



An
Bord
Pleanála

Inspector's Report 300440-17

Development

The construction of a single storey discount foodstore (to include off licence use). The development includes the erection of signage. The proposed development will be served by 112 no. car parking spaces with vehicular/pedestrian access will be provided from the Strand Road. The proposed development includes the construction of a single storey ESB sub station, lighting, all landscaping, boundary treatment and site development works.

Location

Strand Road, Tramore, County Waterford.

Planning Authority

Waterford City and County Council.

Planning Authority Reg. Ref.

17/697.

Applicant

Aldi Stores Ltd.

Type of Application

Permission.

Planning Authority Decision

Refusal of permission.

Type of Appeal	First Party
Appellant	Aldi Stores Ltd.
Observer	Leefield Ltd.
Date of Site Inspection	21 st August 2018.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site is within the built up area of the town of Tramore in relative close proximity to both the town centre and the beachfront. The site is currently vacant with no active use on the site.
- 1.2. The site has a stated area of 1.02 hectares and is irregular in configuration. The site has road frontage onto Strand Road to the south and southwest. The site also incorporates a roadway off Strand Road referred to as Crescent Road which loops in a semi circular manner around the rear of a number of properties fronting onto Strand Road. This roadway provides access for the site.
- 1.3. The site is also located to the southeast of the old Railway station which has frontage onto Turkey Road north of the junction of Turkey Road and Strand Street. There is a major variation in level between the appeal site which is low lying and flat and the site of the old railway station and there is an embankment defining this change of level.
- 1.4. In relation to uses there are tourism related uses on the southern side of the Circular/Crescent Road. To the south east Strand Road connects onto the promenade and the beach. To the northeast of the site is a leisure related development.
- 1.5. The site includes an area demarcated in red for the proposed development but other lands in the applicant's ownership are indicated to the west with frontage onto Turkey Road and Strand Road to the south of the railway station and there are also lands to the east of the area demarcated in red which has no road frontage.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 25th of September 2017 was for the construction of
 - a single storey discount food store to include off licence use with a gross floor area of 1,729m² (net retail area 1,254m²). The building is located in the north western area of the site set back from public road. It is flat roofed building of a

modern design and construction with a mix of external finished including stone, glass and plaster. The structure has a maximum height of 6060mm.

- A vehicular entrance located approximately centrally along the site's road frontage.
- The provision 107 car parking spaces which includes dedicated disabled spaces located to the east of the store and to south between the store and roadway, the construction of internal circulation roads; a loading area and internal pedestrian circulation areas.
- The provision of a footpath along the roadside frontage and onto Strand Road.
- The erection of 1 no. free standing double sided internally illuminated sign, 2 no. internally illuminated gable signs and one entrance glass sign.
- The construction of a single storey ESB sub station,
- Internal lighting,
- Landscaping as indicated on drawing no 17460-2-101 which is located primarily located on the perimeter of the site.
- Boundary treatment works and
- Site development and drainage works.

2.2. Other documentation other than drawings submitted included:

- A retail impact statement.
- A retail design statement outlining the design rationale of the proposed development.
- An engineering report.
- Landscaping details.
- A Traffic Impact Assessment (TIA).
- An archaeological assessment.
- An Appropriate Screening report.
- An Ecological Impact Statement.

2.3. It is proposed to connect to existing public piped services.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to refuse planning permission. Three reasons were stated.

The first reason for refusal refers to traffic hazard and that based on the TIA and information submitted that the development would not give rise to a traffic hazard.

The second reason for refusal considers that the development would impact negatively on the old railway station which is a protected structure detracting visually from the architectural, historical and cultural character of the protected structure.

The third reason for refusal considers the development premature pending the completion of an amalgamated city and county plan and strategy which would examine the strategic location and role of Tramore and also to permit this development at this pivotal location would prevent the development of a connection between the town centre, promenade, and tourism/leisure facilities preventing the development of the necessary links and permeability between same and be detrimental to Tramore's long term growth potential.

3.2. Planning Authority Reports.

3.2.1. Planning Report

The planning report dated the 16th of November 2017 refers to:

- The site history.
- A discussion with the conservation officer who recommends refusal based on the impact of the development on the old railway station which is a protected structure.
- Relevant provisions of the current development plan including zonings on the site;
- Submissions received including third party objections;
- An appraisal of the development in the context of the information submitted;

- The report refers to a review of the area and the town centre and the ongoing development of a vision for the area which is outlined.
- Based on this review it is considered that the proposed development is not in keeping with the long term development of the town and this area.
- Reference is made to issues of traffic.
- Reference is made to the relationship of the site to the old railway station.
- The development is considered premature pending the detailed examination of the town centre area and the future strategic role and function of the town.
- Refusal of permission is recommended.

3.2.2. Other reports.

The report of the Senior Architect refers to a review of the town centre and the strand/waterfront area and also issues of traffic and transportation for the town. The review has examined the potential of developing the lower park area and also developing a transport hub focused on the old railway station and the potential of developing linear links from the railway station. The current proposal is considered to be a barrier to the long term vision and development of the park area and not in keeping with seaside activity and the tourism aesthetic for this area of the town. It would break the connection between the park area and the railway station and result in traffic congestion and be detrimental to the long term growth potential of the area.

A report from DBFL Consulting Engineers engaged to carry out a traffic study of the town refers to concerns in relation to the proposal in terms of the access and accessing lands; the concerns in relation to exacerbating traffic congestion at peak periods and lack of information in relation to expected traffic flows; issues of increased conflict with pedestrian movements in the area; the encouragement of unsustainable transport and travel; the proposal could restrict the delivery of future parking proposals and objectives; there is a need to revisit the data to reflect the concerns raised.

The roads and transportation report recommends that the development be rejected on the basis of the additional traffic generated and concerns in relation to conflict with pedestrians in an area which becomes congested in the peak summer period.

3.3. Other submissions.

Submissions were made which refer to issues of design and layout, the appropriateness of the site in the context of the RPG, over provision of car parking, the isolation of the site from the town's retail core and general policies in relation to retailing in Tramore and traffic.

4.0 Planning History

4.1. Planning history has not arisen in any submission relating to the appeal.

There is reference to P.A. Ref No. 88/559 which related to an application for an extension of planning permission until 31/12/1999 in respect of 235 retirement/holiday homes.

In relation to the appeal site itself the site has a history of previous permissions including a mixed use development of residential, retail and leisure related uses P.A Ref. 06/1649; and a hotel related development P.A. Ref. 03/661 and 03/1837.

5.0 Policy Context

5.1. Retail Planning Guidelines 2012.

5.1.1. The Retail Planning Guidelines published by the DoECLG in April 2012 are the current guidance document in setting a policy framework for retail development and for the assessment of individual proposals for development. In essence the guidelines have an overriding policy that retail development should be plan led and part of an overall wider strategic approach in cohesion with other development.

5.1.2. To this end the 2012 Guidelines have five key policy objectives:

- Ensuring that retail development is plan-led;
- Promoting city/town centre vitality through a sequential approach to development;
- Securing competitiveness in the retail sector by actively enabling good quality development proposals to come forward in suitable locations;

- Facilitating a shift towards increased access to retailing by public transport, cycling and walking in accordance with the Smarter Travel strategy; and
- Delivering quality urban design outcomes.

5.1.3. Section 2 relates to Retail Policy Context and the need for symmetry between retail planning policy and the core strategies of development plans identifying locations designated for significant growth within the environs of the city or town in question and also that the core strategy will also show an appropriate level of retailing and amenities to serve the catchment population within those environs.

5.1.4. Section 4 of the guidelines refers to retailing and development management and set out guidance in relation to the assessment of retail development. Section 4.4 sets out the broad parameters in relation to sequential approach to the location of retail development. Of particular relevance is 4.4.2 referring to edge-of centre sites and out-of-centre sites and that these centres are considered in the absence of alternative sites and that only in exceptional circumstances where the applicant can demonstrate and the planning authority is satisfied that there are no sites or potential sites either within the centre of a city, town or designated district centre or on the edge of the city/town/district centre that are (a) suitable (b) available and (c) viable, can that edge-of centre sites (section 4.7) and out-of-centre (section 4.8) site be considered.

5.1.5. Section 5 of the guidelines relates to retailing and design quality and that planning authorities should promote high standards of design and finish through both the forward planning and development management processes.

5.2. **Retail Design Manual A Companion Document to the Retail Planning**

Guidelines published by the Department of Arts, Heritage and An Gaeltacht in April 2012.

5.2.1. The manual in association with the RPG are intended to provide a planning framework for future development of the retail sector in a way which meets the needs of modern shopping formats while contributing to protecting, supporting and promoting the attractiveness and competitiveness of city and town centres as places to live, work, shop and visit. The manual refers to issues including design, site and location, access and connectivity and the public realm.

- 5.3. **Design Manual for Urban Roads and Streets (DMURS)** was prepared for the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government and published in March 2013.
- 5.3.1. The Manual offers a holistic approach to the design of urban streets in cities, towns, suburbs and villages; to the application of principles and standards and a new perspective in assessing development in the urban context with emphasis on accessibility, permeability and design.
- 5.3.2. The objective of the guidelines is produce high quality sustainable developments. The guidance relates to all levels of settlements and are accompanied by a best practice Design Manual.

5.4. **Development Plan**

- 5.4.1. The current operative statutory plan is the Tramore Local Area Plan 2014-2020.
- 5.4.2. Chapter 1 of the plan is the Introduction to the Local Area Plan. In a review of the Tramore Local Area Plan 2007-2013 in relation to retail it is indicated in section 1.1.2 that *“Tramore is designated as the Secondary Service Centre in the Waterford County Development Plan 2011-2017 and as a larger town in the National Spatial Strategy. The issue of Tramore having insufficient convenience and comparison retail floorspace was highlighted in the 2007 Plan. The Town has seen a significant increase in convenience retail floorspace provision over the last Plan period with the arrival of a number of large multi-national supermarket retail chains. Taken in conjunction with subsequent permitted developments, the additional retail floorspace has aided in alleviating this issue for convenience shopping”*.

The plan recognises that Tramore as the Secondary Service Centre has a significant role to play in the achievement of overall visions for the county going forward and is at the forefront of how Tramore should develop over the Plan period. To achieve this, goals which are specific to Tramore have been formulated which include

- To develop Tramore in a sustainable manner as a leading retail and economic centre and realise its Secondary Service Centre status.

- To continue to strengthen Tramore’s tourism sector, which respects and promotes its natural, built and cultural heritage, whilst seeking to develop a modern and diversified year round tourism offering.

5.4.3. Chapter 4 of the LAP refers to Economic and Tourism Development and among the aims are to:

- Encourage the expansion of the Town Centre to allow for a mixed and extended range of retail outlets and services; and
- Harness the tourism potential of the Town.

Section 4.5 refers to Retail Development and having referred to recent additional provision of retail floorspace within the town indicates that there is “*a need to consolidate this recent retail investment in the Town and further strengthen the Town Centre to meet the retail needs and aspirations of the local community and visitors. One of the strategic objectives of the Local Area Plan is the development of a strong and vibrant Town Centre for Tramore which meets the needs of the resident population and visitors alike. The extent of Town Centre zoning along the promenade has been scaled back and it is an objective of this Plan to consolidate Town Centre development primarily from Ballycarnane along Main Street, Queen Street and Turkey Road. Through its zoning objectives, the Planning Authority will only allow appropriate uses within the Town Centre. Furthermore, retail development at out of town centre locations will only be permitted where it is deemed not to detract from the vitality and vibrancy of the Town Centre*”.

This approach is reflected in:

Policy ETD 3

To promote and encourage the enhancement and expansion of the retail floorspace and Town Centre functions of Tramore and to develop its competitiveness through a plan led approach, consistent with the Retail Planning Guidelines 2012.

Policy ETD 5 Promote the reuse and regeneration of derelict land and buildings in Tramore for retail development where appropriate.

Policy ETD 6 To consolidate the traditional Town Centre and to strengthen linkages between the retail areas of the Town and between the promenade and the Town Centre.

Section 4.6 refers to Tourism and that Tramore has strong tourism potential and a longstanding reputation as the premier seaside resort of the south east. To the need to develop and strengthen the tourism product and provide for improved linkages to the Town Centre from the Promenade.

This approach is reflected in:

Objective ETD 11 It is an objective of the Council that a masterplan shall be prepared for development/redevelopment of the entire promenade and seafront having regard to the development of the new town park and permitted redevelopment of the former Hydro site.

5.4.4. In relation to zoning I would refer to maps 2 and 3 of the plan and the site is zoned is predominantly zoned Town Centre. Part of the southern area of the site is zoned open space and tourism. In map 5 of the LAP the Core Strategy Concept Map the appeal site is identified as part of the commercial/civic core. It is important to note that the LAP does not identify a core retail area.

5.4.5. Chapter 8 relates to Development Management.

In relation to zoning objectives Town centre has a stated objective to provide for an integrated mix of residential, commercial, community and social uses within the town or village centre. Within the zoning a Retail Food Discount Store is considered open for consideration and a supermarket/shopping mall is permitted development. In relation to development standards reference is made to chapter 10 of the Waterford County Development Plan 2011-2017 which sets out the minimum standards to which new development must comply to qualify for planning permission or exempted development. Therefore, any development proposal for Tramore must be informed by the development management standards of the Waterford County Development Plan in place at the time of the receipt of the planning application.

5.5. Waterford County Development Plan 2011-2017

5.5.1. This plan sets out guidance in relation to the county area of Waterford and Tramore importance is recognised in terms of the core strategy and its location in the settlement hierarchy.

5.5.2. Chapter 6 refers to Economic Development. Tramore is identified as a Level 2: Sub County Town Centre in the County Retail Hierarchy and section 6.10 specifically

focusses on retail. The plan refers to the RPG and the importance of town centres and the application of the sequential approach in the determination of planning applications for retail development and that in the first instance, the priority should be in locating new retail development within town/village centres and if town centre locations are not readily available within a reasonable and realistic timescale, then edge of centre sites should be looked to.

5.5.3. Section 6.10.5 of the County plan refers specifically to Discount Food Stores where it is indicated that *“their customer catchment and retail offer is different to the mainstream superstores and supermarkets and their trade draw will be different. They provide a specialised form of predominantly convenience shopping. This will be relevant when assessing impact, although the effect on neighbourhood centres and other shops should also be considered. Discount food stores can effectively anchor smaller centres or local neighbourhood centres as well as complementing existing convenience shopping in established Level 3 or 4 Centres. Proposals for such developments will be considered in relation to the provisions of the Plan concerning the design, layout and impact of retail developments. Applications for discount food stores must demonstrate that they will not have a significant negative impact on Level 3 or Level 4 Centres in the Retail Hierarchy”*.

5.5.4. chapter 10 of the plan refers to development management. Parking standards are set out in table 10.9 requiring 1 space per 23m² of gross floor space for convenience retailing which exceeds 250m² gross floor area; a requirement to provide for HGVs and employee parking at a rate of 1 space per 4 employees.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant c/o John Spain Associates in a submission dated the 13th of December 2017 refers to:

- The appellant that there has been looking for a suitable site in Tramore for a considerable period of time.

- Reference is made to a previous refusal of the Board PL24.236132 and based on the reasons stated in that decision a site with a town centre zoning was sought.
- The site is zoned town centre and forms part of core commercial civic area.
- Retail discount food stores are indicated as open for consideration and a supermarket/shopping mall is listed as a use generally permissible.
- The development fully accords with the Retail Planning Guidelines 2012.
- **In relation to reason no. 1** which relates to traffic;
- The appeal is accompanied by a TIA (appendix 7 of submission).
- The roads report did not recommend refusal but did recommend further information and these matters are addressed in the TIA.
- Reference is made to section 3.34 of the TIA and the provision of footpaths and the applicant is prepared to accept a condition in relation the provision of a footpath and agreement in relation to this.
- In relation to the issue of encouraging unsustainable travel practices the development accords with the RPG which contains a presumption against out of town centre locations and is located on a brownfield site zoned town centre.
- The site is highly accessible to all modes of transport and the main bus terminus of the town adjoins the site.
- The scale of the development is considerably less than previously permitted development on the site which permitted five times the level of onsite parking and the road infrastructure has not altered since the previous development was granted in 2006.
- **In relation to reason no 2** which relates to the issue of conservation and in particular the Old Railway Station which is protected structure.
- There is no report from the conservation officer and reference to a discussion with the conservation officer.
- Accompanying the grounds of appeal is an Architectural Heritage Assessment (appendix 6 of submission).

- There was no visual connection between the railway station and the appeal site historically and the visual connection only arises due to recent demolition in the area. The site was previously used as a gasworks, and a tourism attraction known as “Celtworld” which had no relationship to the railway station.
- There is a disconnect between the railway station and the low lying areas of the appeal site.
- The proposed development when viewed from the approach to the town, from the beach and other views would be less obtrusive than previous development on the site and will have no impact from these views.
- The development will be more sympathetic than many current developments in the area.
- The design as presented is designed specific to the site and to respond to the specific characteristics of the site to create a distinct contemporary building.
- The design incorporates a flat roof with a grass roof to soften any view.
- There is also a revised layout plan and other design details to provide additional screening between the building and the railway station (appendix 5 of the submission).
- The proposed development does not in any way compromise the future development potential of the old railway station and the boundary of the discount foodstore is set back over 20 metres from the railway station.
- The area south of the railway station in the applicant’s ownership is reserved free of development and will be developed in consultation with the local authority in future.
- **In relation to reason no 3** which refers to prematurity pending a defining of a future plan of the area.
- This reason has no validity in planning terms and is *ultra vires*.
- The operative current plan zones the site town centre and the development accords with the RPG 2012.

- The development is permitted in principle and the RPG no longer distinguish between discount food stores and other forms of convenience retailing.
- The rationale for refusal appear to be a vision statement for the site and area which is not a public document and has no statutory footing.
- It is inappropriate to refuse a development in compliance with a current statutory development plan and considered premature pending the adoption of a future development plan.
- The appellant has obtained legal opinion on this matter and is included as appendix 8 of the submission which confirms this position.
- In other matters the report of the senior architect appears to be based on a long term vision for the area but the proposal must be considered in the context of current statutory plans.
- The site is not zoned for tourism purposes or uses and as already indicated there is no connection from the site to the railway station. The current proposal does and will improve permeability to the park area.
- **Third party submissions.** Many of the third party submissions issues in relation to design are addressed in the appeal submission.
- Traffic matters by third party submissions are addressed in the grounds of appeal submission.
- Sequential test assessment was carried out.

6.2. Response to the Grounds of appeal

6.2.1. Planning Authority Response

The planning authority in a response dated the 25th of January 2018 refers to;

- The first reason for refusal was based on the reports received from the roads engineer report which recommended refusal.
- In relation to reason no 2 the conservation officer has commented on the grounds of appeal.

- The existing neighbouring seaside activity and tourism uses are not as impacting on the old railway station as the proposed development which adjoins does.
- The in-house reports and studies are not relied on in the third reason for refusal but the amalgamation of the city and county has required a revised consideration of Tramore and the overall role and hierarchy of Tramore has changed since the adoption of the Tramore LAP.
- The site is considered to be a pivotal site and requires exceptional consideration as it is the key to linking the town centre and leisure/tourism uses to unlock and develop the national and regional potential of Tramore.
- The draft NDF places more emphasis on the development and strengthening of urban centres and the appeal site is considered to be a key and pivotal site in relation to Tramore's future potential.
- The comments of the conservation officer refer to the old railway station which is a protected structure RPS 245 and which is also on the NIAH Ref no 2281611 and is a tangible reminder of the architectural, social, cultural and historic development of Tramore.
- The main issue is the impact on architectural heritage and that the old railway station building is a landmark building on the approach to the town and the beach.
- The proposed development has the potential to detract from this important building.
- The proposed design would make a low value contribution in terms of architectural value.
- The development would break the stations connection with the park and the proposed use would not be in keeping with the historical tourism activities in the area.
- It would detract from the architectural, historical and cultural setting of the protected structure.

6.2.2. The Applicant Response.

The applicant in a response dated the 9th of April 2018 refers to;

- The issues are largely addressed in the grounds of appeal submitted.
- Specifically, in relation to the Leefield Ltd observation,
- Reference is made to the observer having a competing commercial interest in the town.
- The RPG refers to the role of the planning system in supporting competitiveness and choice in the retail sector.
- The proposed development will enhance and strengthen the retail role and function of Tramore town centre whilst enhancing consumer choice within the town and catchment.
- The Priests Road site was adequately assessed in the sequential test.
- The planning permission granted on the Priests Road site was assessed and the additional traffic movements associated with the additional discount foodstore will add to a potential traffic hazard with the site access junction with the R682.
- The site was considered unsuitable in relation to a number of factors including layout, parking, sweep movements for delivery trucks, gradient and floor area space required. The site is also out of view from the public road and would seriously impact on the stores ability to trade successfully.
- The review identifies a number of and safety issues that adequately justify the site's exclusion as a potential site for an Aldi discount foodstore and it is an unsuitable site.
- The reason for refusal do not reference the availability of any other town centre sites.
- The current appeal site is within the town centre and not an edge of town site.
- The rationale in relation to the level of parking required and proposed is outlined in appendix 2 of the submission.
- Reference is made to the town centre zoning and the presumption in the RPG against out of town retail development.

- The development will provide additional retail facilities on a brownfield site on a site vacant for a number of years and for the regeneration of the site which is highly accessible by all modes of transport.
- The site is not identified as a site for a larger hotel and/or conference centre.
- The site will form a link between the retail function of the town centre and the tourism uses along the promenade.
- The development will be in compliance with Policy ETD6 of the Tramore LAP.
- Specifically, in relation to the planning authority response.
- The issue of the unsuitability of the Priests Road site has already been addressed.
- Administrative change is not relevant to planning policy and planning policy is contained within the existing statutory development plan which is the Tramore LAP.
- The Greenway is not relevant as it does not come close to Tramore.
- The planning authority reason for refusal treat the site as if it was zoned tourism which represents an incorrect interpretation of the current LAP.
- The current proposal provides for pedestrian connectivity through the site to the neighbouring park and tourism.
- Prematurity pending preparation of plans does not abdicate the responsibility to determine an application when there is a current statutory plan.
- The issue of the relationship of the site to the old railway station was addressed in the initial grounds of appeal and further addressed in appendix 3 of the submission.
- Appendix 2 of the submission addresses parking and pedestrian linkage.
- The provision of the current plan would require 75 spaces and it is proposed to provide 112 spaces but if standard parking bays were provided the number of spaces could be increased to over 125.

- The level of parking provided is based on the experience of Aldi in operating over 130 stores in the country and the level of parking reflects the need to meet the projected catchment of the store.
- There are wide variances in relation to parking requirements from different planning authorities.
- In relation to pedestrian safety the Crescent Road is in the ownership of the applicant and operates as a one road with no restrictions in relation to parking.
- It is proposed to extend the footpath from the Aldi site to Strand Road which will remove the potential of pedestrian and vehicular conflict in the area.
- A number of traffic surveys were undertaken including peak summer periods to assess impacts arising.
- In relation to architectural conservation appendix 3 addresses matters raised by the conservation officer.
- The conclusions of the original report prepared by the applicant remains valid.
- The original setting of the railway station altered with the loss of the railway station function and the loss of buildings around it. It originally did not have an open park setting.
- The lands around the railway station to the north east and south east are now vacant and overgrown and the original character of the railway station has suffered incremental loss with the consequence of a newly introduced “undefined” setting.
- The disconnect between the railway station and the appeal site is affirmed by a level difference of over 4 metres with an embankment and there was intended to be physical connection.
- The only visual connection has arisen through demolition of buildings and there is no correlation between the site and the railway station.
- Measures are proposed to screen the site from the railway station.
- The railway station did not relate to the lands to the east.

- The issue of the architectural, historical and cultural setting of the railway station does not appear to have arisen in previous applications or previous development on the appeal site.
- The railway station in its current condition will not attract a long term occupant.
- The overall redevelopment of the area is dependent on the development of the lower lands and the creation of a high quality architectural retail provision such as that proposed will in time advance the prospect of purposeful conservation and re-use of the architecturally prominent railway station to the immediate and wider heritage benefit of the area.
- In the absence of local regeneration strategies for the building and the square the merits of a low-scale development presenting a much needed unifying backdrop must be favourably considered.
- Photographs and maps are included in the submission.

7.0 **Observer submissions**

7.1. Leefield Ltd c/o HW Planning in a submission dated the 17th of January 2018 refer to

- The observer supports the planning authority decision.
- The site is considered unsuitable for a discount foodstore.
- The observer is the owner of the Supervalu store at Priests Road and has no objection in principle to a discount foodstore in Tramore.
- The observer received planning permission for a discount foodstore at Priests Road and has never received an approach from Aldi which would have been consistent with the RPGs.
- The Retail Impact Assessment and sequential test carried out by the applicant fails to justify excluding the Priest Road site given the existence of an existing permission, the available site area and town centre location.
- The applicant has sought an excessive amount of car parking which is not consistent with the principle of promoting sustainable travel patterns.

- The use is unsuited to an area heavily dominated by leisure and tourism and limits the development of similar uses in the area.
- The proposed development does not address how it relates to the identified retail core and separated from the established retail core of Tramore town.
- The Retail Design Manual in relation to edge of centre sites indicates that account be taken of local circumstances.
- The immediate area has a strong tourism function and consideration of the local circumstances are as important as land use zoning and the planning authority is consistent with the principles of the manual.
- The development has not attempted to limit the quantum of parking.
- The development is a poorly optimum use of urban land and the regeneration of underutilised lands.
- In relation to traffic and a previously permitted development in 2006 there is a changed policy context in the intervening years.
- The area in which the proposal is to be located is used heavily by pedestrians and the planning authority assessment is the appropriate response.

7.2. Observer Response

7.2.1. The observer in a response dated the 9th of May 2018 in relation to the appellant submission dated the 9th of April refers to;

- Reiterates views expressed in previous submissions.
- The observer is aware of the benefits of additional retailing and does not wish to inhibit additional retailing.
- The view in relation to the junction and traffic management being hazardous is refuted.
- Constraints on sites can be addressed leading to improved urban infill development outcomes.
- There is very little elaboration of the specific requirements in relation to the parking demand and consequent additional parking provision.

- Notwithstanding the zoning the site is not considered suitable and zoning cannot be considered in isolation.

8.0 Assessment

8.1. Having regard to the submissions received and the documentation submitted, I consider that the following are the main issues pertaining to this appeal:

1. Principle of proposed development
2. Appropriateness of the proposed use.
3. Architectural Heritage
4. Design and layout
5. Traffic and parking.
6. Other issues

8.2. Principle of proposed development.

8.2.1. In section 5 of this report I have outlined the main policy provisions as currently operative at national, county and local level.

8.2.2. In relation to the actual site itself the site is predominantly within the Town Centre zoning of the Tramore LAP, which is the current statutory plan for town of Tramore. I note the reference made to in the planning authority submissions to ongoing studies in the town as part of the preparation of the next statutory plan for the town including traffic studies and a general appraisal and future vision for the town but they do not form part of any statutory framework.

8.2.3. In selecting the site, the applicant has indicated that reliance on the provisions of the Local Area Plan and that a past refusal of permission in the town played a significant role in the selection of the site. The site was also considered in the context of national guidance on the location of retail development in particular in selecting town centre locations.

8.2.4. The town centre zoning provisions in relation to uses and consideration of uses indicate that a Retail Food Discount Store is considered open for consideration and a supermarket/shopping mall is permitted development.

- 8.2.5. I also consider that the county plan in considering retail development has recognised preference for the location of retail development in town centres and where such sites are not available to sites in proximity to town centres rather than edge of town locations.
- 8.2.6. Taken into account the zoning of the site and preference for the development of sites in or in proximity to town centres the principle of the development can therefore be considered. I would however also indicate that zoning is not the sole criterion for considering and permitting a development and other provisions of statutory plans and matters particular to the site and the area must also be considered.
- 8.3. Appropriateness of the proposed use.
- 8.3.1. The objections raised by the planning authority and supported by the observer submission largely focus on the appropriateness of the proposed use notwithstanding the town centre zoning. The issues raised in this regard largely form the basis of the stated reasons for refusal and include alternative locations for the proposed development, compatibility with the area and uses and specific issues of traffic and relationship to the old railway station.
- 8.3.2. Tramore is a multi functional town. It is a strong historical tourism centre which has focussed on the presence of a beach and the promenade. As a consequence, the eastern and southeastern area are largely dominated by tourism and leisure related uses. The town is also a large dormitory residential town due to its relative proximity Waterford city. The town also has a service function based on retail and other services which has it would appear developed in recent years based on details as outlined in the current LAP.
- 8.3.3. In terms of retail the town centre has a traditional retail function and there is also retail developed on the western fringe of the centre primarily in the Ballycarnane area where a Tesco and a Lidl stores have been opened and developed and Priests Road where a Supervalu operates and which is also to the west of the town centre.
- 8.3.4. In relation to the appropriateness of the site the applicant submitted a Retail Impact Assessment. The RIA addresses planning history including a permission granted on Priests' Road for a discount foodstore P.A. 11/17 which has a planning permission extended until 2022. Reference is made to the RPG and in particular 4.7 of the guidelines and that the current proposal follows a plan led approach in its location

and siting. A sequential test was carried out which examined 3 sites including the Priest Road site. The Priest Road site was considered to be constrained and lacked sufficient space for parking. The other sites were to the west / north west of the town centre.

- 8.3.5. The current appeal site is at the eastern fringe of the zoned town centre area. The RIA contends that the development will help to rebalance the retail core area and regenerate the Strand Road area and is the most suitable, available and viable site for the development of a discount foodstore. The RIA also identifies capacity within the catchment area of Tramore for additional floorspace and compliance with the provisions of the RPG.
- 8.3.6. There would, I consider, appear to be no dispute in relation to capacity for additional convenience retail in Tramore and its catchment. I would also consider the rebalancing of the retail development in Tramore also has merit. In relation to the town centre it is hard to define a retail core for the central area but recent development it has tended to extend to the west.
- 8.3.7. The site and its immediate surroundings are, however, more dominated by tourism and leisure uses than those associated with retail and town centre. It could be argued that Turkey Road forms the boundary between the town centre and the tourist area and development to the north, east and south of the appeal site are tourism and leisure related uses. In many respects notwithstanding the zoning the pattern of development immediate to the appeal site is not retail and taking this interpretation the development cannot be simply regarded as an extension of the current retail area.
- 8.3.8. The area, however, is in need of some regeneration and focus and the planning authority would appear to accept this and have focused on the appeal site and immediate area as requiring attention and have I consider identified the appeal site and its immediate area as a pivotal location given its proximity to the town centre and the promenade.
- 8.3.9. There is however an absence of what future plans the planning authority envisage for the area and equally it could be contended that a retail use on the appeal site could address and be compatible with the future development of the area in the manner envisaged if the design response is appropriate and permeability of provided

for. It is also equally reasonable to present a development for the appeal site based on current statutory provisions of the LAP in the absence of any alternative clearly defined proposals. It is therefore I consider unreasonable to consider the development as premature or inappropriate to the site based on current statutory provisions.

8.3.10. The use for the site is therefore I consider appropriate for consideration. The RIA as submitted is robust and had identified the site as appropriate in the context of the LAP and the RPG.

8.4. Architectural Heritage Issues

8.4.1. The impact on the railway station is referred to in the second reason for refusal and the applicant has submitted in the grounds of appeal an Architectural Heritage Assessment (appendix 6 of submission) and further comments to the planning authority response to the grounds of appeal. The planning authority response to the grounds of appeal includes a submission by the conservation officer in support of the reason for refusal.

8.4.2. The railway station building is a protected structure RPS 245 listed in the County Development plan. The building is also on the NIAH register Ref no 22816111 is a 3 bay 2 storied building opened in 1853 and closed in 1961. It is constructed in yellow brick with sandstone cut dressings and a number of fine features. the building was damaged by fire but many of its original features remain and is an important building and reminder of the architectural, social, cultural and historic development of Tramore. The building opens up onto Turkey Road/Lower Branch Road with a focus westwards rather than eastwards and southwards.

8.4.3. Looking at historical maps it formed part of a complex of railway and industrial type buildings including a gas works which are no longer there and the current building is an isolated building surrounded by parking and is currently blocked up and disused. Its importance to the town and the future preservation is not questioned.

8.4.4. The issue is whether the it has a relationship to the appeal site and whether the proposed development would negatively impact on the setting and curtilage of the railway station as stated in the reason for refusal.

8.4.5. It is hard to consider that there was and is a strong relationship between the site and the railway structure as there is a very distinct variation in level. Historically there

were buildings and structures associated with the railway associated with the railway station and there was not the visual sight of line of vision between the two plots of land as currently exists. There was previously a leisure related building on the appeal site not associated with the railway.

8.4.6. From my own visual appraisal of the site and area it is difficult to see a relationship between the railway station and the appeal site. Passengers would have travelled on Turkey Road and Strand Road. There is no reason I consider that a building could not be located on the appeal site as it would appear based on historical maps that buildings immediately to the east of old railway station building formed a physical barrier between the railway station and the appeal site which was not and remains not part of the curtilage.

8.5. Design

8.5.1. In many respects if the principle and appropriateness of the use is considered acceptable the siting and design of a structure on what is a pivotal site is of significance.

8.5.2. In considering a design response, the proposal as submitted is a modern single storey building which largely reflects a corporate design philosophy associated with the applicant.

8.5.3. In documentation submitted with the appeal a number of photomontages were submitted to give context to the development and its surrounding area including the railway station.

8.5.4. The site is low-lying relative to the lands to the west and the proposal as submitted is for a single storied flat roof modern building form with a maximum height of 6060mm set back from Strand Road and in relative close proximity to the railway station which is located at a higher level to the appeal site.

8.5.5. In terms of visual impact, the structure would not be defined as a strong visual statement on the townscape or streetscape. The design response would appear therefore to be assimilation rather than obtrusion. The design does not form a visual barrier between Strand Road and Turkey Road or between the old railway station and the lower lands to the east and the promenade. The development as proposed is less obtrusive than the leisure building to the northeast of the appeal site.

- 8.5.6. The design and layout does not present a new streetscape on the Circular Road but arising from its setback it does not prevent a visual break from the promenade to Turkey Road. In many respects the lands for future development at the junction of Strand Road and Turkey Road present a more defining challenge in terms of defining a visual statement in relation to the future of Tramore.
- 8.5.7. The layout in many respects provides for a compromise in the transition from the built up area to the west and the open parkland/promenade lands to the east and a visual link between Turkey Road and Strand Road is maintained.
- 8.5.8. The proposal also provides for a pedestrian link through the provision of a footpath linking the promenade and Turkey Road.
- 8.5.9. On balance therefore I would have no objections to the proposal as submitted and in accordance with the additional proposals in relation to screening and boundary treatment adjoining the old railway station as set out in the grounds of appeal.
- 8.6. Traffic and parking.
- 8.6.1. The first reason for refusal refers to the issue of traffic hazard in particular reference is made to increased traffic and conflict with pedestrian movements.
- 8.6.2. The applicant submitted a Traffic Impact Assessment with the application, there is a report for the planning authority from consultants currently conducting a report in relation to traffic in the town, a roads report from the local authority recommending refusal and a response from the applicant in the grounds of appeal to matters raised by the planning authority.
- 8.6.3. The TIA examined current traffic conditions taking into account the peak variations arising in the peak summer tourism season and refers also to previous lapsed permissions on the site. Modelling of the impact of the traffic impact was carried out in the context of the carrying capacity of the road network with a conclusion that the road network had the capacity to accommodate the development and that the proposed new junction into the site from Crescent Road would accommodate the development as proposed.
- 8.6.4. The report from DBFL Consulting Engineers for the local authority refers to concerns in relation to the proposal in terms of the proposed access and accessing lands; the concerns in relation to exacerbating traffic congestion at peak periods and lack of

information in relation to expected traffic flows; issues of increased conflict with pedestrian movements in the area; the encouragement of unsustainable transport and travel; the proposal could restrict the delivery of future parking proposals and objectives; there is a need to revisit the data to reflect the concerns raised.

The roads and transportation report recommends that the development be rejected on the basis of the additional traffic generated and concerns in relation to conflict with pedestrians in an area which becomes congested in the peak summer period.

- 8.6.5. In the grounds of appeal there is a response to the refusal as stated (appendix 7 of submission) which in effect restates the veracity of the modelling as originally carried out and that the scale of the development is considerably less than previously permitted development on the site which permitted five times the level of onsite parking and the road infrastructure has not altered since the previous development was granted in 2006.
- 8.6.6. In a further response to the planning authority response which focused on the excess parking proposed for the site it is reiterated that the level of parking provided is related to the identified needs for the store in Tramore and that standards for parking vary in development plans. The proposal to provide for a footpath removes potential pedestrian and vehicular conflict on Crescent Road which is a private road in the ownership of the applicant and which currently is not subject to parking regulations and weighting restrictions.
- 8.6.7. My initial comment would be that I would accept that there would be seasonal variations in relation to pedestrian and vehicular movements in particular in the peak summer period. This is largely due to the presence of tourism related attractions in the immediate area of the site and on the promenade. The roadway serving the site is not a new road.
- 8.6.8. The site has a history of a previous use and permitted use which provided for higher potential levels of vehicular movements and parking.
- 8.6.9. It is, I consider, accepted that any development and in particular a retail development will attract additional traffic movements irrespective of whether it is additional traffic or diversion of traffic movements currently travelling to other existing retail outlets.
- 8.6.10. There is nothing to suggest that the road network has not the capacity to accommodate the proposed development.

- 8.6.11. The provision of a footpath as proposed on the northern side of Crescent Road would facilitate the reduction of potential conflict of pedestrian and vehicular movements. The present arrangement on Crescent Road has conflicting movements.
- 8.6.12. I would note however that as Strand Road provides a direct route to the promenade from the town higher levels of pedestrians would traverse this route rather than Crescent Road which largely serves the appeal site and some rear access and parking for patrons using the tourist outlets on Strand Road. I would however in this regard consider that the applicant should agree and provide appropriate measures in relation to the movement of pedestrians on Strand Road at the junctions with Crescent Road where the potential for conflict is I consider greater.
- 8.6.13. The access to the site is designed to accepted geometric standards for a vehicular access/egress.
- 8.6.14. The development does it is noted provide for a level of parking in excess of that level required in the plan. It could be stated that the parking is the minimum required and that additional parking could be considered.
- 8.6.15. I would also note that in the county development plan in section 6.10.5 which refers specifically to Discount Food Stores there is recognition that customer catchment and retail offer is different and their trade draw will be different. This will reflect in traffic generation and parking demand and requirements. I would accept that more sustainable and smarter travel is the aim to be achieved but there is also a requirement to recognise current public transport provision and the use of the private vehicle for certain forms of retail activity. The presence of ample parking has the potential to attract additional traffic but the absence of adequate parking also has the potential to exacerbate congestion.
- 8.6.16. I consider that the parking provision although it is excessive in terms of the current development plan is reasonable. I also consider that the provision of the public footpath will facilitate avoidance of pedestrian and vehicular conflict. I do however consider that if permission is granted that the applicant should agree and provide appropriate measures in relation to the movement of pedestrians on Strand Road at the junctions with Crescent Road.
- 8.7. Other issues

8.7.1. In relation to the provision of services for the site I would have no objections to the details as submitted.

8.8. **Appropriate Assessment.**

8.8.1. A screening report was submitted which concluded that there would be no adverse impacts on a Natura 2000 site.

8.8.2. The site is not within a Natura site and there is no reduction or loss of a designated site.

8.8.3. The report identifies the nearest Natura sites the Tramore Dunes and Backstrand SAC (site code 000671) and Tramore Backstrand SPA (site code 004027) which are approximately 930 metres to the east as the only sites within the proposed development's zone of interest. There is no hydrological link between the appeal site and these two Natura sites.

8.8.4. In relation to Annex 1 habitats and species none of the listed species are proximate to the site and the potential for direct impact would not appear to arise.

8.8.5. The screening report assesses potential impacts arising from the development in the construction and operational phases of the development with particular consideration of runoff from the site but that there is no hydrological link to any Natura site. The site is considered too distant to create disturbance from noise and light.

8.8.6. Impacts (direct or indirect) of the project alone and in combination with other projects I consider can be reasonably ruled out on the basis of objective scientific information.

8.8.7. In conclusion, therefore, having regard to the scale, nature and operation of the development, the absence of defined connectivity to 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.

9.0 **Recommendation**

9.1. It is recommended that permission for the development be granted for the following reasons and considerations.

10.0 **Reasons and Considerations**

Having regard to the provisions of the Waterford County Development Plan 2011-2017, to the Tramore Local Area Plan 2014 – 2020, to the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012 and to the location, scale and design of the proposed development in an area zoned for ‘town centre’ within the said Local Area Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not significantly impact on the vitality and viability of the core retail area of Tramore and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

- 10.1. Having regard to the Appropriate Assessment Screening Report submitted with the planning application, the report of the Inspector and the nature, scale and location of the proposed development, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites’ conservation objectives. In this regard, the Board concurred with and adopted the Planning Inspector’s conclusions in respect of Appropriate Assessment Screening.

11.0 **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 25th of November, 2017 and by the further plans and particulars received by An Bord Pleanála on the 13th of December, 2017, 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 interests of clarity.

- 2 Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority and where it is considered necessary, the developer shall erect on-site samples for the agreement of the planning authority. In this regard, the north-western elevation of the proposed store shall have a natural stone finish. The applicant shall ascertain and comply with all the requirements of the planning authority in relation to proposed landscaping and boundary treatments prior to the commencement of any works on site. All retaining walls shall be finished in a natural local stone. All proposed boundary fencing shall be decorative

Reason: In the interest of visual amenity.

- 3 Water supply and drainage arrangements, including 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.

- 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 Parking and access arrangements for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of any works on site and shall include details of the proposed pedestrian crossing along Circular Road. All works shall be at the developer's expense.

Reason: In the interest of traffic safety and visual amenity

- 6 The internal road network serving the proposed development including loading bay, junctions, parking area, footpaths and kerbs, and the surface finishes and markings, shall comply with detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety

- 7 All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing overhead cables crossing or bounding the site shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity

- 8 Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

- 9 No display or storage of goods, produce, waste, plant, packaging or crates, machinery or equipment shall be stacked or stored on this site at any time except within such buildings or storage areas as may be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

- . 10 (a) External roller shutters shall not be erected. Any internal shutters shall be only of the perforated type, coloured to match the shopfront colour. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) No adhesive material shall be affixed to the windows of the shopfront

Reason: In the interest of visual amenity

- . 11 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise

management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity

- . 12 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.

- . 13 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. The 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.

Reason: In the interest of sustainable waste management

- . 14 **The proposed unit shall not be open to the public outside the hours of 0900 to 2200 Monday to Saturday inclusive, nor outside the hours 1000 to 1900 on Sundays or public holidays. Deliveries shall not take place before the hour of 0700 Monday to Saturday inclusive, nor before the hour of 0800 on Sundays and public holidays, nor after 2200 hours on any day.**

Reason: To protect the amenities of the area

- . 15 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

Derek Daly
Planning Inspector

24th September 2018