



An
Bord
Pleanála

Inspector's Report

ABP-315605-23

Development

Retention permission for the change of use of the first floor from previous use as residential apartment to use as office, staff area and store for ancillary use by the veterinary clinic and retention permission for change of opening hours from previously permitted times and all associated works.

Location

183 Botanic Road, Glasnevin, Dublin 9, D09 DR02 and 181 Botanic Road, Glasnevin, Dublin 9, D09 R6Y4

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

4772/22

Applicant(s)

Michael Hatton

Type of Application

Planning Permission & Retention Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)	Áine Dennehy & Conor Lyons
Observer(s)	Glasnevin Village Residents Association
Date of Site Inspection	11 th January 2024
Inspector	Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site is located approximately 2.9km north of Dublin City Centre within the established residential suburb of Glasnevin at Nos.181 & 183, Botanic Road. No.183 currently operates as a veterinary clinic and No.181 functions as a 3 bed residential dwelling. No.183 represents the beginning of a small row of neighbourhood uses situated on a corner linking Botanic Road with Botanic Avenue. No.181 is situated at the end of a row of terraced housing beginning at No.155 Botanic Road. The Botanic Gardens are also located to the west of the site and is a site of importance for horticultural purposes.
- 1.1.2. The site is bounded to the south by No.181 Botanic Road, to the east by a rear access laneway for Addison Place, to the north by both a hair stylist and a craft shop and to the west by Botanic Road itself. The site is located adjacent to the Conservation Area of the National Botanic Gardens. A protected structure relating to the Botanic Gardens lies to the west of the site but is not visible from Botanic Road at this location.

2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
- Retention permission for the change of use of the 1st floor of No.183 Botanic Road from previous use as a residential apartment to use as office, staff area and store for veterinary clinic.
 - Retention permission for change of opening hours from previously permitted times of 9am to 9pm Monday to Friday and 9am to 1pm Saturday to 8am to 8pm Monday to Friday, 9am to 5pm Saturday and 9am to 4pm Sunday.
 - Permission for demolition of 64 sq.m of existing buildings to the rear of No.183 Botanic Road and the side of No.181 Botanic Road, including demolition of 30 sq.m of unauthorised development and demolition of chimney to the rear of No.183 Botanic Road.
 - Development of 214 sq.m extension to the rear and side of existing veterinary clinic at Nos.181 & 183 Botanic Road, including provision of new pedestrian

entrance between Nos. 181 and 183 and a new 1.8m boundary to the rear of No. 183.

2.1.2. Further Information was submitted by the applicant, upon request, on the 24th November 2022 which provided further clarity but did not alter the proposed development.

2.1.3. The application is accompanied by:

- Pre-application consultation details.
- Planning Report.
- Engineering Services Report.
- A Daylight/Sunlight Assessment (FI).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council issued a GRANT of permission for the above-described proposed development on the 13th December 2022, subject to 11 no. conditions. Conditions of note including:

- Condition 5 (iv) relating to private drainage states that the new manhole located on the footpath to the front of 183 Botanic Road is not acceptable.
- Condition 6 (i) requires the proposed pedestrian entrance not to have outward opening gates.
- Condition 6 (ii) requires the provision of 2 no. staff cycle parking spaces before the occupation of the permitted extension.
- Condition 9 regulates the opening hours of the veterinary clinic to Monday to Saturday, and does not allow for opening hours on Sunday.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The Planning Officer's Report dated 2nd November 2022 requested further information on 2 items, namely:
1. Submit a Daylight/Sunlight Study clarifying that a satisfactory level of daylight and sunlight will be provided for adjacent properties, particularly no.189a Botanic Road.
 2. Submit a proposed side/north-east elevation of the new extension and corresponding section locations on the floor plans.
- 3.2.3. Other Technical Reports
- 3.2.4. Environmental Health Officer (EHO) – On the 16th September 2022 the EHO issued a report citing no objection to the proposed development, subject to a number of conditions.
- 3.2.5. Transportation Department – On the 13th October 2022 the Transportation Department issued a report citing no objection to the proposed development, subject to 4 no. conditions.
- 3.2.6. Engineering Department – On the 27th September 2022 a report issued citing no objections to the proposed development, subject to a number of conditions.

3.3. **Prescribed Bodies**

- 3.3.1. None received.

3.4. **Third Party Observations**

- 3.4.1. 2 no. 3rd party observations were received:
- Áine Dennehy & Conor Lyons.
 - Glasnevin Village Residents Association.
- 3.4.2. The issues raised by observers are generally reflected in the grounds of appeal and observations received, apart from the following:
- The proposed development will be overbearing and will lead to overshadowing and overlooking materially impacting the residential amenity of residences to the north of the site.

- No daylight/sunlight survey, visual impact assessment, traffic consultation or north-facing elevations provided with the application.
- The decrease in lighting would lead to additional electrical costs for residences located to the immediate north of the site.
- The proposed development will attract more custom and thus a greater demand for parking which will have traffic implications in the village. This will be further exacerbated by the BusConnects plans for the area.
- Scale and impact of roof design will not allow for any light penetration to residences located to the immediate north of the site and is out of character with the pitched slate roofs of Nos.183-187 Botanic Road.
- Use of the rear garden of No.181 Botanic Road for housing of animals would lead to noise and disturbance issues.
- Increasing the scale of the veterinary clinic by approximately 3.7 times the current scale would be incongruous with the Development Plan, in that it would have undesirable effects on permitted residential uses and other neighbourhood facilities in Glasnevin village.
- The zoning Z3 objectives states that development should provide a limited range of services to the local population within 5 minutes walking distance and not to areas further afield, as claimed by the applicant (Dublin 7 & 11).
- Conflicting with the character of the buildings on Botanic Road, including those listed as of historic importance.

4.0 Relevant Planning History

Subject Site:

- 4.1.1. Pre-app held with Dublin City Council on the 26th April 2022 regarding a veterinary extension to an existing practice at No.183 Botanic Road to extend into No.181 Botanic Road.
- 4.1.2. 1013/91 – Permission GRANTED, on the 10th July 1991, for retention of change of use of ground floor shop/store and kitchen living room to a local veterinary clinic and waiting room the upper floor remaining for domestic dwelling purposes.

Neighbouring Sites of relevance:

- 4.1.3. ABP-314610-22 - BusConnects Ballymun/Finglas to City Centre Core Bus Corridor Scheme application currently before the Board at the time of writing. This scheme traverses Botanic Road and will lead to the loss of a small amount of car parking spaces at the intersection of Botanic Avenue and Botanic Road.
- 4.1.4. WEB1927/22 – GRANTED application, on the 16th January 2023, for an attic extension to a first floor apartment unit at No.189A Botanic Road. The development will consist of a pitch roof extension, 2no. new windows (1no. to the front and 1no. to the rear), attic conversion to bedrooms and ancillary accommodation, velux rooflights and a linear rooflight, first floor internal modifications, and minor siteworks.
- 4.1.5. 3525/20 – GRANTED application, on the 17th February 2021, for change of use of c. 35sq.m area from external storage/utility area to external public seating area to the rear of No.191 Botanic Road.
- 4.1.6. 2764/17 (ABP Ref. PL29N.248789) – GRANTED application, on the 1st November 2017, for retention of use of ground floor level as coffee shop (previously used as an Off Licence) the change of use of first floor level from Residential Unit to kitchen and Storage associated with Coffee Shop. The construction of two-storey flat roof extension (22 sq.m total area) to the rear/ south of the property and all associated site works at No.191 Botanic Road.
- 4.1.7. 3101/15 – GRANTED application, on the 29th September 2015, for a proposed single storey extension to the rear of the property with associated siteworks at No.187 Botanic Road.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. I note that the current Development Plan was not in force at the time of the original application made to Dublin City Council. In the intervening period between the date of the original application and the appeal application, the new Development Plan has been adopted.

5.1.2. The following are policies, objectives and extracts of relevance to the proposed development from the Dublin City Development Plan:

- Zoning Objective Z2 Residential Neighbourhoods (Conservation Areas) – ‘To protect and/or improve the amenities of residential conservation areas’.
- Zoning Objective Z3 Neighbourhood Centres – ‘To provide for and improve neighbourhood facilities’.
- Policy SC11 – Compact Growth – ‘In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors’.
- 14.6 – Transitional Zone Areas – ‘In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties’.
- 15.5.2 – ‘Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form.... Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. As such Dublin City Council will require infill development:
 - To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
 - To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.

- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.
- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood’.
- 15.5.3 – ‘Works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced and environmental performance and accessibility of the existing building stock improved...Key considerations include:
 - New development will respect terraces or groups of buildings with a consistent roofline.
 - Development will not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.
 - Green roofs should be incorporated wherever they accord with the above, are structurally viable and have no adverse impact on historic structures – see Appendix 11.
- 15.14.6 – ‘Dublin City Council will support the provision of medical related uses in urban villages and neighbourhood centres and within existing communities where appropriate’.
- Appendix 5 – Car Parking Standards – The following are maximum car parking standards for land uses relevant to the proposed development in Zone 2:
 - Medical - Clinics and Group Practices - 2 parking spaces per consulting room.

- Enterprise & Employment – Offices – 1 parking space per 200 sq.m of gross floor area.
- Appendix 5 – Cycle Parking Standards – The following standards apply to the proposed development for long term cycle parking:
 - Medical - Clinics and Group Practices - 1 per 5 staff.
 - Enterprise & Employment – Offices – 1 per 75 sq. m. GFA.

Short stay/visitor cycle parking is to be determined by the Planning Authority in each instance.

5.2. Natural Heritage Designations

- 5.2.1. The closest site of natural heritage interest to the proposed development is the Royal Canal proposed Natural Heritage Area (002103), which is approximately 879m from the proposed development.

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development, and the location of the site within a serviced urban area at a remove from areas of environmental sensitivity, 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 stage (see Appendix 2) and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 3rd party appeal was submitted by Áine Dennehy & Conor Lyons, on the 18th January 2023 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:
 - Negative impact on light into the 1st floor of no.189A Botanic Road, particularly during the low sun winter months.

- Concerns relating to the visual impact, particularly the plain rendering of the large north facing wall shown in the additional info drawings.
- The Sunlight, Daylight & Shadow Assessment submitted by the applicant shows a 44% reduction in sunlight received through window 1 (W1), and a 31% reduction in sunlight received through window 2 (W2). This results in an average change ratio for sunlight in the winter of 0:62.

6.2. Applicant Response

6.2.1. The response of the applicant to the grounds of appeal can be summarised as follows:

- The proposed development has been found to comply with the BRE guidelines in relation to skylight availability for the appellant windows.
- The size and scale of development is appropriate to the site.
- The use of render is consistent with the existing rear elevations immediately adjacent to the site.

6.3. Planning Authority Response

6.3.1. The Planning Authority requests that the Board upholds the decision of the Planning Authority to grant permission. In the event of a grant of permission, the Planning Authority request that a condition be applied requiring the payment of a Section 48 development contribution.

6.4. Observations

6.4.1. An observation from Glasnevin Village Residents Association was received by the Board on the 14th February 2023 and can be summarised as follows:

- Concerns set out in their original observations remain valid, including traffic and parking implications, the scale and overbearing nature of the development and the impact on the fabric of the neighbourhood and existing residential amenity.

7.0 Assessment

7.1.1. I consider the main issues in determining this appeal are as follows:

- Demolition & Extension
- Change of Use
- Opening Hours
- Sub-division of land
- Residential Amenity
- Access & Car Parking

7.2. Demolition & Extension

7.2.1. The design and layout of the proposed development represents an infill extension to the rear of a building in an urban area. The internal layout is tailored to the needs of a veterinary clinic and does not increase the number of existing consulting rooms, whilst the design of the exterior includes modern timber cladding and rendering which represents a modern addition to the architectural character of the area. With regard to the architectural character of the area, I note that nos.183 & 181 Botanic Road are not protected structures, nor are they located within an Architectural Conservation Area. I do note that the National Inventory of Architectural Heritage (NIAH) identifies no.183 Botanic Road as a structure of regional significance. The Botanic Conservation Area lies to the immediate west of the site.

7.2.2. The prevailing architectural character of the area consists of 2 storey brick terraces with pitched slated roofs and corresponding rear gardens. The rear curtilage of most buildings on the terrace of no.183 Botanic Road have been built over with extensions consisting of a mixture of flat and pitched roofs. The terrace of no.181 Botanic Road consists of harmonised two storey dwellings with gardens to the front and rear, mostly extended to the rear with a mixture of flat and pitched roofs.

7.2.3. The proposed development includes a flat roofed two storey rendered extension with timber cladding, aligning with the eaves of no.181 Botanic Road. This would result in the roofline of the proposed development rising slightly above the extended roofline of no.183 Botanic Road. I do not consider that this will result in a negative impact due to the setback nature of the proposed development largely aligned with the

eaves of no.181 Botanic Road, which is perpendicular to the proposed development. I note that the roofscape of the surrounding area varies in character from pitched to flat roof, therefore I do not consider the flat roof design of the proposed development to be out of character with the area. In addition, the use of rendering is consistent with other such extensions in the area and the timber cladding is considered to be an acceptable modern addition to the design of the extension.

- 7.2.4. I note that the proposed development includes the demolition of 64 sq.m of existing buildings to the rear of no.183 and side of no.181; including demolition of 30 sq.m of unauthorised development. Considering that these elements of the building carry very little architectural significance, I consider the demolition of such to be acceptable. The proposed development also includes for the demolition of the chimney to the rear of no.183 Botanic Road. The NIAH description of no.183 Botanic Road identifies the redbrick chimney stack to the rear elevation. No justification has been provided for the demolition of this chimney stack and I am satisfied that it can be accommodated within the proposed layout. I therefore conclude that said chimney stack should be subject to retention by way of condition, in the event of a grant of planning permission. This is consistent with the provisions of the Development Plan which encourages the retention of chimney stacks that contribute to local character and distinctiveness.

7.3. Change of Use

- 7.3.1. It is evident to me from viewing historical maps, precedent planning applications and the zoning objectives of the Development Plan that the principle of development is acceptable on this site. As such, I consider the retention of office use, staff area use and store for ancillary use by the veterinary clinic at first floor level to be acceptable on this site.

7.4. Opening Hours

- 7.4.1. The proposed development includes for the retention of the change of opening hours including longer opening hours than previously permitted from Monday-Saturday, and additional opening hours on Sunday. I note that the planning authority excluded Sunday opening hours in their determination without providing any rationale for this. Given that no objections have been raised against the retention of the opening hours and having regard to the location of the business in an accessible area along a

terrace of existing businesses, I do not consider the proposed opening hours to be unreasonable.

7.5. Sub-division of land

- 7.5.1. I note that the proposed development involves the sub-division of the plot of land currently associated with no.181 Botanic Road. As a result of the proposed development, the residents of no.181 Botanic Road will lose a portion of their rear garden and side access to their remaining rear garden, to be included within the plot of land associated with no.183 Botanic Road. I do not consider that this will negatively impact existing residential amenities.
- 7.5.2. To the front of no.181 a new pedestrian entrance is proposed to clearly delineate the sub-division of the land. This allows for a dedicated pedestrian entrance to the side of both no.181 and 183 Botanic Road, providing access to the proposed extension of no.183. This does not, in my view, negatively impact existing residential amenities as an existing pedestrian access to no.181 will be retained.
- 7.5.3. I note that bins are currently stored informally to the side of no.181 Botanic Road along the access to the storeroom of the veterinary clinic. The addition of a formal bin store adjacent to the proposed dedicated pedestrian access is a welcome addition as it will allow for the proper storage of waste bins associated with the proposed development.

7.6. Residential Amenity

- 7.6.1. Considering the site of the proposed development lies within two different zonings, it is clear to me that the site is located within a 'transitional zone area', as described in the Development Plan. I note that development proposals in these areas are expected to pay particular attention 'to the use, scale, density and design of development proposals' in order to 'protect the amenities of residential properties'.
- 7.6.2. I note that the Development Plan considers end of terrace and corner sites favourably for medical related uses within neighbourhood centres. Considering that the site of the proposed development is located on an end of terrace corner site within a neighbourhood centre, I am minded to favourably consider it. Furthermore, the number of consulting rooms will not change as a result of the proposed development. Rather, ancillary facilities such as a cattery, dental services and a

pharmacy will be provided. Thus, the proposed development is expanding the premises to improve the quality of service. I note the proposed development may indirectly lead to an increase in custom as a result of an improvement in the quality of service. Notwithstanding this, I do not consider that the expansion of the existing veterinary facility will negatively impact existing residential amenities in this regard.

7.6.3. I note that the issue of noise and disturbance from the keeping of animals at the site has been raised as a concern by observers. Upon the undertaking of my site visit I did not witness any disturbance or noise being caused by animals temporarily housed at the clinic. In any case, I am of the view that such a concern can be appropriately addressed by way of condition, in the event of a grant of planning permission.

7.6.4. Concerns relating to overshadowing impacts on existing residential amenities have been raised by the appellant and the observer throughout the planning process. The Planning Authority sought a Daylight/Sunlight assessment as part of a Further Information request, and I note that they were satisfied with the conclusion of this assessment which stated that the proposed development complies with the BRE guidelines relating to skylight, sunlight and shadow. Having examined the assessment against the BRE guidelines, which represents the best practice approach, I am minded to agree with the applicant's conclusion that the proposed development is in compliance with the BRE guidelines. Furthermore, I consider that the orientation of W1 and W2 across existing properties should not unduly limit the future development of said properties. Having regard to the urban context of the site, I do not consider the development to be unacceptable.

7.6.5. I note that overbearing impacts on existing residential amenities have been cited as concerns by the observer and appellant. Although the proposed development will increase the scale and height of the extension to the rear of no.183 and to the side of no. 181 Botanic Road, I do not believe that this will lead to overbearing impacts as it is not out of keeping with other similar rear and side extensions in this inner suburban location. In addition to this, the proposed development will not lead to overlooking of existing residential dwellings and does not significantly diminish the use or enjoyment of the rear garden of no.181 Botanic Road which will retain a rear garden of amenable size.

7.7. Access & Parking

- 7.7.1. I note that the site represents an existing veterinary clinic with no dedicated car parking facilities. On-street parking and public transport is relied upon to accommodate customers and employees. There are no dedicated onsite facilities for cycle parking and none are proposed as part of the development. A new pedestrian access is proposed to the side of no.183 Botanic Road to clearly delineate the site from no.181 Botanic Road.
- 7.7.2. Upon undertaking my site visit I did not witness any illegal parking and the adjacent bus stop area was respected and remained free of any parked vehicles. Reliance on on-street parking and public transport for access and car parking would be typical for such a commercial premises located in such a central area. No requirement for dedicated car parking for the other commercial premises along the terrace of no.183 Botanic Road has been applied. As such, I would not advocate the implementation of such a requirement for the proposed development, as this would not align with the concept of proper planning and sustainable development.
- 7.7.3. Considering the site is located immediately adjacent to a BusConnects Corridor and the proximity of cycle lanes, it can be said that the site is accessible by means of sustainable transport modes. Notwithstanding this, the lack of dedicated cycle parking provided with the proposed development does not reflect the accessibility of the site. Therefore, I conclude that the provision of dedicated onsite cycle parking facilities should be sought, by way of condition, in the event of a grant of planning permission.

7.8. Conclusion

- 7.8.1. Having regard to the above, I consider the proposed development to be acceptable. The proposed development allows for the extension of an existing veterinary clinic, without negatively impacting existing residential amenities. In addition to this, I am of the view that the proposed development will not lead to traffic safety issues or adverse effects on the structures of no.183 and 181 Botanic Road or their principle elevations and will positively contribute to the character of the area. Thus, I conclude that a grant of planning permission and retention permission should be issued, subject to conditions.

7.9. Appropriate Assessment Screening

- 7.9.1. I note that the application was not accompanied by a screening report for Appropriate Assessment. I note that the Local Authority undertook Appropriate Assessment Screening and concluded that the proposed development would not significantly impact upon a Natura 2000 site.
- 7.9.2. The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on the conservation objectives of any European site, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.9.3. This determination is based on the following:
- The nature and scale of the proposed development;
 - The location of the proposed development in an established urban area that is suitably serviced; and
 - The separation from and lack of connectivity to any European Sites.
- 7.9.4. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

8.0 Recommendation

I recommend that planning permission should be GRANTED, subject to conditions, for the reasons and considerations as set out below.

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

10.0 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 24th 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>Reason: In the interest of clarity.</p>
2.	<p>Revised plans and particulars showing the retention of the chimney stack to the rear of 183 Botanic Road shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of clarity.</p>
3.	<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>Reason: In the interests of residential amenity.</p>
4.	<p>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 or at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday, between 0900 and 1700 on Saturday, between 0900 and 1600 on Sunday 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.</p>

	Reason: To protect the residential amenities of property in the vicinity of the site.
5.	<p>The proposed pedestrian entrance to the side of 183 Botanic Road shall not have outward opening gates.</p> <p>Reason: In the interests of pedestrian safety.</p>
6.	<p>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.</p> <p>Reason: In the interests of sustainable transport</p>
7.	<p>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.</p> <p>Reason: In the interests of sustainable waste management.</p>
8.	<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.</p>
9.	<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</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<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>Reason: In the interests of public safety and residential amenity.</p>
11.	<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> <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.</p>

Inspector - Declaration

Having reviewed the case assigned to me, I hereby declare that to the best of my knowledge I am satisfied that I do not have a conflict of interest in relation to this case and I am in compliance with the Board's Code of Conduct.

Print Name_____

Signature_____

Date _____

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Conor Crowther
Planning Inspector

23rd January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315605-23			
Proposed Development Summary	Retention permission for the change of use of the first floor from previous use as residential apartment to use as office, staff area and store for ancillary use by the veterinary clinic and retention permission for change of opening hours from previously permitted times and all associated works.			
Development Address	183 Botanic Road, Glasnevin, Dublin 9, D09 DR02 and 181 Botanic Road, Glasnevin, Dublin 9, D09 R6Y4			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	✓	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(iv)/ min. an area greater than 10 ha		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: **Conor Crowther** Date: **23rd January 2024**

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-315605-23	
Proposed Development Summary	Retention permission for the change of use of the first floor from previous use as residential apartment to use as office, staff area and store for ancillary use by the veterinary clinic and retention permission for change of opening hours from previously permitted times and all associated works.	
Development Address	183 Botanic Road, Glasnevin, Dublin 9, D09 DR02 and 181 Botanic Road, Glasnevin, Dublin 9, D09 R6Y4	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The location of the proposed development in an urban area that includes infill extensions of a similar nature confirms that the proposed development is not exceptional in the context of the existing environment.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative</p>	<p>The location of the proposed development in an urban area that includes infill extensions of a similar size confirms that the proposed development is not exceptional in the context of the existing environment.</p>	<p>No</p>

