



An
Bord
Pleanála

Inspector's Report ABP-306125-19

Development

Demolition of an existing petrol station and construction of a 32-bed boutique hotel, 1 ground floor retail unit, a basement car park, and all ancillary works.

Location

Muckcross Road/Ross Road Junction,
Scrahane, Killarney, Co. Kerry

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

19/976

Applicant(s)

Killarney Reeks Ltd.

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party -v- Decision

Appellant(s)

Killarney Reeks Ltd.

Observer(s)

John & Norrie King

Leo & Maud Malone

Patricia Mangan

Tony O'Shea

Clara & Aoife O'Shea

Date of Site Inspection

13th March 2020

Inspector

Hugh D. Morrison

Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
4.0 Planning History.....	6
5.0 Policy and Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	10
6.3. Observations	10
6.4. Further Responses.....	12
7.0 Assessment.....	12
8.0 Recommendation.....	22
9.0 Reasons and Considerations.....	22

1.0 Site Location and Description

- 1.2. The site is located to the south of Killarney town centre in the south western corner of the “T” junction formed between Flesk Road/Muckcross Road (N71 national secondary road, which forms part of the Ring of Kerry tourist route) and Ross Road. This site, which has an area of 0.08 hectares, is presently in use as a petrol filling station. It has a forecourt with open access/egress onto Muckcross Road and Ross Road.
- 1.3. The north western corner of the aforementioned junction marks the south eastern corner of the extensive grounds to Killarney House. The dovecote within these grounds lies in a position adjacent to this corner. On the eastern side of the N71, opposite the site, lie a variety of single and two storey buildings in residential and commercial use. Likewise, the site is adjoined on its southern side by a two storey complex of buildings behind a forecourt, known as Castle Lodge, and on its western side by a car repair garage and an electrical suppliers. On the northern side of Ross Road adjoining the grounds to Killarney House lies a row of single storey and two storey former estate houses.
- 1.4. To the south of the site, Muckcross Road serves a variety of hotels, guest houses, and B n’ Bs. It also serves two other petrol filling stations on opposite sides of this Road.

2.0 Proposed Development

- 2.1. The proposal would entail the demolition of the existing petrol station, which comprises the following elements:
 - A building (443 sqm), which includes 2 retail units on the ground floor and offices on the first floor,
 - An existing forecourt canopy, and
 - Underground fuel tanks, which would be decommissioned before being removed.
- 2.2. The proposal would also entail the construction of a five-storey over basement building which would accommodate the following elements:

- A 32-bed boutique hotel (1821 sqm),
- A ground floor retail unit (101 sqm), and
- A basement car park.

2.3. The building would be of contemporary design: Its consecutive floors would not wholly coincide and so through their partial rotation a fan-like form would result. A variety of materials would be exhibited in the finishes to this building, including limestone to the ground floor, smooth concrete grey render to the upper floors, burnt larch to the top floor, and Corten steel to a feature escape stairway on the western elevation.

2.4. At the appeal stage, the applicant has provided the option of an amended design, i.e. the omission of the top floor and the housing of the escape stairway enclosed within a structure finished in stone.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

- (i) The proposal would exhibit an excessive increase in the density of development on the subject site.
- (ii) Given the sensitive location of the site and the quantum of development proposed, the proposal would constitute over development, which would be visually overbearing and intrusive.
- (iii) Given the limited size of the site and the level of development proposed, the proposal would lead to overlooking and overshadowing of adjacent residential properties and it would also interfere with the development potential of adjoining sites.
- (iv) The proposal would by itself, or by the precedent that it set, would adversely affect the operation and safety of the national road network.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: Further information requested with respect to water supply and waste water disposal connections.
- DoCHG: Concern expressed over the scale, height, and massing of the proposal and thus the visual impact that it would have on the setting of Killarney House, including outbuildings such as the dovecote within this setting: An Architectural Heritage Impact Assessment should be requested under further information.
- TII: Concerns expressed that the proposal would by itself, or by the precedent that it set, would adversely affect the operation and safety of the national road network: Further information required, e.g. a RSA.
- Kerry County Council:
 - Fire Authority: No objection.
 - Biodiversity Officer: No significant effects on European sites are identified.
 - Environment: Further information requested with respect to waste generated by the proposed demolition, e.g. asbestos, a methodology for the removal of the underground tanks, and the disposal of any de-watering that excavation may give rise to.

4.0 Planning History

- Pre-planning consultation occurred on 01/05/19 & 04/07/19.
- 04/204241: Retention of supermarket conversion as a smaller unit and proposed provision of second shop unit: Permitted.

5.0 Policy and Context

5.1. Development Plan

Under the Killarney Town Development Plan 2009 – 2015 (TDP), which has been extended, the site is shown as being zoned mixed use: M4 built up area. This zoning is shared with the commercial uses to the west. (The guest house to the south is zoned C5 tourism and related). As reported by the case planner¹, under it, a hotel and a shop would be, in principle, acceptable land uses.

Under the TDP, Killarney House to the north of the site is designated a protected structure. The NIAH includes this House, too, under reg. no. 21410801 and the dovecote in its grounds, under reg. no. 21410803.

5.2. Natural Heritage Designations

- Killarney National Park, Macgillicuddy's Reeks, and Caragh River Catchment SAC (000365), and
- Killarney National Park SPA (004038)

5.3. EIA Screening

Under Items 10(b) (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.08 hectare-urban site. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required

¹ I have been unable to match the zone in question to the land use commentary in the written statement and so I am not in a position to confirm the said categorisation.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant begins by summarising the following:

- The background to the proposal,
- The proposal itself,
- Planning history of the site and other relevant permissions,
- Planning policy, and
- The Planning Authority's assessment.

It then cites the following grounds of appeal:

- Objective T-3 of the CDP aims to facilitate the development of niche tourism markets. As a boutique hotel, the proposal would further this aim.
- There is a recognised need to expand the visitor accommodation available in Killarney. As a 32-bed hotel, the proposal would contribute in this respect.
- Under the TDP, a hotel on the site is “open for consideration”². The proposal would be compatible with the residential amenities of the area and so it should be acceptable in principle. As a mixed-use development, there is precedent for the same in the surrounding area, e.g. PL63.243018 & PL08.244715.
- The proposal is for the redevelopment of a site for tourism near to the town centre.
- The removal of the existing filling station from the site would be welcome as there are two other filling stations on Muckcross Road (N71).
- The proposed hotel would allow the site to be developed to a greater density befitting its urban location.
- By the same token the proposed hotel would promote the compact growth of Killarney.

² Please refer to my first footnote in this respect.

- The site is on a prominent and conveniently placed corner for tourism attractions and so the proposed hotel would complement the same.
- The proposed hotel would be a landmark building on the aforementioned site. Examples of a variety of built height exist along Muckcross Road and so it would not be intrusive.
- The design of the proposed hotel would entail the staggering of floors away from adjoining properties. If needs be the fourth floor could be omitted.
- The proposal within the context of the site, which comprises large scale existing and proposed hotels would not be out of place.
- The proposal would be set back for the site's road frontages and so it would be respectful of properties opposite.
- The impact of the proposal in terms of daylight, sunlight, and overshadowing would comply with the relevant BRE standards.
- The southern elevation would be composed of floors that would be angled and glazed in a manner so as to reduce overlooking of the adjoining guest house beyond.
- The proposed hotel would replace a filling station on the site with associated amenity gains for adjacent properties. Redevelopment would encourage other property owners to do likewise.
- The proposed hotel would afford passive surveillance to the surrounding area.
- The visual impact of the proposal upon Killarney House and its setting would be an improvement upon that of the filling station. The submitted Architectural Heritage Impact Assessment concludes that no adverse impact upon this protected structure would ensue.
- Traffic generated by the proposal would be far less than that which is in attendance at the site under its current filling station use.
- The proposal would regularise how traffic accesses and egresses the site, i.e. it would enter from Muckcross Road and exit by Ross Road. (The basement car park would be separately entered from and exited onto Ross Road).

- A submitted Traffic and Transport Assessment (TTA) confirms the improvements that would arise on foot of the proposal.

6.2. Planning Authority Response

- The proposal would continue to be visually obtrusive.
- The proposed enclosure of the fire escape would not lessen the scale and bulk of the proposal.
- The proposal would be high in relation to the two storey buildings on either side and so, notwithstanding its design and appearance, it would be too large and bulky for its immediate setting.

6.3. Observations

(a) John & Norrie King owners of Abbey Lodge & Ardee House B & Bs on Muckcross Road:

- The proposal would entail the over development of the site: Consequently, it would be visually obtrusive and residential amenity would be adversely affected in terms of overbearing presence, overlooking, and overshadowing.
- The height of the proposal would be excessive and out of character with the area. Property devaluation would arise and an unnecessary strain on local services would ensue.
- The proposal would create an undesirable precedent.
- The impact of the proposal on the adjoining junction should be the subject of a RSA.
- The proposal should be assessed under Part M of the Building Regulations.
- The proposed Corten steel clad fire escape would be a social gathering point and it would thus be a source of noise nuisance.

(b) Leo & Maud Malone of “Maryvale”, Muckcross Road:

- The proposal would not be a good neighbour within the surrounding residential area.

- The design of the proposal would be completely out of character with the area and it would spoil the visual amenities of this area for residents and visitors alike.
- The site should not be redeveloped to a height greater than existing buildings nearby, to avoid detriment to residential amenity in terms of overlooking, overshadowing/loss of light/light spillage, and general disturbance.
- Comparisons with other hotels on Muckcross Road are misplaced, as they are accommodated on more spacious sites upon which they are set back from this Road.
- The proposal would clearly harm the setting of Killarney House and Gardens, a major visitor attraction.

(c) Patricia Mangan of 44 The Demesne, Ross Road

- While not opposing the principle that the site should be redeveloped, the size and design of the proposal would be overwhelming with respect to adjacent residential and commercial properties.
- Comparisons with other hotels are misplaced for the reasons outlined by observer (b).
- The proposal would be visually intrusive with respect to the walls, former estate cottages, and the dovecote around/beside/in the grounds to Killarney House.
- No assessment of the impact upon traffic and pedestrians at the adjoining busy junction has been submitted.

(d) Tony O'Shea of Iona House, Muckcross Road

- The proposal would lead to overshadowing of Iona House. The submitted shadow study is queried on the basis that it does not accurately depict existing overshadowing from the site.
- The proposal would be overbearing and out of character with the area, which is beyond the town centre.
- The height of the proposal would be such that views of the mountains to the SW would be restricted to southwards bound road users on the N71.

- When lit up at night the proposal would detract from the approach to Killarney House to the north.
- The proposal would lead to the overlooking of Iona House and the devaluation of the same.
- The proposed hotel would be sub-standard insofar as it would only have a communal breakfast room, but no kitchen or lounge. Consequently, patrons would be likely to congregate outside, leading to noise nuisance for local residents.
- The number of spaces in the proposed basement car park would fail to reflect the presence of the breakfast room and proposed shop. Furthermore, a bus parking space should be provided.
- The proposed one-way system for the forecourt is critiqued in terms of its impact on Ross Road. No RSA has been undertaken and allowance has not been made for proposed cycle lanes on Muckcross and Ross Roads.
- Plot ratio and site coverage factors indicate that the proposal would be overdevelopment.
- Attention is drawn to PL63.231563, a mixed-use proposal for a nearby site, which was refused by the Board for reasons similar to the above observations.

(e) Clara & Aoife O'Shea of Castlelodge, Muckcross Road

- The points made by observer (d) are reiterated.

6.4. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the TDP, relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and economic development,
- (ii) Visual amenity and conservation,
- (iii) Residential amenity,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Stage 1 Screening for AA.

(i) Land use and economic development

- 7.2. The site is located to the south of Killarney's functioning town centre and on the N71, which forms part of the Ring of Kerry tourist route. This site lies at a T junction formed between Flesk Road/Muckcross Road and Ross Road. It occupies a position in the south western corner of this junction. At present the site is in use, primarily as a petrol filling station, which is accompanied by two shops with an office overhead.
- 7.3. Under the TDP, the site is zoned mixed use in a built up area (M4). Under the proposal, this site would be redeveloped to provide a 32-bed hotel and a shop. Under the said zone, the case planner considers that these uses of the site would be acceptable in principle, whereas the applicant considers that they would be open for consideration. Under my reading of the TDP, I have not been able to conclude on a definitive position in this respect.
- 7.4. If the site is viewed within its context, then it forms part of a cluster of commercial uses in the south western corner of the aforementioned junction. Thus, to its south lies the Castle Lodge guest house and to its west lies a car repair garage and an electrical suppliers. The former use is zoned separately for tourism and related and the latter uses share the same zoning as the site. The pattern of zoning thus appears to reflect existing usage and so the TDP is not signalling any issue with the same. In these circumstances, it is difficult to see how there could be an in-principle objection to the proposed hotel and shop uses, as they would both represent a continuation of commercial usage of the site.
- 7.5. The applicant has presented the case for the primary use of the proposal in terms of the acknowledged need for an increase in visitor accommodation within Killarney. It draws attention to Objective T-3 of the CDP, which seeks to facilitate niche tourism

markets. The proposal would further this aim. It also draws attention to the favourable position of the site in relation to the town centre.

- 7.6. I conclude that there is no in-principle objection to the proposal from a land use perspective and that, as a tourist accommodation project, it would correspond with an acknowledged need for such economic development within the town.

(ii) Visual amenity and conservation

- 7.7. At present, the site accommodates an existing two storey building under a pyramid shaped roof (eaves and peak heights of 5.9m and 9.4m, respectively) with an attached canopy over an accompanying forecourt (5.3m high). This building is sited in a position whereby it is set back at an angle from Muckcross Road by between 10 and 15m. By contrast, it roughly parallels Ross Road and so it is set back from this Road by c. 6m.
- 7.8. Under the proposal, the aforementioned building and canopy would be removed, and the site redeveloped to provide a five storey over basement building (15.2m to the top of the third floor parapet and 17.8m to the fourth floor roof top). This building would be sited in a similar position to its predecessor on the site. Its ground floor elevation onto Muckcross Road would be shaped and so at its closest point it would be set back c. 6m from this Road. Its ground floor elevation onto Ross Road would parallel this Road and it would be set back 7.4m.
- 7.9. The design of the proposed building would entail the rotation of the second and third floors through 19 degrees to achieve a form that would present as fan-like in shape at each of the four corners. The applicant's design statement describes the resulting form as one that would resemble a double helix. The fourth floor would be of smaller footprint, but it, too, would be angled dramatically. Fenestration to the upper floors would have a horizontal emphasis and it would be angled on the southern elevation away from the neighbouring guest house.
- 7.10. The design of the proposed building would also entail the use of a variety of finishes. Thus, the ground floor with its higher floor to ceiling height, would be clad in limestone. The first, second, and third floors would be clad in smooth concrete grey render, and the fourth floor would be clad in burnt larch. On the western elevation, a feature escape stairway between the third and first floors would be clad in Corten

steel. Its zig zag layout would be accentuated by the fan-like form of its host elevation.

- 7.11. Roof planting would be undertaken over the exposed roofs ascending the building and solar panels would be installed on the (main) roof over the third floor.
- 7.12. At the appeal stage the applicant submitted an amended version of the above described design. Thus, the fourth floor would be omitted, and the escape stairway would be housed in a stone clad structure.
- 7.13. The applicant has submitted contiguous elevations of the proposal, which depicted its streetscape presence alongside the guest house on the western side of Muckcross Road and alongside the car repair garage on Ross Road. (The former elevation also shows the boundary wall to the grounds of Killarney House to the north of the site and the latter elevation also shows the side profile of a two storey building on the eastern side of Muckcross Road). The applicant has also submitted photomontage views of the proposal during daylight and night time conditions. These views are representative of ones that are available to southbound and northbound users of Muckcross Road and eastbound users of Ross Road.
- 7.14. The Planning Authority critiques the proposal on the grounds that it would entail the over development of the site and so it would be visually overbearing and intrusive. It seeks to substantiate its critique by referring to density. In this respect, plot ratio and site coverage factors are instructive. Under the proposal, the former would rise from 0.55 to 2.4 and the latter would rise from 36% to 44%.
- 7.15. Under the TDP, advice on plot ratios is given. Thus, in the town centre up to 2.5 is considered to be appropriate, whereas in the inner suburbs the equivalent figure is 1.0. As the site lies to the south of the town centre, *prima facie* the plot ratio of the proposal at 2.4 would be excessive.
- 7.16. Under the TDP, there are no explicit guidelines on building heights. Under the Urban Development and Building Heights Guidelines, there is a presumption in favour of buildings of increased height in urban locations, such as that exhibited by the site. In the light of this presumption, the application of the 1.0 plot ratio cap to this site might be considered unduly restrictive in terms of its translation into building height. Under SPPR 3 of the said Guidelines, it is for the applicant to demonstrate compliance with

accompanying criteria, if a higher building is to be justified. In the present case, the applicant has not done this.

- 7.17. In the light of the above inconclusive discussion on density, I consider that the proposal should be the subject of a visual assessment.
- 7.18. Each of the observers expresses concerns over the visual impact of the proposal, i.e. due to its size and design, it would be out of character with buildings nearby and the resulting contrast would cause it to be overbearing and intrusive. It would also result in the loss of views of the mountains to the SW and its presence would harm the setting of Killarney House.
- 7.19. During my site visit, I approached the site from the north along Flesk Road. I observed that on turning onto this Road from Mission Road, the vista available does indeed include the mountains as a backdrop to the petrol filling station on the site. I also observed that this vista remains available to south bound road users as they approach this site from the north. The drama of being able to see this juxtaposition of development and mountains from public vantage points close to the town centre, undoubtedly contributes to the amenity value of the N71 and, while the said vistas may not formally protected, their loss should not be acceded to lightly.
- 7.20. The proposal is intended to be a landmark building and the location of the site on an important "T" junction on the N71 would certainly invite such a development. However, I am concerned that its scale and shape would introduce a building of such novelty that it would appear out of place within its context. While such novelty would be capable of being justified if the design of the building was exceptional, I am concerned that the building would appear bulky and ungainly from public vantage points on the Flesk Road/Muckcross Road and Ross Road and that the double helix shape would be insufficiently executed to be discernible as such. Ironically, from Flesk Road/Muckcross Road, the horizontal emphasis of the presenting elevations would be more forceful than its height *per se*, and from Ross Road, which rises at a gentle gradient in an easterly direction towards the site, the narrower presenting elevation with its cascading escape stairway would be unduly dominant and lacking in legibility.

- 7.21. In the light of the foregoing critique, I am not persuaded that the applicant's amended design, wherein the largely recessed fourth floor would be omitted and the escape stairway would be housed in a bulky stone clad structure, would be of assistance.
- 7.22. At the application stage, the DoCHG expressed concern over the visual impact of the proposal upon the setting of Killarney House and its grounds which form part of Killarney National Park and within which a historic dovecote lies close to the site. The House is a protected structure and both it and the dovecote are identified in the NIAH. The Department advised that an Architectural Heritage Impact Statement (AHIA) be prepared in this respect.
- 7.23. At the appeal stage, the applicant has submitted an Architectural Impact Assessment (AIA). This Assessment focuses on Killarney House and it draws attention to the Plaza Hotel to the north of this House, the presence of which has a significant bearing on its setting. It also draws attention to the distance of 94m between Killarney House and the site and the unprepossessing presence of the existing petrol filling station, the bright forecourt canopy of which is visible above the southern boundary wall to the grounds.
- 7.24. The AIA shows an outline of the proposal in conjunction with the dovecote. Thus photograph 1, which is taken from a position beside the SW corner of Killarney House, shows how the proposal would appear in the background to this dovecote and coincide with its eaves level. Thus, especially during winter months when the screening afforded by foliage would be absent, the presence of the proposal would obscure the profile of the dovecote, which currently presents as a solitary freestanding tower in the SE corner of the grounds to the House.
- 7.25. During my site visit, I observed that there are several public vantage points around Killarney House from which the dovecote can be seen and so the relationship between the two is of some prominence and importance. I am thus concerned that the aforementioned obscuring of the profile of the dovecote would spoil the clarity and legibility of the relationship between these two historic buildings. The visual impact of the proposal would thus harm the setting, which is formative to this relationship.
- 7.26. I conclude that the proposal would, due to its scale, bulk, and design, adversely affect the visual amenities of the area and it would obscure the profile of a historic

dovecote in the grounds of Killarney House, thereby detracting from their relationship and thus harming their setting.

(iii) Residential amenity

7.27. The Planning Authority's third reason for its draft refusal refers to the impact of the proposal upon the residential amenities of the area in terms of overlooking and overshadowing and it also refers to the possible restriction upon the development potential to adjoining sites that would arise. Each of the observers expresses concern over residential amenity, too. In addition to the aforementioned factors, they also cite light pollution, noise nuisance and the potential for property devaluation. Conversely, the adequacy of the amenities afforded by the proposed hotel is questioned.

7.28. The applicant responds to the above concerns by drawing attention to the existing use of the site as a petrol filling station and the amenity gains that would result from the replacement of this use by the proposed hotel. Specifically,

- In relation to overlooking, it draws attention to the angled window design that would be incorporated in the southern elevation of this hotel, which would afford views predominantly of the forecourt to the adjacent Castle Lodge guest house. It also draws attention to the scope for passive surveillance that would arise, with corresponding benefits to the area.
- In relation to overshadowing, a shadow analysis has been submitted, which compares and contrasts overshadowing from the site at present with that which would arise under the proposal. Sensitive receptors are identified in the form of dwelling houses on the eastern side of Flesk Road/Muckcross Road and the northern side of Ross Road. Likewise, the grounds of Killarney House on the northern side of Ross Road, opposite the site, are identified. This analysis shows that overshadowing would increase at the extremities of the day, but that BRE standards would nonetheless be continue to be met.

7.29. During my site visit, I observed that the dwelling houses opposite the site on the eastern side of the N71 are set back from the roadside and they have high front boundary treatments. I also observed that the former estate houses on the northern side of Ross Road lie to the W/NW of the site. The resulting combination of orientations, screening, and separation distances would ease the scope and

incidence of overlooking from the proposal. Likewise, the angled window design would direct views towards the publicly visible forecourt to the said guest house. As these windows would be set back from the southern and western boundaries, it is unclear to me why they would serve to limit the redevelopment potential of adjoining sites. In this respect, the applicant would simply run the risk that under such scenarios the amenity value of some of the hotel rooms would be curtailed through the loss of views.

- 7.30. The applicant has not addressed the critique of facilities that would be incorporated within the proposed hotel that was made by one of the observers. I take the view that these facilities are a matter for the applicant's commercial judgement. Insofar as the knock-on effect is anticipated to be the congregating of patrons outside the hotel with attendant noise nuisance for local residents, I consider that this, too, would be eased by the distance between the entrance to the hotel and the nearest dwelling houses.
- 7.31. Observers also express concern that the design of escape stairway would lead to noise nuisance and that it would be likely to be a focal point for socialising. I consider that this concern would lie within the remit of the hotel's management. I am, however, concerned that the said escape stairway would end in the SW corner of the site where external passageways along the southern and western boundaries meet. These passageways would be likely to be enclosed and so whether they would be acceptable escape routes is open to question. While this matter is one for the Fire Officer to assess, it could have implications for the proposal, which is intricately designed for a tight site.
- 7.32. I concur with the conclusion of the applicant's shadow analysis and I consider that the observers' concerns over light pollution from the hotel itself need to be seen within the context of the site's urban location by a busy junction.
- 7.33. I conclude that the proposal would be compatible with the residential amenities of the area.

(iv) Traffic, access, and parking

- 7.34. The TII commented on the proposal to the effect that (a) insufficient information had been submitted to allay concern over the capacity, safety or operating efficiency of the N71, and (b) a RSA was needed. Several observers, too, express concern over

the implications for road safety of the new forecourt access and egress arrangements.

- 7.35. The applicant has responded to the above concerns by submitting a Traffic and Transport Assessment (TTA) of the proposal. This assessment compares and contrasts traffic movements generated by the existing use of the site as a petrol filling station and its proposed one as a hotel and a shop. It shows that based on TRICS data, substantial reductions in traffic movements would occur, e.g. of the order of 966 fewer arrivals/departures or minus 88.2% daily. It also shows that based on OSCADY analysis of the adjoining junction RFC would remain below the 0.90 threshold up until at least 2037.
- 7.36. While the applicant has not submitted a RSA, it contends that a suite of improvements would arise under the proposed new forecourt. Thus, instead of being open to the adjoining junction, this forecourt would have a defined entrance off Muckcross Road and a defined exit onto Ross Road with a one-way link between them. The existing pattern of perpendicular car parking spaces along the northern boundary of the site with Ross Road would be replicated.
- 7.37. In the light of the above TTA, the proposal would ease the pressure of multiple and potentially conflicting traffic movements at and in the immediate vicinity of the adjoining junction. That said, the new access and egress arrangements and the accompanying surface car parking layout need to be the subject of a RSA to ensure that the opportunity for road safety gains is fully realised.
- 7.38. In addition to the aforementioned 8 surface car parking spaces, the proposal would have a basement car park, which would be laid out to provide 24 spaces. The clearance distances between some of these spaces appears to be unduly tight and so I anticipate that the layout would need to be revised to ensure its feasibility with a likely loss of 3 spaces. Furthermore, no provision is shown for motor bike parking or cycle stands. Observer (x) draws attention to the absence of any off-street parking space for a tour bus.
- 7.39. Under TDP standards, each hotel bedroom should be accompanied by 1 car parking space and every 100 sqm of retail space should be accompanied by 10 car parking spaces. As the hotel would have 32-bedrooms and the shop would have 101 sqm of retail floorspace, 42 spaces should *prima facie* be provided, i.e. 32 + 10. I estimate

that 21 spaces would be capable of being provided in the basement car park and, while a further 8 surface ones are shown, in the absence of a RSA, I cannot be confident that they would all be deemed to be acceptable. Thus, a significant shortfall in parking provision would be likely to occur. Under this indicator, then, the proposal would be over development.

- 7.40. I conclude that, while the proposal would lead to a substantial reduction in traffic movements generated by the use of the site, access/egress and surface car parking arrangements remain to be assessed under a RSA, and the provision of car parking spaces would fall below TDP standards.

(v) Water

- 7.41. The applicant proposes that the development would be connected to the public water mains and the public foul and surface water sewerage system. Irish Water has raised no objection to this, but has requested that further information be sought on the proposed on-site layout of water supply and drainage arrangements and the accompanying public connection points.
- 7.42. The OPW's flood maps do not indicate that the site is the subject of any identified flood risk.

(vi) Stage 1 Screening for AA

- 7.43. While the site does not lie in a Natura 2000 site, Killarney National Park is the subject of SAC (000365) and SPA (004038) designations, and this Park lies to the north and west of the site.
- 7.44. The proposal would entail the redevelopment of an existing petrol filling station site to provide a hotel and a shop. This proposal would be served by the public water mains and public sewerage system and so it would not lead to the establishment of a direct hydrological link between the site and Natura 2000 sites.
- 7.45. Features of interest of the SAC are extensive. Given the absence of connectivity between the site and the SAC in question, I consider that the two mammals that are cited as features of interest are of potential relevance, i.e. the Lesser Horseshoe Bat and the Otter. The Conservation Objective for these mammals is to maintain their favourable conservation condition. Given the operational nature of the existing site as a petrol filling station, it does not form a suitable habitat for the said Bat species

and, likewise, given the site's physical separation from watercourses, it does not form a suitable habitat for the Otter.

- 7.46. Features of interest of the SPA are the Merlin and the Greenland White-fronted Goose and the accompanying Conservation Objective is to maintain or restore the favourable conservation condition of these bird species. For the reasons outlined above in relation to the SAC mammals, the site does not form a suitable habitat for these bird species.
- 7.47. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposal, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 000365 and 004038, or any other European Site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.48. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects of any European Sites.

8.0 Recommendation

- 8.1. That permission be refused.

9.0 Reasons and Considerations

1. Having regard to the Killarney Town Development Plan 2009 – 2015 and in particular to its standards with respect to plot ratio and the provision of car parking spaces, it is considered that the proposal would constitute over development of the site insofar as it would exhibit an excessive plot ratio for an urban site outside the town centre and it would fail to provide an adequate number of independently usable spaces to serve the proposed hotel and shop. The proposal would thus contravene the Development Plan and so be contrary to the proper planning and sustainable development of the area.

2. Having regard to the size, form, and design of the proposal, it is considered that the proposed building would appear out of scale, bulky, and ungainly from Flesk Road/Muckcross Road (N71) and so the amenity value of these Roads as an important tourist route be eroded. The proposed building would also appear overly dominant and lacking in legibility from within Ross Road.

Having regard to the existing relationship between Killarney House and a historic dovecote to the south east, the introduction of the proposal further to the south east would protrude upon the isolated standalone profile of this dovecote and so the existing clarity of its relationship with Killarney House would be obscured. The proposal would thus harm the setting of these historic buildings and the amenity value of this House and its grounds would be eroded.

Accordingly, the proposal would be seriously injurious to the visual amenities of the area and, as such, it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

2nd April 2020