



An  
Bord  
Pleanála

**Board Order**  
**ABP-301410-18**

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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 17/1231.**

**Appeal** by Arben Kastrati care of Coghlan Consulting Engineers of 81 New Street, Killarney, County Kerry against the decision made on the 15<sup>th</sup> day of March, 2018 by Kerry County Council to refuse permission to the said Arben Kastrati for the proposed development.

**Proposed Development:** (a) Vehicle wash and valet area, (b) storage shed/ open sided canopy, (c) advertising sign and all associated site works at O'Shea's Garage, Saint Anne's Road, Killarney, 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 provisions of the Killarney Town Development Plan 2009-2015 (as extended), to the nature and scale of the development and to the existing pattern of development in this central urban location, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the vicinity 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 to the planning authority on the 19<sup>th</sup> day of February, 2018 and by the further plans and particulars received by An Bord Pleanála on the 11<sup>th</sup> day of April, 2018, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a hand car wash and valet service as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity.

3. The noise levels from the proposed development shall not exceed 55dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location to the east between 0800 and 2000 hours Mondays to Fridays inclusive and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

4. The car wash/valet service shall only operate between 0900 hours and 1800 hours on Mondays to Saturdays inclusive (excluding public holidays) and shall not operate on Sundays.

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

5. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on any building or within the curtilage of the site unless authorised by a further grant of permission.

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

6. 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 the Board 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.

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**Eugene Nixon**

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

**Dated this            day of            2018.**