



An
Bord
Pleanála

Board Order ABP-315779-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/502

Appeal by Catherine Reen care of Terence F. Casey and Company of 99 College Street, Killarney, County Kerry against the decision made on the 17th day of January, 2023 by Kerry County Council to grant subject to conditions a permission to Oliver Favier care of Warren Engineering of Gortroe, Aghadoe, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain an external w.c. and elevational changes to existing shop, and permission for change of use from a retail shop to a coffee shop with minor elevational changes, permission for new signage to the coffee shop and all ancillary site works and retention of all development within revised site boundaries, all at Shronedarragh, Barraduff, Killarney, County Kerry, as revised by the further public notices received by the planning authority on the 13th day of December, 2022 which included reference to retention of a pizzeria with take-away and retention of changes to signage.

Decision

GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028, and the village centre zoning and planning history of the site, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and 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. The development proposed to be retained and proposed development would, therefore, 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 that the development proposed to be retained and proposed development 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 proposed to be retained and proposed development would be premature pending traffic calming measures being put in place. Furthermore, the Board considered that the development proposed to be retained and proposed development, which brings a previously vacant retail unit into use, would be in accordance with Objective BF-GO-01 of the Killarney Municipal District Local Area Plan 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 development was appropriate and would not give rise to a traffic hazard.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12th day of October, 2022, the 13th day of December, 2022 and by the further plans and particulars received by An Bord Pleanála on the 18th day of 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 retained, 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 development shall be submitted for the written agreement of the planning authority within three months of the date of this Order.

Reason: In the interest of orderly development.

4. The café and pizzeria shall not operate outside the hours of 0800 and 2200 on any day. The take-away 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, as amended. 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, 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.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 26th day of April 2024.