



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 18/1062

Appeal by Grafton Group Public Limited Company care of O'Connor Whelan Limited of 222-224 Harold's Cross Road, Dublin against the decision made on the 6th day of August, 2019 by Kerry County Council to grant subject to conditions a permission to Ashman Developments Limited care of Newenham Mulligan and Associates of 11-12 Baggot Court, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construct four number retail warehouse units, one number garden centre and 330 on-grade car parking spaces, including 7,222 square metres of retail space at ground floor and 1,023 square metres at mezzanine level, with vehicular access from the R875 and R919 via the existing Manor West Retail Park, and includes all associated site works. The application site is off the R875 Clashlehane roundabout to the rear of the southern end of the Manor West Retail Park adjacent Randles Brothers Nissan Garage, all at Manor West Retail Park, Tralee, County Kerry, as revised by the further public notice received by the planning authority on the 8th day of April, 2019.

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 provisions of the “Retail Planning Guidelines for Planning Authorities”, issued by the Department of the Environment, Community and Local Government in April 2012, to the relevant zoning provisions and to the policy for retail warehousing at this location and environs, as set out in the Tralee Municipal District Local Area Plan 2018-2024, to the established retail park immediately adjoining the site and the linkage of the existing retail park’s internal road network to the site and to the scale, design, layout and specific retail warehousing of the proposed development, it is considered that the proposed development would be in accordance with relevant retail policy for the area, would not seriously injure the amenities of property in the vicinity, would not endanger public safety by reason of traffic hazard, would not give rise to a significant flood risk, 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, as amended by the further plans and particulars submitted on the 29th day of March 2019 and on the 12th day of July 2019, 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. The range of goods to be sold in the proposed development shall be limited solely to “bulky goods” as defined in Annex 1 of the “Retail Planning Guidelines for Planning Authorities”, issued by the Department of the Environment, Community and Local Government in April 2012. The retail warehouse units shall not be enlarged or subdivided, without a prior grant of planning permission.

Reason: In the interests of clarity and to ensure an appropriate form of retailing at this location.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

4. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

5. Water supply and drainage arrangements, including the 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.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping and boundary treatment, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. (a) A 20 metre buffer zone measured from the outermost edge of the uncovered external ditch of Recorded Monument Ke029-165 shall be established on the ground and securely fenced prior to the commencement of construction works. No excavation, landscaping, storage of materials or traffic of construction machinery shall take place within the buffer zone. Proof of the establishment and fencing of this buffer zone shall be submitted to the planning authority.
- (b) The limit of the buffer zone shall be planted with shallow rooting native species on completion of the proposed works.

- (c) The area of the archaeological monument and buffer zone shall be retained in its current state as specified in the Management Plan submitted to the planning authority on 29th day of March 2019.
- (d) No further development shall be permitted within the area of the Recorded Monument and the surrounding buffer zone.

Reason: In the interest of the preservation of archaeological heritage.

- 8. No signage, advertisement or advertisement structure, other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

- 9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and vibration management measures, maintenance of boundaries to be retained, and off-site disposal of construction waste.

Reason: In the interests of public safety and residential amenity.

10. 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 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.

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

Dated this day of 2019.