

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Waterford City and County Council

Planning Register Reference Number: 16/282

An Bord Pleanála Reference Number: PL 93.246872

APPEAL by Bryan and Jane Cunningham of Realt Na Maidne, Killea Road, Dunmore East, County Waterford against the decision made on the 14th day of June, 2016 by Waterford City and County Council to grant subject to conditions a permission to Maria Kearney of Harristown, Dunmore East, County Waterford in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Indefinite retention of four number dog kennels and for proposed new dog run/paddock and associated works at Harristown, Dunmore East, County Waterford.

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 condition 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 nature and limited scale of the proposed development and the development proposed for retention, the existing character and pattern of development in the vicinity of the site, the location of the site on agriculture zoned lands in the Waterford County Development Plan 2011-2017 and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development to be retained would not seriously injure the residential or visual amenities of the area. The proposed development and the development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out, completed and retained 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall be for a period of three years from the date of this order and for the boarding of four dogs only. The development shall then be removed unless, prior to the end of the period, permission for its retention shall have been obtained.

Reason: To allow for a review of the development having regard to the impact on residential amenities.

3. The proposed on-site waste treatment unit shall be omitted from the proposed development. Waste disposal from the kennels shall be off-site to a suitable licenced facility unless a prior grant of planning permission for a suitable on-site facility has been obtained.

Reason: The proposed waste treatment unit is unacceptable both in terms of its nature and its location in close proximity to a site boundary and in the absence of details of local drainage.

4. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them no advertising signs or structures shall be displayed or erected within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. 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.

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

Dated this day of 2016.