

An
Bord
Pleanála

Board Order

ABP-317977-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 23/149

Appeal by Brendan O'Reilly of Drumgore, Loughduff, County Cavan against the decision made on the 16th day of August, 2023 by Cavan County Council in relation to an application by K9's Style N Stay care of Wynne Gormley Gilsenan Architects and Surveyors Limited of 21 Church View, Cavan, County Cavan for permission for development comprising the retention of the use of domestic storage container and loose shed and dog run to dog grooming and boarding use and all associated works, all at Drumgore, Loughduff, County Cavan in accordance with plans and particulars lodged with the said Council (which decision was to grant permission subject to conditions).

Decision

GRANT permission for retention of the domestic storage container for dog grooming use (marked 'A' on drawing reference number PL 22-015-01 received by the planning authority on the 30th day of March, 2023) and retention of the dog run (marked 'C' on drawing reference number PL 22-015-01 received by the planning authority on the 30th day of March, 2023) based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of the dog boarding kennels and loose shed (marked 'B' on drawing reference number PL 22-015-01 received by the planning authority on the 30th day of March, 2023) for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the provisions of the Cavan County Development Plan 2022-2028, the rural location of the site, the nature and scale of the development proposed to be retained, it is considered that, subject to compliance with the conditions below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health or constitute a traffic hazard, would constitute an acceptable use at this location, and would, therefore, be in accordance with 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 received by the planning authority on the 10th day of July, 2023, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The operation of the dog grooming facility shall comply with the following requirements:
 - (a) The hours of operation for the facility shall be from Monday to Friday 0900 to 1800 hours, on Saturdays from 1000 to 1300 hours and shall be closed on Sundays and public holidays.
 - (b) Dog grooming shall be strictly by appointment only.
 - (c) Dog grooming shall be restricted to 17 dogs per week.
 - (d) The use of the dog run shall be incidental to the operation of the dog grooming facility.

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

3. Ringcraft classes shall be restricted to six dogs and shall only be permitted on site for a two-hour duration per week.

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

4. Water supply and drainage arrangements, including the disposal of uncontaminated surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. Details of the proposed acoustic fencing shall be submitted for the written agreement of the planning authority prior to its installation.

Reason: In the interest of visual amenity.

6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details received by the planning authority on the 10th of July 2023, and in accordance with the requirements of the EPA Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) document 2021. No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years and, thereafter, shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

- (d) Surface water soakways shall be located such that the drainage and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the installation of the system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

- 7. Uncontaminated surface water run-off from roofs and cleaned paved areas within the development shall be collected and disposed of to the surface water drainage system in accordance with the plans and specifications submitted.

Reason: In the interest of public health and environmental sustainability.

- 8. A visual examination of the surface water drainage system shall be carried out weekly. A log of such inspections shall be maintained. In the event of observations on reduced quality or appearance of the water quality, the developer shall put in place measures to prevent further contamination and shall notify the planning authority within 24 hours of identification of reduced quality/appearance of surface water.

Reason: In the interest of public health.

9. The existing vegetation in the vicinity of the site entrance shall be cut back and maintained to maximise sightlines.

Reason: In the interest of traffic safety and amenity.

10. The developer shall implement all recommendations and mitigation measures included within the Noise and Odour Report. Odour and noise monitoring shall be undertaken monthly for the first 12 months from the date of this order and quarterly thereafter and shall be submitted to the planning authority on a quarterly basis.

Reason: In the interest of public health and residential amenity.

11. The noise levels from within the existing boundary of the development shall not exceed 55dB(A) (15 minutes LAeq) at any point along the boundary of the development between the hours of 0800 hours and 2000 hours. At all other times the noise levels shall not exceed 45dB(A) (15 minutes LAeq).

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

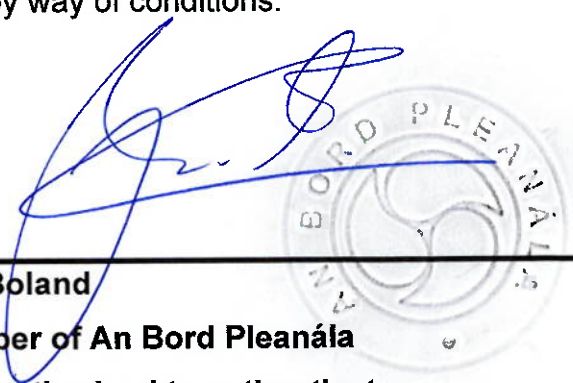
12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three 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.

Reasons and Considerations (2)

The Board considered that the cumulative effect of all the uses proposed to be retained would seriously injure the adjoining residential amenity by reason of the noise impact arising from the operations and that the proposed mitigation measures were insufficient to protect residential amenity.

In deciding not to accept the Inspector's recommendation to grant retention permission for the boarding kennels/shed, the Board considered that the noise impacts could not be satisfactorily addressed by way of conditions.



Joe Boland
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 17TH day of June 2024.