



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4224/18

Appeal by Bruno Herbots and Flora O'Mahony and the Residents of Rosemount Avenue and Brookwood Avenue care of Brady Shipman Martin of Canal House, Canal Road, Dublin against the decision made on the 15th day of March, 2019 by Dublin City Council to grant subject to conditions a permission to Moulin Pooch Limited care of Hausman Architectural Services of Northside Enterprise Centre, Bunratty Drive, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: 1. Retention of a single storey free standing timber structure and for retention of a change of use from retail to dog day care use all to the rear of number 95, and 2. permission for a change of use of existing ground floor retail unit to the front of number 95 from retail to dog grooming parlour and for associated signage, and 3. all associated site works, all at 95 Rosemount Avenue, Artane, Dublin.

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 Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the development for which permission and retention permission is sought, would not seriously injure the residential amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 19th day of February, 2019, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Permission for the use of the premises as a dog day care and dog grooming facility is granted for a limited period of three years from the date of this Order, at which date the use shall cease, unless a subsequent permission for the continuance of the use has been granted before the expiry date of this permission.

Reason: In the interests of the proper planning and sustainable development of the area, and so that the effect of the development may be reviewed having regard to the circumstance then prevailing.

3. The dog grooming service shall comply with the following requirements:

- (a) The hours of operation shall be between 09.30 and 18.00 hours, Monday to Saturdays only and not at all on Sunday or public holidays.
- (b) No more than five dogs attending the premises for the purpose of the grooming service, shall be present on the premises at any one time.
- (c) No dogs attending the grooming service shall be allowed to access the dog day care facility during their visit.
- (d) No dogs shall be accommodated on site overnight.

Reason: In the interests of residential amenity and orderly development.

4. The dog day care service shall comply with the following requirements:

- (a) The hours of operation shall be between 08.00 and 18.00 hours, Mondays to Fridays only and not at all on Saturdays, Sundays or public holidays.
- (b) No more than five dogs attending the premises for the purpose of the day care service, shall be present on the premises at any one time.
- (c) No dogs shall be accommodated on site overnight.

Reason: In the interests of residential amenity and orderly development.

5. The existing laneways to the side (north) and rear (west) of the site shall not be used for access to either the dog grooming or dog day care facilities. All access shall be via the front of the building from Rosemount Avenue.

Reason: In order to safeguard the residential amenities of the area.

6.
 - (a) Receptacles for waste shall be provided in the location indicated on the ground floor plans submitted to the planning authority on the 19th day of February, 2019, and no waste receptacles shall be placed or stored between the front of the building and the road, or in the laneways to the side (north) and rear (west) of the site.
 - (b) The developer shall enter into a contract with a waste collection company that is suitably licenced and qualified for the collection of animal waste.

Reason: In the interest of public health and the visual amenities of the area.

7. 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 Saturday 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.

Reason: In order to safeguard the residential amenities of the property in the vicinity.

8. 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.

Reason: In the interest of public health.

9. 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 within six 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.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2019