



An
Coimisiún
Pleanála

Inspector's Report PL-501318-DN-26

Development	RETENTION: Change of use from workshop to a gym and all associated site works.
Location	117B Church Road, East Wall, Dublin 3 which also backs onto the adjacent Shelmalier Road, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2990/25
Applicant(s)	Aidan Roche
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Planning Appeal
Appellant(s)	Peter McCarthy
Observer(s)	None
Date of Site Inspection	06/08/26
Inspector	Donal Farrelly

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1.0 Site Location and Description

- 1.1. The appeal site is located at 117B Church Road, East Wall, Dublin 3. The appeal building backs onto Shelmalier Road. The nearest residential dwelling, which is owned by the third party appellant, is located directly adjacent to and south of the gym building with access off Shelmalier Road. The front door entrance to the appeal building is via a laneway which extends to the rear of the site. Parking is provided along this laneway.
- 1.2. Surrounding land uses are predominantly residential. The building located to the front of the appeal building along Church Road was previously used for a gym but now appears to be vacant. There are also some smaller businesses located in close proximity of the appeal site. A lidl supermarket is also located circa 70m northwest of the appeal site.
- 1.3. Openable windows are located in the northern elevation of the building. There is also ventilation plant located on the exterior wall of the northern elevation. Windows and a door are located on the eastern elevation, with these windows not appearing to be openable. The windows on the southern elevation were not all visible during the site inspection due to vegetation but the one window that was visible was closed. The windows on the front elevation do not appear to be openable.

2.0 Proposed Development

- 2.1. The development consists of retention of a change of use of a workshop building to a gym. The ground floor of the gym will include a reception area, changing areas, office and areas for classes and general gym activities. The upper level will include 2 no. yoga studios and a cardio area. Signage is also proposed to the front of the building facing Church Road.

3.0 Planning Authority Decision

3.1. Decision

Retention permission was granted by Decision Order dated 20/04/2026 subject to 9 no. conditions. The conditions are standard with Condition 2 requesting revised

drawings regarding elevational features. Condition 6 is regarding noise mitigation measures which includes the use of a floating floor system, no external speakers, and appropriate noise levels including the use of a limiter system. Condition 7 is regarding operating hours, and Condition 8 is regarding car parking and bicycle parking.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report of Planner dated 15/04/2026 recommends a grant of retention permission. Condition no.2 is of note, which requests revised drawings to be submitted to outline as constructed elevational features including windows for the written agreement of the PA.

3.2.2. Other Technical Reports

- Response from Transportation Planning outlines no objection subject to conditions.
- Response from the Environment Health Officer outlines no objection subject to conditions regarding noise mitigation.
- Drainage department outlines no objection.

3.3. Prescribed Bodies

TII recommends a s49 contribution scheme levy if the development is deemed not exempt.

Uisce Eireann. No response received.

Irish Rail. No response received.

3.4. Third Party Observations to the Planning Authority

Third party submission received. The details are similar to those received in the appeal submission. The following are concerns in the submission not included in the appeal submission.

- Second floor windows newly installed and create overlooking of adjacent garden. These are not shown in the drawings.
- Concerns with waste management of the premises.

4.0 Planning History

I consider the following planning history to be relevant.

Planning Reference no. PL29N.248566/241317. Permission for development at this site of 1500m² on Church Road, East Wall, Dublin 3. The development will consist of demolition of all existing structures on the site and the construction of 23 apartments ranging in size from 57.7 m² to 107.8m² in 2 buildings ranging in height from 3 storeys to 5 storeys. The total gross floor area of the development is 2300m² approximately.

Building A fronting onto Shelmalier Road will consist of 8no. 2-bedroom Duplex units, 6no. 2 bedroom apartments and 4no. 3 bedroom apartments. A roof garden/communal amenity space with pergola and planting will be located on the third floor.

Building B fronting onto Church Road will consist of 4no. 1 bedroom apartments and 1no. 2-bedroom apartment. 23no. carparking spaces will be located at ground level with vehicular entrance from Church Road and vehicular exit onto Shelmalier Road.

All ancillary areas and associated works including 23no. bicycle parking spaces, bin storage, landscaping and private amenity space for each apartment in the form of balconies & terraces, connection to drainage & water services.

Appeal refused on 19/10/17 due to scale and height and overbearance on existing residential properties.

Adjacent to the appeal site

Planning reference no. WEB2611/25. CHANGE OF USE from a Gym to a Place of Worship. Granted permission on 05/11/25. 117A, Church Road, Dublin 3

Planning reference no. 4096/18. change of use from existing commercial manufacturing and showrooms to a proposed gym with reception area with a barista, the erection of new signage, a canopy and some outdoor seating to the front of the

building and all other ancillary site development works. Retention permission granted on 26/02/19. 117A, Church Road, Dublin 3

5.0 Policy Context

5.1 Development Plan

I consider the following policies and objectives of the Dublin City Development Plan 2022-2028 (Development Plan) to be relevant.

The appeal building is zoned Z1 Sustainable Residential Neighbourhoods, with the laneway to the building zoned Z2 Residential Neighbourhoods (Conservation Areas). Development is located within the Z1 zoning. 'Sports facility and recreational uses' is permissible in principle under the Z1 zoning objective as per Chapter 14 Land Use Zoning of the Development Plan.

Chapter 15 Development Standards

15.14.11 Leisure Centre / Gym / Fitness Studios. Details are provided regarding the provision of gym uses which includes supporting active travel and adhering to noise considerations in proximity to residential development.

15.18.9 Noise. Outlines that noise conditions can be attached to applications which may be considered to create a noise disturbance. Appropriate sound proofing and noise mitigation measures should be provided regarding operational noise.

5.4 Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA (004024) is located 0.5km northeast of the appeal site.

Proposed Natural Heritage Areas

North Dublin Bay (000206) is located circa 0.3km northeast of the appeal site.

6.0 EIA Screening

The development for retention does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. [Refer to Form 1 in Appendix 1 of report].

7.0 The Appeal

7.1. Grounds of Appeal

A submission from a third party appellant has been received. This submission also includes drawings, photographs, and an acoustic report completed by Acoustic Designs on behalf of the appellant and is summarised as follows.

- Inadequate details regarding the noise impact assessment, including a lack of details regarding the transmission of noise sources such as music and exercise classes.
- The windows adjacent to residential properties on Shelmalier Road are not on the applicant's elevation drawings and the noise report does not account for noise transmission through these openable windows.
- These south facing windows overlook the appellants property and will impact on their privacy.
- The premises does not have functional downpipes and the drainage system and will impact on the appellants property.
- The appellant outlines that in the event of a grant of permission conditions should ensure that the windows that face their property should be blocked up or soundproofed, repair the broken drainage system including downpipes, and manage trees to prevent further root damage to drainage systems.
- Acoustic Designs report (submitted by third party appellant)
- The Amplitude Acoustics Report submitted by the applicant to the PA uses an inappropriate assessment methodology for a gym and does not account for noise from music typical of a gym class.
- BS4142 is not appropriate for this form of assessment as it does not account for noise from music. NG4 published by the EPA is also not appropriate as it only accounts for noise from scheduled activities. The Amplitude Acoustics report does not acknowledge the limitations. The sampling period and time used is not sufficient for a thorough sound measurement period.

- ProPG Gym Acoustic Guidance (March 2023) is UK specific and offers relevant guidance for the assessment of noise and vibration from gyms. Guidelines for Environmental Noise Impact Assessment (2014) from the UK is also referenced.
- The survey is taken at an inappropriate location regarding background noise measurement, and does not include evenings or weekends when the gym is at its busiest. Shelmalier Road would likely have background noise lower than the selected location.
- The Amplitude Acoustics report uses unrealistic low internal noise levels considering gym classes and closed windows which does not represent the ventilation strategy for the building. The Amplitude Acoustics report claims noise levels are outlined in the applicant's submission in the range of 52-68dBA which would be typical of an office environment. The calculation does not include for noise emissions from the southern or eastern facades which have noise sensitive locations close to openable windows.
- The report does not account for noise from ventilation whether it be mechanical or openable windows. It is likely that windows will be open for ventilation and windows are located adjacent to houses on Shelmalier Road.
- The report outlines that Condition 6(b) references an entertainment venue, when it is a gym. The report also outlines concerns regarding the wording of condition 6(d).

7.2. Applicant Response

None

7.3. Planning Authority Response

None

7.4. Observations

None

7.5. Further Responses

None

8.0 Assessment

8.1. Having examined the planning application details and all other documentation on file, including the submission received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Noise Impact
- Overlooking
- Drainage

8.2. Principle of development

8.3. The development for retention comprises a change of use of a warehouse to a gym. The site is zoned Z1 Sustainable Residential Neighbourhoods as per the DP. 'Sports facility and recreational uses' are permissible in principle under this land use zoning objective. I consider a gym to reflect a sports and recreational use and therefore is a permissible use under the Z1 zoning objective.

8.4. I consider the development for retention to be acceptable in principle subject to an assessment of noise impact and drainage on adjacent residential properties.

8.5. Signage was also included in the application to the planning Authority (PA) but did not form the grounds of appeal. Planning conditions were included regarding signage. I am satisfied that appropriate planning conditions can address signage in the event of a grant of permission.

8.6. Noise impact

8.7. The Noise Impact Assessment completed by Amplitude Acoustics submitted to the PA outlines that no adverse effects are likely and the report does not propose any mitigation measures as a result.

- 8.8. S15.14.11 of the Development Plan outlines that gym uses need to adhere to noise considerations in proximity to residential development and s15.18.9 outlines that noise conditions can be attached to applications considered to create a noise disturbance.
- 8.9. The Amplitude Acoustics report uses BS4142 with respect to the acoustic assessment. I consider that BS4142 is more associated with assessing noise outside a building that is industrial in nature or from plant operations. I do not consider BS4142 relevant with respect to gym operations. The report also references NG4 'Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities' (Environmental Protection Agency [EPA]). NG4 however is associated with noise in relation to EPA scheduled activities and therefore it is not relevant regarding the operations of a gym.
- 8.10. I note the Amplitude Acoustic report includes three noise sensitive locations; at the centre rear of the building on Shelmaliar Road, centre of the front access lane to the building, and along Church Road to the north of the appeal site entrance.
- 8.11. I note the report of the Environmental Health Officer regarding noise and the subsequent noise condition attached to the grant of permission. The EHO recommends conditions regarding the use of a floating floor, no external speakers, the use of a limiter, and appropriate noise levels.
- 8.12. The third party appellant has submitted a noise report prepared by Acoustic Designs which outlines a number of concerns regarding the report completed by the applicant. This includes the manner in which the survey was completed including the use of BS4142 and NG4, and the impact of music and internal noise on the adjacent dwelling having regard to the openable windows on the southern elevation. The report recommends alternative planning conditions to be included in the event of a grant of permission. The report also notes that a more appropriate assessment could have been carried out using ProPG:Gym Acoustics Guidance (2023).
- 8.13. The said 2023 Guidance however is more appropriate for the assessment of a gym which is directly connected to a residential building. In this instance however the gym building is separate and not directly connected to any residential properties. I therefore do not consider the 2023 Guidance to be appropriate in this instance.

- 8.14. I acknowledge that the noise sensitive locations of the Amplitude Acoustics report are located on property that the applicant has full access to. The rear garden to the south of the gym is in private ownership (third party appellant's property). During my site visit I noticed that there are windows on the northern elevation of the gym which were opened. I also noticed ventilation plant erected on the exterior wall of the northern elevation. There are first floor windows on the eastern elevation, but these do not appear to be openable windows. I noticed 1 no. southern elevation window which was not opened during my site visit. Any other windows on this elevation are not visible from the public road due to the presence of vegetation on the southern elevation of the gym building. I could not hear any noise being generated from the building during my site visit. I do acknowledge however that the gym may give rise to reasons of concern when in operation.
- 8.15. I have considered the concerns of the appellant regarding the appropriate standards being implemented to ensure noise emissions are mitigated. I acknowledge the proposed amendments to the planning conditions in the Acoustic Design report. These amendments include referring to the facility as a gym and not an entertainment venue, and inclusion of HVAC plant with respect to measuring LAeq.
- 8.16. I acknowledge that the floor plans submitted to the PA outline that a yoga studio and grass area are located on the first floor along the southern end of the building. The southern elevation windows are associated with these spaces. I am of the opinion that the noise concerns can be mitigated by ensuring the windows on the southern elevation remain closed during the hours of operation of the gym.
- 8.17. I am satisfied that there are alternative windows that can be used for ventilation on the northern elevation, and there also appears to be ventilation plant erected on the northern elevation. This ensures that the southern elevation windows are not necessary for ventilation and can therefore remain closed which will protect the residential amenity of adjacent residential properties. I am satisfied that this can be addressed through an appropriate planning condition in the event of a grant of permission.
- 8.18. This will have a significant impact on the reduction of any noise emissions from the southern elevation windows on the adjacent residential dwellings. I also consider that the recommendations included in the third party appellant's Acoustic Design report

regarding alternative wording for planning conditions as being reasonable and I consider that these amendments can be included in the schedule of conditions in the event of a grant of permission. I am satisfied that the existing noise conditions subject to amendment are appropriate regarding noise mitigation.

8.19. Overlooking

8.20. The appellant also raises concerns regarding overlooking associated with the southern elevation windows of the gym. I note that there is approximately a 3m separation distance between the southern elevation of the gym and the northern elevation of the adjacent residential dwelling. The appellant outlines that there are 3 no. southern elevation windows overlooking their property.

8.21. During my site visit only one of said windows was visible due to vegetation. The window which is visible is located along the side of the adjacent residential dwelling. This window does not directly overlook the rear garden area of the adjacent property.

8.22. I am of the opinion that if the vegetation is removed or cut back that the 2 no. windows which are currently not visible will have a direct line of sight into the rear garden of the adjacent residential dwelling. I consider that the use of obscure glazing will protect the residential amenity of the adjacent residential dwelling. I therefore consider that obscure glazing should be fitted to the 3 no. southern elevation gym windows. A suitable planning condition can address the glazing in the event of a grant of permission.

8.23. Drainage

8.24. The appeal submission outlines concerns regarding the surface water drainage on site and that this will impact on their property. The appellant also outlines that damage to sub surface culverts as a result of tree roots will further exacerbate the drainage issue.

8.25. I note that the retention application is for a change of use of an existing building and that foul and surface water drainage connect to the public mains. I consider that an appropriate planning condition can ensure that on site surface water drainage is contained within the boundaries of the appeal site.

9.0 AA Screening

- 9.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located at 117B Church Road, East Wall, Dublin 3 approximately 0.5km southwest of the South Dublin Bay and River Tolka Estuary SPA (004024).

The development for retention is a change of use from a warehouse to a gym.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because no significant construction works are proposed.

I conclude, on the basis of objective information, that the development for retention would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the development for retention has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality. Having considered that no significant construction works are involved, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

Foul and surface water connections are to the existing public sewer/drains.

The development for retention will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the

Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

11.1. I recommend to the Commission that retention permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- the provisions of the Dublin City Development Plan 2022-2028.
- the nature, scale, and location of the development,
- the measures and conditions to ensure noise mitigation,
- the measures and conditions to prevent overlooking.

It is considered that the development for retention, subject to compliance with the conditions set out below, would be acceptable in terms of residential amenity, and would be acceptable in terms of drainage and noise. Therefore, the development for retention would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The applicant shall ensure that the 3 no. southern elevation windows of the gym which face residential dwelling no. 63 Shelmalier Road remain permanently closed.
3. (b) The 3 no. southern elevation windows of the gym which face residential dwelling no. 63 Shelmalier Road shall be fitted with obscure glazing within 6 months of the grant of this planning permission.

Reason: In order to safeguard the amenities of adjoining occupiers.

4. The development shall comply with the following:
 - a) There shall be no speakers located externally or in such a way that amplified music played on the premises is audible outside the premises.
 - b) The noise levels from the site, during the operational phase, measured as an LAeq (5min at night, 15 min in day) when all proposed HVAC plant is operating, shall not exceed the LAeq when no plant is running by 3dB(A) or more.
 - c) A floating floor or equivalent flooring system shall be installed in all areas where weights are to be used. The floor must provide an adequate level of isolation at frequencies below 50Hz for weights up to 200kg.
 - d) Anti vibration flooring must be fitted within the gym floor.
 - e) All music played within the premises shall be controlled through a limiter system.
 - f) Noise levels emanating from the facility 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.

Reason: In order to safeguard the amenities of adjoining occupiers.

5. The applicant shall submit the following for written agreement of the Planning Authority:

- a) Revised detailed dimensioned drawings to indicate all as constructed elevational features (including all signage/logos, external ventilation/air-conditioning units, window opens etc).
- b) Revised detailed architectural drawings and specifications of proposed dedicated bin storage area, servicing strategy and details in respect of an operational waste management strategy for waste collection, storage and recycling associated with the commercial use

Reason: In the interests of orderly development and to clarify the scope of the permission

- 6. The signage hereby permitted to be retained relates only to signage as indicated on elevation drawing no. P-010 submitted as part Further Information received on 25/03/2026. No awnings, canopies or projecting signs or any other signs shall be retained or erected on the premises without a prior grant of planning permission.

Reason: To clarify the scope of the permission

- 7. The retained signage shall be backlit only and illuminated only during the permitted hours of operation, where necessary.

Reason: In the interest of residential and visual amenity

- 8. Notwithstanding the provisions of the Planning & Development Regulations 2001 (as amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity

9. The use hereby approved shall not operate outside the following times without further written approval from the Planning Authority:

Monday to Thursday 6:00am – 10:00pm

Friday – 6:00am – 9:00 pm

Saturday 7:00am – 6:00pm

Sunday 9:00am – 4:00pm

Reason: To protect the residential amenities of the area

10. The proposed development shall comply with the following requirements:

a) Prior to commencement of development, the applicant shall submit revised drawings and documentation for written agreement of the Planning Authority showing the following changes:

i. Physical infrastructure (e.g temporary bollards) and appropriate traffic signs in accordance with the Traffic Signs Manual shall be provided to prevent informal, unscheduled vehicle access but to facilitate access for the accessible spaces and emergency vehicles only shall be provided.

ii. The off-street car parking spaces along Shelmalier Road indicated on the submitted site layout map (drawing no. 2023-P-000) shall be omitted.

iii. The 2no. car parking spaces shall be replaced with 1no. accessible space in accordance with Volume 2, Appendix 5, Section 4.2 of the Dublin City Development Plan 2022 – 2028. Appropriate signage and line markings in accordance with the Traffic Signs Manual shall be provided.

iv. Details of the proposed bicycle parking spaces including type of bicycle parking space, the type of shelter utilised and details on the space for cargo bicycle parking all in accordance with the Cycle Design Manual 2023 published by the National Transport Authority.

b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of pedestrian and traffic safety and Volume 2, Appendix 5 of the Dublin City Council Development Plan 2022 – 2028.

11. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way."

Donal Farrelly
Planning Inspector

20/08/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501318-DN-26
Proposed Development Summary	Retention for a change of use from a warehouse to a gym. The proposal includes external signage.
Development Address	117B Church Road, East Wall, Dublin 3
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to	

be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____