



An
Bord
Pleanála

Inspector's Report ABP-307243-20

Development	Change of use of existing commercial premises (beauty clinic) to new use as a veterinary clinic.
Location	Ennis Road, Caherdavin, Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	19/1284
Applicant(s)	Wychwood Properties Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 11 conditions
Type of Appeal	Third Parties -v- Decision
Appellant(s)	Sean & Betty O'Connor Margaret & Ger O'Leary
Observer(s)	None
Date of Site Inspection	4 th August 2020
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located on the northern side of Ennis Road (R857) just to the east of its junction with the Northern Ring Road (R445) and Clonmacken Road (L8570), which runs north eastwards from its junction with Condell Road (N18) and via a new road from Junction 3 of the M18. This former junction is known as Caherdavin Cross and to the east of it the carriageway of Ennis Road is laid out to provide one lane inbound and three lanes and a cycle lane outbound. The inbound lane is the subject of double yellow lines as it passes the site.
- 1.2. The site lies within a residential enclave between the Ennis Road and the Northern Ring Road to the north west. On the opposite side of this Road lies the Jetland Shopping Centre, which is accompanied by the Ennis Road Retail Park to the south east. Elsewhere on its northern side further to the east lies a Lidl and the GAA's Pairc na nGael sports stadium.
- 1.3. The site itself is of regular shape and it extends over an area of 0.037 hectares. This site presently accommodates a single storey building (167 sqm), which is sited over the central and the majority of the rear portions of the site. This building is the full width of the site and the design of its principal elevation comprises a glazed rectangular opening, set within a recessed rectangular frame, over which is a rectangular signage board. This elevation terminates in an ornamental parapet, which rises at either end and which has a central arched feature.
- 1.4. The building is served by an open forecourt to Ennis Road, which comprises a row of 4 no. car parking spaces on the RHS and an accompanying manoeuvring area on the LHS. It is also served by an enclosed yard to the rear.

2.0 Proposed Development

- 2.1. The proposal would entail the change of use of the existing commercial premises on the site, which are presently vacant, but which were last used as a beauty clinic, to use as a veterinary clinic.
- 2.2. The proposed veterinary clinic would operate on weekdays between 09.00 and 19.00 and at the weekend between 09.00 and 14.00, with the option of remaining open until 19.00 during busy periods or when emergencies necessitate.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 11 conditions, including 2 pertaining to noise.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following matters:

- A planning statement to address:
 - Nature and type of animal treated at the clinic,
 - Overnight monitoring of animals, e.g. noise mitigation,
 - Hours of operation,
 - Total staff numbers,
 - Operating model, e.g. by appointment, and
 - Car parking and CDP standards.
- Objections to be addressed.

3.2.2. Other Technical Reports

- HSE – Environmental Health: No comments to be made on public health.
- Irish Water: No objection: Standard notes.
- LCCC:
 - Fire and Rescue Service: No objection.
 - Air, Noise, Water & Public Health Team: Advises that the area is well served by a public sewer.

4.0 Planning History

- 94/1214: Change of use from shop to creche: Permitted.

- 04/425: Demolition of porch, change of use of creche to a retail unit with rear extension for 50 sqm of storage, new front elevation, and 3 car parking spaces: Permitted, subject to 9 conditions, the second of which excluded use as a convenience shop “To reduce traffic turning movements in the interest of traffic safety and in order to protect the residential amenity of surrounding properties.”
- 05/2933: Use of existing premises (permitted as retail unit) for wine merchants/off-licence: Permitted at appeal PL13.216006, subject to 4 conditions the second of which restricted deliveries to weekdays between 10.00 and 16.00 “In order to minimise obstruction on the public road.”

5.0 Policy and Context

5.1. Development Plan

Under the Limerick City Development Plan 2010 – 2016 (CDP), the site is shown as lying within an area zoned ZO.2(A) residential, wherein the objective is “To provide for residential development and associated uses.” The accompanying land use matrix identifies veterinary surgeries as “open for consideration as part of a home-based economic use.” Ennis Road passes the site and it is identified as a proposed green route. The site lies within Zone 3 for parking purposes.

5.2. Natural Heritage Designations

- Lower Shannon River SAC (002165)
- River Shannon and River Fergus SPA (004077)
- Inner Shannon Estuary – South pNHA (000435)
- Fergus Estuary and Inner Shannon pNHA (002048)

5.3. EIA Screening

The proposal is for a change of use and so it does not constitute a project for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

(a) Sean & Betty O'Connor of Glenanaar House, Ennis Road, Limerick

- The site is surrounded by private residences.
- The site is located on a stretch of Ennis Road between two signalled junctions, which has been reconfigured as a four rather than three-lane road. It is heavily trafficked, and residents have difficulty accessing/egressing their properties.
- The junction to the W is particularly heavily trafficked. It has been the site of 3 major accidents.
- The site has only 3 off-street parking spaces. The proposed supplementary parking at the former Old Ryan Hotel site is unrealistic as this site is 1 km away and it is proposed for redevelopment.

This appeal is supported by Michelle and Mustafa Mansour of Glenbarrie, Ennis Road, Limerick.

(b) Margaret & Ger O'Leary of Ard na Greine, Caherdavin Cross, Ennis Road, Limerick

The appellants begin by reviewing the planning history of the site.

- Under permitted application 04/425, a retail use was authorised, albeit under condition No. 2, the exact use was to be agreed in writing with the PA. While a hairdressing use transpired, this does not appear to have been the subject of the PA's written agreement.
- Under permitted application 05/2933 & PL13.216006, a wine merchant's/off-licence use was authorised. This use ensued, although subsequently the site reverted to use as a shop, although no planning permission was obtained for such reversion. Accordingly, the current use as a beauty salon may be unauthorised.

The appellants proceed to cite the following grounds of appeal:

- Unsuitability of the location for the proposed use:
 - The site is accessed off a stretch of Ennis Road which is heavily trafficked. The existing retail use of this site serves a local market, which facilitates customers arriving on foot. The proposed veterinary facility would be one of 5 in Limerick with this one intended to serve the northern side of the city. Customers with sick pets would be car borne and so increased vehicular movements from and to Ennis Road would arise, thereby exacerbating existing congestion.
 - Whereas the applicant submitted a management system for the proposed facility, it was not requested to submit a traffic impact assessment. This system would entail 15-minute slots for consultation, the realism of which is questioned.
 - Under the CDP, 8 car parking spaces would be required, i.e. 4 for staff and 4 for customers, although this may in practise represent an under provision if consultations overlap.
 - The applicant recognises that only 4 customer car parking spaces would be available on the site and so it proposes to supplement this provision by using 4 staff spaces on the site of the former Ardhu Ryan Hotel. Questions arise: Which spaces would be allocated and would the arrangement persist under the likely redevelopment scenario for this site. The undertaken given to the applicant is not legally binding and the spaces in question have not been formally identified in the application.
 - The former Ardhu Ryan Hotel is 10 – 15 minutes walking time from the site and so it may not be suitable for all the staff employed by the applicant.
 - Alternative premises appear to be available to the applicants in the locality of the subject site, e.g. units at either the Jetland or the Ennis Road Shopping Centres.
 - The view is expressed that the proposed facility has been brought forward for the subject site due to its commercial use, even though its impact

would differ from such usage in terms of residential amenity and traffic generation.

- Furthermore, the proposed facility can be distinguished from the last authorised use of the site as a wine merchant's/off-licence insofar as this former use would have served a local market with a significant proportion of customers attending on foot and it would have been busiest in the evenings and at weekends, thereby avoiding peak times on the Ennis Road.
- The proposal will be injurious to the amenities of residences in the area:
 - The proposed facility would lead to an intensification in the use of the site in what is an established residential area.
 - Pets recuperating from operations would be accommodated overnight on the site. These pets would be “monitored”. As there is no provision for staff to be present overnight, too, such monitoring would occur remotely. The likelihood of noise nuisance to local residents would, notwithstanding sound insulation to a relevant window, be real.
- Incompatibility with zoning
 - Under the CDP, the site is zoned ZO.1(C) inner city residential neighbourhoods, wherein the objective is to protect “the established residential housing stock in these areas by restricting the development of incongruous development types, and providing the range of the local service provision required to ensure their attractiveness and vibrancy.”
 - The view is expressed that under the said objective the currently proposed facility would not be accepted as a new build project, i.e. the applicant is placing reliance upon the existing commercial use of the site. And yet as stated above, this facility would serve a wide catchment and so it would not be the local service envisaged by the objective.

6.2. Applicant Response

The applicant begins by drawing attention to the Board's decision under PL13.216006, which recognised the appropriateness of the commercial use of the

site. It also draws attention to the increasingly mixed pattern of usage within the surrounding area of the subject site.

The applicant explains that the proposed veterinary clinic is needed, as there is presently only one veterinary practice serving the northside of the city. It would be the fourth such clinic, with the existing three on the southside of the city. The applicant further explains that 45% of cases would be preventative/routine visits, which can be attended on foot, e.g. 60% of such cases entail dog owners attending on foot.

Since making the application, the applicant's model of working has changed insofar as overnight stays would not occur on the subject site, but rather pets needing to overnight would be transferred to its Henry Street facility.

The hours of operation would be 09.00 – 19.00 on weekdays and 09.00 – 14.00 at weekends with the option of opening until 19.00 when emergencies arise or during busy periods. A typical working day would run as follows:

- 09.00 – 09.30: Pets dropped off for surgery
- 09.30 – 12.00: 15-minute appointment slots
- 12.00 – 16.00: Surgery
- 16.00 – 18.45: 15-minute appointment slots

The applicant proceeds to respond to the grounds of appeal raised by both appellants as follows:

- History of the site
 - The applicant acknowledges that the site has been used for a creche, a shop, and an off-licence. The description of the proposal does not refer to any one of these uses but to the “existing commercial premises”, i.e. premises from which a business activity is operating.
 - Under question 15 of the completed application form, the existing use of the premises is recorded as being “commercial use (beauty clinic)”. Thus, the provisions of Article 22(4)(b)(i) of the Planning and Development Regulations, 2001 – 2020, have been satisfied.

- The said beauty clinic has operated for a number of years without being the subject of any enforcement action.
- Location and traffic generation
 - Appellant (b) asserts that the previous off-licence and hairdressers/beauticians would have served a local market only without providing evidence for this assertion. To the contrary, the former use would certainly have attracted passing trade and the latter use was of a size to serve a wider market.
 - Former uses would have attracted traffic throughout the day, whereas the above cited appointment slots would regulate traffic under the proposed use.
 - The size of the premises and the traffic that would be generated by the proposed use are such that it would fall far below the relevant thresholds for undertaking a Traffic Impact Assessment or Traffic and Transport Assessment.
 - Under a worst-case scenario, the appointments slots would generate 46 trips a day if each appointment were by someone attending by car. As outlined above, a significant proportion of customers would attend on foot and so such a scenario is unrealistic. Thus, lower traffic generation is anticipated under the proposed use than either of its two predecessors.
- Car parking
 - The proposed facility would be served by an adequate number of customer car parking spaces. Whereas there are no public car parks in the locality, the Jetland and Ennis Road Shopping Centre car parks are nearby, and they are available to the public. Furthermore, the applicant has agreed with the owner of the former Ardhu Ryan Hotel that 4 spaces on its site can be used by staff.
 - Given that the subject site is in commercial use and given too that the proposed use would generate less traffic than its predecessors, the need for a practical and reasonable approach to parking is warranted.

- Residential amenity
 - The proposed operating hours would compare favourably with that of an off-licence which typically remains open until 22.00. As stated above, the overnighting of pets on the site would not now occur.
 - The proposed internal layout of the premises would entail the siting of a kennel room centrally to maximise on the buildings pre-existing noise insulation properties.
 - Additional noise insulation measures would mirror those incorporated in the Clare Street Pet Clinic under permitted application 17/554, e.g. ventilation system to be acoustically insulated, laminated glazing to be installed in the window to the kennel room, and acoustic absorption to be applied to the walls/ceiling of this room.
 - Examples of other veterinary clinics are cited where they are located in either detached or semi-detached houses in residential areas or underneath apartments.
- Zoning
 - The site is zoned ZO.2, a residential zoning within which small scale local services, e.g. medical services, are “open for consideration”. The proposed veterinary clinic would thus not be incompatible with this zoning.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Legalities,
- (ii) Land use and amenity,
- (iii) Traffic, access, and parking,
- (iv) Water, and
- (v) Stage 1 Screening for Appropriate Assessment.

(i) Legalities

7.2. The Appellants (b) draw attention to the planning history of the site, which indicates that permission has previously been granted for the use of the building on this site as a creche, a comparison shop, and an off licence. While this building is presently vacant, it was last used as a beauty salon, although its last explicitly authorised use was that of an off-licence. Under Article 5(1) of the Planning and Development Regulations, 2001 – 2020, the use “for hairdressing” is stated as coming within the definition of shop. I consider that the use of beauty salon is analogous to that of hairdressing and so it, too, comes within this definition. By contrast, off-licences are explicitly excluded. Under the said Regulations, a material change of use arises in changing from an off-licence to a shop and this is one that is not deemed to be exemption development under Article 10 of the same.

7.3. In the light of the foregoing paragraph, the appellants (b) have questioned the adequacy of the description of the proposal, which states: “Change of use of existing commercial premises (beauty clinic) to new use as a veterinary clinic.” The applicant has responded by drawing attention to their answer to question 15 of the application forms, which inquires after the existing use. It states “commercial use (beauty clinic)”. Thus, this question refers to existing rather than authorised use, and in answering it the applicants have complied with the provisions of Article 22(4)(b)(i) of the Planning and Development Regulations, 2001 – 2020.

7.4. I conclude that, as the description of the proposal is adequate and compliant with the provisions of the relevant Regulations, there are no legal impediments to the Board proceeding to assess and determine the current application/appeal in the normal manner.

(ii) Land use and amenity

7.5. The planning history of the site indicates that authorised uses of it have comprised a creche, a comparison shop, and an off-licence. Under the CDP, the site is zoned ZO.2(A), wherein the objective is “To provide for residential development and associated uses.” Under the accompanying land use matrix for this Zone, shop (local) and creche uses are permitted in principle, off-licences are not cited, and veterinary surgeries are “open for consideration as part of a home-based economic activity.” (Surgeries for doctors and dentists are categorised thus, too). On Page 16.33 of the CDP, home-based economic activity, including medical surgeries, are discussed and the benefits of such activity are elucidated, provided the medical use is ancillary to that of the residential use.

7.6. Interestingly, the aforementioned land use matrix, states that health centres in ZO.2(A) are “open for consideration.” I am aware that with the advent of primary care centres, health centres typically include doctors’ surgeries, and so, by deduction, the CDP does not require that such surgeries should be exclusively home-based. The question therefore arises as to whether standalone veterinary surgeries should be regarded as “open for consideration”, too.

7.7. While the parties to this appeal have drawn attention to the commercial usage of the site, I consider that such usage has been overstated, insofar as a creche was previously authorised, and the proposed veterinary clinic is a medical use, albeit for creatures other than humans. As originally submitted, this clinic would have comprised an overnight facility so that animals recovering from an operation could be accommodated. This facility was the subject of critique by appellants (b), who expressed concern that, in the absence of accompanying overnight accommodation for someone charged with monitoring the well-being of such animals, there would inevitably be a time delay in attending to them and adverse implications for residential amenity could arise in the interim. Thus, the prudence of the CDP’s stipulation that veterinary surgeries be home-based is borne out.

- 7.8. At the appeal stage, the applicant stated that its model of working has changed insofar as overnight stays would not occur on the subject site, but rather pets needing to overnight would be transferred to its Henry Street facility. Thus, the applicant seeks to avail of its multi-site operation. However, in doing so, the proposed veterinary clinic would not be a self-contained one but rather one that would be dependent upon the central Henry Street facility.
- 7.9. The applicant has not addressed what such dependency would entail or what its implications would be. Thus, additional, otherwise avoidable, traffic movements would be generated and a linkage between the Henry Street facility and the proposed veterinary clinic would be established that would require the former to continue to be available for the latter to function satisfactorily. I am thus concerned that, in seeking to move away from the conventional model of a veterinary clinic endorsed by the CDP, the applicant has not demonstrated that its revised proposal would be capable of sustained operation.
- 7.10. Beyond the foregoing discussion, the categorisation of veterinary surgeries as being “open for consideration” means that the impacts of this land use upon residential amenity need to be assessed.
- 7.11. Under further information, the applicant has amplified the nature of the proposed use. Thus, the veterinary clinic would cater for small animals that would generally be capable of being transported, if needs be, by car. A maximum of four staff are envisaged as being employed and the hours of operation would be between 09.00 and 19.00 on weekdays and 09.00 and 14.00 at the weekend, subject to an extension to 19.00 during busy periods and when emergencies arise.
- 7.12. The applicant has addressed the issue of noise. Thus, the kennel room would be located centrally in the rear portion of the building and so away from external walls that abut the residential properties on either side. This room would be fitted with acoustic absorption materials to either the walls or ceiling and a window in its external rear wall would be fitted with 6mm thick laminated glass. Any ventilation system would likewise be fitted with a noise retardant. Overall, these noise mitigation measures would be similar to those installed at the applicant’s veterinary clinic at No. 66 Clare Street, which was the subject of permitted applications reg. nos. 16/106 and 17/554.

- 7.13. Conditions nos. 3 and 7 attached to the PA's permission address noise in line with the WHO Guidelines for Community Noise 1999.
- 7.14. Appellants (b) express concern over the likely incidence of noise at night. However, insofar as the applicant no longer proposes to accommodate animals overnight on the site, this concern has been allayed. If, in practise, such accommodation came to be required, then its use and the attendance upon such animals during the night may not be capable of being undertaken in a manner consistent with the aforementioned conditions.
- 7.15. I have considered whether a condition requiring the off-site accommodation of animals would be reasonable. However, in the light of the discussion above over this aspect of the proposal, I consider that it would be premature to attach the same to a planning permission.
- 7.16. The applicant has not addressed how waste would be dealt with. I anticipate that a storage area could be provided for the same in the yard to the rear of the building and, provided it was sealed and secured, this area would be compatible with the residential amenities of the area. If the Board is minded to grant permission, then a condition in this respect should be attached.
- 7.17. I conclude that the applicant has failed to demonstrate that the proposed use would be capable of operating on an on-going basis as one that does not require overnight accommodation for animals. In these circumstances, I consider that it would be premature to depart from the CDP's requirement that veterinary surgeries in Zone ZO.2(A) be ancillary to the vet's place of residence.

(iii) Traffic, access, and parking

- 7.18. Under further information, the applicant has set out what would be comprised in a typical day in the proposed veterinary clinic:
- 09.00 – 09.30: Animal drop-off for day's surgery,
 - 09.30 – 12.00: 15-minute appointment slots,
 - 12.00 – 16.00: Surgery, and
 - 16.00 – 18.45: 15-minute appointment slots.

The applicant has commented on the 15-minute appointment slots to the effect that they would be designed to ensure that only 2 no. clients are in attendance at any one time. I note that, while the morning appointment slots would lie outside the morning peak in traffic along Ennis Road, the afternoon slots would coincide with the evening peak.

- 7.19. The appellants express concern that the site is accessed/egressed off a heavily trafficked portion of Ennis Road, between two signalised junctions. Appellants (a), as local residents, testify to the difficulties that they encounter in seeking to access/egress their property off this portion of the Road. Appellants (b) contend that the previous uses would have drawn upon a local customer base, whereas the proposed one would draw upon a wider customer base.
- 7.20. The applicant has responded by drawing upon its experience elsewhere. Thus, while the appointment slots indicate that a notional 46 trips may be generated daily, in practise, 45% of clients would be expected to attend on foot for routine visits. It also contests the local claim for previous uses. Thus, the off-licence would have drawn upon passing trade on Ennis Road.
- 7.21. I note that the applicant's proposal is prompted by the absence from its network of veterinary clinics of one on the northside of Limerick. I would thus expect that its client base would be from across the northside and so a higher incidence of car borne custom could, correspondingly, be expected. I also note that the passing trade cited may in part have been opportunistic in the sense that, were the forecourt car park to have been full, prospective customers may have foregone attendance at the former off-licence. The nature of such trade would thus have differed from the appointment-based character of the proposal.
- 7.22. Turning to the planning history of the site, traffic and access/egress to the site have been an issue heretofore. Thus, under permitted application 04/425, the retail use of the site was debarred by condition from being a convenience one in a bid to limit vehicular turning movements, and, under permitted application 05/2933, deliveries to the off-licence were conditioned to avoid peak periods. Since then I anticipate that traffic levels at Caherdavin Cross on Ennis Road, just to the west of the site, have increased, and by extension on Ennis Road as it passes the site, too, as a result of,

amongst other things, the opening of Junction 3 on the M18 and the construction of a new road between this Junction and the said Cross via Clonmacken Road.

- 7.23. During my site visit, I observed that double yellow lines accompany the nearside of Ennis Road as it passes the site and so no on-street parking opportunities exist within the vicinity of this site. I also observed that right hand turns onto the site risk a degree of confusion due to the fact that they occur from within a dedicated right hand turning lane, which facilitates right hand turns to the west from Ennis Road to the Northern Ring Road. Furthermore, if such turning movements are delayed, then standing vehicles effectively block this turning lane. In these circumstances, I consider that such movements or attempted movements should ideally be minimised. By contrast, a shortage of car parking spaces on the forecourt would have the effect of multiplying such movements, thereby leading to otherwise avoidable delays on Ennis Road. The resulting need to “go round again” would be replicated, when the said car parking spaces are full, by users seeking to turn left onto the forecourt.
- 7.24. Turning to the question of car parking, the forecourt to the site is laid out to provide a row of 4 car parking spaces, which are on its LHS and parallel to Ennis Road. These spaces are accompanied by a manoeuvring area on the RHS. Under the CDP, the site lies within Zone 3 for car parking purposes. Table 16.1 states that, for clinics/surgeries, a minimum of 1 space per member of staff and 2 spaces per consulting room are required. The applicant has indicated that 4 staff would be employed, and the proposal would entail the use of 2 consulting rooms. Thus, a minimum of 8 spaces are required. By comparison, the existing retail use has a gross retail floorspace of 167 sqm and a net retail floorspace of c. 100 sqm and so, at 1 space per 25 sqm, it attracts the need for either 6/7 spaces or 4 spaces. The CDP is not explicit in this respect.
- 7.25. The applicant has addressed the shortfall of 4 spaces by entering into an agreement with the owner of the former Ardu Ryan Hotel to use 4 spaces in the grounds of this vacant building. Both appellants have critiqued this aspect of the proposal, insofar as the hotel is c. 1 km away from the site and the said agreement is not legally binding/enforceable. Furthermore, under 15/646 and PL91.246960, this hotel has extant permission for conversion to residential use and so, under such a scenario, it is unclear whether the 4 spaces would remain available.

- 7.26. I concur with the appellants critiques of the aforementioned agreement. I consider that the proposed use should be served by the minimum number of car parking spaces cited by the CDP, due to the absence of on-street parking in the vicinity and the need to ensure that turning movements onto the site can be expedited without otherwise avoidable delay to other road users. The applicant's suggestion that the customer car parks of a nearby shopping centre/retail park could, in practise, be relied upon to supplement the available on-site parking is mis-placed.
- 7.27. I conclude that conditions on Ennis Road are such that turning movements/ attempted turning movements from this Road onto the site should be minimised in the interest of good traffic management. The CDP minimum car parking standards for the proposed use should, therefore, be fully met. As only half the requisite number of spaces would be available, the proposal would lead to pressure for overspill car parking, which would not be capable of being met either on-street or in public car parks. Congestion would thus ensue.

(iv) Water

- 7.28. The site is served by the public water mains and foul and surface water public sewerage system. Irish Water and LCCC raise no objection to the proposed use of the site as a veterinary clinic.
- 7.29. Under the OPW's flood information maps, the site is shown as not being the subject of any identified flood risk.

(v) Stage 1 Screening for Appropriate Assessment

- 7.30. The site is not in nor near to a European site. It lies within a fully serviced urban area and the proposal is for a change of use of an existing building on this site only. Accordingly, no Appropriate Assessment issues arise.
- 7.31. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

1. Having regard to the ZO.2(A) Zoning of the site in the Limerick City Development Plan 2010 – 2016 and the categorisation of veterinary surgeries as “open for consideration as part of a home-based economic activity” within this Zone, the Board considers that the applicant has failed to demonstrate that the proposed veterinary clinic would be capable of operating satisfactorily on an on-going basis without an overnight accommodation facility on-site and yet it has not demonstrated that such accommodation would be compatible with the residential amenities of the area. In these circumstances, it would be premature for the Board to accede to planning permission for the proposed standalone veterinary clinic, which, as such, would mark a departure from the type of veterinary clinic envisaged by the Development Plan for Zone ZO.2(A) and which may be incompatible with the residential amenities of the area. The proposal would thus be contrary to the proper planning and sustainable development of the area.
2. Having regard to the layout of Ennis Road in the vicinity of the site, the high volume of traffic passing along this Road, and the minimum car parking standards set out in Table 16.1 of the Limerick City Development Plan 2010 – 2016, the Board considers that, under the proposed use of the site, the need would arise for double the number of existing car parking spaces on the forecourt and yet no additional spaces could be provided thereon. No on-street car parking is available in the vicinity of the site and no public car park exists. Accordingly, the shortage of car parking spaces would lead to congestion on Ennis Road, as would be users of the proposed veterinary clinic attempt to turn into the site when it is already full. The proposal would thus lead to pressure for overspill car parking, which would be incapable of being met satisfactorily, and it would be contrary to good traffic management. As such, it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

14th August 2020