carrying capacity of the paths forcing pedestrians out onto the public road.

vi) Traffic Sights Lines at Junction of Merino Drive and Main Street

The proposal sets a precedent for any future intensification of use.

vii) Emergency Vehicles

Access for emergency vehicles and other utility vehicles is severely restricted by existing parking arrangements on Merino Drive. No arrangements for refuse disposal are included in the application.

6.3 Access and Sightlines

Junction visibility splays should be kept free from obstructions, and the applicant has failed to demonstrate the egress from the private lane complies with the recommendations of the design Manual for Urban Roads and Streets.

6.4 Other Matters

- **Residential Amenity:** The proposal will negatively impact on existing residences of Merino Drive in terms of noise disturbance from traffic and behaviour, littering, overlooking of private rear gardens and anti-social behaviour. The proposal may also decrease the property values of Merino Drive. The site has been used for the 'Raving Lunatic Motorcycle Club' and the

proposed development will encourage other such activities which will impact negatively on the residences.

- **Future Intensification of Use:** The site can accommodate future development is permitted as a precedent will be set as a camping site. The applicant owns the land with the soccer pitch and this land may also be used for future intensification of use.
- **Development Plan 2014-2010 & Stoneyford LAP 2006:** The LAP has expired the subject site was identified as Block 5 and it was never envisaged it would be accessed via Merino Drive.
- There is an existing camping site, 6Km from the site at Nore Valley Park.

6.2. Applicant Response

A summary of the response from the applicant to the appeal issues is as follows:

- Access to the site and the community centre is via a public road, and not within the applicant's control.
- There are periodic parking issues along Merino Drive caused by the residents and the community centre. The congestion would be greatly improved with the introduction of double yellow lines. The residents have their own onsite parking but most choose to park on the road.
- The subject site is established as an informal camping site since the 1970s, hosting vintage car rally's and local events, using the community centre as an overflow carpark, and there have been community concerts.
- The local soccer club is within the site, and the players and supporters are encouraged to park within the site.
- The applicant is willing to surface the route under the direction of the local authority.

6.3. Planning Authority Response

The planning authority has nothing further to add on appeal.

7.0 Assessment

7.1. The Board should note during the course of the planning application the proposed development was revised to a greatly reduced development proposal, which includes the 4No. clamping pods ONLY along the eastern site boundary. This appeal is an assessment of the revised and permitted scheme.

7.2. Development Plan

In terms of the development plan, the current plan for the area of the Kilkenny County Development Plan 2014-2020. It is stated under **Section 7.9.4.1. Tourism Accommodation** that key towns and villages act as tourist centres and facilities and the services they provide are crucial to the development of tourism potential of the County. The proposed glamping pods are located to the rear of properties along Main Street Stoneyford, within walking walking of the village centre. They are located adjacent to community facilities, and I consider the use to be compatible with the adjoining land uses. The Stoneyford area attracts camping tourists as there is an existing caravan park in a more rural location outside of the village. The large Mount Juliet estate is located less than 5km from the village, and Stoneyford is on the doorstep of Kilkenny City a prominent tourist destination. Therefore, the principle of the accommodation is in keeping with the development plan for the area in terms of Tourism policies.

7.3. There is an expired Stoneyford LAP 2006 in which the subject site was within a Village Centre zoning objective. The proposal is in keeping with this objective.

7.4. Residential Amenities

7.5. The 4No. glamping pods are 3.5metres in height, monopitched timber clad structures with a floor area of 12sq.m. and an external decking area. They are discreet structures positioned alongside a mature hedgerow. They will not overlook any existing residential properties and they positioned over 100metres from any adjoining residential properties. Therefore, I conclude the proposed development will not result in overshadowing or overlooking, and will not be injurious to existing residential amenities. There is no evidence to suggest the pods will result in anti-social behaviour. The units are to provide short terms holiday accommodation within a village setting.

7.6. Traffic

The proposed access to the site is via Merino Drive, a cul de sac serving a number of houses (9No. in total), the Stoneyford Community Centre (24No. parking spaces) and the soccer pitch (contiguous to the subject site). Merino Drive is a standard 6metre residential estate road with a 1.8m footpath on both sides and a junction onto Main Street. The access to the subject site is via a surfaced lane off Merino Drive alongside the community centre site which is 5.7metres in width and 30metres in length. The lane is privately owned and is surfaced. Although there is parking proposed to the front of each pod there is no formal road arrangement from the access lane to the pods. The Roads Department of the County Council required proposals to be agreed in this regard, in advance of the development commencing, and for a shared surface arrangement in line with DMURS.

7.7. I find the third-party concerns regarding overspill parking onto Merino Drive from the proposed development to be unfounded. The proposed development is modest in scale with ample scope for onsite parking to cater for the proposed development. It is unacceptable to argue that the 12sq.m. pods would require 3No. parking spaces per unit as suggested on appeal. Three parking spaces is not a car parking requirement for a standard dwelling in the County Development Plan. I consider the concerns expressed by the third-party appellant in relation to traffic safety and parking to be greatly exaggerated given the small scale of the development, and the standard of the access road into the site. The subject site is located within a village, accessible to shops and public houses. Any activities within the community centre or the field that will require parking, will result in a reduced number of trips and parking along Merino Drive, as patrons will leave their cars on site within dedicated spaces, and the site is within walking distance of all facilities in Stoneyford. The activities associated with the Community Centre and the soccer pitch and associated parking are beyond the remit of this appeal.

7.8. Appropriate Assessment

Having regard to nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant

effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives.

8.0 Recommendation

- 8.1. Having visited the site and considered the appeal file, I recommend the planning authority's decision to grant permission for the proposed development be upheld.

9.0 Reasons and Considerations

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area, to the central village location with established services and community facilities, and to the provisions of the Kilkenny County Development Plan, 2014 – 2020, 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.

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 plans and particulars submitted on the 27th of November 2018 and 5th of December 2018, 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. (i) This permission is for the 4No. clamping pods only. It does not include the camping bays or the conversion of the existing building on site into a community building as

stated in the further information on the planning application submission date stamped 27th of November 2018.

(ii) The glamping pods shall be available for seasonal short term holiday letting only.

Reason: in the interest of orderly development

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of environmental protection and public health.

4. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority the provision of a shared surface arrangement on the private access lane leading to the subject site from Merino Drive. The shared access arrangement shall be in line with the Design Manual for Urban Roads and Streets.

Reason: In the interests of traffic and pedestrian safety.

5. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority the provision of an access road from the vehicular access point through the site to the proposed glamping pods.

Reason: In the interests of traffic and pedestrian safety.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, that is provided or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months from the date of this order, or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the

application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act, be applied to the permission.

Caryn Coogan
Planning Inspector

31st of May 2019