

An  
Bord  
Pleanála

**Board Direction**  
**BD-015448-24**  
**ABP-315605-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/02/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to nature of the proposed development, the zoning of the site for neighbourhood facilities, it is considered that subject to the conditions set out below, the proposed development would be acceptable in terms of traffic safety and would not negatively impact on residential amenities or on the architectural character of the area and would be in accordance with the provisions of the Dublin City Development Plan.

The Board disagreed with the Inspector and shared the opinion of the Planning Authority that the demolition of the chimney was acceptable in this instance, having regard to the position of the chimney to the rear of the property, the fact the adjoining property did not have a similar chimney, and the design of the proposed extension.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

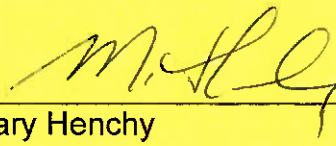
1.	<p>The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of November 2022, except as may otherwise be required in order to comply with the following 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.</p> <p><b>Reason: In the interest of clarity.</b></p>
2.	<p>The proposed veterinary facility shall not operate outside the period of 0800 to 2000 hours Monday to Friday, 0900 to 1700 hours Saturday, 0900 to 1600 hours Sunday, and shall not operate on public holidays.</p> <p><b>Reason: In the interests of residential amenity.</b></p>
3.	<p>(a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'</p> <p>(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.</p> <p><b>Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.</b></p>
4.	<p>The grassed area to the rear of the site as shown on drawing reference number 2193-DLA-XX-GF-DR-A-003 Rev A, shall be used by veterinary staff as an amenity space and shall not be used for animals visiting the veterinary clinic.</p>

	Reason: for the avoidance of doubt, and to protect the amenity of adjoining properties.
5.	The proposed pedestrian entrance to the side of 183 Botanic Road shall not have outward opening gates. <b>Reason: In the interests of pedestrian safety.</b>
6.	Prior to the commencement of development, plans and particulars shall be submitted to, and agreed in writing, with the planning authority showing the provision of 2 no. dedicated sheltered cycle parking spaces onsite. <b>Reason: In the interests of sustainable transport</b>
7.	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.  <b>Reason: In the interests of public safety and residential amenity.</b>
8.	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. <b>Reason: In the interests of sustainable waste management.</b>

9.	<p>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.</p> <p><b>Reason: In the interest of public health.</b></p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason: In order to safeguard the residential amenities of property in the vicinity.</b></p>
11.	<p>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.</p> <p><b>Reason: In the interests of public safety and residential amenity.</b></p>
12.	<p>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.</p>

**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.**

**Board Member**



Mary Henchy

**Date:** 16/02/2024