



An
Bord
Pleanála

Inspector's Report

ABP-314394-22

Development	Demolish the premises and to construct a mixed use development building with light industrial/shop use and offices with associated site works and services.
Location	Drumbiggle Road, Ennis, Co Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	211149
Applicant(s)	David English Electrical Rewinds
Type of Application	Permission
Planning Authority Decision	Grant subject to Conditions
Type of Appeal	First & Third Party
Appellant(s)	David English Electrical Rewinds Thompson Plaster Moulding Ltd
Observer(s)	None
Date of Site Inspection	18 th December 2023
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The site is located on the southern side of Drumbiggle Road in the town of Ennis. Drumbiggle Road is one of the main arterial routes connecting Ennis town centre with the southwest. Existing commercial premises and a carparking area occupy the site. The businesses which currently operate from within the site are David English Motor Rewinds and Everpure Analysis Ltd. A separate premises which does not form part of the application site and which is owned by the appellant is located directly to the south/rear of the appeal site. A right of way exists through the application site to facilitate entry to this premises to the rear. Both premises are surrounded by an existing block wall.
- 1.2. The site has a stated area of 0.0595ha. Although only a short distance from Ennis town centre and the mixed uses therein, the immediate area is primarily residential in nature. A terrace of three storey dwellings directly adjoins the site to the east. An area of greenspace and a road serving the Waterpark Residential area is located to the west of the site.

2.0 Proposed Development

- 2.1. The proposed development is for the demolition of the existing premises and construction of a new mixed-use development with light industrial/shop use and offices, with associated site works and services. The area to be demolished is stated as 405sqm, with the proposed floor area stated as 936sqm. The building proposed is 3-storeys with a height of 10.5m. Access to the site has been retained as per the current arrangements in accordance with the Right of Way through the site. The applicant has provided for 10 no. of parking spaces.
- 2.2. The ground floor comprises of retail and light industry and is open plan. The first floor consists of an office, with half of this floor left void to the floor below. The second floor consists of an office, with kitchenette, storage, and bathroom facilities.
- 2.3. The applicant has indicated that I.Water Solution which currently operates from the technology Park on Gort Road will be facilitated within the new development along with the existing two premises currently in operation. The applicant has further stated that the LCETB (Limerick and Clare Education and Training Board) have indicated

that they may relocate from their existing premises to the proposed development. No reference to educational use is included in the development description, nor is any supporting documents from the LCETB provided in this regard.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Clare County Council decided to grant permission subject to 13 no. conditions. These were generally of a standard nature. However, Condition 4 and Condition 13 are the subject of the first party appeal. These conditions are outlined below;

Condition 4

The proposed development shall be altered as follows;

- a. The first and second floors of the southern half of the building, which is the area of the void over the ground floor and the second floor immediately above that, shall be omitted, and this section of the proposed building shall be single storey in height only.
- b. The remaining first and second floors shall be merged and a voided ceiling provided above the first floor.

Prior to the commencement of development revised drawings showing the above shall be submitted to the Planning Authority for agreement and approval. The development shall be constructed as so agreed.

Reason: In the interests of residential amenities, and having regard to the on site parking provision.

Condition 13

- a. The proposed building line shall be in line with the building line as established by the dwellings to the immediate east of the site. The applicant/developer shall provide a footpath, for the entire length of the site to the immediate north of the proposed building (within the existing grassy verge). Prior to the commencement of development, the applicant shall submit design details in relation to this footpath to the Planning Authority for agreement and approval. The footpath shall be constructed as so agreed, and shall be completed in full

by the applicant /developer to the satisfaction of the Planning Authority prior to the occupation of the proposed building.

- b. Any damage to the public footpath and / or grassy verge by reason of the proposed development (construction or otherwise) shall be made good by the applicant /developer at their own expense following agreement on such works by the Planning Authority. Such agreement and approved works shall be completed in full by the applicant /developer to the satisfaction of the Planning Authority prior to the occupation of any part of the proposed development.

Reason: In the interests of orderly development and pedestrian safety.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The Planner's Report (dated 20/12/21) notes that the principle of the development is broadly acceptable having regard to the established uses on site. It is considered that the proposal represents over development and that the proposal may need to be reviewed having regard to site access/parking provision and impacts on residential amenities and operations of neighbouring premises. Further Information was requested in relation to the following;

- 1) A reduction in site coverage to accommodate parking, parking loading bays, turning movements and the right of way;
- 2) A reduction in height size and scale, and the submission of an overshadowing/sunlight analysis study demonstrating the impact of the proposal on the adjoining property;
- 3) Submit a revised design and design statement;
- 4) Submit a demolition statement and construction management plan; and
- 5) Submit agreements with Irish Water for use of existing connections, demonstrate services to adjoining property will not be impeded and submit a surface water management plan.

- 3.2.2. The applicant responded to the Further Information request and broadly addressed most FI requests; however the overall scale and massing of the development was

retained. The Planners Report (28/07/2022) considers that the footprint is reasonable, however the overall height must be reduced as must the proposed intensification of use. A condition of the permission therefore requires that the rear element of the building above the voided ground floor (ie. the southern section) of the building be reduced to single storey, while the remaining first and second floor shall be merged. It is recommended that permission is granted subject to conditions.

Other Technical Reports

3.2.3. Road Design Office: The parking layout submitted does not meet the requirements of the CDP. Dimensions of parking spaces have not been show on the drawings. No further comments following the receipt of Further Information.

3.2.4. Chief Fire Office: No objection. A Fire Safety Certificate and a Disability Access Certificate

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

A third party observation was received from the adjoining landowner on the application and on the Further Information. A summary of the issues is outlined below;

- Concerns regarding the treatment of and possible damage to the party wall.
- Inadequate parking and vehicle delivery provision.
- Building design is monolithic.
- The development has a much higher plot ratio than any of the surrounding buildings.
- Inadequate drawings.
- Impact on Residential Amenity.
- Disruption to the operation of the premises and access to services (water, electricity, telecoms etc).

- Lack of a construction management plan.

4.0 Planning History

Application Site

PA Reg Ref P20/445 Permission granted in Nov 2020 to retain works including roof structure above garage, adjoining meeting room and additional blockwork on boundary wall.

To the immediate south of the site

PA Reg Ref P12/21003 permission granted in April 2012 to raise roof of existing shed, with all associated site works.

PA Reg Ref P11/21034 permission granted in June 2011 to raise roof and to construct first floor storage area to existing shed with all associated site works.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

- 5.1.1. The site is zoned for 'mixed use'. The nature of the zoning is described as follows in the CDP;

"The use of land for 'mixed use' developments shall include the use of land for a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/retail development as the primary use with residential development as a secondary use. Secondary uses will be considered by the local authority having regard to the particular character of the given area.

On lands that have been zoned 'mixed-use' in or near town or village centres, a diverse range of day and evening uses is encouraged and an over-concentration of any one use will not normally be permitted."

- 5.1.2. Industrial uses such as those operating on the site are open to consideration on lands zoned for 'mixed-use'. Section 19.5.5 of the CDP also notes that *"Non-conforming uses' are established uses that do not conform to the zoning objectives of the Plan. Generally, the Council will consider reasonable extensions and*

improvements to premises that accommodate non-conforming uses, provided that it would not be injurious to the amenities of the area and is consistent with the proper planning and sustainable development of the area’.

5.1.3. Bicycle and Vehicle Parking Standards are outlined in Table A3 of the Development Plan. The following standards are noted;

- Industrial or Manufacturing Uses - 2 spaces per 100sqm.
- Offices - 2 spaces are required per 100sqm +10% of staff parking for visitors.
- Universities and other Higher Education - 1 space per classroom + 1 per 5 students.

5.2. Other Section 28 Guidelines

5.2.1. The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets.

5.3. Natural Heritage Designations

Lower River Shannon SAC (Site Code 002165) – located circa 0.3km north of the site.

River Shannon and River Fergus Estuaries SPA (004077) – located circa 3.5km south of the site.

Fergus Estuary and Inner Shannon, North Shore pNHA (002048) - located circa 3.5km to the south of the site.

Newhall Edenvale Complex SAC (002091) – located circa 2.6km south of the site.

Newhall Edenvale Complex pNHA (002091) – located circa 2.6km south of the site.

Pouldatig Cave SAC (000037) – located circa 3km west of the site.

Pouldatig Cave pNHA (000037) – located circa 3km west of the site.

Ballyallia Lake SAC (004041) – located circa 2.4km north of the site.

Ballyallia Lake pNHA (004041) – located circa 2.4km north of the site.

Cahircalla Wood pNHA (001001) – located circa 1.9km to the southwest of the site.

5.4. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or EIA screening determination, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of Clare County Council to issue notification to grant planning permission for the proposed development was the subject of a third party appeal and a first party appeal against a number of conditions. The third-party appeal was submitted by Thompson Plaster Moulding Ltd, the owner of the premises which lies immediately to the south of the appeal site. The grounds of appeal are outlined below.

Third Party

- The planning application gives no indication of any potential proposed works to the shared party wall. The appellant requests that a condition is attached to specifically protect the party wall.
- No indication of services is given on the site layout. Connection to services should not disrupt or cause interference to the appellant's premises.
- The proposed development does not provide for sufficient car parking. There is a lack of clarity regarding Condition 4 and the implications for parking.
- The area where some of the proposed car parking spaces are indicated are used as turning areas for vehicles entering and existing the appellants property. If this space is not available, it will result in vehicles reversing onto Drumbiggle Road creating a traffic hazard.
- Adequate provision has not been made for deliveries. If the right of way is continually blocked it will interfere with the appellants business.

- The proposed development will have a significant negative impact on the residential amenity of neighbouring properties and the visual amenity of the area.
- The proposed building is monolithic and does not assimilate into the environment. Notwithstanding the attachment of Condition 4, the proposal is still excessive in scale. Windows on the adjoining residential development will be obstructed.
- The proposed development is piecemeal development within an urban block. The appellant is willing to facilitate a planning application over the entirety of the site. The development proposed will significantly impact on the appellants ability to develop his site for a town centre use.

First Party

- The applicant requests the removal of Condition 4 and Condition 13 attached to the grant of permission.
- The applicant has submitted contiguous elevations showing the development is in keeping with the area. A sun study showing there is no negative overshadowing of the adjacent property has also been submitted.
- The proposed development will merge the additional water business activities of the applicant, consolidating the business operations which are currently operating out of two different locations.
- The car parking is satisfactory. Any surplus can be accommodated in the public roadside parking.
- Reducing the building to partial a single storey is punitive to the applicant as the existing building is 2-storeys.
- The applicant is leasing ground floor accommodation to the LCETB since 2018 without any negative effects.
- In relation to Condition 13, the applicant has already surrendered an old right of way to the east of his property and does not want to lose any more of his property to the public road.

- The building line is not part of a masterplan but merely an incidental building line, which if continued would narrow the road to a point of merging.

6.2. Applicant Response

The applicant's response to the third-party grounds of appeal is summarised as follows;

- The wall dividing the two properties is not a party wall as the wall has been built on the grounds owned by the applicant. The wall between the two properties is not a planning matter and should be dismissed by the board.
- The applicant will work with the utility companies in order to ensure that services will not be disrupted.
- The submitted drawings show vehicle manoeuvrings without interference.
- The applicant is aware and respectful of the right of way.
- The applicant refutes that the building is monolithic. Contiguous elevations have been submitted showing the development is in keeping with the area and a sun study showing there is no negative overshadowing of the adjacent property.
- The applicant refutes the contention that the appellant is prepared to facilitate an application for the entire site.

6.3. Planning Authority Response

The Planning Authority's response to the appeals is summarised below;

Third Party Appeal

- Regarding the party wall, the Planning Authority notes that a demolition method statement was submitted as part of the FI response. It is considered that the applicant provided reasonable steps to ensure the protection of the existing building.
- The Planning Authority would broadly agree with the appellant that insufficient parking was provided for the size/floor area of the building, hence the inclusion of Condition No. 4. The appellant is correct in the interpretation of

this condition, which is to create a double height pace with a total floor area of 187sqm.

- The issue of the right of way is a civil matter between the two parties. The issues raised by the third party are inextricably linked to floor space of the proposed development. The Planning Authority considers that Condition 4 addresses such issues.
- The Planning Authority concurs to a certain extent in relation to the concerns raised relating to the impact on adjacent residential amenities. Hence the inclusion of Condition No. 4.
- The Planning Authority was broadly satisfied that that the appearance of the building would not result in a 'monolithic' appearance and is appropriate for the site context.
- Pertaining to piecemeal development, while the planning authority may consider a planning application for the overall site, this would be an issue for the two-concerned parties.

First Party Appeal

- The Planning Authority considers that the inclusion of Condition 4 is vital in order to ensure that the amenities of the adjacent duplex residential units are protected and to ensure the plot ratio of the proposed development is appropriate.
- The size of the site is such that it would be unable to support the use of the building by a third party namely the LCETB (Limerick Clare Educational Training Board). The Planning application did not include provision of an educational facility, and insufficient detail was provided in relation to teacher/trainer numbers, student numbers, classroom numbers etc, to allow for a full assessment.
- In the interests of continuity of the streetscape and having regard to the height and scale of the proposed building, it is considered appropriate that the building line established by the units to the east is maintained through the attachment of Condition 13.

6.4. Observations

None

6.5. Further Responses

6.5.1. Further responses were received from the applicant and third-party appellant and are summarised below;

Applicant

- The dividing wall is not a party wall. It was built on the applicant's lands and paid for by the applicant.
- Services will not be disrupted.
- The appellants comments in relation to carparking and access are speculative. The drawings show the manoeuvring of vehicles without interference. The right of way will be respected.
- The applicant has reiterated that they have submitted contiguous elevations showing the development is in keeping with the area and a sun study showing there is no negative overshadowing of the adjacent property.
- The idea of a planning application for the entire site is speculative and not relevant to the current application.

Third Party Appellant

A further response from the third-party appellant requests that Condition No. 4 and Condition No.13 attached to the grant of permission be retained.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Height, Scale and Massing
- Impact on Neighbouring Properties

- Parking
- Appeal against Conditions
- Appropriate Assessment

7.2. Height, Scale and Massing

- 7.2.1. The subject site is located at an important location along Drumbiggle Road, on a main arterial route into Ennis. Development on this site has the potential to enhance the surrounding area. The existing building is currently 2-storey with a maximum height of 6.8m. The proposed building will be 3-storeys with a height of 10.5m. The existing building for demolition is stated as 405sqm with the proposed building have a gross floor area of 936sqm. There are no stipulations in the CDP in relation to building height, plot ratio or site coverage at this location. However, it is evident that the proposal represents a significant increase in the floor area +531sqm, the equivalent of a 56% increase in floor area. This is a significant intensification in use on a relatively small, restricted site measuring 0.0595 ha.
- 7.2.2. In line with the demands of the development plan and having regard to the infill nature of the site, sensitivity of design is required in order to respond to the locational challenge of the site. A building of up to three storeys would not be out of place at this location and I am satisfied that the proposed height of three storeys is workable at this location, and therefore not a reason on its own to refuse the development. However, there are other issues to address in terms of the impact on residential amenity and the provision of sufficient parking, as a consequence of the scale and massing proposed, and I assess those in the following sections of my report.

7.3. Impact on Neighbouring Properties

Residential

A terrace of dwellings known as Ard Carrig directly adjoins the site to the east and comprises 3-storey duplex units with ground floor apartments and two storey duplex apartment units located above. A first-floor terrace provides the open space for the duplex units. The proposed development will be located within 2m to the nearest duplex units (1-2 Ard Carrig). The existing building has a staggered building height,

ranging from 2.9m at the front elevation to 6.8m at the rear elevation. The proposed building will be 10.5m in height and will occupy the full length of the boundary with the neighbouring property. The adjacent dwelling also has 2 windows on its western elevation which the proposed development will obstruct. The applicant states that these windows serve a bathroom. While no evidence is provided in this regard, I note that a similar arrangement exists with the units to the east (Unit 5-6 Ard Carrig) which also has 2 windows on its western elevation. There are no windows on the eastern elevation of the proposed development therefore I do not consider that overlooking or loss of privacy to be an issue. My main concern in relation to residential amenity is overshadowing and access to daylight/sunlight.

7.3.1. The Building Height Guidelines require that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in BRE Guide, and that where compliance with requirements is not met, that this be clearly identified and justified. While the guidelines are discretionary, I consider that in designing new developments or extensions to developments, it is important to safeguard the daylight to nearby buildings. I note the FI request issued by the Planning Authority required an overshadowing analysis/ sun study of the development proposed which should at a minimum demonstrate the impact of the development on the neighbouring properties at morning, afternoon and evening on equinox and solstice dates. I note the applicant submitted a sun study drawing; however this drawing does not show the impact on the adjoining private amenity spaces nor does it demonstrate compliance with the requirements of the BRE Guide. In this regard, I am not satisfied that the proposed development would not adversely affect the adjoining residential units in terms of overshadowing or loss of daylight/sunlight.

7.3.2. The Planning Authority considers that the issues of scale and massing and the resultant impact on residential amenity have been resolved by the attachment of Condition 4. I note that as a result of this condition, the southern half of the proposed development will be reduced to a single storey. Part b of this conditions also requires the merging to the first and second floors into a single floor with a void. Part b has been attached as a result of an under provision of parking and is discussed further in Section 7.5 below. Having regard to requirements of this condition and significant reduction in floor area and volume, I am not satisfied that the resultant design is the

optimum solution for the site. I do not consider that the issue can be addressed by minor design alterations, and I do not consider it would be inappropriate to control wholesale redesign via condition. I therefore take the view that addressing the issue of scale and massing by way of condition would not be appropriate and the proposed development merits refusal.

Commercial

- 7.3.3. The third-party appeal raises issues with regard to the construction and operational impacts on the adjoining commercial property to the rear if the development were to be permitted. I note that a Demolition Statement and Construction Management Plan have been submitted by the applicant. I consider that reasonable steps to protect the adjoining commercial property have been included therein. Furthermore, appropriate conditions could be attached to manage the construction phase of development to ensure no interference with the commercial property. The Right of Way ensures that access to the rear property will be retained as per the current arrangements on site. I consider the issue regarding maintenance of the Right of Way to be a civil issue between the two parties involved. Any issues with regards to the disruption of services is a matter between the parties and their providers.

7.4. Parking

- 7.4.1. The applicant has provided for 10 no. of parking spaces and has set out a parking analysis to demonstrate that this quantity will be sufficient to accommodate the proposed development. The applicant contends that 3 parking spaces will be required for the ground floor shop/light industry use (334sqm), 3 spaces will be required for the first-floor office use (187sqm) and 3 spaces will be required for the second-floor educational use (334sqm).
- 7.4.2. The Planning Authority notes that sufficient parking has been provided for ground floor and first floor uses having regard to the parking requirements set out in the Development Plan. Table A3 of Appendix 1 stipulates that parking should be provided at a rate of 2 spaces per 100sqm for Industrial or Manufacturing Uses. I note that there is a retail element at ground floor, however I consider this to be ancillary to the industrial use having regard to the nature of the businesses in operation on the site. For offices, 2 spaces are required per 100sqm +10% of staff

parking for visitors. As per the analysis submitted by the applicant, the gross floor space of the light industrial unit at ground floor level is 334sqm, while the gross floor space of the office at first floor level is 187sqm. Based on the requirements of the CDP, the proposed development will require 7 spaces and 4 spaces for the ground and first floor respectively. This will result in a shortfall of 1 space, which the Planning Authority considers could be absorbed into the existing on-street parking in the vicinity.

- 7.4.3. The applicant has set out that the second floor will be occupied by the LCETB. No evidence or supporting documentation from the LCETB is provided. The Planning Authority in their assessment, have outlined concerns in relation to the to occupancy of the second floor in the absence of sufficient information, and a potential worst-case scenario which would see cars parking along Drumbiggie Road or within surrounding residential estates. As outlined in the Planner's Report, the CDP (2017-2023) requirement for parking for an educational facility such as the LCETB is 1 space per classroom + 1 per 5 students. The Planning Authority considers it reasonable to omit the second floor by merging the first and second floors into one and that this would be managed by way of condition (Condition 4). In this regard, should the applicant wish to utilise the second floor for educational or other purposes, planning application would be required which is accompanied by a detailed analysis of student/teacher/trainer numbers.
- 7.4.4. Since the assessment of the application by the Planning Authority, the 2023-2029 CDP has come into effect, which now states that the parking requirement for University and other Higher Education Institutes will be assessed on a case-by-case basis. Notwithstanding the revision to the standards, I am of the opinion that insufficient information has been submitted to allow for an accurate assessment. No reference is made in the development description to the proposed educational use. No evidence has been provided to substantiate claims that this is the intended use. I agree with the Planning Authority that a detailed analysis of student/teacher/trainer numbers would be required if this is the intended use.
- 7.4.5. Whilst I acknowledge the move towards more sustainable patterns of movement and transport away from car dependency, I submit that nature of the industrial and ancillary retail elements would require the transport of equipment and tools by vehicle. I am not satisfied that the applicant has demonstrated sufficient parking for

the intended uses on site. Furthermore, I am not satisfied that the extent of redesign required by condition 4 is appropriate. Refusal is recommended on this basis.

7.5. Appeal Against Conditions

- 7.5.1. Arising from my assessment thus far, I would recommend that the Board consider refusing planning permission for the proposed development on grounds related to the impact on residential amenities and lack of sufficient carparking which occurs as a result of the overdevelopment of the site. However, if the Board come to a different conclusion and consider that the development should proceed, I proposed to deal briefly with the issues raised in the first party appeal.

Condition 4

- 7.5.2. As discussed above in my assessment, Condition 4 requires the reduction of the southern half of the building to single storey, and the merging of the remaining first and second floors in the remaining building. An assessment of Condition 4 has been undertaken above in Section 7.3 and 7.4 with regards to impact on neighbouring properties and parking. I do not intend to repeat this assessment except to note that I consider that this is a wholesale redesign by condition, which I do not consider appropriate. However, should the Board take a differing view and be disposed to a favourable decision, I recommend that Condition 4, or a similarly worded condition is attached in order to prevent overdevelopment of the site, to protect the residential amenity of the neighbouring properties, and to ensure the parking provision is sufficient.

Condition 13

- 7.5.3. Condition 13 requires that the proposed building line follow the building line as established by the dwellings to the immediate east of the site, and that a footpath shall be provided, for the entire length of the site to the immediate north of the proposed building (within the existing grassy verge). I consider that a consistent building line would create a uniform urban form and would also reduce the impact of overshadowing on the adjoining residential property. Should the Board be disposed to a favourable decision, I recommend that Condition 13 or a similarly worded condition is attached.

7.6. Appropriate Assessment

- 7.6.1. The nearest European site is the Lower River Shannon SAC which lies 0.3 km to the north of the site. The issue of Appropriate Assessment is dealt with in the Planner's Report where it is concluded that Appropriate Assessment is not required. The site is located within an established urban area and the proposed development will be connected to the mains sewer and drainage system. Having regard to the nature and scale of the proposed development, its location in a fully serviced and built-up area, and the separation distance to any European site, and in the absence of any hydrological or other connections to European Sites, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of its scale, bulk and massing, would constitute over development of the site and would seriously injure the residential amenities of the adjoining property by reason of overshadowing and loss of daylight/sunlight. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposed uses on site and lack of information submitted regarding same, it has not been demonstrated that the car parking provision for the proposed development would be adequate to cater for the parking demand generated by the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Ciara McGuinness
Planning Inspector

26th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	314394-22		
Proposed Development Summary	Demolish the premises and to construct a mixed use development building with light industrial/shop use and offices with associated site works and services.		
Development Address	Drumbiggle Road, Ennis, Co Clare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		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)
		N/A	Conclusion
No			No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) Construction of more than 500 dwelling units - Sub Threshold	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	314394-22	
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Development Address	Drumbiggle Road, Ennis, Co Clare	
<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 nature of the development is not exceptional in the context of the existing urban environment.</p> <p>The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary.</p>	No
<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 considerations having regard to other existing and/or permitted</p>	<p>The size of the development is not exceptional in the context of the existing urban environment.</p> <p>There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.</p>	No

projects?		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The nearest European site is 0.3km to the northeast of the site. Having regard to the nature and scale of the proposed development, its location in a fully serviced and built-up area, and the separation distance to any European site, and in the absence of any hydrological or other connections to European Sites, it is not considered that the proposed development would be likely to have a significant impact on the European site.</p> <p>The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p style="text-align: center;">✓</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)