



An
Bord
Pleanála

Inspector's Report ABP 309815-21

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| Development | Provision of a public car park consisting of 28 spaces and all associated site works. |
| Location | High Street, Killarney, Co. Kerry |
| Planning Authority | Kerry County Council |
| Planning Authority Reg. Ref. | 20/982 |
| Applicant | VIP City Parking T/A RFC Car Park Management Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Refuse permission |
| Type of Appeal | First Party v. Refusal |
| Appellants | VIP City Parking T/A RFC Car Park |
| Observers | None |
| Date of Site Inspection | 18 th May 2021 |
| Inspector | Mary Kennelly |

1.0 Site Location and Description

- 1.1.1. The site is located at the northern end of High Street and has access from both High Street and St. Anne's Road. It is situated at the junction of High Street, St. Anne's Road and Rock Road, opposite a public car park and public library. The lands immediately adjoining the site are mainly in commercial use. There is a block of apartments on the north-western corner opposite the site. There is a car wash located to the east of the site. St. Anne's Road to the east of the car wash is mainly residential in character.
- 1.1.2. The site area is given as 0.09ha. It was formerly used as a car sales centre and is currently vacant. It is covered in hardstanding and is bounded by palisade security fencing to the north and west. It has frontage on its western and northern boundaries to High Street and St. Anne's Road, respectively, with a vehicular entrance from each street. The southern boundary is with O'Shea's Garage (tyres and car repairs) and the south-eastern and eastern boundaries are also with O'Shea's yard associated with the tyre centre, which are in the ownership of the applicant. The northern road frontage is broken by three terraced houses which occupy the central portion of the road frontage. The footprints of these houses directly abut the site boundaries. There is a triangular grass verge directly outside the terraced houses and the north-western boundary of the site. The proposed entrance/exit from St. Anne's Road is directly adjacent to the terraced houses and there are two further vehicular entrance gates to the O'Shea lands further to the east, one to the car wash and one to the tyre centre.

2.0 Proposed Development

- 2.1.1. The proposed development seeks permission create a pay and display public car park on the site with a total of 28 parking spaces, of which one would be a disabled space. The submitted plans indicate an entrance from High Street and an Entrance/Exit from St. Anne's Road (immediately to the east of the terraced houses). The existing gates would be removed. It is also proposed to remove the existing palisade fence within the site (behind the terraced houses) and the timber fence along the southern boundary and to replace them with new 2.4m high palisade

fencing. Two ticket machines would be provided which would be located adjacent to either entrance.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The P.A. decided to **refuse** permission for one reason which reads as follows:

The access to the proposed car park is considered to be substandard and inadequate to cater in safety for the additional traffic movements generated by the proposed development. It is also considered that the surface proposed for the car park and the surface water drainage proposals are inadequate for this town centre location. The proposed development would, therefore, endanger public safety by reason of traffic hazard. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's initial report noted that the site is zoned Town Centre and considered that the proposed development of a site in such a prime location for car parking would not be a sustainable use for the site. It was further noted that the application was deficient in that no Road Safety Audit was submitted, there was insufficient information regarding the proposed surfacing of the parking area and associated road markings and surface water drainage proposals. Information was also required regarding public lighting, road markings, directional signage, traffic management during period of full capacity and any advertisement. In particular, concern was raised regarding traffic backing up onto High Street, the implications for right-hand turning vehicles onto and from St. Anne's Road on the flow of traffic on this road, pedestrian movements within the car park and implications for pedestrian safety adjacent to the entry/exit point on St. Anne's Road.

Further information based on the above concerns was requested on the 9th December 2020. **A response was submitted on the 1st February 2021** which

included a Road Safety Audit. The revised plans indicate that no barriers are to be erected at the entrances/exits preventing back-up of traffic inside and outside the development. It is further noted that one of the proposed solutions to the traffic management is to prevent vehicles turning right on entry and exit at St. Anne's Road, and to angle the footpath away from the entrance to improve pedestrian safety. No surfacing was proposed, directional signs would be placed on the walls and details of advertisements were provided.

A **refusal of permission** was recommended.

3.3. **Other Technical Reports**

- 3.3.1. The Municipal District Engineer had sought the further information included in the FI request. A further report (25/02/21) was provided in response to the FI received on 1/2/21. Concerns were raised regarding the proposed entry/exit arrangements which were regarded as substandard and inadequate to cater for the safety of additional traffic movements. In addition, the proposed surfacing details and lack of surface water drainage details were considered unsatisfactory for a town centre car park.

3.4. **Prescribed Bodies**

- 3.4.1. None received.

3.5. **Third Party Observations**

None Received.

4.0 **Planning History**

- 4.1.1. None on the site.

5.0 Policy Context

5.1. Killarney Town Development Plan 2009 – 2015 (as extended)

Killarney Town Development Plan was extended by Variation 4, which was adopted in December 2018. This Variation replaces the zoning maps and many of the other maps of the original Development Plan.

The site is zoned as '**M2 Town/Village Centre**'. These zones are generally intended to cater for areas which are mixed use in nature and provide for a wide range of uses. It is the policy to primarily provide for mixed uses and any other uses appropriate to the town centre in these zones. Development should improve the vitality and viability of the town centre and shall meet the needs of the town. Other objectives include the following:

INFRA-06-m Provide car parks on the approach roads throughout the town.

5.16.3 Brownfield Development – The Council encourages development that will regenerate the core of the town and contribute to a vibrant town that people want to live in, work in and visit.

5.2. Natural Heritage Designations

Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (site code 000365) and Killarney National Park SPA (Site code 004038) are located approx. 600m to the north, west and south.

6.0 The Appeal

6.1. Grounds of Appeal

A First-Party Appeal has been received which can be summarised as follows:

- The two issues raised in the reasons for refusal have been adequately addressed in the response to the Request for further Information.
- The development provides car parking capacity required by the town and broadly supported by locals.

6.2. Planning Authority Response

The P.A. responded to the grounds of appeal on the 16th April 2021. The decision to refuse permission was confirmed and reference was made to the planning report and the report from the Municipal District Engineer, in which the issues have been adequately addressed.

7.0 Assessment

I consider that the issues arising can be assessed under the following headings:

- Principle of development
- Visual amenity
- Traffic management and safety
- Environmental Impact Assessment
- Appropriate Assessment

7.1. Principle of development

7.1.1. The site is located on a prominent road junction in the centre of the town, directly adjacent to High Street, the principal shopping street. It is also close to residential properties which are bounded on three sides by the proposed development, with further residential properties, including apartments and living over the shop units nearby. There is an existing public car park directly opposite the site on the corner of Rock Road and St. Anne's Road. However, the remaining lands which bound the site and in the general vicinity are in commercial use. A car park is an acceptable use under the Mixed-use Zoning. Thus, the proposed development would be acceptable in principle, but would not necessarily be the optimum use for the site.

7.1.2. The proposed use would be generally compatible with the existing uses on the lands immediately surrounding the site which are in the ownership of the applicant. These lands are used as a tyre centre/car repair garage, an open yard and storage area and a car wash. However, the other uses in the vicinity are generally residential or retail/restaurant uses, which contribute to the vibrancy of the retail area. The Development Plan zoning seeks to encourage land uses in such locations that would contribute to the vibrancy of the town centre. The site is very prominent and highly

visible as it terminates views on the approach to the town centre area from Rock Road. It is considered, therefore, that the proposed development would not enhance the entrance to the High Street area and would not contribute to the vibrancy and vitality of the area.

- 7.1.3. No information has been provided to justify the demand for such parking at this location. It is noted that the Development Plan seeks to provide for car parks on the approach roads to the town, which are more likely to be further away from the town centre. I also noted during my site inspection that the public car park was busy and well-used, but that there were spaces available throughout the mid-day, mid-week timing of the inspection. Thus, there does not appear to be any specific justification for the proposed development at this location and it is likely to detract from the character and amenities of the area.

7.2. **Visual amenity**

- 7.2.1. The site is effectively a vacant site bounded by security fencing of a utilitarian form. Internally it is covered with hardcore and weeds. It is an unattractive site in a key location and prominent position at the entrance to High Street. The site is highly visible on the approach from Rock Road, which is one of the main entrances to the town centre. The site is also visually prominent from the public car park and the green space and public areas adjoining the car park (including the public library), as it terminates views from this location. The lack of any visual buffer around the three terraced houses also presents a bleak and stark vista, which would be perpetuated with the use of the site as a car park. There are no proposals for landscaping or appropriate surfacing and the palisade fencing is proposed to remain in place. Signage on the walls together with rubber stops on the ground are proposed to demarcate parking bays and circulation with the car park.
- 7.2.2. I would agree with the P.A. that the proposed development is substandard and inappropriate for this town centre location, particularly given its visual prominence adjacent to High Street. It is considered that the proposal would detract from the character of the town centre and seriously injure the visual amenities of the area.

7.3. Traffic management and safety

7.3.1. The Road Safety Audit raised concerns regarding traffic turning movements into the development from St. Anne's Road, obstructed sightlines at the exit for pedestrians, lack of tactile paving at the entrance/exit and lack of pedestrian facilities within the car park and lack of information regarding barriers at the exit/entrance. These matters have been addressed in the FI received on 1st February 2021, which will be discussed below. Other matters raised in the RSA included a lack of surface water drainage proposals which could lead to ponding on the road, a lack of public lighting and signing/lining within the development. The response to these items did not address the concerns raised in the RSA, but indicated that these matters could be dealt with by way of condition.

7.3.2. The revised plans have altered and clarified the entry/exit arrangements. It is now proposed to enter the car park from High Street (Right turn only) and from St. Anne's Road (Left turn only), and to exit the car park from the St. Anne's Road entrance (Left turn only). The proposals include the following additional measures

- Removal of the gates and no barriers to entry or exit.
- Revised road markings (including realignment of the yellow box outside the entrance).
- Tactile paving to be used at entrance/exit points.
- Provision of bollards along the centre line of St. Anne's Road to prevent cars travelling east from turning right into the development and cars turning right on exiting the development.
- Extension of pavement outside St. Anne's Road entrance to align with existing ramp.
- Provision of new grass/pavement area immediately to the west of the St. Anne's Road entrance to realign the pedestrian pathway/route away from the building to improve sightlines to the west for vehicles exiting the car park. It was stated that this would result in vehicles leaving the site being able to see pedestrians more easily and vice versa.

- Provision of signage (on walls) within the car park and at the entry/exit points to direct and manage traffic.

7.3.3. Apart from the removal of the gates/barriers and the provision of signage and markings within the site which are within the control of the applicant, all other proposed measures are outside the red line boundary and would require the consent/agreement of the local authority. In the absence of these interventions, it is considered that the proposed car park would give rise to a hazardous environment for pedestrians, would lead to traffic turning movements which would be hazardous to road users and are likely to obstruct the flow of traffic in the vicinity of the car park. Should such consent be forthcoming, it is considered that the traffic management proposals would generate some further traffic safety issues as discussed below.

7.3.4. The direction of flow of traffic on High Street is one-way, but there is a short section, between Monsignor O'Flaherty Road and St. Anne's Road, where the flow is two-way. As a result, there would be two possible routes by which the car park could be entered, i.e. by traffic travelling north along High Street or by traffic travelling west along St. Anne's Road. As the western entrance to the car park is just beyond the 'No Entry' sign to High Street, it is possible that vehicles coming from Rock Road/St. Anne's Road or Monsignor O'Flaherty Road would ignore the 'Stop' sign in order to enter the car park at this location, which would be very hazardous. The entrance and exit from St. Anne's Road are also considered to be problematic, as vehicles travelling west along this road, together with vehicles exiting the car park, could obstruct traffic flow at a point where there are only c.2 car lengths before the traffic lights. This is likely to create traffic congestion which would be hazardous. It is further considered that the restrictions on entry/exit could give rise to illegal U-turns in the vicinity of the car park, which would also be hazardous. In addition, the premises owned by the applicants includes two further entry/exit points within 50m of the proposed entry/exit point, which could give rise to conflicts.

7.3.5. In conclusion, it is considered that notwithstanding the proposed improvements to the traffic management of the car park and to the pavement and roads adjoining the site, having regard to the road layout in the vicinity of the site, the proposed development would be likely to result in a traffic hazard and in the obstruction of traffic flow on the adjacent road network.

7.4. **Other matters**

The proposed development does not include any proposals for surface water drainage or road markings within the site. The existing site cover comprises a mix of hardcore and concrete and there does not appear to be any drainage on the site. I would agree that lack of any proposals to address this issue would be likely to cause run-off to pond both within and outside the site, which would be problematic for both pedestrians and the quality of the environment in the vicinity of the site. The lack of road markings within the site relates to the absence of proposed surfacing measures, as it would be difficult to apply such markings to the existing surface finish within the site.

7.5. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development within the development boundary of Killarney town on serviced lands, 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.

7.6. **Appropriate Assessment**

- 7.6.1. The site is located within 600m of two European sites, Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (site code 000365) and Killarney National Park SPA (Site code 004038). There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on brownfield and serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 **Recommendation**

Having regard to the foregoing I recommend that permission for the above described development be **refused** for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the visually prominent location of the site at the entrance to the town centre retail area, which terminates views from the approach roads to the town, and to the utilitarian nature of the boundary treatment with a lack of appropriate surface treatment and landscaping proposals, it is considered that the proposed development would detract from the character and appearance of the Town Centre area and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the road layout in the vicinity of the site and to the proximity of the entry and exit points to the busy road junction of High Street and St. Anne's Road, it is considered that notwithstanding the proposed improvements to the traffic management of the car park, the proposed development would result in traffic turning movements which would create serious traffic congestion and would endanger public safety by reason of traffic hazard and obstruction of road users on the adjacent road network. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

29th June, 2021