



An
Bord
Pleanála

Inspector's Report

ABP-309813-21

Development	for the development comprising of 6 no. 2 bedroom apartments at first floor level and 4 no. 2 bedroom apartments at second floor level, alterations to shopfront at Strand Road, 3 storey access stairs and lift to rear all at the
Location	Prom Arcade, Strand Road, Tramore, Co Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	20796
Applicant(s)	Cool Quay Leisure Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Cool Quay Leisure Ltd.
Observer(s)	None
Date of Site Inspection	12 th May 2022

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.11 hectares and forms part of Prom Arcade on Strand Road, Tramore, Co. Waterford.
- 1.2. The existing building comprises of a casino and a fast food takeaway. Both properties are single storey and flat roofed. The ground floor area of the fast food takeaway is excluded from the application site and it is proposed to develop above this area.
- 1.3. Adjoining the site to the north is a car park and a small seaside shop selling beach toys, candy floss, tea, coffee and crepes etc. A large three storey building providing for a casino partially at ground floor level together with apartments both partially at ground floor level and on two upper floors adjoins the site to the south and east. These apartments are known as 'Beachside Apartments' and they turn the corner onto Strand Street. The site is also accessed from an existing laneway adjacent to these apartments.
- 1.4. Car parking for 10 parking spaces is located within an existing car park accessed from Strand Road c. 150m to the north of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of 10 No. two bedroom apartments above existing casino and chipper.
 - Alterations to shop front
 - 3 storey access stairs and lift to rear of existing premises.
- 2.2. A Further Information Response was submitted to the Planning Authority on the 9th of February 2021 which provided for the following amendments:
 - Site sections.
 - Contextual Elevation of proposed development with adjacent development.

- Revisions to windows in units E, F, J, and I to provide for high level windows with opaque glazing.
- Item 3 of the Further Information Response refers to a revised elevation to highlight and distinguish the main entrance door but this was not included in the drawings submitted as noted in the planner's report.
- Draft lease agreement with owners of adjacent car park.
- It is stated that there is no alternative feasible access from the north side of the site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission refused for one reason as follows:

The proposed access to the development from Strand Street is substandard in terms of width and layout and would if permitted seriously detract from the residential amenities of future occupants of the development given this is the only means of access to the lift and bin store serving the residential development and in turn would result in a haphazard and disorderly pattern of development negatively impacting on the residential and visual amenities of the area. Furthermore the Planning Authority has concerns regarding the residential amenities of the occupiers of the apartments served by the windows on the north elevation and the fact future development may negatively impact on same resulting in a loss of light or may compromise the future development potential of adjoining lands. Therefore the proposed development is considered contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner's report considered that principle of development was acceptable. It was considered that given the locational context of the site, applying a standard of 1 car parking space per unit would be acceptable rather than the Development Plan standard of 1.5 spaces per unit. Concern was expressed that the capacity of the laneway to access the site other than for very occasional use and not as a main access to the site, particularly as a means of accessing the lift. It was noted that the entrance to the apartments from Strand Road is only accessible from a stairwell and the laneway proposed for lift access was narrow in width, not adequately overlooked and uninviting. Permission was refused based on concerns in relation to impact on residential amenities.

3.2.2. Other Technical Reports

- The planner's report details that the file was sent to the Roads Department, the Senior Executive Environment and the Assistant Chief Fire Officer. The Roads Department had no comments and there was no response from the Senior Executive Environment or the Assistant Chief Fire Officer.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1.1. The planner's report contains a list of the planning history in the area. I have noted same but consider that there are no applications of direct relevance to the current application.

5.0 Policy Context

5.1. The **National Planning Framework** has a number of policy objectives that articulate delivering on a compact urban growth programme. These include:

NPO 3(a) and (c) relating to brownfield redevelopment targets and delivering housing within existing settlements;

NPO 6 relating to the rejuvenation of towns and cities to provide increased residential population and employment in urban areas;

NPO 13 relating to a move away from blanket standards for building height and car parking etc. and instead basing it on performance criteria.

5.2. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities Department of Housing, Local Government and Heritage 2020**

Supports the use of infill sites in urban locations to provide higher density apartment developments

SPPR3 Sets out standards for minimum apartment floor areas.

SPPR4 Sets out guidance in relation to dual aspect apartments.

SPPR5 Species floor to ceiling heights.

Section 4 sets out guidance in relation to communal facilities in apartments.

Appendix 1 sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.

Car Parking: In areas that are well served by public transport, the default position is for car parking to be minimised, substantially reduced or wholly eliminated. This is

particularly applicable where a confluence of public transport options are located in close proximity.

5.3. Waterford City and County Development Plan 2022-2028

- 5.3.1. Site is zoned as 'TM'- Tourism.
- 5.3.2. Table 2.2 indicates that Tramore is designated as a Large Urban Town. Section 4 deals with tourism and states that tourism accommodation facilities serving the tourism sector will be supported and should generally be located within town and villages and developed with the principles of universal design to ensure they are accessible to all. Proposals for tourist accommodation in towns and villages must be proportionate in size, appropriate in scale, siting and design to its host settlement. Objective ECON 24 We will continue to support the development of a variety of accommodation types at appropriate locations throughout Waterford City and County (hotels, B and B's, Guest Houses, self catering, caravan and camping, glamping etc), which can improve the economic potential of increased visitor revenue, increase dwell time and meet visitor needs. Tourism accommodation should generally be located within towns and villages (unless otherwise justified to the satisfaction of the Planning Authority) and developed with the principles of universal design to ensure they are accessible for all.
- 5.3.3. Policy H17 encourages the establishment of attractive, inclusive and sustainable residential communities. Section 8.4 requires access for all while Uni Des 05 requires that the design of new buildings should meet the needs of all users and make people feel welcome and safe regardless of their gender, ability, age or ethnicity.
- 5.3.4. Volume 2 deals with Development Management Standards. DM06 requires that a minimum of 20% of dwellings in new residential development must be designed to be Lifetime Homes, suitable to accommodate or are adaptable to provide accommodation for people with disabilities and older people. Planning applications will be required to demonstrate compliance with this objective and to show an accessible route to the residential units from the boundary of the property. Section 3.4.3 sets out requirements for Apartment Standards. Section 7 sets out car parking

standards – 0 spaces are required in Waterford City Centre/ Urban Town Centres/ Neighbourhood Centres.

5.4. Natural Heritage Designations

- 5.4.1. The appeal site is not located within any European site. The closest such sites are the Tramore Backstrand SPA, the Tramore Dunes and Backstrand SAC and the Tramore Dunes and Backstrand pNHA which are located c. 1.3km to the west of the site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development on a brownfield site in a fully serviced location, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that 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 grounds of appeal can be summarised as follows:

- The option of an access from the north of the site is not available to the applicant.
- The width of the Strand Street access is 1.2m which is more than adequate to serve 10 apartments as an alternative access.
- Unfortunately this access point on Strand Street is the only option to serve wheelchair and bin traffic because of the restricted width of the Strand Road

frontage. The laneway at present may appear intimidating because of the unfinished block walls enclosing it but it would be proposed to upgrade the entrance by:

- (a) Plastering the two sides of the laneway internally
 - (b) Fitting a gate at the street edge from a security point of view
 - (c) Paving the surface of the laneway to prevent a more inviting entrance
 - (d) Fitting of a card controlled system of access with emergency exit facility
 - (e) Provision of purpose designed lighting
- The lane is overlooked at the southern end by existing apartments and will be overlooked at the northern end by the proposed apartments.
 - It should be borne in mind that the likely residents of this development will be short stay residents for the most part because of the location.
 - The upgrading of the lane will have a positive impact on the residential and visual amenities of the area.
 - It is unlikely that this accessway will become the main access given the location of the second entrance on Strand Road (although it will remain the preferred access for wheelchair bound residents).
 - The issue in relation to the windows on the northern elevation was not raised by the Planning Authority either at the pre-planning meeting or during the course of the application. Had there been concern expressed, this could have been modified.
 - A sketch is attached to the appeal response which eliminates the need for these windows whilst at the same time retaining a dual aspect to the 4 No. apartments in question. If ABP finds in favour of this development, a condition could be incorporated to eliminate these windows without affecting the quality or amenity of the overall development.
 - An elevation is attached to the response which shows the upgraded entrance at Strand Road which was omitted in error from the further information submission.

6.2. **Planning Authority Response**

- None submitted.

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. The main issues in this appeal 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:

- Principle of Development
- Residential Amenity for Future Occupants
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The subject proposal is for the redevelopment of the existing site to provide for apartments above an existing ground floor amusement arcade. The use is in accordance with the 'TM- Tourism' zoning of the site.

7.2.2. National and local policy supports the consolidation of urban centres. The National Planning Framework, (NPF), contains targets for the delivery of new housing within existing settlements.

7.2.3. I am satisfied that the proposed development is in accordance with the zoning objectives of the site and can be assessed on its merits against national and local planning policy.

7.3. Residential Amenity for Future Occupants

- 7.3.1. The issue of residential amenity essentially forms the basis for the only reason for refusal cited by the Planning Authority in its reason for refusal. The Council consider that the proposed access to Strand Street is substandard in terms of width and layout and would detract from the residential amenities of future occupants of the building given that it is the only means of access to the lift and bin store. Furthermore, the Planning Authority has concerns regarding the residential amenities of the north facing apartments and consider that future development could impact negatively on same.
- 7.3.2. I consider that the proposed apartments generally comply with the minimum standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities in terms of floor areas and minimum storage space and private amenity space standards.
- 7.3.3. I would however express some concerns in relation to the overall layout, orientation and aspect of 4 of the apartments - Units D and C at first floor level and units H and G at second floor levels. These apartments provide for various windows serving kitchen/ living area and bedrooms on the boundary with the adjoining site. The adjoining site is currently used as a car park.
- 7.3.4. The applicant has submitted revised drawings with the appeal documentation which omit all north facing windows on the boundary and provide for alternative fenestration. The bedrooms in the proposed arrangement would face an internal courtyard, whilst the kitchen/ living areas of apartments C and G would be dual aspect and apartments D and H would be single aspect.
- 7.3.5. I am satisfied that this would provide both a better level of amenity for future occupants in terms of improved daylight in habitable rooms and would address the concerns raised in relation to future development potential of the adjoining car park. I note that only sample floor plans were submitted and if the Board were minded to grant permission for this arrangement, revised plans and elevations for these alterations would be necessary.
- 7.3.6. In terms of the access issue, I consider that this issue is problematic. I refer the Board to the photograph and photomontage attached to the appeal response,

together with Photograph 3 taken on the site inspection, and the photographs attached to the planners report as these may be helpful in assessing this issue.

- 7.3.7. I note that a new access is proposed from Strand Road by means of a stairs to serve the first and second floor apartments. However, access to the lift is through a 1.2m wide existing access from Strand Street flanked on both sides by high walls.
- 7.3.8. The appeal response states that ‘unfortunately, this access point on Strand Street is the only option to serve wheelchair and bin traffic because of the restricted width of the Strand Street frontage. The laneway at present may appear intimidating because of the height of the unfinished block walls enclosing it but it would be proposed to upgrade the entrance by: a) plastering the two sides of the laneway internally, b) fitting a gate at the street edge from a security point of view, c) paving the surface of the laneway to present a more inviting entrance, d) fitting of a card controlled system with access with emergency exit facility, provision of purpose designed lighting.’
- 7.3.9. The appeal response further notes that the access route is one of two access routes and it should be borne in mind that the likely residents of this development would be short stay residents for the most part because of its location.
- 7.3.10. I note that Section 4 of the Apartment Guidelines require that apartment schemes should be designed so that they are easy for people to use and to reflect the fact that all people experience changes in their abilities as they progress through the different stages of life. It is important for designers to take all users of buildings into account in order to avoid the creation of a built environment that excludes certain groups from participating in normal everyday activities. Part M of the Building Regulations sets out standards to ensure that buildings are accessible and usable by everyone, including children, people with disabilities and older people. Whilst there is no specific requirements in terms of lift access, Section 4.2 advises that hallways and shared circulation areas should be appropriate in scale and should not be unduly narrow.
- 7.3.11. Section 8.4 of the Waterford City and Council Development Plan deals with Access for All/ Universal Design. Policy Uni Des 05 requires that the design of places and buildings should meet the needs of all users and make people feel welcome and safe regardless of their gender, ability, age, or ethnicity. Policy H17 encourages the establishment of attractive, inclusive and sustainable residential communities in

existing built up areas and new emerging areas by ...requiring that the housing mix in any new development has regard to the provisions of 'Housing Options for Our Aging Population, Policy Statement (2019) or any update thereof, and makes provision for older people and persons with disabilities in line with the Centre for Excellence in Universal Design- Universal Design Guidelines (2015) or any update thereof for Homes in Ireland and for wheelchair users in line with the Irish Wheelchair Association Best Practice Guidelines (2020) or any update thereof.

- 7.3.12. Notwithstanding the details submitted in the appeal response, I consider that this access is unacceptable in terms of its width, design, high walls on both sides and narrow passageway. This access would provide access to both the communal bins and the lift together with an alternative access in the event of a fire on the premises. I note that it is completely removed from the main access to the building and provides an inadequate and unwelcoming design response for future residents which is not inclusive to all potential users. Furthermore, whilst I accept the point made that the likely residents would be short stay, there is no provision for lower standards in relation to the potential use for short stay lettings in either the Development Plan or the Apartment Guidelines.
- 7.3.13. As such, I have significant concerns that the proposed development would constitute a substandard form of development for future occupants of the scheme and would therefore be contrary to the proper planning and sustainable development of the area.

7.4. Appropriate Assessment

- 7.4.1. The appeal site is not located within any European site. The development is located on a brownfield site and is proposed to be connected to the public water supply and drainage system. Having regard to these factors, to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the provisions of the current Waterford City and Council Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2020, it is considered that the proposed development, by reason of the access arrangements from Strand Street which is narrow in width and flanked by high walls on both sides and at a significant remove from the main access, would be an inadequate and unwelcoming design response and would form a substandard form of development for future residents of the scheme. The proposed development would be contrary to Waterford City and Council Development Plan policies Uni Des 05 and H17, and would fail to comply with the criteria set out in Section 4 of the above Guidelines, would constitute a substandard form of residential development for future occupants and therefore be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

22nd July 2022