



An  
Bord  
Pleanála

**Board Order**

**PL 08.248682**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 17/250**

**Appeal** by Bryant Park QIAIF ICAV care of BMA Planning of 128 Lower Baggot Street, Dublin against the decision made on the 17<sup>th</sup> day of May, 2017 by Kerry County Council to refuse permission for the proposed development.

**Proposed Development:** A single-storey building (203 square metres gross floor area) for use as a café (for sale of hot and cold food and beverages for consumption on and off premises). The proposed development will include associated partly covered external seating area, signage (illuminated and non-illuminated), a free standing totem sign and all associated site and development works on Kerry (lands comprising 0.175 hectare adjacent to Unit 5 – Carpet Right) at Manor West Retail Park, Manor West, 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 location of the proposed café 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 detract from the vitality and viability of Tralee town centre, would not be visually incongruous within the context of the existing pattern of development, would not have an adverse impact on residential amenity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the nature and scale of the development and its location on zoned and serviced land, the Board considered that no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 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 use of the restaurant shall be restricted. Details of opening hours for the use hereby permitted shall be submitted to the planning authority for written agreement.

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

5. Prior to commencement of development, details of the materials, colours and textures of all external finishes, including fascia treatment and signage shall be submitted to the planning authority for written agreement.

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

6. No additional signs, symbols, nameplates or advertisements shall be erected on the proposed site without a prior approval of the planning authority whether or not such development would otherwise constitute exempted development.

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

7. Prior to the commencement of any works on site, the developer shall ascertain and comply with all of the requirements of the Environmental Health Officers Department.

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

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.

