

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P15/726

An Bord Pleanála Reference Number: PL 03.246246

APPEAL by Geraldine Byrne of The Coach House, Dalcassian Drive, Ennis, County Clare against the decision made on the 5th day of February, 2016 by Clare County Council to grant subject to conditions a permission to Aimee O'Shaughnessy care of John O'Shaughnessy of Sandfield Park, College Road, Ennis, County Clare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of commercial dog grooming business and retention of domestic extension to garage for use as a cattery, all at Kilrush Road, Ennis, County Clare.

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 zoning objectives for the area, as set out in the Ennis Town and Environs Development Plan, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, including a temporal limitation, the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The development for which retention is sought would, therefore, not be contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11th day of January, 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. This permission shall be for a temporary period of five years from the date of this order. After this time, the use of the premises as a commercial dog grooming business shall cease, unless a further planning permission has been granted before the expiry of that date.

Reason: In order to review the effect of the development on the area, including the residential amenities of neighbouring property, in the light of the circumstances then obtaining.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the subject development shall be restricted to a dog grooming parlour with no overnight accommodation and a private cattery for domestic use only (as specified in the lodged documentation), unless otherwise authorised by a further grant of planning permission.

Reason: To protect the amenities of property in the vicinity, and to limit the uses hereby permitted to those for which permission had been sought.

4. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the buildings nor within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any signage or other advertisement structures through the statutory planning process.

5. The dog grooming business shall only operate between 09.00 hours and 17.00 hours on Mondays to Saturday inclusive, and shall not operate on Sundays or public holidays.

Reason: In the interest of residential amenity.

6. 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.

7. 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 within two months of the date of this order 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.

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

Dated this day of 2016.