



An
Bord
Pleanála

Inspector's Report ABP-305863-19

Development	Construction of a proposed new fifth floor extension to the existing Fitzwilton Hotel.
Location	Fitzwilton Hotel, Bridge Street, Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	19/409
Applicant	Waterford Hospitality Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant
Appellant	Gerard Freyne
Date of Site Inspection	29.01.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The appeal site comprises the existing Fitzwilton Hotel in the north western area of Waterford city centre. It is a five-storey hotel located on the corner of Bridge St. and Mary St. approx. 100 metres south of Rice Bridge.
- 1.2. The hotel is in the built-up urban area with an external finish comprising mainly render but with a significant glazed element, in particular at above ground floor level at the junction of the two streets and along the street elevations at fourth floor level, and some copper cladding. There is a mix of uses in the vicinity of the site. Vehicular access to the existing ground level car parking area is from Mary St. and the undercroft car park is located beneath an apartment building constructed to the south west of the hotel.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a fifth-floor extension to the existing hotel, to include the subdivision of an existing fourth floor suite to provide 2 no. separate double rooms, 22 no. proposed new rooms inclusive of new fifth-floor suite, elevational signage and all associated site works.
- 2.2. The floor area of the existing hotel is stated as 4,175.41sqm and it has an indicated height of 17.128 metres. The proposed extension floor area is stated as 828.01sqm and the hotel will have an indicated height of 20.571 metres.
- 2.3. In addition to standard planning application plans and particulars the planning application was accompanied by a 'Shadow Study & Sunlight Assessment Report'.
- 2.4. Further information was submitted in relation to a 'Site Specific Traffic Management Plan and Construction Management Plan'.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 11 no. conditions, including an Irish Water connection agreement, amendments to the proposed signage, external finishes, construction practices, submission of a waste management plan, submission of a construction and demolition management plan and financial contributions.

3.2. Planning Authority Reports

Planning Reports dated 31.07.2019 and 17.10.2019. Following the submission of the 'Site Specific Traffic Management Plan and Construction Management Plan' the Planning Officer concluded that the proposed development was acceptable and in accordance with the policies of the Waterford City Development Plan 2013-2019 and with the proper planning and sustainable development of the area.

3.2.1. Other Technical Reports

Roads and Transportation – No objection subject to conditions following an initial further information recommendation.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

A third-party submission was received from Gerard Freyne, c/o BM Cahill, Catherine St., Waterford. The issues raised are largely covered by the grounds of appeal with the exception of the following:

- The scale and height of the proposed extension is disproportionate to the streetscape of Mary St. and the two listed buildings.
- There is no provision for car parking and bus bays on O'Connell St. and Mary St. have reduced the number of car spaces with further reductions possible.

- Concern expressed in relation to road safety issues at the Bridge St./Mary St. junction as a result of two-way traffic, the bus bay, turning circles etc.

4.0 **Planning History**

None relevant.

5.0 **Policy Context**

5.1. **Waterford City Development Plan 2013-2019**

- 5.1.1. The site is in an area zoned 'City Centre Commercial' with a zoning objection 'To protect, provide and improve City Centre Commercial uses'. A hotel is generally acceptable in principle in this zoning.

5.2. **Urban Development and Building Heights Guidelines for Planning Authorities (2018)**

- 5.2.1. These guidelines are relevant to the subject application.

5.3. **Natural Heritage Designations**

- 5.3.1. The Lower River Suir SAC is approx. 70 metres north of the site.

5.4. **EIA Screening**

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

1 no. third-party appeal, which includes photographs, was received from Gerard Freyne, c/o 14 Catherine St., Waterford. The main issues raised can be summarised as follows:

- The appellant is the owner of Greenbank Apartments, Mary St., which are opposite the proposed development.
- Residents of these apartments are entitled to daylight, peace and quiet and a reasonable quality of clean air. When a coach is parked in the bay the ground floor apartment is cast into semi-darkness. When coaches are loading and unloading directly in front of the building it is noisy. Coaches who stay overnight start the engines at 6.00am to acclimatise the internal temperature of the bus. On summer mornings the exhaust from the bus(es) makes it impossible to open windows in the roadside apartments. When the coach bay is unoccupied other trucks use this bay.
- Residents of these apartments are entitled to uninterrupted access to the exit door of the apartments. In the event of a fire this is affected by bus passengers and luggage being stacked outside the only escape route. Should the coach ignite then residents have very little scope to exit the building.
- Residents of these apartments are entitled to a secure environment. The security of residents in the ground floor apartment, whose apartment is overshadowed by the bus, is impinged when a tunnel is created between the building and the bus and the apartment is not visible. Beer kegs stored on the footpath by the hotel to screen the coach bay before a coach arrives have the potential to cause harm.
- Residents of these apartments are entitled to a reasonable standard of road safety. The corner of Mary St. and Bridge St. could be improved significantly with dedicated road crossings, proper line of sight for pedestrians and vehicles and an organised system of traffic flow.

- Increasing the capacity of the hotel will compound and exacerbate these activities which impinge on the rights and entitlements of the local population.

6.2. Applicant Response

The main points made can be summarised as follows:

- The applicant is fully aware of the appellant's frustrations with regard to the bus bay and they have made several approaches to the Council to review and alter the current situation. Hotel management wrote to the Council when they (the Council) were undertaking a traffic management review and wanted to make Mary St. a one-way street (copy attached).
- The applicant requested traffic be directed from Bridge St. to Mary St. only and locate the coach stop outside the hotel on the hotel side of the street because the coach must park on the passenger side of the road for safety reasons. The Council went against the request and they intended to create a one-way street from Mary St. to Bridge St. in 2014 with a bus bay at the opposite end of the street. However, this has not occurred as Mary St. is still a two-way street. If the one-way system as proposed by the Council was implemented, they would be happy for this system to be put in place once the bus bays are located at the hotel side. This would require double yellow/no parking zone on the apartment side of the street as is the current set-up on the hotel side.
- The applicant is more than agreeable to have the bus bay and a second bus bay, if required, located directly outside the hotel. However, this will require agreement with the Council. The applicant is equally agreeable to go with the appellant to the Council to make the case. An Bord Pleanála should not be the forum to find a resolution to the appellant's issues as the decision on the location and provision of the bus bay was made by the Council in the absence of any agreement with either party to the appeal.
- Every effort is made by hotel management to coordinate guest coach drop-off and collection to minimise the dwell time and minimise inconvenience to residents. Overnight coach parking is provided by the Council free of charge

on Grattan Quay and coach drivers are instructed to use same. This is the current arrangement.

- The increased bed numbers will not be allocated for additional coach tourism. The current allocation of coach related guests is done by coach size and the hotel is currently contracted for the next three years. The extension is proposed to facilitate the uplift in tourism numbers given the Waterford Dungarvan Greenway is to extend into the city via Grattan Quay and the proposal is a commercial response to this and will not require additional coach activity.
- Issues raised in relation to daylight, peace and quiet, clean air and security are directly related to the bus bay which was decided by the Council against the applicant's wishes.
- The applicant will instruct and ensure that staff and coach drivers do not place baggage at or near the exit door referred to.
- In relation to road safety the applicant concurs and would be happy to go with the appellant to meet the Council.
- The proposed development will not exacerbate the current coach visitor or bus movements. While the applicant is happy to support the appellant in having the bus bay moved the relocation of same is a function of the Council.

6.3. Planning Authority Response

None received.

6.4. Further Responses

A further response was received from the appellant which can be summarised as follows:

- The Council and local representatives have been contacted many times regarding Mary St. What exists, suggests to the appellant, that the correspondence did not receive meaningful consideration. The appellant believes that observations made regarding the planning application have received the same scant treatment.

- The Council's Planning Report suggested that there is adequate parking near the hotel. Have the planners established how many car spaces are available to the hotel in the basement? Do the planners consider the vacant lot beside the hotel now being used as a private car park as a legitimate car space? Why would a temporary car park be brought into existence if there is adequate parking in the area? Does the temporary parking area contradict the planner's presumptions of adequate parking?
- Contrary to the applicant's response in relation to overnight bus parking on Grattan Quay if a bus vacates its allocated position, in the morning the bus bay is taken by cars. In the morning there is no alternative only to stop the bus in the middle of Mary St. to load the bus. The appellant can categorically state that all buses serving the hotel park on Mary St. overnight.
- It seems there may be a requirement for two bus bays for the hotel which was not referenced by the planners.
- The proposed scale is disproportionate to the listed buildings alongside e.g. St. Saviours, which is a prominent landmark and which was not referenced by the planners. Why is it that busses can park in proximity and obscure the streetscape?
- The Council have not given due consideration to the residents of Mary St. in terms of health, safety and the built environment.

7.0 Assessment

The main issues are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Building Height
- Traffic Management/Car Parking
- Impact on Residential Amenity
- Appropriate Assessment

7.1. Building Height

- 7.1.1. The grounds of appeal reference the building height and its impact on buildings of historic interest in the immediate vicinity.
- 7.1.2. It is proposed to increase the height of the existing five storey hotel to six storeys. The hotel has a flat roof and it is proposed to increase the height from 17.128 metres to 20.571 metres. This is a relatively modest increase in height. The hotel is located within the city centre and, while it is visible from the wider area such as the R448 on the opposite side of the river and from Rice Bridge, it sits comfortably among more prominent buildings such as St. Saviour's (a protected structure, RPS No. 51) on the opposite side of Bridge St., the Revenue Regional Office building approx. 120 metres south of the hotel which is at a higher ground level, and the Waterford Distillery building on Grattan Quay approx. 120 metres to the north west.
- 7.1.3. The 'Urban Development and Building Heights Guidelines' state, in Section 1.10, that in areas such as Waterford city centre, it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective. The Guidelines support increasing prevailing building heights in addressing the delivery of more compact growth in urban areas and Section 3.1 states that there is a presumption in favour of buildings of increased height in city cores.
- 7.1.4. A backlit sign was proposed on the roof. This was omitted by Condition 3 (a) of the planning authority decision. I concur with the planning authority assessment of the roof sign though I consider the high-level side elevation sign referred to in Condition 3 (b) to be acceptable as proposed.
- 7.1.5. I consider that the addition of a fifth floor at this location will not have any undue adverse impact on the setting of the protected structure, it would sit comfortably into the built environment and not comprise an obtrusive or visually obtrusive feature and it would be consistent with the provisions of the 'Urban Development and Building Heights Guidelines'.

7.2. Traffic Management/Car Parking

- 7.2.1. The grounds of appeal refer to the junction of Mary St. and Bridge St., coach parking associated with the hotel, car parking etc. The applicant has expressed similar concern regarding the provision of a one-way system along Mary St. and has indicated a willingness to approach the Council with the appellant.
- 7.2.2. A number of the issues raised in both the grounds of appeal and the applicant's response are traffic management issues which I consider to be separate to the proposed development subject of the planning application. Issues such as one-way streets or relocation of coach parking bays are traffic management issues for the local authority and not matters of relevance to the Board. Alterations to traffic management have implications for a number of other parties not involved in this application.
- 7.2.3. Car parking associated with the hotel is limited. The ground level car park is accessed off Mary St. and the further information response received by the planning authority states that there are 37 spaces available for hotel guests. Car parking standards are set out in Table 5.0 of Variation No. 1 of the City Development Plan 2013. The standard is 1 space per 2 bedrooms in Waterford city centre. There are 91 no. bedrooms in the existing hotel so there is a current shortfall of 8.5 car parking spaces. The hotel, as proposed, will have 114 bedrooms. This would require 57 spaces and therefore there would be a shortfall of 20 spaces. Notwithstanding, the Plan states that these standards shall be applied at the discretion of the Council and that non-residential standards are 'maxima' standards. Having regard to the urban nature of the area, the proximity of public transport links, the extent of car parking that is provided, the fact that the Plan sets out maximum rather than minimum car parking standards and the content of the planning authority's Roads and Transportation report I do not consider the shortfall in car parking provision to be a significant concern.
- 7.2.4. Therefore, I consider that traffic management in the public areas are matters relevant to the local authority and the shortfall in car parking provision is not a significant issue.

7.3. Impact on Residential Amenity

- 7.3.1. The grounds of appeal reference a number of impacts resulting from the existing coach parking bay and the operation of this parking bay.
- 7.3.2. As per Section 7.2, it is considered that this bay, and the concerns set out in the grounds of appeal in relation to daylight, peace and quiet, air quality, fire escape and security etc. are a consequence of the location of this coach bay and its re-location is a matter for the local authority. I do not consider these issues to be matters directly related to the to the proposed development subject of the planning application and the proposed development will not further exacerbate the issues set out in the grounds of appeal.
- 7.3.3. A 'Shadow Study & Sunlight Assessment Report' was submitted with the planning application. The results of this study show that 11 no. of the 32 no. windows selected will experience a reduction in Vertical Sky Component in excess of the 20% recommended. A reduction of 38% was the largest percentage reduction. This is a city centre area with a relatively tight layout in the vicinity of the site with narrow roads. Existing residential development in the vicinity will be affected by the proposed increase in height. Notwithstanding, this is an area where national policy seeks to increase the prevailing building height and an impact on existing amenity is a common consequence of creating a denser urban form. I consider that the reduction in the Vertical Sky Component of adjoining property is not such that a refusal of permission on this basis is warranted having regard to the existing built form.
- 7.3.4. Having regard to the foregoing, I consider the proposed development, subject of the planning application, will not have an undue adverse impact on residential amenity.

7.4. Appropriate Assessment

- 7.4.1. Notwithstanding the proximity to the Lower River Suir SAC, having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Waterford City Development Plan 2013-2019, the Urban Development and Building Heights Guidelines, 2018, and the nature and scale of the proposed development within Waterford city centre it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the urban environment of the site and would not seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25.09.2019, 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. This grant of permission does not include the backlit illuminated signage on the roof as shown on the 'Proposed Mary Street Elevation' (DWG. No. PL-14) received by the planning authority on 10.06.2019. This sign shall be omitted.

Reason: In the interest of protecting the visual amenities of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed development 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. 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.

5. The applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant,

telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. 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 a traffic management plan, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Anthony Kelly
Planning Inspector
12.02.2020