

**An
Bord
Pleanála**

**Board Direction
BD-015753-24
ABP-315779-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2024.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028, the village centre zoning and planning history on the site, it is considered that subject to the conditions below, the development proposed for retention and the proposed development would not endanger public safety by reason of traffic hazard, would not be out of character with the surrounding area and would not seriously injure the residential amenities of properties in the vicinity. It is considered, therefore, that the development proposed for retention and the proposed development would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the development proposed for retention would result in minor changes to an already established use on the site and that a construction management plan was not warranted in this case. The Board also agreed with the planning authority that arrangements for waste management could more appropriately be dealt with by way of condition. Given the established use on the site and the village centre zoning, the Board did not agree with the Inspector that the

development to be retained would be premature pending traffic calming measures being put in place. Furthermore, the Board considered the development to be retained, which brings a previously vacant retail unit into use, accords with Objective BF-GO-01 of the Killarney Municipal District LAP 2018-2024 which seeks to encourage the expansion of the commercial core of the village of Barraduff. The Board also considered that no conflicts would arise from the proposals to fence the boundary of the site and agreed with the planning authority that the layout of parking spaces for the proposed development was appropriate and would not give rise to traffic hazard.

Conditions

1. The development to be retained and the proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 12th day of May 2022, as amended by the further plans and particulars submitted on the 12th day of October 2022 and 3rd day of November 2022 and by the further plans and particulars received by An Bord Pleanála on 18th April 2023 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. No additional advertising signage shall be allowed on the building, site or approach roads/streets without a prior grant of planning permission. No internally illuminated signage shall be permitted.

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

3. Drawings demonstrating arrangements for the storage of waste and refuse generated by the proposed development shall be submitted for the written agreement of the planning authority within three months of the grant of planning permission.

Reason: In the interest of orderly development.

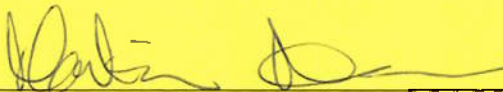
4. The café and pizzeria shall not operate outside the hours of 08:00 and 22:00 on any day. The takeaway element of the business shall be ancillary to the main use and shall only take place while the café/pizzeria is open

Reason: in the interest of orderly development and residential amenity.

5. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Board Member


Martina Hennessy

Date: 06/03/2024