



An
Bord
Pleanála

Inspector's Report

ABP-315191-22

Development	Change of use from retail/commercial to veterinary clinic
Location	Unit 3, Dunboyne Shopping Centre, Dunboyne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	221164
Applicant(s)	Highfield Veterinary Unlimited Company
Type of Application	Permission
Planning Authority Decision	Grant subject to 4 no. conditions
Type of Appeal	Third Party
Appellant(s)	Tommy Brady
Observer(s)	None
Date of Site Inspection	14 th June 2023
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located in Dunboyne Shopping Centre which is located north of Main Street and east of Navan Road, from which access to the shopping centre is gained. The shopping centre is anchored by Supervalu and there are 5 no. smaller units located to the north of the supermarket. The northernmost unit is single storey and houses a café. The other four units are two storey and are occupied from north to south by a Medical Centre (Unit 1), homeware shop (Unit 2), Unit 3 the appeal site which is vacant and a pharmacy (Unit 4).
- 1.2. The appeal site relates to the ground floor only of Unit 3. These units are serviced via a gated courtyard to the rear (west) of the units.
- 1.3. During the site visit on 14th June 2023 access to Unit 3 or the service yard to the rear of these units was not possible.

2.0 Proposed Development

- 2.1. The drawings submitted with the planning application indicate that to put into effect the proposed change of use to a veterinary clinic, a series of partition walls need to be constructed to provide consulting rooms, surgery, x-ray room, bathroom, staff kitchen, storage and a reception area to the front. No signage is indicated on the drawings.
- 2.2. The GFS of Unit 3 is stated to be 135.5m².

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was granted on 28th October 2022 subject to 4 no. conditions. These conditions relate to the development being built in accordance with the plans and particulars, signage to be agreed in advance of carrying out works, the use being restricted to that of a veterinary clinic and waste and emissions control.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report cites the relevant Development Plan provisions in Chapter 11 Development Management Standards (see Paragraph 5.0 of this Inspector's Report) of the Meath County Development Plan 2021-2027 and notes the B1 zoning of the site – town/village centre uses to be protected and/or improved. The Planner's Report notes that the proposed Veterinary Surgery is deemed a 'Permitted Use' within B1 zoning objective areas.

The Planner's Report notes that neither AA nor EIA is required in respect of the proposed development.

3.2.2. Other Technical Reports

The Transport Department, Environment Section and Water Services had no objection to the proposed change of use subject to conditions. The Fire Officer stated that a fire certificate would be required for the proposed clinic.

3.2.3. Prescribed Bodies

No response from prescribed bodies on file.

3.2.4. Observations

Two observations were received during the five week period and raised issues in relation to the proposed change of use relating to health risk for the proposed x-ray facility, dead animal disposal, lack of information on how the clinic is to be run and the lack of parking to serve the clinic.

4.0 Planning History

4.1. On the Appeal Site

- ABP Ref. PL17.248301 (PA Ref. RA/160805) relates to the parent permission for the shopping centre including the units where the appeal site is located.
- PA Ref. RA/181324 relates to modifications to the parent permission.

4.2. In the Vicinity of the Site

No planning history in the vicinity of the appeal site is noted in the Planner's Report on file.

5.0 Policy and Context

5.1. Development Plan

Meath County Development Plan 2021-2027 is the statutory plan for the area within which the appeal site is situated and set down below are the relevant Development Plan policies and objectives in relation to this appeal.

The site is zoned B1- Commercial/Town or Village Centre

Objective: To protect, provide for and/or improve town and village centre facilities and uses.

Guidance

Town and Village centres are characterised by a concentration of shops, services, meeting points, and places of employment. Centres in the upper tier of the settlement hierarchy have a more comprehensive range of shops and services than smaller settlements. The majority of new commercial and retail uses will be accommodated on B1 lands in towns and villages. Whilst the principle of a retail outlet on town/village centre lands is acceptable in principle, the size and scale of any such development should be reflective of the role and function of the town and village in the settlement hierarchy. Such developments will be assessed against the relevant policies and objectives in the Retail Strategy in Appendix 4, retail policy in Chapter 4 of this Plan, the DECLG 'Guidelines for Planning Authorities Retail Planning' (2012) and Section 6 of this Chapter. The primary land use in B1 zones is employment generating, service and retail provision. In order to achieve balanced development and create vibrant urban communities, residential use can also be considered on these lands. In order to ensure the delivery of commercial uses commensurate with the status of the settlement the percentage of residential development in B1 zones shall generally not exceed 30 % of the quantum of a development site in any development proposal in Key Towns, Self- sustaining

Growth Towns, Self Sustaining Towns. Exceptions may be facilitated on a case by case basis.

Veterinary Surgery is deemed a 'Permitted Use' within B1 zoning objective areas.

5.2. **Natural Heritage Designations**

The nearest natural heritage designated site is the Rye Water Valley/Carton SAC (001398).

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. The grounds of the Third Party appeal by Tommy Brady are, in summary, as follows:

- The overnight stay of animals will cause noise and disturbance to nearby residents.
- The x-ray machine represents a health risk to the public and no mitigation measures are proposed in the application.
- The storage and removal methodology of dead animals is not explained in the application and the unit is located in close proximity to a food market, medical centre and café.
- The issue of queuing and potential for dog fouling on the pedestrian area in front of the proposed clinic have not been addressed.
- The inclusion of two consulting rooms will cause congestion of users of the clinic and exacerbate the parking issues in the vicinity of the clinic. No parking places are proposed in the application for a change of use.
- The management of biohazards is not addressed in the application.

6.2. Applicant Response

The First Party response has been prepared by Farry Town Planning Ltd. and the relevant planning points raised are, in summary, as follows:

- The proposed use of Unit 3 is a 'Permitted Use' under the B1 zoning objective and the proposed use as a veterinary clinic is therefore acceptable in principle.
- The operation and management of the proposed clinic, in relation to biohazards, dead animals and waste products will be in line with standard operating procedures set down as guidelines by the Highfield Veterinary Group and by the Veterinary Council's 'Premises Accreditation Scheme'.
- Any removal of animal bodies will be via the rear service yard which is not accessible by the public. A licenced contractor (Pawprints Crematorium) will remove dead animals for cremation.
- Waste storage and removal is handled by Stericycle Ireland which will provide lockable storage bins with traceability tags.
- The x-ray machine will be housed in a room specifically designed to meet EPA standards for the x-ray of small animals and the clinic employs Radiation Protection Officers to manage this facility and there is therefore no risk to staff, customers or the general public associated with the proposed x-ray facility.
- Dog fouling is not considered to be a risk if dog owners behave responsibly.
- There is a waiting area at reception and it is envisaged that queuing will not be an issue as the clinic will be run on an appointment system and will only have one full-time and one part-time vet present in the clinic.
- Parking is already present and was provided with the parent permission to serve the anchor supermarket and the tenants of the units of which the appeal site is one.

6.3. The Planning Authority states that they have no further comments to make on this case.

6.4. Observations

No Observations on file.

6.5. Further Responses

The First Party response was circulated to the appellant who, in summary, makes the following points:

- If dead animals are stored in the service yard that is shared with the café and supermarket no drawing showing the storage location has been submitted with the application.
- References by the applicant to specialist companies handling waste, and animal bodies, to Radiation Protection Officers and to the design of the x-ray room are all unsubstantiated.
- The proposed clinic does not conform to parking provision requirements contained in section 11.9.1 (Table 11.2) and section 11.9.3 (Table 11.4) of the Development Plan.
- The figure of 1.5 vets working at the proposed clinic is not credible given the number of staff indicated on the practice website for clinics in Maynooth and Naas.
- The Veterinary Council's 'Premises Accreditation Scheme' referenced by the applicant has nothing to do with planning regulations.

7.0 **Assessment**

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

The main issues, therefore, are as follows:

- Principle of development.
- Development Plan provisions.
- Public health.

- AA Screening.

The appellant's points relating to staffing numbers at the proposed veterinary clinic, to the overnight care of animals causing disturbance to nearby residents, to the queuing of clients and to and risk of associated dog fouling are not relevant to the appeal in hand given the information on file.

7.1. Principle of Development

7.1.1. Having regard to the B1 zoning of the appeal site and to the proposed change of use to veterinary clinic being a 'Permitted Use' under the B1 zoning objective, I consider that the proposed change of use is acceptable in principle. I note that one of the units is in use as a medical centre which is not far removed in operation and nature to a veterinary clinic.

7.2. Development Plan Provisions

7.2.1. The appellant states that the proposed veterinary clinic is deficient in terms of parking provision as per section 11.9.1 (Table 11.2) and section 11.9.3 (Table 11.4) of the Development Plan which relate to car and bike parking requirements respectively.

7.2.2. However, ABP Ref. PL17.248301 (PA Ref. RA/160805) relates to the parent permission for the shopping centre including the units where the appeal site is located and included 155 no car parking spaces (reduced to 133 no. by the Board decision) and 48 no. bicycle parking spaces to serve the supermarket and the units which includes the appeal site.

7.2.3. Therefore, the communal parking within the shopping centre can be utilised by future users of the veterinary clinic and therefore the Development Plan requirements for car and bicycle parking have already been met and no additional parking is required.

7.2.4. The appellant's comments regarding traffic congestion and lack of parking to the serve the proposed veterinary clinic are without basis in actual fact.

7.3. Public Health

7.3.1. The issue of dead animals, waste products and the danger to the public from the x-ray machine in the proposed veterinary clinic have, to my mind been adequately addressed in the First Party response to this appeal. I find therefore that the appellant's arguments on these grounds are without substance given the specialist

firms that will be utilised by the veterinary clinic and the fact that the x-ray facility will be licenced and monitored by the EPA.

7.3.2. Conditions attached to Ref. PL 17.248301 (parent permission) address the management of waste (Condition 9) and the control of noise emissions (Condition 10) at the shopping centre and will be applicable to the use of Unit 3 as a veterinary clinic.

7.4. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the fact that there are no European sites in the vicinity of the appeal site, 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

I recommend that permission for a change of use of Unit 3 to use as a veterinary clinic be granted for the reasons and considerations set out below and subject to the conditions hereunder.

9.0 Reasons and Considerations

Having regard to the provisions of the Meath County Development Plan 2021-2027, including the zoning objective for the site (B1 – Commercial/Town or Village Centre), which seeks to protect, provide for and/or improve town and village centre facilities and uses; and to the conditions attached to Ref. PL 17.24830, it is considered that the development for which a change of use is sought would not injure the residential amenities of the area, or of property in the vicinity and would provide an acceptable use of this shopping centre unit. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 23rd November 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the amenities of the area/visual amenity.</p>

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.

Bernard Dee
Planning Inspector

20th June 2023