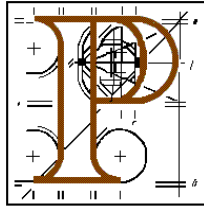


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/491

An Bord Pleanála Reference Number: PL 09.246754

APPEAL by Frances and Oliver Conway of Oldtown, Newbridge, County Kildare against the decision made on the 26th day of May, 2016 by Kildare County Council to grant subject to conditions a permission to Kildare and West Wicklow Society for the Prevention of Cruelty to Animals Limited care of AMK Architects of Lilac Cottage, Tullyvale, Kildare Town, County Kildare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of use of corrugated agricultural shed, masonry agricultural store and site as an animal shelter, material alteration to masonry store used as ancillary space to animal shelter, retention of wooden hoarding/fence at the entrance to the premises along the Athgarvan-Twomilehouse county road and retention of vehicular access to the cottage along the Athgaran-Twomilehouse county road at Oldtown, Athgarvan, Newbridge, County Kildare.

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 Kildare County Development Plan 2011-2017, in particular Section 10.4.10 Rural Enterprises, to the pattern of development in the area and to the nature and scale of the proposed development to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development to be retained would not give rise to traffic hazard, would not seriously injure the residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board accepted that the sightlines might not quite meet standards however based on the low traffic levels of the local road didn't consider it sufficient reason to merit a refusal in this instance.

CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7th day of December, 2015 and by the further plans and particulars received by An Bord Pleanála on the 15th day of July, 2016, 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. This permission for retention is limited to a duration of two years only.

Reason: To allow a review of the effects on neighbouring residential amenity.

3. Details of sightlines shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

Reason: In the interest of traffic safety.

4. Within three months of the date of this order, mitigation measures for the control of noise at the dog kennels shall be carried out, in accordance with section 5.0 Mitigation Measures contained in The Environmental Noise Impact Assessment (Bord na Mona Environmental dated the 4th day of December, 2015) received by the planning authority on the 7th day of December, 2015. A three metre barrier shall be erected as per heading Noise from dogs barking in the external dog run and under point 1 of section 5.0 Mitigation Measures set out in the the Environmental Noise Impact Assessment.

Reason: In the interests of the proper planning and sustainable development of the area.

5. All solid household waste from the development shall be offered for collection to a waste contractor in possession of a valid waste collection permit either under the Waste Management (Collection Permit) Regulations 2001 or the Waste Management (Collection Permit) Regulations 2007 and the waste Management (Collection Permit) (Amendment) Regulations, 2008 whichever may be relevant. Alternatively, the householder may bring household waste to an appropriate civic waste facility or recycling centre. No burning of waste is permitted. (The householder may wish to use an on-site compost bin for suitable wastes and where a dry recyclable bin collection service is available it should be utilised).

Reason: In the interest of public health.

6. Waste from the dog kennels shall be disposed of in accordance with the procedure outlined in the letter from Brendan P Kavanagh (dated the 26th day of September, 2015) received by the planning authority on the 7th day of December, 2015.

Reason: In the interest of public health.

7. Details of parking layout shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

Reason: In the interest of residential amenity and traffic safety.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

Dated this day of 2016.