



An
Bord
Pleanála

Inspector's Report

ABP-305987-19

Development	Construction of a block wall, 3 no. pedestrian openings, 1 no. vehicle access point and associated site works.
Location	Garretstown Beach, Coolbane, Garretstown, Kinsale, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/6183
Applicant(s)	Denis Calnan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Denis Calnan
Observer(s)	None
Date of Site Inspection	7 th February 2020
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Coolbane, approx. 2.6km south of Ballinspittle. The site is irregular in shape with a stated area of 0.18ha. It is bound to the east by the R604 and follows the curve of the road and to the west by the sea. It separates Garrettstown beach, to the north and Garrylucas beach to the south. The site is level with the public road and elevated from the sea by approx. 3m.
- 1.2. Access to the site is unrestricted. It is currently uneven and unsurfaced in parts. There is currently an overturned caravan located in the centre of the site.

2.0 Proposed Development

- 2.1. It is proposed to construct a block wall with 3 no. pedestrian access points and 1no. vehicular access point. The wall is approx. 0.7m in height with a number of pillars approx. 1m in height. The pedestrian access points are approx. 1.3m in width and the vehicular access is approx. 3.3m in width.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

1. Having regard to the proposed development outside the settlement boundary of Garrettstown / Garrylucas in the Bandon-Kinsale Municipal District Local Area Plan (LAP) 2017, its natural coastal setting between two beaches with tourist / 'high' value landscape value, abutting a designated Scenic Route (A 64), it is considered the proposed development would erode and seriously injure the visual amenities and interfere with the character of this natural landscape and introduces unacceptable vehicle access onto a Regional Road conflicting with the LAP 2017 which, seeks to facilitate development inside the settlement boundary while protecting this unique 'high' value landscape and its coastline from insensitive development. The proposed development would contravene materially Policy Objectives RCI 9-1 (Coastal Development), Policy Objective TO 2-1 (Tourist Assets) and Policy Objective GI 7-3 (Development on Scenic Routes) of the

County Development Plan 2014 which, recognises the limited capacity of coastal areas for accommodating development, protecting important coastal scenery and ensuring no adverse obstruction or degradation of views towards the coastline in such areas. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The reports of the Area Planner and the Senior Executive Planner raised concerns regarding the proposed development and recommended that permission be refused for the reason above.

3.2.2. *Other Technical Reports*

Area Engineer's report recommends that permission be refused as the development which is located on a bend adjacent to a natural viewing area would have a negative impact on tourist parking and pedestrian safety.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A third-party submission was received which raised concerns regarding the negative impact the proposed development would have on existing visual amenities and on pedestrian safety.

4.0 Planning History

Enforcement File EF 19/58: on-going proceedings relating to a caravan located on the site and a temporary roadside fence.

PL04. 204806, Reg. Ref. 02/2828: Permission was granted in 2004 for the demolition of an existing hotel and the construction of a hotel and 24 no apartments. The current appeal site formed part of the overall development site located on both sides of the R604. Minor amendments to the scheme and an Extension of Duration of permission was granted under **Reg. Ref. 08/7234, Reg. Ref. 13/4486, Reg. Ref. 18/6611** and did not include the western section of the site (appeal site).

Reg. Ref. 04/9743: Permission was granted in 2006 for the demolition of an existing hotel and the construction of a hotel. The current appeal site formed part of the overall development site located on both sides of the R604.

5.0 Policy Context

5.1. Cork County Development Plan, 2014

The site is located on unzoned lands, outside of the settlement boundary for Garretstown / Garrylucas. It is located in an area identified as Indented Estuarine Coast in Appendix E of the Plan. These locations are designated as area of very high landscape value, very high landscape sensitivity and are of national importance. Section 13.6 – *Landscape Character Assessment of County Cork* states that these landscapes (e.g. seascape area with national importance) are likely to be fragile and susceptible to change. The site is also located to the south of Scenic Route S67 (Road from Old Head to Timoleague via Garretstown, Coolmaine and Harbour View).

The relevant policies of the Cork County Development Plan are set out below.

RCI 9-1: Development in Coastal Areas

TO 2-1: Protection of Natural, Built and Cultural Heritage

GI 6-1: Landscape

GI 7-1: General Views and Prospects

GI 7-2: Scenic Routes

GI 7-3: Development on Scenic Routes

ZU 2-3: Land Use Zonings of Other Lands.

5.2. **Natural Heritage Designations**

There are no designated areas in the immediate vicinity of the site.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal against the Planning Authority's decision to refuse permission for a block wall. The submission addresses the reason for refusal and is summarised below: -

- The recent history of the site is provided. It is noted that the applicant previously applied for a section 5 declaration regarding the erection of a fence on the appeal site. It was considered that the works were not exempted development. There is an existing caravan on site. The applicant has repeatedly asked the occupant to leave the site. Following an enforcement notice the applicant immediately removed a fence that had been erected and again asked the occupant of the caravan to leave the site.
- It is considered that works are permissible in principle outside of a settlement boundary. As part of a larger development site, permission was granted to construct a footpath with a kerb on the site. The wall is approx. 0.7m in height. The previously approved hotel and apartment building, located on the opposite side of the road, would have a more significant impact on the amenities of the area.

- The applicant wishes to protect his property from unauthorised caravans camping on his site, particularly during the summer months. The council have erected barriers along sections of land to the south of the applicant's property for similar reasons. Pedestrian access would be retained to the site. However, vehicular access would be restricted. The works are to protect the applicant's property from unauthorised parking.
- The unauthorised vehicular movements result in damage to vegetation. Occupants of caravans parked on the site, have dug trenches to carry waste pipes from their vehicles to the cliff edge. This has caused damage to the site. It is proposed to level the site and to re-seed it.
- The proposed wall would match an existing wall adjoining the site and would not be as high as the wall recently constructed by the council.
- The proposed development would not facilitate the vehicles accessing the site. The site is currently unrestricted. Therefore, vehicles can access and egress the site freely.
- The applicant is happy to accept a condition to secure the site by any method, high kerb etc.

6.2. Planning Authority Response

None

7.0 Assessment

7.1. The main issues relate to reason for refusal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Visual Amenity
- Traffic
- Appropriate Assessment

7.2. *Principle of Development*

- 7.2.1. The site is located on the western side of the R604 and previously formed part of a larger development site located on both the eastern and western side of the road. Permission was granted under PL. 04. 204806, Reg. Ref. 02/2828 for the demolition of an existing hotel and the construction of a new hotel and an apartment building on the overall site. The works to the current appeal site included a new footpath and kerb. Minor amendments to the scheme and an Extension of Duration of permission were granted under Reg. Ref. 08/7234, Reg. Ref. 13/4486 and Reg. Ref. 18/6611. The amended scheme did not include the western section of the overall site (appeal site).
- 7.2.2. The reason for refusal notes that the site is located outside of the settlement boundary of Garretstown / Garrylucas in the Bandon-Kinsale Municipal District Local Area Plan (LAP) 2017 and would, therefore, contravene policy objectives RCI 9-1 of the Development Plan which encourages development to generally be located in accordance with the settlement policies and to recognise the limited capacity of many coastal areas for accommodating development. While it is noted that the site is located outside of the settlement boundary, it is my view that having regard to the nature and scale of the proposed development, which comprises the construction of a 0.7m high wall, it would not contravene policy objective RCI 9-1.
- 7.2.3. Policy Objective ZU 2-3 of the Cork County Development Plan notes that where lands have not been zoned, the zoning of the lands shall be deemed that of the existing use. The existing site is currently in use as open space, which is publicly accessible. The applicant has stated that the purpose of the proposed development is to protect the lands from unauthorised parking of caravans, particularly during the summer months and notes that the council have erected barriers to coastal sites in the immediate vicinity of the site for similar reasons.
- 7.2.4. It is my opinion that the proposed development would not alter the existing use of the site, as a publicly accessible area of open space and therefore is in accordance with Policy Objective ZU 2-3. It is, therefore, considered that the proposed development is acceptable in principle and should be assessed on its merits.

7.3. *Visual Amenity*

- 7.3.1. The site is located in an area identified as Indented Estuarine Coast in Appendix E of the Cork County Development Plan, 2015-2021. These locations are designated as area of very high landscape value, very high landscape sensitivity and are of national importance. Section 13.6 – *Landscape Character Assessment of County Cork* states that these landscapes (e.g. seascape area with national importance) are likely to be fragile and susceptible to change. The site is also located to the south of Scenic Route S67 (Road from Old Head to Timoleague via Garretstown, Coolmaine and Harbour View).
- 7.3.2. Permission was refused on the basis that the proposed development would erode and seriously injure the visual amenities of the area and interfere with the character of this natural landscape.
- 7.3.3. The proposed wall would have a maximum height of 0.7m. It would harmonise with an existing wall located to the south of the appeal site. During a site visit on the 7th February 2020 a number of boundary treatments were noted along the western side of the coastal road (R604), including random stone walls, block work walls and a high kerb with metal bollards. It is also noted that on the eastern side of the R604 there are a number of detached dwellings with a variety of boundary treatments. To the east of the appeal site, on the opposite side of the road, construction works are currently underway for the development of a hotel and apartment building.
- 7.3.4. It is acknowledged that the site is located to the west of a scenic route and is located in an area with a very high landscape value and sensitivity, however, having regard to the nature of the development, the limited height of the proposed wall, the existing boundary treatments along the R604 and the pattern of development in the area, it is my view that the proposed development would not seriously injure the visual amenities of the area or interfere with the character of the natural landscape.
- 7.3.5. The reason for refusal also considered that the development would contravene, TO 2-1 and GI 7-3. Policy objective TO 2-1 relates to the protection of natural, built and cultural features that form the resources on which the county's tourist industries is based. Policy objective GI 7-3 requires that works in the environs of a scenic route demonstrate that there would be no adverse obstruction or degradation of the views.

In my view having regard to the pattern of development in the area and the nature and scale of the proposed development, the proposed works would not significantly alter the appearance or character of the area and would not contravene policy objective TO 2-1 and GI 7-3.

7.4. *Traffic*

7.5. The reason for refusal also considered that the proposed development would introduce an unacceptable vehicular access onto a Regional Road. The applicant notes in the appeal that there is no barrier to the site and that it attracts a number of unauthorised caravans parked on the site every summer.

7.6. The purpose of the proposed development is to restrict vehicular movements generated by the site. The proposed vehicular access is approx. 3.3m in width. Drawings submitted with the application indicate that access to the site would be restricted by a bollard. It is noted that the site would remain accessible to pedestrians and that the proposed wall would be set back a minimum of 1.4m from the site boundary. It is considered that this set back would facilitate pedestrian movements.

7.7. The site is located to the west of the R604. It is acknowledged that there is a bend in the road and that sightlines from the proposed access are limited (approx. 40m). However, having regard to the existing number of vehicular turning movements generated by the site and the coastal nature of the road on a scenic route, it is my view that the proposed development would not result in a traffic hazard or generated any road safety issues.

7.8. *Appropriate Assessment*

Having regard to the nature and small scale of the proposed development and the distance from 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.

8.0 Recommendation

I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and the small-scale nature of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out 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. Details of the materials, colours and textures of the external finish of the boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The formation of the vehicular access to the site shall be constructed in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development and traffic safety

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 residential amenities of property in the vicinity

Elaine Power
Planning Inspector

4th March 2020