



An
Bord
Pleanála

Board Order ABP-318725-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/60219

Appeal by Michael Casey of PSC 2nd Floor, Riverside House, Feis Point, Dan Spring Road, Tralee, County Kerry and by Michael Hegarty care of Reeks Consulting Engineers of Unit 4, Level 1, The Reeks Gateway, Rock Road, Killarney, County Kerry, against the decision made on the 23rd day of November, 2023 by Kerry County Council to grant, subject to conditions, a permission to the said Michael Hegarty for the proposed development in accordance with the plans and particulars lodged with the said Council:

Proposed Development: Permission for change of use of existing singular retail unit to two number restaurant units with ancillary take-away facilities and to carry out alterations to existing front façade at Countess Shopping Centre, Park Road, Killarney, County Kerry.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the purpose, form and layout of the proposed development and the lack of details provided on ventilation infrastructure, odour impact analysis, kitchens, and ancillary service provisions for customers such as toilets and storage, the Board is not satisfied that the proposed development would provide two functional restaurants within the confines of a restricted plan area, leading to a substandard form of development. Having regard to 4.4.2.3 and 4.4.4.3.1 of Kerry County Development Plan 2022-2028 with an objective to maintain an appropriate mix of uses and protect night-time amenities, to promote a healthier and more active lifestyle, to prevent an excessive concentration of takeaways and to ensure that the intensity of any proposed takeaway is in keeping with both the scale of the building and the pattern of development in the area, the siting of the additional two restaurant/takeaway units within a small shopping centre within which there is already an established takeaway unit would constitute an excessive concentration of takeaways at this location and would be contrary to KCDP 4-68 of Kerry County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this *2nd* day of *July* 2024