

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kerry County

Planning Register Reference Number: 16/1200

An Bord Pleanála Reference Number: PL 08.248124

APPEAL by Sean Hussey of 5 Ashe Street, Tralee, County Kerry against the decision made on the 8th day of February, 2017 by Kerry County Council to grant subject to conditions a permission to Chatthai Food Limited care of SJK Engineering and Surveying Limited of 9 Schoolfield, The Spa, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Works to a protected structure to erect a retractable canopy to the front of “Lana” restaurant at number 3 Ashe Street, Tralee, County Kerry.

DECISION

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

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the land-use zoning of the site "Mixed Use", the existing pattern of development on the site and in the vicinity and to the Canopies and Awnings Design Guidelines, Tralee Town Council, 2010, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of visual amenity, architectural heritage and impact upon the streetscape. The proposed development 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. Prior to commencement of any development, the following shall be submitted to, and agreed in writing with, the planning authority:
 - (a) details of the mechanism and precise location for the retractable canopy,
 - (b) details including samples of the material, colour and texture of the canopy, and
 - (c) a cross section (scale 1/50) of the shopfront detailing fascia, consoles and pilasters.

Reason: In the interest of the visual amenities of the area.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements 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.

4. (i) The canopy shall not be used for advertising purposes.
- (ii) The canopy shall be retracted during closing hours of the premises.
- (iii) No further external lighting or security shutters shall be erected on the premises, without a prior grant of planning permission

Reason: To protect the visual amenities of the area.

5. No music or other amplified sound shall be broadcast externally from the premises.

Reason: To protect the amenities of the area.

6. The canopy shall be maintained and/or replaced upon damage or deterioration to the satisfaction of the planning authority.

Reason: To protect the visual amenities of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.