



An
Bord
Pleanála

Inspector's Report PL93.248592.

Development	Demolition of existing garage, with new 2-storey building with pharmacy and medical consultancy rooms.
Location	Tig Mór, Branch Road, Tramore, Co. Waterford.
Planning Authority	Waterford City and County Council.
Planning Authority Reg. Ref.	17/171.
Applicant	Paul Kenny.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Barry Brennan Barry Griffin.
Observer(s)	Cllr. Lola O'Sullivan.
Date of Site Inspection	26 th July 2017
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by two local businesses against the decision of the planning authority to grant permission for the demolition of a garage and its replacement with a 2-storey building at the rear of a medical facility, comprising a pharmacy with medical consultancy rooms on a site in the town of Tramore. The grounds of appeal relate to amenity, impact on historic buildings, and town centre retail policy.

2.0 Site Location and Description

- 2.1. The appeal site is located in Tramore, the popular seaside resort located some 13 km south of Waterford City, sited on rising ground just west of the strand. The town has a permanent population of around 10,000. The main road entering the town from Waterford is Branch Road, which runs due north from between the Main Street and the more touristy promenade area. The road runs parallel to the former railway branch line from Waterford, the opening of which in 1853 originally led to the rapid development of the towns tourism industry. Branch Road splits into Lower Branch Road (the main thoroughfare) and Upper Branch Road about 500 metres north of where Main Street meets the roads leading to the Promenade. Upper Branch Road is only partially two-way, and is located on rising ground, with most houses on both sides situated on the south-east and east facing slope to take advantage of fine views over the strand and the bay. The appeal site is located close to the apex of the road junction.
- 2.2. The apex of the two roads is marked by a small landscaped area along a retaining wall, with beyond this a part contemporary 2-storey GP family practice building (the rear element appears to be an early 20th Century house, converted to medical use). South beyond this is the appeal site, with an empty garage building with what appears to have been an apartment or office on an upper storey – the building has two garage doors facing Upper Branch Road, and is behind a c. 2 metre boundary (partially retaining) wall facing Lower Branch Road. The site is indicated as being 0.11 hectares in extent (the overall landholding is given as 0.3037 hectares – this includes the neighbouring house, Tig Mór, but not the medical centre). This building appears to be functionally connected with the family practice building. Beyond the appeal site (but within the applicants ownership) is a large 3-storey Victorian or later

dwelling, seemingly empty for some time. There are further late 19th Century large dwellings beyond this. To the east, across Lower Branch Road, there is a public park on the former railway line and the 'Lakelands' Park. To the west, on rising ground, is woodland, part of an area of open land which includes the newly established Lafcadio Hearn Japanese Gardens which is located to the south-west.

3.0 **Proposed Development**

Permission is sought for the demolition of existing garage, construction of new two storey building comprising pharmacy and medical consultancy rooms, including link to adjoining medical centre at first floor level and associated site works.

4.0 **Planning Authority Decision**

4.1. **Decision**

The planning authority decided to grant permission subject to 14 largely standard conditions, the only significant alteration the removal of a projected illuminated sign at first floor level (condition 14).

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

The planning report notes that the site is within the settlement limits on lands zoned 'town centre', and is within the amenity space associated with the large dwelling to the south, which is in the applicant's ownership. It is noted that a previous application for development on the site was refused for amenity reasons, and in two other applications, one was refused, one permitted (for a 2 storey dwelling). It is considered that the use is consistent with the zoning designation and the reduction in height from the previous refused permission is considered acceptable. A grant of permission was recommended.

4.2.2. Other Technical Reports

A **Natura 2000 screening report** indicated that significant impacts can be ruled out, so no NIS is required.

Water Services requested standard condition.

4.3. **Prescribed Bodies**

Irish Water – standard response.

4.4. **Third Party Observations**

Two objections (the appellants to this appeal) were submitted to the proposed developments.

5.0 **Planning History**

In February 2016 the planning authority decided to refuse permission for a 2 storey pharmacy and medical consultancy structure on the site for reasons relating to impacts on the amenity on the adjoining dwelling (**16/776**).

In March 2005, the planning authority decided to grant permission for a 2 storey dwelling on the site (**05/67**).

In 2004, the planning authority decided to refuse permission for a 3-storey dwelling on site (**04/1618**).

In 2014, the Board, on appeal, refused permission for 9 dwellings on the woodland site west of the site, on the opposite side of Upper Branch Road (**PL24.243167**).

6.0 **Policy Context**

6.1. **Development Plan**

The appeal site is zoned 'town centre' in the Tramore Local Area Plan 214-2020. In such areas it is policy '*to provide for an integrated mix of residential, commercial, community and social uses within the town or village centre*'. Relevant extracts from the Local Area Plan are attached in the appendix to this report.

6.2. Natural Heritage Designations

Tramore Back Strand is both an SAC and SPA – this is the area of dunes and lagoon east of the site – at its closest, just under 1 km. Tramore Back Strand SPA site code 004027 and Tramore Dunes and Back strand site code 000671.

7.0 The Appeal

7.1. Grounds of Appeal

Barry Griffin, of Supervalu Shopping Centre, Tramore

- It is submitted that it would have an unacceptable impact on a building of conservation importance (Tig Mór, the dwelling to the south).
- It is argued that it will have an undue negative impact on the residential amenity of neighbouring properties by way of the size and scale of the development and the commercial proposed use.
- It is argued that the site is inappropriate for a commercial/retail use.
- It is argued that it is not substantially better than the previous refused development and that it constitutes overdevelopment of the site (85% site coverage – development standards state 75% should be maximum).

Barry Brennan, of Brennans Pharmacy, Summerhill, Tramore.

- It is submitted that it would have an unacceptable impact on a dwelling of conservation interest (Tig Mór).
- It is argued that it is inappropriate to have a retail use such as a pharmacy in a residential area.

7.2. Applicant Response

- It is noted that the adjoining building is in two separate apartments and is not a protected structure and is not within an ACA.
- It is noted that there are no specific development plan policies regarding the provision of health facilities.

- It is noted that the permitted development was submitted following a refusal for amenity reasons, and that the specific design issues were addressed in the current design. It is argued that the current design is in keeping with the pattern of development in the area.
- It is noted that there is an existing HSE Primary Care Centre in Summerhill, Tramore which has led to an increase in demand for similar services. It is argued that a pharmacy is complementary to primary care centres and medical centres – reference is made to five similar appeals where the Board accepted the principle of pharmacies locating near medical centres (**PL27.244229**; **PL37.223859**; **PL04.222577**; **PL06D.233705** and **PL06S.239890**).
- Drawings and elevations are submitted to support the argument that the proposed design is consistent with the pattern of development and planning history of the site.
- It is submitted that the area is ‘mixed’ in nature, not residential as submitted by the appellants, and that the use is appropriate.
- It is argued that such a use is consistent with local and national retail policy.
- With regard to development standards, it is submitted that the site coverage is appropriate for a commercial town centre development.

7.3. **Planning Authority Response**

The planning authority did not respond to the grounds of appeal.

7.4. **Observations**

Councillor Lola O’Sullivan submitted a letter from the applicants arguing in favour of the development.

7.5. Further Responses

Barry Griffen, Supervalu Shopping Centre

- It is acknowledged that there are other uses in the vicinity, but it is argued that the area is predominantly residential in nature.
- It is restated that if the proposed development would seriously impact on the residential use of the neighbouring building.
- It is submitted that the existing medical centre cannot be considered in the same way as a Primary Care Centre – it is much smaller, so it is argued that there is no justification for a pharmacy.

Barry Brennan of Brennans Pharmacy

- It is noted that the site was previously granted permission for a dwelling in 2005 at a time when the area was zoned for 'tourism' – it is further noted that this permission would have protected significantly more of the Victorian fabric of the area (the boundary wall) and would have had less impact.
- It is noted that it is an objective of the LAP to consolidate town centre development along Main Street, Queen Street and Turkey Road – it is argued that maintaining the residential nature of this end of the town is central to keeping the mix of residential in the area, along with focusing commercial uses in the traditional core.

8.0 Assessment

8.1. Principle of development

The appeal site is in an area designated as 'town centre'. There are no specific policies in the CDP or LAP for pharmacies. The area is mixed in nature, with mostly residential use, but open space/woodland to the west and east across the roads, with the houses mostly either residential or guesthouses. The TC zoning extends along the 'sliver' of land between the two Branch Roads to the Main Street, some 500 metres to the south. The small Main Street of the town is a minor retailing and business centre (it seems to date from when Tramore was a small fishing village,

before it became a resort in the mid-19th Century) – the main ‘resort’ commercial area is closer to the beach.

Having regard to the nature of the area and pattern of development I consider this zoning designation to be reasonable, despite the primarily residential nature of the area. While ideally, locating a retail use such as a pharmacy within Main Street would be most appropriate, there is an obvious complementarity between the adjoining GP practice and a pharmacy, and a social benefit in having a spread of pharmacies through the town. I would therefore consider that the principle of replacing the existing structure with a pharmacy to be in accordance with the zoning designation and consistent with overall policy objectives.

8.2. Pattern of development

The site is within what was probably the garden of the adjoining house, Tig Mór. The structure to be demolished has clearly been unused for some time – the upper storey appears to have been possibly used as a flat, but this is not clear. The adjoining medical centre – essentially it seems to be a GP practice – forms a striking contemporary building on a very visible site for visitors entering the town from the north. While the development would take up the amenity space of Tig Mór, it is just slightly more than the footprint of the existing building. I note that Tig Mór seems to have been built as two apartments (the ground floor accessed from Lower Branch Road, the upper two floor apartments with a doorway on Upper Branch Road), with both apartments apparently unoccupied, and possibly so for quite a few years. Further south, there are further substantial Victorian and Edwardian buildings forming a fine entry to the town on both roads. The overall composition of the buildings is to gradually descend in scale from south to north as the sites narrow, to the apex junction of the two roads.

The proposed development occupies a ‘slot’ currently occupied by the garage with room on top. It will be substantially larger than the existing building, but will be a ‘step’ in scale from Tig Mór to the smaller medical centre.

I would conclude that the design and scale is appropriate within the overall urban composition, and would not be out of proportion or otherwise inappropriate for the context.

8.3. Conservation

Tig Mór is not a protected structure, but is listed on the NIAH and described as of regional importance, with a description and appraisal as follows:

End-of-terrace three-bay two-storey over raised basement house, c.1870, on a quasi L-shaped plan comprising two-bay two-storey over raised basement main block with single-bay two-storey over raised basement gabled projecting end bay to left (south-west), and three-bay two-storey over raised basement rear (north-west) elevation with single-bay two-storey gabled entrance breakfront. Extensively renovated and extended, c.1995, with single-bay two-storey flat-roofed infill open porch added to corner, single-bay three-storey gabled box bay window added to projecting bay, single-bay three-storey gabled projecting bay added to side (north-east) elevation having single-bay three-storey gabled box bay window, and single-bay single-storey gabled projecting open porch added to breakfront to rear (north-west) elevation. Now in use as apartments. One of a pair forming part of a terrace of three. Pitched roofs (gabled to box oriel windows; gabled to porch) with replacement artificial slate, c.1995, clay ridge tiles, rendered panelled chimney stacks, timber eaves, and replacement uPVC rainwater goods, c.1995, on rendered eaves. Flat felt roof to infill porch. Painted replacement roughcast walls, c.1995, with painted cut-limestone stringcourse to basement, roughcast quoins to corners, and rendered stepped cornices. Painted rendered, ruled and lined walls to rear (north-west) elevation with painted red brick quoins to corners, and painted red brick surrounds to gable to breakfront forming 'pediment'. Square-headed window openings (some originally in tripartite arrangement) with stone sills, and some with moulded rendered surrounds. Replacement uPVC casement windows, c.1995. Square-headed door opening to breakfront under gabled open projecting porch with glazed timber panelled door, and overlight. Set back from road in own grounds with forecourt having unpainted roughcast boundary wall to perimeter with rendered piers and hoop iron gate, and rear (north-west) elevation fronting on to road with painted replacement cement rendered boundary wall, c.1970.

A substantial house of distinctive appearance, carefully planned to present individual frontages on to two different roads. Built as one of a pair (with 22816125/WD-26-16-

125) forming the end pieces of a terrace of three houses (with 22826126/WD-26-16-126), the house has been extensively renovated in the late twentieth century leading to the loss of most of the original fabric, and to the erosion of much of the historic patina as a consequence. Nevertheless, the elementary form and massing remains intact, which is of importance to the integrity of the terrace. The house, together with the remainder of the terrace, forms an important component of the architectural heritage of Tramore, and is successfully integrated into the topography of the sloping site, a three-storey elevation fronting on to the lower road with a two-storey elevation fronting on to the higher road.

The structure for demolition is relatively recent in date and does not appear to have any conservation or historical value and does not contribute to the overall context of Tig Mór and the other 19th Century dwellings along the road. The existing medical centre consists of a contemporary wing on an older house, all of it in use for the medical practice – it provides an attractive and appropriate visual appearance from the north.

Having regard to the existing structure on site, I consider the proposed building to be appropriate in design and scale relative to the older buildings in the area. I note that the planning authority deleted the proposed hanging illuminated pharmacy sign – while such signs are common on pharmacies, I would consider it reasonable to delete this due to the sensitivity of the location.

8.4. Residential amenity.

The previous application on the site, for a similar proportioned but higher roofed structure, was refused for reason of its impact on the neighbouring building. The structure is, at its closest, just 1.5 metres from Tig Mór, and next to a very large bay window facing north. The existing structure already blocks views from this window. It also is likely to be somewhat overbearing when viewed from inside, but due to the orientation it seems unlikely it would reduce direct sunlight. I note that the dwelling is empty and is in the ownership of the applicant.

While normally such a close proximity would not be acceptable, having regard to the existing building being in the ownership of the applicant and the existing long

established garage structure being similar in scale and footprint, I would consider the proposed building to be acceptable in amenity terms, as it does not have any significant direct or indirect impacts on other dwellings in the vicinity.

8.5. Development standards

The proposed development represents a very high level of building coverage on quite a restricted site. In a normal residential context, I would not consider this appropriate, but having regard to the existing and long established garage on the lands, and the town centre context, I consider that it is acceptable.

8.6. Appropriate assessment

The proposed development is within the town centre, just under 1-km west from an SAC and SPA. The features of interest of the Tramore Back Strands SPA are the following avian species:

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]

Golden Plover (*Pluvialis apricaria*) [A140]

Grey Plover (*Pluvialis squatarola*) [A141]

Lapwing (*Vanellus vanellus*) [A142]

Dunlin (*Calidris alpina*) [A149]

Black-tailed Godwit (*Limosa limosa*) [A156]

Bar-tailed Godwit (*Limosa lapponica*) [A157]

Curlew (*Numenius arquata*) [A160]

Wetland and Waterbirds [A999]

The conservation features of interest for the Tramore Dunes and Back Strand SAC are as follows:

Mudflats and sandflats not covered by seawater at low tide [1140]

Annual vegetation of drift lines [1210]

Perennial vegetation of stony banks [1220]

Salicornia and other annuals colonising mud and sand [1310]

Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Embryonic shifting dunes [2110]

Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

The closest conservation features to the site are the mudflats and sandflats and drift lines, and the associated birds that would roost and feed there.

The planning authority did a screening and concluded there would be no effects.

Having regard to the small scale of the development and its use of existing foul and water services, I would agree with this. There are no potential pathways for pollution if normal standards are applied, either during construction or during use. I consider that there would be no other direct or indirect or in-combinative effects.

I consider it reasonable therefore to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos. 004027 and 000671, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.7. Other issues

The site is to be served by existing services and there is adequate on-street parking for a pharmacy. There is no evidence on file or from other sources that the site is subject to flooding. The development would be subject to a S.48 development contribution.

9.0 Recommendation

I recommend that the Board grant permission to the proposed development for the following reasons and considerations, subject to the conditions set out below.

10.0 Reasons and Considerations

Having regard to the history of development of the site and the Town Centre zoning of the lands as set out in the Tramore Local Area Plan 2014-2020, it is considered that subject to the conditions set out below the proposed development would not seriously injure the amenities of the area and would otherwise 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 proposed development shall be amended as follows:
 - (a) The illuminated sign at first floor level shall be omitted.

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 visual and residential amenity.

3. The external finishes of the proposed building (including roof tiles/slates) shall be the same as those of the existing Medical Centre in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 0800 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.

8. Water supply and drainage arrangements, including the attenuation and 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.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. 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 prior to commencement of development 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.

. Philip Davis
Planning Inspector

28th July 2017