

An
Bord
Pleanála

**Board Order
ABP-319304-24
(ABP-311844-21)**

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 21/786

Appeal by Fergal and Jai Bonner care of Ian Doyle of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford and by Wfhtp Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 7th day of October, 2021 by Waterford City and County Council in relation to an application by Wfhtp Limited for permission for retention of 1. Cantilevered extension to existing external licenced terrace to provide an additional 31.7 square metres floor area and associated guardrails/glazed balustrades, 2. Construction of an area of raised decking over a section of the existing licenced terrace to permit wheelchair access, 3. Resurfacing of external grassed terrace to an area of concrete terracing, 4. Construction of a new 114 square metres lower level external licensed terrace and associated guardrails, 5. One number bar servery on existing bar terrace to be retained, 6. Upgrade and improvements to existing external public side entrance including handrails, 7. Replacement steps from the original external licensed terrace and their realignment in places leading to the beach, including new section at lower external terrace and associated handrails, guardrails, security gate and an access gate to the lower external licensed terrace, 8. Outdoor shower stand, 9. Two number wall-mounted kitchen extractors, 10. All associated works and permission for 11. Realignment of the lower section of steps as constructed, leading to the beach, all at One the Waterfront, Gallwey's Hill, Tramore, County Waterford in accordance with the plans and particulars lodged with the said Council (which decision was to grant

subject to conditions permission for retention of 1. Cantilevered extension to existing external licenced terrace to provide an additional 31.7 square metres floor area and associated guardrails/glazed balustrades, 2. Construction of an area of raised decking over a section of the existing licenced terrace to permit wheelchair access, 3. Resurfacing of eternal grassed terrace to an area of concrete terracing, 4. Construction of a new 114 square metres lower level external licensed terrace and associated guardrails, 5. One number bar servery on existing bar terrace to be retained, 6. Upgrade and improvements to existing external public side entrance including handrails, 7. Replacement steps from the original external licensed terrace and their realignment in places leading to the beach, including new section at lower external terrace and associated handrails, guardrails, security gate and an access gate to the lower external licenced terrace, 8. Outdoor shower stand, 9. Two number wall-mounted kitchen extractors, 10. All associated works and to refuse permission for 11. Realignment of the lower section of steps as constructed, leading to the beach).

The Board previously considered the appeal and issued a split decision in ABP-311844-21 dated 15 March 2023 to part grant and part refuse the permission. The refusal part of the Board's decision in ABP-311844-21 was subject to judicial review. By order of the High Court (Perfected on 9 November 2023) the refusal part was quashed and remitted back to the Board for fresh determination. The grant part of the Board's decision in ABP 311844-21 was not subject to judicial review and remains valid.

The sole aspects of the case under consideration, therefore, relate to the following:
Retention of items:

4. Construction of a new 114 square metres lower-level external licenced terrace and associated guardrails,
7. Replacement steps from the original external licenced terrace and their realignment in places leading to the beach, including new section at lower external terrace and associated handrails, guardrails, security gate and an access gate to the lower external licensed terrace, and
8. Outdoor shower stand, and

Permission for item:

11. Realignment of the lower section of steps as constructed, leading to the beach.

Decision

REFUSE permission for the four elements of the above proposed development under consideration based on the reasons and considerations set out below.


Reasons and Considerations

1. The proposed development (11. Realignment of the lower section of steps) and two of the elements proposed for retention (4. Lower-level external licenced terrace with associated guardrails, and 7. Replacement steps from the original external licenced terrace) are located on lands zoned 'OS Open Space and Recreation', where the stated objective under the Waterford City and County Development Plan 2022-2028 is to 'Preserve and provide for open space and recreational amenities'. The Board considers, on the basis of the specific facts of the proposed development and development proposed for retention, that it represents an extension of the commercial business operating on the subject site and as such, would constitute a contravention of the 'OS Open Space and Recreation' zoning objective. Specifically, this would result in the loss of this site for a use compatible with the zoning objective. This loss, of itself and by the precedent it would set, would threaten the integrity and viability of the wider zoned area for open space and recreation use, thus undermining the achievement of the development plan objective. Further, it is considered that the lower-level external licenced terrace with associated guardrails, which is proposed for retention, would seriously injure the amenities of adjacent dwellings by reason of noise and general disturbance. While the Board noted the zoning objective for the outdoor shower stand proposed for retention is 'TS Tourism', in



the absence of a permitted connection to the beach area, the Board considered this element proposed for retention was unwarranted. All elements of the proposed development and development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the prominent and sensitive location of the development overlooking Tramore beach, it is considered that 4. The lower-level external licenced terrace with associated guardrails, and 7. Replacement steps from the original external licenced terrace proposed for retention and the proposed development 11. Realignment of the lower section of steps to the beach, would not constitute an appropriate intervention at the cliff face and would have a disproportionate visual impact at a highly sensitive location where there is low capacity to absorb such development. The development is therefore considered to contravene policy C&M 05 'Scenic Coastal Areas' of the Waterford City and County Development Plan 2022-2028, which is to protect the scenic value of Waterford's Coastal Zone including landward and seaward views and continuous views along the coastline and manage development so it will not materially detract from the visual amenity of the coast. The proposed development and development proposed to be retained would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.


Martina Hennessy

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 11th day of November 2024