



An
Bord
Pleanála

Inspector's Report ABP-303720-19.

Development	Permission for the partial demolition of existing single storey commercial structures, the extension of 2 no. single storey commercial structures at an existing height of 4.68m and the construction of a new central three storey commercial building at a height of 10.79m.
Location	The Pavillion, Tramore West, Co. Waterford.
Planning Authority	Waterford City & County Council.
Planning Authority Reg. Ref.	18/366.
Applicant(s)	Henry & Bergitta Moore.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Multiple Third Party.
Appellant(s)	Walter Walsh Martin Kelly
Observer(s)	None.
Date of Site Inspection	3 rd May, 2019.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located on a prominent corner site adjacent to the main promenade in the town of Tramore, Co. Waterford. The main development areas of the town lie to the west and north of the subject site, which is located at the roundabout which links the Riverstown Road and the Tramore Promenade. Tramore attracts a significant number of tourists and is considered a premier seaside resort in Irelands South East with a sandy beach which extends to approximately 5km.
- 1.2. The subject site is located to the south eastern area of the town and in proximity to the lifeguard hut which serves the adjacent beach, located just metres from the site. The site is located in a low density development area with a number of tourism related developments notable.
- 1.3. The existing buildings on the site comprise low rise single storey structures which include two café kiosks, a restaurant and a surf shop. The lands immediately to the west comprise public open space and amenity lands including a car park and a park with a walking trail. There is a guest house on the lands to the north with residential and tourism related development beyond, including caravan parks. To the east, and across the roundabout and public road, there is a development comprising a mix of commercial and residential uses in two storey buildings. The site has a stated area of 0.122ha and the existing buildings on the site have a stated floor area of 340.11m², of which the application information indicates, 138.27m² is to be demolished.

2.0 Proposed Development

- 2.1. Permission is sought for the partial demolition of existing single storey commercial structures, the extension of 2 no. single storey commercial structures at an existing height of 4.68m and the construction of a new central three storey commercial building at a height of 10.79m, all at The Pavillion, Tramore West, Co. Waterford.
- 2.2. The proposed development will result in an increase in the floor area of the buildings on the site to 598.45m² and proposes to provide commercial floor area over three floors. In support of the proposed development, the application included a number of 3D views of the proposed development structure.

2.3. The development proposes the use of a variety of finishes on the three-storey element including a render finish, vertical metal cladding and glass. The three-storey element will have a flat roof finished in a raised seam copper cladding, similar to that of the lifeguard centre. The ground floor of the development will continue to be occupied by the two café kiosks, surf shop and restaurant, with the additional ground floor area being occupied as an extension to the ground floor restaurant and 40.8m² to be occupied by the proposed Spa. The first and second floors of the new extension will be occupied by the Spa.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development, subject to 9 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report considered that further information was required in relation to the proposed development in terms of prominent corner location and the potential for a landmark building, clarification on the precise nature of all uses are required to be highlighted, vehicular entry/exit access plan given the high pedestrian movement in the area as well as issues relating to water services. The report considered the submissions made as well as policy requirements.

Following receipt of the response to the FI request, the planning report recommended that planning permission be granted subject to conditions. This recommendation formed the basis of the Planning Authority's decision to grant permission.

3.2.2. Other Technical Reports:

Roads & Transport: Access requirements – entry/exit points – during construction need to be clarified as it is a high pedestrian area. Further information required prior to approval of permission.

Water Services: Further information required in relation to engineering details of existing and proposed water supply, foul and storm drainage which were not submitted with the application.

3.2.3. Prescribed Bodies;

Irish Water: Further information required

3.2.4. Third Party Submissions:

There were 2 submissions from third parties in relation to the proposed development. The issues raised reflect those concerns raised in the appeal and are summarised as follows:

- Impacts of construction phase on existing businesses in the area.
- All matters pertaining to the construction phase should have been clarified and agreed before the application can proceed to determination by the PA.
- The development phase will result in a portion of the kitchen, cold room, toilets and stores of the existing restaurant not being available or being compromised during and after the construction phase.
- The proximity of the development poses serious operational difficulties for the existing restaurant and the restaurant owner has invested large amounts of money in his business and staff.
- Jobs will be placed in jeopardy.
- The height and scale of the building proposed will have a visual impact on the area where planning permission for a two-storey building has already been refused.
- Issues raised in relation to the address of the site on the application form.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref 95/581: Outline permission granted for a leisure and retail development on the subject site.

PA ref 98/577: Permission granted for the construction of Restaurant & 7 No. Retail Units.

PA ref 04/548: Permission granted for additional stores and toilets and serving hatch window at The Pavilion Retail Complex, Tramore Co. Waterford.

Site to the west:

PA ref 98/1109: Outline permission granted for a three storey dormer type hotel comprising 80 bedrooms, function room and ancillary services.

ABP ref PL24.228798 (PA ref 07/817): Permission refused following an appeal for the construction of a new mixed use, four-storey development incorporating ground floor storage and retail units, first floor restaurant, retail units and public house/restaurant, second floor hostel and hotel accommodation, third floor viewing towers, and in addition to building signage, redirection of existing public sewers and services, connection to mains water and drainage, entrance onto new public road, boundary treatment, landscaping and all ancillary associated site works necessary to facilitate the development at the Promenade, Tramore, County Waterford for reasons relating to visual impact by reason of design, form, scale and bulk of the proposed development.

ABP ref PL24.241174 (PA ref 12/122): Permission granted following an appeal for the construction of a building to contain a sports, leisure and retail facility. The building will include retail units, skate park, flow-rider, recording studio, changing rooms, toilets, workshop, offices, bar/restaurant facility, ESB substation, plant rooms and all ancillary accommodation, complete with all associated carparking, road network and associated site works on our site (the former Hydro site). This permission was not implemented.

Site to the north:

PA ref 09/177: Permission granted for works to the existing accommodation centre comprising first and second floor extension over existing flat roof containing eight new bedrooms with bathrooms ensuite together with all associated works and site works at Ocean View House.

PA ref 13/322: Permission refused for the construction of a new two storey facilities building consisting of (ground floor) a multifunction meeting room, reception

area, kitchen and toilet facilities with porches. This includes a partial conversion of the existing laundry building. Also the construction of a newsstand alone resident's ethnic kitchen and laundry with enclosed children's play area. First floor to consist of games room, visiting doctor's room, computer/prayer room, toilets and all associated site works at Ocean View House.

PA ref 18/799: Permission granted to construct two single storey multipurpose community rooms for use by the residents, along with associated site works at Ocean View House.

5.0 Policy Context

5.1. Development Plan

The subject site is located within the town of Tramore where the Tramore Local Area Plan 2014-2020 is the relevant policy document. The site is zoned Tourism and it is the stated objective of this zoning to provide for tourist uses.

Chapter 10 of the Plan deals with Development Standards.

5.2. Natural Heritage Designations

The site is not located within any designated site. The site is located approximately 600m to the west of Tramore Dunes & Backstrand SAC, Site Code 000671 and Tramore Back Strand SPA, Site Code 004027.

The Tramore Dunes & Backstrand pNHA, Site Code 000671, is also located within similar proximity to the subject site.

5.3. Environmental Impact Assessment

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

6.0 The Appeal

6.1. Grounds of Appeal

The Board will note that two third party appeals against the decision of the Planning Authority to grant permission for the proposed development were submitted. One however has been withdrawn prior to the completion of this report and therefore its content has not been considered in this report. The grounds of appeal are similar to those raised with the Planning Authority and are summarised as follows:

- Issues with the address of the development site in the application as well as the location of the site notice.
- The development is out of scale and does not fit well with the area and contravenes Development Plan Policy which seeks to protect the scenic value of the coastal zone of Tramore including landward and seaward views.
- Any new development should respect the existing character of its setting and blend in harmoniously.
- The area is listed visually vulnerable in the Co. Development Plan.
- The response to the FI request seeks to justify the scale of the development but in reality, it would be the only 3 storey building in the area and references to adjacent buildings are not comparable.
- The planning history in the area has permitted two storey buildings and not three storey

6.2. First Party Response

None.

6.3. Planning Authority Response

The Planning Authority has not responded to this third party appeal.

6.4. Observations

None.

7.0 Assessment

I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual Impacts
3. Appropriate Assessment

7.1. Principle of the development:

7.1.1. The subject site is located within the settlement boundary of the town of Tramore and on lands zoned C5 Tourism in the current Tramore Local Area Plan 2014-2020. It is the stated objective of this zoning 'to provide for tourist uses'. The attached zoning matrix identifies café/tea shops and restaurants as permissible in principle. I am satisfied that the surf shop and proposed spa can also be deemed appropriate uses for the zoning afforded to the site.

7.1.2. Having regard to the established nature and uses associated with the site, I am generally satisfied that the proposed re-development of the site would increase the mix of commercial offer on the site and is acceptable in principle.

7.2. Visual Impacts

7.2.1. The Board will note that the site is located on a prominent corner site at the junction of Riverstown Road and the Tramore Promenade. The existing site is occupied by a low rise development, single storey in scale, and includes two café huts to the front of the site. The proposed development, if permitted, would result in a three storey building, located in the north western corner of the site, with the existing single storey structures extending towards the road to the south and east. The proposed height of the three storey element is indicated at 10.805m at its highest point.

7.2.2. The proposed development is to include a number of finishes, including a nap plaster finish to match the existing structures as well as vertical metal cladding and glass. The three-storey element will have a flat roof finished in a raised seam copper

cladding, with gables clad in the metal cladding. The existing buildings in the vicinity of the site comprise a variety of styles and finishes including a traditional two and a half storey building to the north, Ocean View House, and flat roofed two storey structures with extensive fenestration to the east.

7.2.3. In terms of the proposed single storey elements of the proposed development, I have no objections. The development proposes the provision of stretched canvas shades for the existing café huts and along the elevations of the existing restaurant and surf shop. I do, however, note some concerns in relation to the three storey element of the development raised by the third party appellant. I also have a concern in terms of the proposed roof style as well as the finish proposed.

7.2.4. While I note that the Board has permitted a development with a similar overall height at one part of the building, to the west of the subject site, this development was not constructed, and permission has expired. The main building permitted had an overall height of 11.51m reducing to 10.82 and 6.8m at its lowest point. The elevation of this permitted development immediately adjacent to the current proposed development site rose to 8.6m.

7.2.5. To the north of the subject site is the Ocean View House which offers tourist accommodation. The overall height of this building is of a similar scale to the overall height of the building proposed. In this context, I would note that the finished floor level of the proposed development site is below that of Ocean View House.

7.2.6. In terms of the proposed height of the development, at 10.8m, I have no real objections. The site is in a prominent location and having regard to the nature of development permitted in the vicinity, I consider the overall height generally acceptable in principle.

7.2.7. However, I do have a concern in relation to the proposed roof design and the vertical metal cladding finish proposed which will extend onto gables of the structure. In addition, and while I have no real objection in principle to the overall height, I consider the jump from the single storey, of 4.5m in height, to the 10.8m height of the three-storey element, together with the extensive glazing proposed to the south, to be visually convoluted and would, in my opinion, result in a visually obtrusive development on this seafront site.

7.2.1. In light of the above, I would consider that any conditions to address the above concerns would be inappropriate. Should the Board be minded to grant permission in this instance however, I would recommend that the matter be addressed by way of the submission of additional information prior to any permission issuing.

7.3. **Appropriate Assessment**

The site is not located within any designated site. Having regard to the location and nature of the subject site, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

8.0 **Recommendation**

It is recommended that planning permission be refused for the proposed development for the following reason.

9.0 **Reasons and Considerations**

Notwithstanding the zoning afforded to the subject site, which occupies a prominent location on the promenade in Tramore, adjacent to the town's main tourism resource, being the seafront, it is considered that the proposed design, form, scale, bulk and finish of the proposed three storey element of the development as proposed, and in particular the roof, would be visually obtrusive and would seriously injure the visual amenities of the area. The development, if permitted, would set an undesirable precedent for further inappropriate development along the seafront at this location, and would therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine
Inspector
22nd May, 2019