

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/06461

Appeal by Daniel and Helen Foott of Cullen, Riverstick, County Cork against the decision made on the 9th day of February, 2021 by Cork County Council to grant subject to conditions a permission to Brian Barron care of Alan Crowley of 'Broadlands', Old Blarney Road, Clogheen, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission to construct detached dog boarding kennels for commercial use and associated site works at Cullen, Riverstick, County Cork.

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.

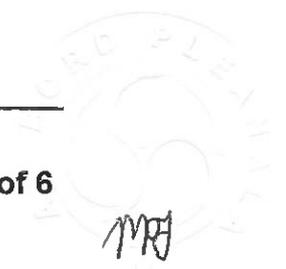
Reasons and Considerations

Having regard to the location of the site within a sparsely populated rural area together with the nature and extent of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area and would generally be acceptable in terms of traffic safety and convenience. The proposed development 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 15th day of January, 2021, 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 use for boarding of up to six dogs and any change of this use or any intensification of its use shall not take place without the benefit of a further planning permission.

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

3. Prior to the commencement of development, the five existing dog kennels and pens detailed on the Proposed Site Layout Plan drawing number 3(a) submitted with the planning application shall be removed in full from the site.

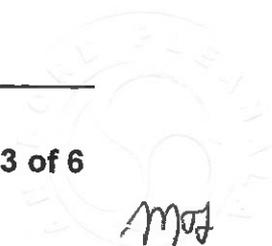
Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

4. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(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.



5. Wash water generated in the kennels shall be discharged to a suitably sized effluent tank prior to collection by an authorised waste collector or can be discharged to the existing wastewater treatment system subject to the applicant demonstrating adequate capacity within that system.

Reason: In the interest of public health.

6. Faecal waste and soiled bedding shall be collected daily and placed in a suitably sized effluent tank prior to collection by an authorised waste collector. Details of all waste storage on site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

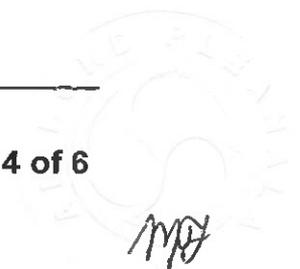
Reason: In the interest of public health.

7. All uncontaminated roof water from building and clean yard water shall be separately collected and discharge in a sealed system to adequate soakpits and shall not discharge or be allowed to discharge to foul effluent drains or to the public road.

Reason: In the interests of environmental protection and public health and to ensure a proper standard of development.

8. The proposed kennel shall be constructed and operated in accordance with the Department of Rural and Community Development document "Dog Breeding Establishment Guidelines", July 2018.

Reason: In the interests of environmental protection and public health and to ensure a proper standard of development.



9. Prior to the commencement of construction of the boarding kennels, details of the materials, colours and textures of the external finishes shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development.

10. No advertisement and advertising structure shall be erected or displayed within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

11. Customer parking and turning facilities shall be provided for on the site and sightlines at the entrance shall be maintained to the satisfaction of the planning authority. Details of all of the requirements relating to the access, including sightlines and parking provision, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

12. 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.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *27th* day of *Sept.* 2021.