



An
Bord
Pleanála

Inspector's Report PL 08.247734

Development

Extend existing commercial vehicle sales, maintenance garage premises & showroom facility. Construct new single-storey, double-height secondary building for valeting & body repair work.

Location

Coolcorcoran, Tralee Road, Killarney, Co. Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

16/931

Applicant(s)

Eamon Moynihan

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant(s)

Eamon Moynihan

Observer(s)

None

Date of Site Inspection

3rd February 2017

Inspector

Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 1.1742ha, is located on the west side of the N22 Killarney to Tralee National Primary Road – some 2.0km north of Killarney. The 100kmh speed restriction zone applies in this area. There are narrow hard shoulders on either side of the road at this location. There are no public footpaths and there is no public lighting. There is a single, unbroken white line in the centre of the road at this location – except at the junction with the short cul de sac serving this site. Access is from this short cul de sac slip road which serves the commercial development site and a two, one-off houses immediately to the north. Sight distance at the junction of the cul de sac with the N22 is good in both directions.
- 1.2. The triangular-shaped site is bounded to the west by the Killarney to Tralee railway line (in cut at this location) – the boundary with which is an old hedgerow and a row of semi-mature coniferous trees. To the north, the site abuts the curtilage of a detached house with storage yard to the rear – the boundary with which is a row of semi-mature coniferous trees. To the east, the site abuts the N22 – the boundary with which is a landscaped, low, earthen berm with some semi-mature standard trees (mostly birch). There is a two-storey height commercial unit on the site – occupied partly by BG Motors and partly by Killarney Flooring & Tile Centre. There is a tarmacadam forecourt to this building with further hard-core areas on all sides. On the date of site inspection there were approximately 150 vehicles (mostly cars) on the site. There is a mixture of fixed and free-standing signage at this site – advertising the occupants and services available. There are currently two free-standing truck backs on the site which are used for storage, and a further 'Portacabin' unit – all to the rear of the main building.
- 1.3. There is a stand-alone diesel pump on the site – which does not appear to be in use. The septic tank on site is covered with concrete slabs. Much of the northern portion of the site comprises rank grass and weeds growing up through the hard-core.

2.0 Proposed Development

2.1. Permission sought on 23rd September 2016, for commercial development comprising the following principal elements-

- Extension to existing two-storey commercial vehicle sales/maintenance garage premises to include new main entrance/reception area, new vehicle showroom and parts/stores area (350m²); first floor offices and customer toilets (125m²).
- Construct new single-storey, double-height secondary building (105m²) for valeting and body repairs.
- Water supply is from an existing public mains connection.
- Waste water is discharged to an existing septic tank system.
- Surface water is discharged to a harvesting tank with overflow to soakway.

2.2. The application is accompanied by a Traffic & Transport Assessment – dated September 2016.

3.0 Planning Authority Decision

By Order dated 17th November 2016, Kerry County Council issued a Notification of decision to refuse planning permission for one reason as follows-

“The proposed development is to be located adjacent to the N22 National Primary Road. It is considered that the proposed development would be contrary to official policy in relation to development on/affecting national roads as outlined in the ‘Spatial Planning and National Roads’ Guidelines for Planning Authorities (2012) and more particularly Section 2.5. As the proposed development is located on an unimproved section of a national road where the maximum speed limit applies, it would endanger public safety by reason of traffic safety by reason of a traffic hazard and obstruction of road users due to the movement of extra traffic generated. Accordingly it is considered that the proposed development by itself or by the precedent which a grant of permission for it would set would adversely affect the operation and safety of the national road network. The proposed development would, therefore, be contrary to the proper planning and sustainable development”.

4.0 Planning History

Ref. 94/1359: Permission granted for car dealership and signage.

Ref. 15/912: Permission refused to Applus Car Testing Services Ltd, on 9th of December 2015, to construct a new car-testing centre building, access road, car-parking, treatment unit and associated works and signage. [The site, as outlined in red, comprised a portion of the current appeal site].

5.0 Policy Context

5.1. Development Plan

The relevant document is the Kerry County Development Plan 2015-2021. The site lies outside the development boundary of Killarney – within the general rural un-zoned part of the county. There are no special amenity designations attaching to the landscape and there are no listed views or prospects in the vicinity.

Objective RD-17 states- 'It is an objective of the Council to protect the capacity and safety of the national road and strategically important regional road network in the County and ensure compliance with the Spatial Planning and National Roads Planning Guidelines (January 2012) and the NRA Traffic & Transport Assessment Guidelines (2007).

Table 7.1a of the Plan lists Priority Road Infrastructure Projects for the county – the N22 Farranfore/Killarney Bypasses being the first item on the table.

5.2. National Guidance

The document 'Spatial Planning and National Roads – Guidelines for Planning Authorities', issued by the Department of Environment, Community and Local Government in 2012, is of relevance. The Guidelines are issued under section 28 of the Planning and Development Act 2000 (as amended), and the Board is required to have regard to the Guidelines in the performance of its functions.

5.3. Natural Heritage Designations

The closest European site is the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site code 000365), located some 1.0km to the south. The closest point of this European site is the Deenagh River which drains into Lough Leane. However, the appeal site is not hydrologically connected with the Deenagh River, but drains to the north into the Glanooragh River – which approximately 2.7km north of the site comprises part of the Castlemaine Harbour SAC (Site code 000363). The Qualifying Interests of this SAC are as follows-

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Vegetated sea cliffs of the Atlantic and Baltic coasts
- Salicornia and other annuals colonising mud and sand
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- Mediterranean salt meadows (*Juncetalia maritimi*)
- Embryonic shifting dunes
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)
- Fixed coastal dunes with herbaceous vegetation (grey dunes)
- Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*)
- Humid dune slacks
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)
- *Petromyzon marinus* (Sea Lamprey)
- *Lampetra fluviatilis* (River Lamprey)
- *Salmo salar* (Salmon)
- *Lutra lutra* (Otter)

- *Petalophyllum ralfsii* (Petalwort)

6.0 Grounds of Appeal

6.1. The appeal from Eamon Moynihan, received by the Board on 14th December 2016, can be summarised in bullet point format as follows-

- The Traffic & Transport Assessment (dated September 2016), which accompanied the planning application, was not given due consideration by the Council. This Assessment concludes that the development would not adversely impact on the carrying capacity of the N22 and would not have any significant adverse traffic impact on the existing local road network.
- The applicant needs to upgrade the facilities at this premises, in order to remain competitive.

6.2. There is no response from Kerry County Council to the grounds of appeal submitted.

7.0 Assessment

7.1. Development Plan Considerations

The site lies outside of the development boundary of Killarney, within a rural area of the county. Planning permission has been granted in the past (1994) for a car dealership on this site. Objective RD-17 states- seeks to safeguard the carrying capacity of National roads. Planning permission was refused for one reason relating to this objective.

7.2. Site Layout & Design

There is an existing two-storey height commercial building on this site (floor area of 298m²) – the tarmacadam forecourt and surrounding hard-core areas of which is used for car sales. It is proposed to make minor alterations to this building and extend it with a similar-type structure providing an additional 460m² of floor-space over two levels. The entire extended building is to be used for car sales and

ancillary office accommodation – with a small area retained for motor repairs. A separate, two-storey height building of 105m² is to be constructed to provide indoor valeting and body repairs for cars. The forecourt area is to be extended for outdoor display of cars for sale. The buildings are standard industrial-style structures with graphite-coloured ‘Kingspan’ panelling to the exterior, curtain glazing for the car-showroom area and roller shutter doors for vehicular access. There is some small amount of semi-mature planting on the N22 boundary of the site. The site is separated from the house/storage yard to the north by an hedgerow. The removal of three metal containers from this site (currently used for storage) will represent a small improvement in visual amenity terms – as these elements are not particularly visible at present, as they are behind the main building on the site. The proposed development will not have any significant impact on the visual amenity of the area.

7.3. Traffic

- 7.3.1. The Traffic & Transport Assessment submitted refers to a permitted two-storey garage and showroom building of 836m². This is an error, as the building on site has a floor area of only 298m². I note that the 100kmh speed restriction applies in this area and that there are no public footpaths and that there is no public lighting. There is a single, unbroken, white line in the centre of the road – except at the junction with the cul de sac serving the appeal site. There is no ghost right-turning island in the centre of the N22 to facilitate right-turning traffic into the short cul-de-sac from which the appeal site takes access. Whilst the applicant refers to hard shoulders on either side of the N22 – these are narrow, and not wide enough to allow a vehicle to pull off the carriageway. The alignment of the N22 as this location is on a broad curve. Sight distance at the cul de sac junction is good in either direction.
- 7.3.2. Traffic counts were undertaken by the applicant on Thursday 11th August 2016. I note that this is during the school holiday period, whilst at the same time being peak holiday period. The Annual Average Daily Traffic (AADT) was estimated at 10,100 vehicles – with an HGV component of 3.7%. The design year for the proposal is stated to be 2022 and 2032. The likely increase in traffic flows on the N22 have been taken into consideration for the design years. Estimated turning movements

into and out of the cul de sac at peak hour have been calculated. Traffic impact is based on a permitted building floor area of 836m², which is far in excess of the 298m² building on the site at present. However, it must be noted that there were up to 150 vehicles parked on this site on the date of site inspection by this Inspector – it being unclear just how many were for sale. What is of note is, that as a car sales site, activity is not confined to building floor area alone. It is estimated that the new development would increase the peak hour link traffic volumes on the N22 by 0.51%, and the overall AADT by 45 vehicles. No significant queues are predicted at the cul de sac junction. I would be concerned that right-turning vehicles on the N22 into the cul de sac would result in obstruction of traffic, as would traffic exiting the cul de sac – accelerating in both northerly and southerly directions, particularly during peak hour flows. There are no acceleration or deceleration lanes at this junction.

7.3.3. The Spatial Planning and National Roads Guidelines 2012, state the following-

- The primary purpose of the national road network is to provide strategic transport links between the main centres of population and employment.
- New retail and employment developments tend to be attracted to motorways and national road corridors. Such patterns of development are uneconomic and also lead to increases in trip distance, making it difficult to develop attractive public transport.
- The planning system must ensure that the strategic traffic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads or alternatively by ensuring that the trip demand from future development will primarily be catered for on the non-national network.
- The intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users – particularly roads where speed limits in excess of 50/60kmh apply.

Section 2.5 of the Guidelines require that all development plans must implement policy in relation to lands adjoining National Roads to which speed limits of greater than 60kmh apply, where there would be generation of increased traffic from existing accesses to national roads. This provision is stated to apply to all categories of

development. The application was referred by Kerry County Council to TII, which body considered that it was at variance with national guidance, and that it would adversely affect the operation and safety of the national road network and set an undesirable precedent for other similar types of development. I would concur with this assessment.

- 7.3.4. The Traffic & Transport Assessment submitted with the application refers to TII plans for the N22 Farranfore/Killarney By-pass Scheme, which would result in this section of the N22 being by-passed. This is not referred to in Kerry County Council Roads Reports on the file or in the TII submission to the Council. The construction of the by-passes (plural) is referred to at Table 7.1a of the Plan, but there is no indication given of any timescale(s) and neither is there any diagrammatic form of the likely line(s) of such by-passes. In the absence of any likely provision of such by-passes, I would consider that the proposed development is premature.

7.4. Water Supply & Drainage

7.4.1. Water

The existing building on this site is stated to be served by public mains. Drawings submitted do not indicate connection to the mains. There is no proposal to alter the water supply arrangements to this site.

7.4.2. Foul Waste

The existing building on the site is served by a septic tank located some 20m to the rear of the building. It is proposed to connect the new development to the same septic tank. No indication is given of the capacity of the septic tank or the location of the percolation area serving it. The site is a reasonably large one. The septic tank is more than 16m from the proposed new valeting/body repairs building. There are no watercourses either within or immediately adjoining the site. The ground in the vicinity of the septic tank is hard-core – used for the storage of vehicles. Any percolation area should be fenced-off to prevent pipes being damaged by heavy vehicles.

There is an existing diesel pump on this site. The location of the underground tank serving it has not been indicated. The pump does not appear to be in use. The diesel pump is to be relocated to the rear of the building – within the tarmacadam

curtilage of the new layout. Any such new pump should have an area around it controlled by suitable drainage channels connected to an hydrocarbon interceptor. The location of the underground tank serving the pump should also be indicated.

7.4.3. Surface Water

At present, surface water is stated to discharge to a soakway in the northwestern corner of the site. There are no watercourses on or in the vicinity of this site. There is no indication of roadside drainage on the N22 or along the railway line. Whilst there is tarmac in front of the existing building on the site – there are extensive hard-core areas immediately abutting this tarmac area – some of which are overgrown with weeds. Drainage from these areas would appear to be direct to groundwater without the benefit of any treatment. It is proposed to discharge surface water from roofs to an underground rainwater harvesting tank – the overflow from which will discharge to the soakway. Surface water drainage from tarmac areas will discharge to road gullies and from thence to an Hydrocarbon interceptor. The outfall from the hydrocarbon interceptor will discharge to the soakway. The drainage proposals will be an improvement on what exists at present – particularly the proposal to introduce an hydrocarbon interceptor.

7.5. **Appropriate Assessment**

- 7.5.1. The proposed development was subject to Appropriate Assessment screening by Kerry County Council. It was concluded that there was no potential for significant effects to Natura 2000 sites.
- 7.5.2. As noted in section 5.3 of this Inspector's Report, the closest European site is the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC – located some 1.0km south of the appeal site. However, the site is not hydrologically connected to the closest point – the Deenagh River. The site drains to the Glanooragh River catchment to the north. This river forms part of the Castlemaine Harbour SAC – the closest part of which is 2.7km from the site. There are no watercourses either within or immediately abutting the site. Foul waste is discharged to an existing septic tank on the site, and there is no proposal to make any changes to that arrangement. Surface water from roofs will drain to a rainwater harvesting tank, located below ground level, to the rear of the buildings, and from thence will

overflow to a soakway. Surface water from paved areas will drain to gullies which will in turn drain to an hydrocarbon interceptor. The outflow from the hydrocarbon interceptor will drain to the aforementioned soakway. Most of the qualifying interests of the Castlemaine Harbour SAC relate to coastal features. However, also included is River lamprey, Atlantic salmon, Otter and Petalwort. Having regard to the separation distance involved and the absence of any direct hydrological linkage between the site and the SAC, I would be satisfied that the development will not adversely affect the integrity of the European site.

- 7.5.3. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have significant effect on European site no. 000363, or any other European site, in view of the site's Conservation Objectives; and a Stage 2 Appropriate Assessment is not, therefore, required.

7.6. Other Issues

7.6.1. Financial Contribution

As permission was refused for this development, there is no report on the file from Kerry County Council in relation to payment of a development contribution in accordance with the Development Contribution Scheme in place for the county, or whether any Special Development Contribution might apply. In the event that the Board is minded to grant planning permission for this development, it would be appropriate to attach a condition requiring payment of a development contribution in accordance with the Development Contribution Scheme in place for the county.

7.6.2. Residential Amenity

There are two one-off houses located immediately to the north of this site. As the proposal is for an expansion of an existing motor retail/repair business, there will be no significant change in relation to residential amenity.

7.6.3. Signage

There is currently a number of fixed and free-standing signs advertising the occupants and services provided on this site. The position of these signs is not

indicated on any of the drawings submitted, and nor is their future status indicated. There are no signage proposals included with this application. In the event that the Board is minded to grant planning permission for this development, a condition should be attached requiring submission of a separate planning application for signage (other than exempted development signage).

7.6.4. Floodlighting

In the event that the Board is minded to grant planning permission for this development, a condition should be attached relating to any floodlighting of the premises and its potential impact on motorists on the N22.

8.0 **Recommendation**

8.1. I recommend that permission be refused for the Reasons and Considerations set out below.

9.0 **Reasons and Considerations**

The proposed development would result in the intensification of traffic turning movements at an existing junction on the N22 National Primary Road, at a location where the maximum speed limit of 100kmh applies. Having regard to Government guidance set down in 'Spatial Planning and National Roads – Guidelines for Planning Authorities', issued by the Department of Environment, Community and Local Government in January 2012, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would reduce the carrying capacity of a National Road and would set an undesirable precedent for other similar types of development taking access from this road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Michael Dillon,
Planning Inspector

2nd March 2017.