



An
Bord
Pleanála

Inspector's Report ABP-313977-22

Development	Change of use of the existing two-storey over basement building from retail to Veterinary Clinic, internal alterations, new external signage and alterations to existing shopfront.
Location	111 Clonskeagh Road, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3731/22
Applicant(s)	Leinster Veterinary Services Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Roy O'Brien
Observer(s)	None
Date of Site Inspection	December 10 th 2022
Inspector	Lorraine Dockery

1.0 **Site Location and Description**

1.1. The subject site is located at 111 Clonskeagh Road, Dublin 6 and is a mid-terrace, two-storey over basement structure.

2.0 **Proposed Development**

2.1. Permission is sought for change of use of the existing two-storey over basement building from retail to Veterinary Clinic, internal alterations, new external signage and alterations to existing shopfront.

2.2. The proposed change of use relates to the entire unit over three floors.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission GRANTED, subject to eleven conditions.

Condition No. 2 relates to signage details

Condition No. 3 states that:

The Veterinary Clinic shall operate from 9.00am to 9.00pm Monday to Friday and 10.00am to 4.00pm Saturday and Sunday, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of the residential amenities of property in the vicinity

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The main points of the planner's report include:

- Proposed development is acceptable and accords with the City Development Plan 2016-2022 and the proper planning and sustainable development of the area.
- Recommends grant of permission

3.2.2. Other Technical Reports

Drainage Division- No objections, subject to conditions

Transportation Division- No objections, subject to conditions

3.3 Prescribed Bodies

None

4.0 Planning History

0813/03

Permission GRANTED for alterations to shopfront and new sign/lighting

5.0 Policy and Context

5.1 Development Plan

The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area.

Zoning: 'Objective Z3' which seeks 'to provide for and improve neighbourhood facilities'.

The subject site is located within a Conservation Area.

Veterinary Surgery is a 'Permissible Use' under this zoning objective

Section 15.14.6 Medical and Related Uses

5.2 Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3 EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and

the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

The issues raised the third party appeal may be summarised as follows:

- Impacts on local residential community- noise from visiting pets and pets staying in clinic
- Intensification of unit- increased concentration of dogs in the area with related footpath soiling
- Increase in traffic and demand for car parking in an area where parking is already difficult

6.2 Planning Authority Response

None

6.3 Observations

None

6.4 Further Responses

A response was received on behalf of the first party, in which no new planning matters raised. They refute the grounds the grounds of appeal and the following is noted:

- Proposal represents a significant improvement to the existing surrounding residential amenity
- Limited noise associated with day-to-day operation of the business- only 2 animal wards both positioned in basement- noises would not be so significant

as to negatively affect the existing and quite remote residential amenities of the area

- Does not represent a change or intensification of use from its pre-existing condition. Only one consultation room will be used at a time and all animals will be seen by appointment
- Outdoor space not required for effective functioning of the clinic- facilities will be provided inside the practice for disposal of any waste
- Will not be a significant increase in traffic –appointment only basis; maximum six staff who will be encourage to walk/cycle. Existing permitted commercial use on site. Ample on-street parking on both side of Clonskeagh Road, together with publically accessible car park at Farmer Brown’s public house

7.0 Assessment

- 7.1 I have read all the documentation attached to this file including inter alia, the appeal submission, the report of the Planning Authority and first party response, in addition to having visited the site.
- 7.2 I highlight to the Board that the new operative City Development Plan has been adopted, since the decision of the planning authority issued.
- 7.3 The primary issues, as I consider them, are (i) the impact on the residential amenity of adjoining property arising from the proposed works and (ii) traffic and transportation concerns.
- 7.4 The operative City Development Plan is generally favourable to such development within neighbourhood centres, subject to normal planning criteria and I note Policy CCUV25 in this regard. The operative Plan acknowledges that neighbourhood centres play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities. Veterinary Clinic is a permissible use within ‘Objective Z3’ zoned lands. I consider the proposal to be in compliance with the zoning objective for the site.

Residential Amenity

- 7.5 In terms of impacts on residential amenity, I consider that any impacts would not be so great as to warrant an alteration to its design or a refusal of permission. There is an existing commercial use within the building and it is located in an area identified for such uses. I do not consider the proposal to represent an intensification of use. The proposed works are of a scale and design appropriate to its urban, neighbourhood centre location and context. I note the limited residential development in the immediate vicinity of the site.
- 7.6 Given the layout, design and operational rationale put forward, I do not anticipate levels of noise to be excessive and I consider that this matter would not be so great as to warrant a refusal of permission. Hours of operation have been restricted by the planning authority and if the Board is disposed towards a grant of permission, I recommend that a similarly worded condition be attached to any such grant. I have no information before me to believe that the proposal if permitted would lead to increased nuisance impacts, such as soiling of footpaths. In any event, I note that the applicants state that customers will be encouraged to take soil bags with them on leaving the clinic.

Traffic and Transport Matters

- 7.7 I note the concerns raised in the appeal with regards to this matter. I am not unduly concerned in this regard. I would not anticipate the proposed development to lead to the generation of significant volumes of traffic. I note the extensive on-street parking in the vicinity of the site. In addition, I would anticipate that many customers may walk from nearby residential areas. The proposal is substantially in compliance with Development Plan standards in this regard and the Transportation Division of the planning authority have not raised concern, subject to conditions.
- 7.8 I am generally satisfied in this regard and have no information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users.

Conclusion

- 7.9 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative City Development Plan, is in keeping

with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Appropriate Assessment Screening

8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

9.1 I recommend permission be GRANTED subject to conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenity of property in the vicinity and would 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

11.0 Conditions

1.	The development shall be carried out 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
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	<p>prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the planning authority in relation to proposed signage and lighting.</p> <p>Reason: In the interests of visual amenity</p>
3.	<p>The Veterinary Clinic shall operate from 9.00am to 9.00pm Monday to Friday and 10.00am to 4.00pm Saturday and Sunday, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interests of the residential amenities of property in the vicinity</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 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>Reason: In order to safeguard the amenities of property in the vicinity.</p>
5.	<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>Reason: In the interest of public health and surface water management.</p>
6.	<p>The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters</p> <p>Reason: In the interests of public safety</p>
7.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p>

	Reason: To protect the amenities of the area
8.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
9.	<p>No advertisement or advertisement structure (other than those to be agreed with the planning authority) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>

Lorraine Dockery
Senior Planning Inspector

14th December 2022