



An  
Bord  
Pleanála

**Board Direction**  
**BD-003608-19**  
**ABP-303637-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/07/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the location of the proposed café/restaurant use in a retail park area where there is extensive parking already available and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed single-storey building would not be visually incongruous within the context of the existing pattern of development, would be acceptable in terms of pedestrian and traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

3. Lighting shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public safety and to ensure a proper standard of development.

4. The permitted premises shall be limited to use as a primary sit-down café/restaurant with any sale of hot food for consumption off the premises to be subsidiary (i.e. not more than 15% of the annual turnover). No change of use shall take place to use as a shop without a separate grant of planning permission.

**Reason:** In the interest of orderly development having regard to the bulky-goods nature of the overall retail park.

5. The use of the restaurant shall be restricted between 0700 hours and 2200 hours.

**Reason:** To protect the amenities of the adjoining properties.

6. Prior to commencement of development, details of the materials, colours and textures of all external finishes to the proposed development inclusive of fascia treatment and signage shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional signs (including any signs installed to be visible through the windows), symbols, nameplates or advertisements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

8. 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 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.

**Board Member**

**Date:** 22/07/2019

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Terry Ó Niadh