



An  
Bord  
Pleanála

## Inspector's Report ABP 311322-21

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<b>Development</b>	Retain temporary car park, access/connection from Centra supermarket and permission to carry out site works, surfacing, lighting, landscaping and install signage.
<b>Location</b>	Flesk Road, Scrahane, Killarney, Co. Kerry.
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	21/667
<b>Applicant</b>	Gleann Beithe Trading Management Services
<b>Type of Application</b>	Retention Permission & Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Refusal
<b>Appellant</b>	Gleann Beithe Trading Management Services
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24/11/21
<b>Inspector</b>	Pauline Fitzpatrick

**Note:** The Board is advised that temporary permission was granted for a larger carpark of which the appeal site forms part under ref. PL08. 244594 (14/205500). The permission expired in July 2021.

## 1.0 Site Location and Description

The site is located on the western side of Flesk Road / Muckcross Road (the N71 National Secondary Road) approximately 450m south of the Killarney town centre, in an area characterised by a mix of uses. A filling station with associated shop and a number of service units including a dry cleaners and car sales outlet bounds the site to the south. A c.4 metre gap, wide enough for a single vehicle, has been developed in the boundary wall allowing access to the car park from the filling station forecourt. There is a container used as a drive through coffee outlet immediately to the north of the subject site on what was the access permitted for the larger car park area. A bicycle hire shop is to the north of same again. Two-storey detached housing (Scrahane Court) bounds the larger site to the west with Dromhall Hotel complex to the east on the opposite side of Flesk Road. The roadside (eastern) site boundary is delineated by a grass verge and mesh fence.

The site forms the south-eastern most corner of the larger, roughly surfaced car parking area and has a stated area of 0.184 hectares. A sign erected in the car park states that it is subject to control with cashless payment required.

## 2.0 Proposed Development

Permission is sought to retain portion of the existing car park providing for 51 spaces with permission sought to surface the area and delineate the spaces. A drainage system with a soak pit for surface runoff is to be provided. The soak pit is outside the red line boundary of the site. Perimeter fencing and landscaping is proposed in addition to lighting. Retention permission is also sought for the access in the southern boundary wall to the filling station site. Parking signage is also proposed to be erected.

The spaces are to act primarily as an overflow car park/staff car park for Centra and for general use by the businesses in the area.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse permission for the above described development for two reasons which can be summarised as follows:

1. The proposal would be contrary to the M4 zoning objective and would not be a suitable or sustainable use of the site in close proximity to Killarney town centre.
2. In the absence of a road safety audit the planning authority is not satisfied that vehicular traffic generated by the proposal would not cause a traffic and pedestrian hazard.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's report (countersigned) notes:

- The reason for the temporary permission granted by the Board was so to allow for the monitoring of the long term strategic suitability of the use in light of the zoning of the site. In 2014 the site was zoned for residential purposes. In the interim permissions were granted on the adjoining Centra and Randle Bros. site under ref. 14/618, 17/623 and 17/627. Conditions have not been complied with. This has led to traffic congestion within the site which has led to the need for an overflow car park.
- When assessing the application the planning authority has to monitor the long term strategic suitability of the use in light of the current M4 zoning.
- In view of the site's close proximity to the town centre on a significant tourist route into the town the proposal is not suitable or sustainable and does not make best use of the site.

A refusal of permission for two reasons is recommended.

### 3.2.2. Other Technical Reports

Area Engineer recommends further information including Safety Audit, details of dimensions of car park, spaces, disabled parking spaces, width of entrance, protection of pedestrians and vulnerable persons, universal design across the entire development and storm water design.

Fire Authority has no observations.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland has no observations.

### 3.4. Third Party Observations

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised relate to non-compliance with conditions attached to previous permission, plans for wider car park area, impact on adjoining residential amenities, anti-social behaviour, impact of lighting and scope of landscaping.

## 4.0 Planning History

PL08. 244594 (14/205500) – permission granted for 142 space car park on 16/07/2015.

Condition 2 restricted the duration of the permission to 5 years. The reason for the condition was so as to facilitate the monitoring of the long term strategic suitability of the proposed use in light of the zoning of the site.

## 5.0 Policy Context

### 5.1. Development Plan

Killarney Town Development Plan, 2009-2015 (as extended)

The site is an area zoned Mixed Use Town Centre (M4 – Built Up Area)

It is the policy of the Planning Authority to protect and improve existing /developed/residential areas and to provide facilities and amenities incidental to those areas. There is a range of additional uses open to consideration within these areas where it can be demonstrated that there is a need for such facilities and that it will not affect the predominant use of the area. Within existing built up areas there will inevitably be some areas of land that are either undeveloped or have some potential to be considered for development. The inclusion of this land within an existing built up area does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole.

#### Existing Residential/Town Centre Area and Built Up Areas (R2/M2/M4)

It is the policy of the Local Authority to facilitate development that supports, in general, the primary land use of the surrounding existing built up area. Development that does not support or threatens the vitality or integrity of the primary use of these existing built up areas shall not be permitted. Within the development boundaries of the town, in areas that are not subject to specific zoning objectives, proposals for development will be considered in relation to the following:

- The objectives of this and any other statutory plan;
- The character of the surrounding area; and
- Other planning and sustainable development considerations considered relevant to the proposal or its surroundings.

Car parking is permitted in principle within M4

#### Chapter 8: Infrastructure: Section 8.1: Roads, Traffic, Pedestrian and Transportation Issues

It is a policy of the Council:

- a. To undertake prioritised improvements to achieve the recommendations as identified in the Traffic, Parking and Visitor Management Strategies under the Killarney Urban Masterplan,
- b. To ensure that all new or upgrading of commercial developments provide off street or underground parking facilities. In exceptional circumstances the Council may determine that the developer pays a levy as a contribution towards the provision by

the Council of parking facilities. Any proposal for underground parking must demonstrate that no negative environmental effects will occur including downstream pollution of Lough Leane,

e. To review and monitor the parking capacity of the towns' car parks on an ongoing basis with a view to maximising capacity in Killarney town,

f. To review the management and pricing structures of car parks to encourage optimum usage/return and in particular to encourage long stay parking to the out of town car parks and short stay in the town centre car parks,

h. To provide or facilitate the provision of multi-storey car parks for Killarney Town,

m. Provide car parks on approach roads throughout the town,

Section 12.53 sets out the car parking standards for various types of development.

## 5.2. **Natural Heritage Designations**

Killarney National Park, Macgillycuddy's Reeks and Caragh River catchment SAC and Killarney National Park SPA are c. 180 metres from the site.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The submission by Frank Coffey Consulting Engineer on behalf of the 1<sup>st</sup> party appellant which is accompanied by supporting documentation, can be summarised as follows:

- Car parking is permitted in principle in M4 built up zone.
- A temporary permission for 5 years similar to that granted by the Board is sought. It will not impact on the long term development strategy for the site.
- The site owners do not appear minded to take on the permanent development of the site at this point. Its future use will need to be carefully planned with its proximity to the town centre and passing traffic being the main influences. The latter may change materially should the outer relief road and nearby junction improvements be advanced. It is likely that permanent development

plans will be delayed until the advent of the relief road or at least until the time frame for delivery is known.

- An increase in business has caused congestion and a parking shortage on the shared site.
- There is also a parking demand from employees. It is also available for staff and overnight guest parking from the Randles Hotels across the road.
- The Traffic Safety Audit conducted for the larger site in the previous planning application concluded that the 142 space car park did not present a hazard to road users.
- A site specific safety audit was conducted for the proposal, a copy of which accompanies the appeal. It concludes that no safety issues for road users arise. It makes recommendations in terms of the internal traffic regime which will be implemented.
- It is anticipated that given the gravel nature of the underlying ground a suitably sized soak pit will suffice for surface water disposal. A carbon interceptor can also be incorporated into the system.
- Objective 8.1.6 of the Killarney Town Plan seeks to provide car parks on approach roads throughout the town. The site provides the only option on the N71 at present. Notwithstanding the M4 zoning which requires a mix of uses, it is not incongruous that the appeal site might be re-examined by the planning authority and some consideration given to the possibility of public car parking being incorporated into future development of the site.

## **6.2. Planning Authority Response**

No response.

## **6.3. Observations**

None.

## 7.0 Assessment

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

- Compliance with Policy Provisions
- Traffic and Pedestrian Safety
- Appropriate Assessment

### 7.1. Compliance with Policy Provisions

The appeal site comprises the south-western most corner of a larger, roughly surfaced site currently being used for surface car parking. The temporary permission governing the larger site on which a 142 space car park was granted under ref. PL08. 244594 (14/205500) expired in July 2021. The carpark was served by an entrance from Flesk Road. A container selling coffee is currently placed at this entrance.

As noted on day of inspection the delineation of the parking spaces, provision of designated pedestrian crossing points and perimeter landscaping as delineated on the plans that accompanied the previous application and appeal were not carried out. In addition, there is no delineation between the site subject of the said permission and the gravel surfaced area to the north which also provides parking for other commercial operations to the north. From the signage erected on the site parking is controlled and is subject to cashless payment.

The proposal now before the Board is seeking permission to retain 51 no. spaces in the south-western most corner to act as an overflow car park for the adjoining filling station, shop and other retail/services within the complex, including a garage and dry cleaners. The provision is justified on the grounds that an increase in business has caused congestion and a parking shortage on the shared site. It is also stated that the facility would also serve employees, the Randles Hotel complex opposite and other businesses in the area.

As per the site layout plan accompanying the application in the region of 70 parking spaces are currently available around the perimeter of the filling station complex. The need for a further 51 spaces has not been substantiated save that business has



increased. A quantitative assessment of the space requirements relative to the businesses that would avail of them would have been beneficial with specific regard to the car parking requirements as set out in Appendix 2 of the Killarney Town Development Plan (as extended).

The material issue arising since the previous appeal on the larger site is the fact that the zoning provisions have changed. The site was previously zoned for residential purposes. As a consequence of the 4<sup>th</sup> variation to the Town Development Plan adopted on 17/12/18, the existing zoning provisions were replaced with the Myplan.ie General Zone Types (GZTs) classification system. The site is now within an area zoned M4 Mixed Use – Built Up area. In such areas it is the policy of the planning authority to facilitate development that supports, in general, the primary land use of the surrounding existing built up area. Development that does not support or threatens the vitality or integrity of the primary use of these existing built up areas shall not be permitted. Within such a M4 zone car parking is permitted in principle.

Despite the fact that car parking is permitted in principle within the zone I would concur with the planning authority that the permanent use of the site as a surface car park in such close proximity to the town centre cannot be considered to constitute an efficient and sustainable use of serviced lands and certainly would not add to the vibrancy of the area.

Notwithstanding, consideration of a further temporary permission as mooted by the agent for the applicant in the appeal submission would not impede the future development of the site for a use/mix of uses more appropriate to its location and which may provide for a certain quantum of car parking provision in its own right. Should the Board be amenable to a temporary permission I recommend that time periods by which the surfacing, layout and landscaping as delineated on the plans accompanying the application be completed be specified. This would assist in improving the appearance and present a more orderly development than heretofore exists. It is noteworthy that comparable works which were to be carried out under the previous permission were not undertaken and thus presents somewhat as a haphazard development.

## 7.2. Access and Traffic

Access to the car park is proposed via the filling station forecourt through a gap developed in the boundary wall. The said gap is approx. 4 metres wide and can facilitate one vehicle only. Due to the narrowness of the access and the existing parking regime in the vicinity, sight lines are particularly restricted when exiting the car park onto the forecourt although it is accepted that vehicular speeds are very low. No alterations are proposed to the entrances to the forecourt.

Following the planning authority's notification of decision to refuse permission a Road Safety Audit has been prepared and accompanies the appeal submission addressing the issues arising internally, specifically the need to widen the access to allow for two vehicles to pass and reorganisation of the parking arrangement in the vicinity to improve site lines. Additional measures including pedestrian access, markings and signage within the car park are also detailed.

I consider that subject to the implementation of the recommendations of the said audit the proposal would address any shortcomings and would not give rise to conflicting vehicular or pedestrian movements. As above I recommend that a time period within which the works are required to be carried out be specified by way of condition.

As the car park is predominately to serve the existing services in the filling station site it will not, of itself, generate material additional vehicular movements at the existing entrances from the Flesk Road. Therefore, I do not consider that the proposal would give rise to concerns in terms of traffic safety.

### *Appropriate Assessment – Screening*

Having regard to the nature and scale of the proposed development within the town of Killarney and distance from the nearest European Site it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### *Development Contribution*

As per the Kerry County Council Development Contribution Scheme private car parks for public use shall be subject of Development Contributions.

## **8.0 Recommendation**

Having regard to the foregoing I recommend that retention permission and permission be granted for a temporary period for the following reasons and considerations subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the zoning of the site as 'Mixed Use Town Centre (M4 – Built Up Area) in the Killarney Town Development Plan 2009 as extended, to the nature and scale of the proposed development and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the area, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 7<sup>th</sup> day of September, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission shall apply for a temporary period of five years from the date of this order.

**Reason:** In order to facilitate the monitoring of the long term strategic suitability of the proposed use in the light of the zoning of the site.

3. The site surfacing, car space demarcation, boundary delineation and planting and site drainage shall be carried out and completed to the written satisfaction of the planning authority within 6 months from the date of this order.

**Reason:** In the interest of clarity and orderly development.

4. Recommendations 1, 2, 3 and 4 of the Road Safety Audit Stage 1/2 submitted to An Bord Pleanala on the 7<sup>th</sup> day of September, 2021, shall be carried out and completed to the written satisfaction of the planning authority within 3 months from the date of this order. Recommendations 4 and 5 shall be carried out and completed to the written satisfaction of the planning authority within 6 months from the date of this order.

**Reason:** In the interest of vehicular and pedestrian safety.

5. Bicycle stands shall be provided within the site. Details in this regard shall be submitted to, and agreed in writing with, the planning authority and shall be installed within 6 months of the date of this order.

**Reason:** In the interest of orderly development.

6. Prior to commencement of development, design and siting details of the proposed lighting shall be submitted to, and agreed in writing with, the planning authority. The design and location of artificial light sources shall be carefully designed to avoid light nuisance. In order to minimize the

extent of light spill, lights that are pole mounted shall be directional and cowled to ensure that light is directed downwards and inwards. The duration and intensity of artificial light shall be controlled in order to avoid light spill at dwellings and on adjoining roads.

The lighting shall be installed within 6 months from the date of this order.

**Reason:** In the interest of residential and visual amenity and in the interest of traffic safety.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**December, 2021**