



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320021-24

<b>Development</b>	Construction of a two-storey extension to existing Laya Health & Wellbeing Clinic and all associated site works.
<b>Location</b>	Laya Health & Wellness Clinic, Ennis Road, Caherdavin, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2460059
<b>Applicant(s)</b>	Laya Healthcare.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brid and Josephine Casey Maura O'Flaherty
<b>Observer(s)</b>	Murcadha O'Flaherty Karen Quinlan
<b>Date of Site Inspection</b>	12 <sup>th</sup> December 2024.

**Inspector**

Oluwatosin Kehinde

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision.....	4
3.1. Decision.....	4
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies.....	6
3.4. Third Party Observations .....	6
4.0 Planning History .....	7
5.0 Policy Context .....	7
5.1. Development Plan .....	7
5.2. Natural Heritage Designations .....	8
6.0 EIA Screening .....	8
7.0 The Appeal.....	9
7.1. Grounds of Appeal.....	9
7.2. Applicant Response .....	10
7.3. Observations .....	12
8.0 Assessment.....	13
9.0 AA Screening .....	24
10.0 Recommendation .....	24
11.0 Reasons and Considerations .....	25
12.0 Conditions .....	25
Appendix 1 – Form 1: Consideration	

## **1.0 Site Location and Description**

- 1.1. The 0.203Ha site is located at the junction of Clonmacken Road and Ennis Road locally known as Ivan's Cross. The site adjoins the residential area of Caherdavin and occupies an existing wellbeing and healthcare clinic.
- 1.2. The site is bounded by the Jetland Shopping Centre to the east, residential properties to the west and Ennis Road (R445) to the north.

## **2.0 Proposed Development**

- 2.1. Permission is being sought for the construction of a 603.6m<sup>2</sup> two-storey extension to the existing Laya Health & Wellbeing Clinic and all associated site works.
- 2.2. The extension will consist of consultation rooms, a wellness area, an MRI department and associated ancillary areas.
- 2.3. It is proposed to provide a new acoustic louvre screening to the existing plant located on the roof of the existing building.
- 2.4. The existing car park area will be revised to provide a total of 26 car spaces, secured bicycle storage area and all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority (PA) issued a grant of permission for the proposed development subject to thirteen conditions. The conditions are generally standard in nature, but the following are noted:

- Condition 5 relates to a site waste management plan to be agreed prior to the commencement of any development on site.
- Condition 6 relates to specific noise level acceptable from the development in accordance with BS 4142:2014: +A1:2019
- Condition 10 relates to surface water and SuDS specifications to be agreed prior to the commencement of development.

- Conditions 11 and 12 relates to specific traffic arrangements and pedestrian safety within the proposed development
- Condition 13 relates to a flood emergency response plan to be developed for the site and reviewed on an annual basis.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The decision to grant permission by the PA is consistent with the Planning Officer's (PO) report. Following the initial assessment of the application, the Planning Officer requested further information. The PO concerns can be summarised as follows:

- The PO had concerns regarding the impact of the development on the residential amenity of the adjoining house and requested a daylight/sunlight analysis.
- The PO requested an acoustic assessment to determine the potential for adverse effects from the development on nearby sensitive receptors.
- The PO requested revised drawings for end-of-journey changing facilities and to indicate parking for ambulance.
- The applicant is to submit a commensurate flood risk assessment in accordance with the national guidelines.

3.2.2. The applicant's response to the further information request was considered acceptable by the PA and subsequently granted permission.

#### **3.2.3. Other Technical Reports**

- Roads Department – Report dated 27<sup>th</sup> of February 2024 provided conditions for the proposed development.
- Environment Department – Report dated 4<sup>th</sup> of March 2024 provided conditions should planning permission be granted.
- Environment Department (Noise) – Report dated 13<sup>th</sup> of May 2024 by the Executive Scientist concluded no objection subject to condition. The department was satisfied with the acoustic report.

- Flooding Department – Report dated 30<sup>th</sup> of May 2024 raised no objections subject to condition. A flood access and emergency place should be developed by the applicant.

### **3.3. Prescribed Bodies**

Uisce Eireann – Report dated 19<sup>th</sup> of February 2024 stated no objections subject to conditions.

### **3.4. Third Party Observations**

There were several third-party observations received by the PA and can be summarised as follows:

- Noise Impact.
- Traffic concerns and parking arrangements.
- Overlooking/overshadowing.
- Devaluation of property.
- Visual and residential impact.
- Quench pipe associated with the MRI machine.
- Roof plant.
- Overdevelopment of the site.
- Impact on mental and physical wellbeing of neighbours.
- Potential emissions and associated health implications.
- Height of the Louvre screening.
- Inconsistencies in drawings.
- Lack of consultation with residents.

## 4.0 Planning History

PA Reg. Ref. 19/1205: Planning permission granted for the change of use from a retail premises to a health and wellbeing centre with minor injuries/illness clinic.

I refer the Board to Condition 3 of the grant, which is referenced in the appeal from Maura O'Flaherty. It states:

*An adequate off-street, covered, secure storage facility for the storage of refuse shall be provided and maintained by the proprietor of the Unit at all times*

*Reason: In the interest of orderly development.*

## 5.0 Policy Context

### 5.1. Development Plan

The Limerick Development Plan 2022-2028 is the statutory plan for the area. The site is located within the settlement boundary of Limerick City and Suburbs zoned Enterprise and Employment.

Section 10.3 of the Limerick Development Plan seeks to provide good quality community facilities in existing and developing areas as a key element of developing sustainable, healthy communities across Limerick. The location of new community facilities should generally meet the following criteria:

- In line with the '10-minute town and city concept' they should be generally locate within, 800 m. walking distance of the community it serves;
- Located centrally with respect to the community it serves, taking into account limitations of topography and the road and footpath network;
- By transport infrastructure nodes and on roads or points either serviced or serviceable by public transport;
- Clustered with complementary community facilities, local retail services etc. and integrated with housing; and
- Located in an area in which a substantial proportion of members of the community reside, in particular older members of the community

Section 10.7 of the Limerick Development Plan relates to health and Respite Care and states that the provision of both public and private healthcare facilities, together with community support services, will be encouraged on suitably zoned lands that are accessible to new and existing residential areas and that benefit communities by providing multi-disciplinary health care, mental health and wellbeing services in easily accessible locations.

it is the objective (SCSI O15) under the plan to:

- a) Support and facilitate development and expansion of health service infrastructure by the Health Service Executive, other statutory and voluntary agencies and private healthcare providers in the provision of healthcare facilities at appropriate locations - including the system of hospital care and the provision of community-based primary care facilities, mental health and wellbeing facilities.
- b) Encourage the integration of appropriate healthcare facilities within new and existing communities.

Section 11.5.3 of the Limerick Development Plan provides development standards for Health Care Facilities in the city and county.

## **5.2. Natural Heritage Designations**

The Lower River Shannon SAC (site code 002165), Fergus Estuary and Inner Shannon, North Shore pNHA and River Shannon and River Fergus Estuaries SPA (004077) are located approximately 1.3km south of the appeal site. Knockalisheen Marsh pNHA and Lower River Shannon SAC (site code 002165) are located approximately 1.9km northeast of the appeal site.

## **6.0 EIA Screening**

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.



## 7.0 The Appeal

### 7.1. Grounds of Appeal

Two third-party appeals were received and the grounds of appeal, as raised can be summarised as follows:

Brid and Josephine Casey

- The PA were more concerned about flooding in conditioning the development rather than addressing the issues raised by the local residents.
- The concerns raised with the PA were not addressed. The site is in a residential area and considered too small for the development. The proposed development is almost double the size of the existing.
- The proposed development will increase traffic in the area.
- The roof plant and the proposed MRI machine would increase noise pollution in the area.
- The height of the louvre screening appears to be higher than the neighbouring houses and will impact on visual amenity.
- The quench pipe proposed is not suitable for a residential area and the PA did not adequately address the risk of sudden emission of helium into the atmosphere.
- Car parking spaces are to be reduced and there are concerns about where builders will park during construction.
- The work of the clinic is appreciated and the development will be best suited in a greenfield area.

Peter Lavelle Building Services on behalf of Maura O'Flaherty

- Given the proximity of the two sites, there are concerns that the scale, mass and height of the development would impact the ability to enjoy the rear garden.

- The noise assessment report submitted to the PA is flawed because of the instruction not to measure the ambient noise generated by the existing facility. There is noise from the existing facility and in particular the air handling unit.
- Table 4 of the assessment gives a night time noise level of 50 dB and this is without the noise being generated by the existing facility. There would be an increased intensity of noise generated by including the noise level from the existing facility.
- Table 9 sets out the assumed noise levels of plant items and the chiller unit operating on a 24-hour basis will generate 80 dB. This is over the European recommended night time noise level of 45 dB.
- There are concerns about the noise levels from the existing and proposed roof plant. There is a vague specification of how the proposed acoustic louvred screen would mitigate the noise levels from the roof plant structures.
- The appellant's property immediately west of the development will suffer significant shading because of the development. The appellant queries whether the existing roof plant was taken into consideration in the sunlight/shadow analysis.
- The car park would not facilitate waste removal from the site and the location of the refuse bins is queried. Condition 3 of the previous grant is referenced, which relates to providing a secure storage facility to be maintained at all times.
- The Board should review the mobility management plan submitted that indicate the existing modal split of 90% for staff travelling to work by car. It is considered that the doubling of the existing building by the proposed extension will further increase the mode share for cars and increase traffic.

## **7.2. Applicant Response**

- The design approach to the project has been developed to minimise impacts on the adjoining residential property.
- The predicted noise would result in low adverse impacts. The predicted noise levels associated with the proposed plant are within the absolute external

noise limits outlined in Section 3.0 of the acoustic report and derived from BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

- The noise associated with the operation of the MRI machine will be contained within the building and will not be audible at nearby noise sensitive locations.
- The noise from the MRI machine is limited to the external plant that is associated with it. It is proposed to locate this plant, along with other items of plant that will be associated with the extension on the roof.
- Sound levels are generally expressed in decibels which are logarithmic and cannot be manipulated without being converted back to a linear scale.
- The acoustic report considered 12 locations and 5 of the locations are within the appellant's property.
- Tables 15 and 16 of the acoustic report provides the predicted noise levels over the 12 locations tested and takes account of noise coming from the roof plant. Tables 15 and 16 of the report do not refer to the noise data of the Chiller unit.
- Neighbouring properties will generally not be affected by the proposed development and the impact on skylight, sunlight and shadow has been tested.
- The MRI equipment will not be operated overnight and the hours of operation will be 8am to 10pm.
- The quench pipe will be installed in strict accordance with manufacturer's instructions and any parties expected to access the roof area will be fully inducted from a health and safety perspective.
- The car parking is being provided in line with the requirement of the Limerick City & County Development Plan.
- The existing care facility and proposed extension are located in a zoned area where both the existing and proposed development are open to consideration.

### 7.3. Observations

Two observations were received from Karen Quinlan and Murcadha O'Flaherty. The issues raised are summarised as follows:

- There are three clearways on the roadside and the traffic in the area doesn't stop before the clearways and the traffic blocks the entrance of their property.
- There will be more cars in the area as a result of the development.
- The points raised by the appellants are noted and the view of the proposed development is of concern, as it appears to read like a three storey building.
- Issues raised by the appellant regarding the plant machinery are noted and there are concerns regarding the roof plant in terms of height and noise.
- There are concerns regarding the location of the quench pipe in close proximity to residential properties.
- The presence of a roof plant machinery less than 20 feet from a residential property would impact negatively on their amenity. The roof plant machines have increased over the years.
- The development is of industrial scale and there is an alternative setting locally available for the development. The development is detrimental to the enjoyment of a private residence.
- The emission of gas from the quench pipe would have a negative impact on residential amenity.
- The size and scale of the development in relation to existing houses devalues the properties in the area.
- The appellant's points on the noise assessment submitted to the PA are noted. There should be a survey carried out for the existing building.
- Noise from roof plants and proposed MRI machine will impact on residents.
- The conclusion of the noise assessment based on assumed materials and predicted noise is not accepted. The Board should direct the exit vents of the machines away from neighbouring residences.
- There are concerns of overshadowing.

- There is danger of severe injuries with contact with cold gas and the consequences of not providing adequate venting for MRI equipment are noted.
- There are concerns about the amount of gas that could be released into the air by the quench pipe. It could result in driving hazard and the kerosene oil tank in the neighbouring house located less than 20 feet from the quench pipe is a concern.
- An MRI machine is unsuitable in a residential area and a professor is referenced to support the argument.
- The observer queries if the Board can provide an insight on whether there are additional long term concerns of living close to MRI machines.
- There are concerns about the transportation of hazardous materials on public footpaths and side entrances of appellant's property.
- The traffic concerns raised by the appellants are noted and there are parking concerns as the footfall using the clinic will increase.
- A designated area for bins and waste removal from the site is not in place.

## 8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of 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:

- Principle of Development
- Impact of Residential Amenity
- Car Parking & Traffic
- Other Matters

### 8.2. **Principle of Development**

8.2.1. The site is located in the suburb of Caherdavin and the proposed development is an extension to the existing healthcare and wellbeing clinic at the site. The site is zoned

for Enterprise and Employment, and the proposed development is open to consideration. Given the existing health care use on the site and the associated zoning, the proposal would be in compliance with the Limerick Development Plan 2022-2028. I consider that the proposal is acceptable in principle.

- 8.2.2. The existing clinic operates an urgent healthcare service to treat minor injuries, provides X-ray screening, offers GP and other medical consultation services and undertakes minor medical procedures. The proposed extension to the clinic will accommodate consultation rooms, a wellness area, an MRI department and ancillary uses.
- 8.2.3. The existing clinic (689.10m<sup>2</sup>) and the proposed extension (603.60m<sup>2</sup>) will have a total floor area of c. 1,292.7m<sup>2</sup>. The third-party appellant and observer assert that the extension proposed is significant in nature and the overall development would be more appropriate in a light industrial or a greenbelt location.
- 8.2.4. I refer the Board to section 10.7 of the Development Plan which encourages healthcare facilities to be located on suitably zoned lands that are accessible to new and existing residential areas. The site is located adjacent to and accessible to a residential area. Therefore, I do not have any objections to the location of the proposed development.
- 8.2.5. In terms of the size of the overall development, I also refer the Board to section 11.5.3 of the Development Plan that requires larger scale and group medical practises to be in local district and major town/city centre zoning. I note that the purpose of the zoning associated with the site is to accommodate compatible industry and employment activities that are incapable of being situated in the city centre and the zoning may accommodate light industry. Section 11.5.3 also provides that such developments should not have negative impacts in terms of car parking, traffic safety and residential amenity. I therefore do not have any concerns regarding the size of the development. The matter of impacts on car parking, traffic and residential amenities are considered in sections 8.3 and 8.7 of this report.
- 8.2.6. Having regard to the existing use on the site, I am satisfied that the proposed development is an appropriate use of the urban land.

### **8.3. Impact on Residential Amenity**

#### Scale, Mass and Height

- 8.3.1. The appellants and one of the observers raised concerns about the scale, mass and height of the proposed extension and the overall development would have an impact on the residential amenity of the area. I note that one of the appellants resides at the property immediately adjoining the site on the west side.
- 8.3.2. The proposed extension is two storeys in height and is similar to the scale and mass of the existing clinic. The extension will have a maximum height of c.7.9m at roof level and extend further by c.955mm as a result of the proposed plant area. The closest house is located to the western boundary of the site and the proposed extension would be set back by c. 1.5m on the ground floor and by c.3.5m on the first floor from the western boundary of the site. The adjoining property has a rear return and a shed like structure adjacent to their eastern boundary and having regard to the setback afforded by the extension, I am of the view that the development will not physically impose itself on the adjoining property. I therefore consider that the extension is appropriately scaled and will not impact on the amenity of adjoining property by reason of its scale.
- 8.3.3. I note that the residential properties close to the site are predominantly two storeys in height. The third party appellants and one of the observations received assert that the existing building will read as a three storey structure because of the proposed louvre screening for the existing plant area on the roof. The height of the proposed louvre system is c.1.9m and as such the maximum height of the existing building together with the proposed louvred plant area would be c. 9.9m. The louvred plant area is also set back by c. 2.5m from the roof eave. Accordingly, I do not consider that this building reads as a three storey structure. The adjoining house to the west has a height of c. 8.9m at ridge level and in comparison with the existing clinic structure and the proposed louvred screening (9.9m), there is no significant difference in height. I refer the Board to Drawing no. 210 – Proposed Elevations 1. I am of the view the height of development is generally in keeping with the properties in the area.

- 8.3.4. In terms of the proposed extension and the existing clinic building, I do not consider that the scale of the overall development is excessive. Taking into consideration the two storey nature of the development, the width of c. 17.5m and a depth of c. 49.8m I am of the opinion that the resulting mass of the overall development is reasonable and the development will not physically impose on any property in the area.

#### Visual Amenity

- 8.3.5. The appellant raised concerns that the proposed louvre screening appears higher than the neighbouring house and this would impact on the visual amenity of the area.
- 8.3.6. Having reviewed the drawings submitted, the proposed louvre system to the roof plant of the existing building will be higher than the adjoining house by approximately 1m. As stated earlier, the proposed louvre screening is set back by at least 2.5m from the existing roof eave and as such I do not envisage any significant impact on the visual amenity of the area. The proposed extension will also provide for a roof plant that extends the height to c. 8.9m. The extension height would be in keeping with the adjoining house and I also note that the proposed roof plant would be set back by at least 4m from the parapet level. Having regard to the above, I am satisfied that the proposed development will not impact on the visual amenity of the area.
- 8.3.7. Overall, I consider that the scale, mass and height of the proposed extension will not negatively impact on the residential amenity of the area. I also consider that the massing of the proposed extension together with the existing clinic building is appropriate for the site and will not impact on the residential amenity of the area.

#### **8.4. Loss of Daylight and overshadowing**

- 8.4.1. The appellant and the observer have raised concerns that there would be significant overshadowing of the adjoining property. In response to the RFI by the PA, the applicant submitted a daylight/sunlight/shadow assessment report which states that the neighbouring property will not be generally affected by the proposed development in terms of skylight, sunlight and shadow cast.
- 8.4.2. The daylight/sunlight and shadow assessment report submitted was prepared by Chris Shackleton Consulting. The assessment was informed by the 2022 BRE Guidance 'Site layout planning for daylight and sunlight: A guide to good practice',



third edition. The adjoining house immediately west of the site was the only property tested, and the report measured the potential loss of skylight, sunlight, garden area and shadow. The location of the adjoining property's windows assessed are shown on Page 4 of the report. The report concluded that all the windows meet the criteria in terms of skylight and sunlight. Regarding sunlight in open spaces, the adjoining house also meets the criteria as the amenity space to the rear will receive more than 2 hours of sunlight in accordance with the BRE guidelines.

- 8.4.3. A shadow study was also carried out to test whether the adjoining house would be subject to overshadowing from the proposed development. The images generated are contained in Appendix 1 of the report. They show shadow cast plots that have been carried out from 08.00 – 18.00 on the 21<sup>st</sup> of March/September, from 08.00 – 20.00 on the 21<sup>st</sup> of June and from 10.00 – 15.00 21<sup>st</sup> of December. The report concluded that the adjoining house will generally not be affected by shadowing as a result of the proposed development.
- 8.4.4. Having reviewed the report and considered the orientation of the adjoining house to the west, I accept the findings of the report. The report considered the plant areas in their assessment and the adjoining house will be overshadowed for a short time between 8.00-9.00am during the March/September 21 Equinoxes. The appeal site abuts the adjoining house on the western boundary with both sites having structures at this location. Having regard to the configuration of the adjoining house in relation to the proposed development, I am of the view that the house will receive sufficient levels of sunlight in line with the BRE guidance and I consider that there will not be any significant form of overshadowing at the property.

## **8.5. MRI Machine**

- 8.5.1. The proposal includes an MRI machine on the ground floor of the proposed extension. The appellant and observer have raised concerns about the noise that will be generated from the operation of the MRI machine and query whether it should be located within a residential setting. The applicant responded that the operational noise from the MRI machine will be contained within the building. I note that the installation and operation of an MRI unit involves a very stringent set of guidelines. Regards must be had to radio frequency shielding, magnetic shielding, the layout of the MRI unit, acoustics and other considerations. These requirements for layout,

installation and operation of an MRI unit are under a separate legal code and thus not for the Board to consider. However, regarding noise that will emanate from operating the MRI machine, I consider that sound absorbing materials in line with industry standards will be used to minimise noise transmission. I am of the opinion that, if the installation and operation of the machine are consistent with the relevant guidelines, I do not see any reason why the development which includes an MRI machine cannot be located close to a residential setting. It has been submitted that the MRI machine will operate between 8am and 10pm. I am of the view that the operation of the MRI unit will not generate any significant noise that will impact on the adjoining property.

- 8.5.2. There is a quench system proposed with the MRI machine and the pipe outlet will be located on the roof of the proposed extension. The quench pipe system is an important safety mechanism that provides a safe and controlled way to vent helium gas. The appellant and one observer have raised concerns about the emission of the helium gas that could be discharged in an emergency or controlled situation and if this was appropriate in a residential setting. As noted above, the design and installation of a quench system is guided by a set of guidelines under a separate legal code (i.e. the Pressure Equipment Directive 201/68/EU). The applicant responded to the appeal and stated that the quench pipe will be installed in strict accordance with manufacturers instructions and any party expected to access the roof area for servicing will be fully inducted from a health and safety perspective.
- 8.5.3. There are safety guidelines surrounding medical equipment, and while the site adjoins a residential property, I do not consider that the rare occurrence of MRI quenching leading to the emission of helium gas will impact on the adjoining property as the quench pipe is at least 3.5m away from the adjoining house and located on the roof at a height of c. 7.9m. The pipe outlet is also directed upwards into the atmosphere and away from any possible human contact. I do not envisage any significant risk from the quench system at this location. I note the observation made about a kerosene oil tank in the neighbouring house less than 20 feet from the quench pipe. If the Board is minded to grant permission, I recommend that a condition is included to move the outlet pipe further away from the adjoining house.

#### **8.6. Proposed and Existing External Roof Plant**

- 8.6.1. It is proposed to provide a screened plant area on the roof of the extension. The plant will be c. 8.6m in length and c.4.4m in width. As stated earlier, the plant will extend c.955mm from the parapet roof of the extension and would be set back by at least 4m. The plant area will be screened by an acoustic louvre system and will include a chiller unit, heat pump, water storage tank and a heat recovery outdoor unit. The appellant and the observer have raised concerns about the noise that would emanate from the proposed plant area.
- 8.6.2. On foot of the RFI by the PA, an acoustic assessment report prepared by AWN Consulting was submitted. The report set external noise level limits of 50-55 dB in the daytime/evening (07.00 – 23.00) and 45 dB at nighttime (23.00 – 07.00) as a guide to assessing the noise impact of the proposed roof plant from noise sensitive locations based on the BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The report tested 12 closest noise sensitive locations and 5 of the locations are associated with the adjoining house to the west of the site. Figure 7 of the report provides the 12 noise sensitive locations and the predicted noise levels are contained in Table 12 of the report. The predicted noise levels from the proposed plant will range from 24 dB-40 dB Daytime (07.00 – 23.00) and 19 dB-34 dB Nighttime (23.00 – 07.00). The report concluded that the noise levels associated with the proposed plant are within the limit and the predicted noise from the plant at the noise sensitive locations would result in a low adverse noise impact at all the 12 locations.
- 8.6.3. Having reviewed the report, I accept the findings of the assessment. I am satisfied that the expected noise levels at the 5 noise sensitive locations are below the external daytime noise limit of 50-55 dB and the night time level of 45 dB and as such the proposed plant will not significantly impact on the adjoining property.
- 8.6.4. It is reported that the chiller will operate on a 24-hour basis and the appellant has raised concerns that the assumed noise levels from the unit are stated to be 80 dB and are over the 45 dB night time limit. The applicant states that the predicted noise levels are from the 12 tested locations and take account of noise coming from the proposed roof plant. I refer to Table 9 of the report that provides the assumed plant noise data for the proposed plant items. While the chiller could generate up to 80 dB, this would be the noise level at the source and not at any noise sensitive location tested. I am satisfied that, by adding the acoustic screening to the roof plant

proposed, the noise levels from the plant would be consistent with the report and would not impact on the adjoining house.

- 8.6.5. The appellant also raised concerns that the specification of the proposed acoustic system provided is vague. I consider that the specification for acoustic systems is generally based on the source noise data/levels and in this instance the plant items. I am of the view that any acoustic system for the proposed plant screening should limit any noise at the site to acceptable levels. If the Board is minded to grant permission, I recommend a condition be included requiring that acceptable daytime and night time noise levels shall not be exceeded at any period at the site.
- 8.6.6. The proposal also includes erecting a louvred screening system over the existing plant area. The appellant and the observer raised concerns about the noise from the existing plant and the cumulative noise impact from the two plant areas. At the FI stage the PA requested that the applicant carry out an acoustic assessment to determine any adverse effects to nearby sensitive receptors and specified that any background noise survey should not include considerations of any ambient noise from the existing development. The appellant and the observer raised concerns about this request by the PA and stated that the existing plant area should have been part of the assessment. Notwithstanding this request by the PA, I note that the ambient noise measured in the assessment considered the existing facility during the daytime.
- 8.6.7. The acoustic assessment report considered the daytime/evening (7.30hrs-23.00hrs) noise levels from the existing plant area as part of their assessment. It is reported that the plant area could not be shut off during the working day and as such, the plant area formed part of the survey to derive the baseline daytime background noise. The components of the plant area were then switched off between 23.00hrs and 7.30hrs. Section 4.6.1 of the report estimated the nighttime noise levels from the existing plant by logarithmically subtracting noise measured between 22.30hrs and 23.00hrs from that measured between 23.00hrs and 23.30hrs. The report estimated that the daytime noise level associated with the existing development is 41 dB or less, and at the night time, would to be in the order of 40 dB.
- 8.6.8. The appellant raised concerns about the ambient noise level of 50 dB measured at location A during the night and asserts that the noise should have been intensified if

the existing plant was turned on during the survey. I note the baseline noise survey carried out at 3 locations and I refer the Board to Figure 1 of the acoustic report to see the full noise survey locations. Location A is the closest location to the adjoining property. The daytime ambient noise levels at location A (with the existing plant turned on) were in the order of 60 dB and I note that the report stated that the noise levels were dictated by traffic movements. Having regard to the daytime noise levels and reduced traffic movement at night time, I consider there will be no increase in noise intensity if the plant were turned on.

- 8.6.9. Having regard to the above, I am satisfied that the noise assessment carried out has provided adequate information to consider that the plant areas and the existing and proposed plant areas will not lead to any significant noise impact on the adjoining property.

#### **8.7. Car Parking & Traffic**

- 8.7.1. The appellant and the observer have raised concerns about the level of parking provided with the development and the increase in traffic that will result from the proposed development. The response of the applicant stated that the proposed car parking for the development is in line with the Development Plan.
- 8.7.2. The applicant intends to provide for 26 car parking spaces. The design statement submitted states that 16 treatment rooms and 20 staff are proposed for the whole clinic. Under Table 9 of the Limerick Development Plan, I note that 1 car parking space is required per treatment room and 1 space is required per 2 staff. Accordingly, the provision of 26 car parking spaces complies with the Development Plan.
- 8.7.3. In terms of potential increase in traffic, I consider that the proposed extension will not lead to any significant increase in traffic for the following reasons.
- 8.7.4. The site is in an urban location that is accessible by different modes of travel. The site is approximately 2.7km from the city centre with footpaths provided all the way and there are bus services serving bus stops on the R445 located to the north of the site. The site is accessible from Limerick Bus Station and Colbert Train Station located approximately 3.4km east of the site. Therefore, people visiting the clinic can make use of the existing public transport services available. I also consider that most people visiting the site will be doing so by appointment, and I do not see any reason

why there would be a significant increase in traffic. Upon site visit, I observed that the car parking area was not at capacity.

- 8.7.5. In terms of the proposed car parking spaces for staff, I note the applicant's response to the appeal stating that the existing development enjoyed the benefit of 42 car parking spaces which exceeded what was required by the medical use and now the extent of the car parking is in line with the Development Plan. In order to reduce private car travel to work, the applicant intends to encourage staff to shift to public transport services. The applicant has submitted a Mobility Management Plan (MMP) to support modal shift to sustainable transport modes. The Mobility Management Plan was prepared by CST Group and the applicant is committed to implementing a car-pooling scheme, promoting tax saver commuter tickets and encouraging walking and cycling.
- 8.7.6. The appellant raised concerns that the MMP reported that 90% of staff are travelling to work by car and the proposed extension will significantly increase this mode share which will lead to an increase in traffic. I note that the MMP states that 52% of staff surveyed would consider a car-pooling scheme and the applicant has appointed a Mobility Manager to implement the measures set out in the MMP. Having reviewed the report and considered the existing public transport services available in the area, I am of the view that the proposed development will not lead to an increase in private car mode share that will significantly increase traffic in the area. If the Board is minded to grant, I recommend that a final Mobility Management Plan be submitted to the PA for agreement prior to the commencement of any development on site.

#### Construction Traffic

- 8.7.7. One appellant has raised concerns about where builders would park during construction. Based on the information submitted with the file, the applicant has not indicated where contractors/builders will park during construction and there is no Construction Management Plan submitted. However, I note Section 9 of the Mobility Management Plan in which the applicant is willing to develop a site construction travel plan. Having regard to the built-up nature of the area and junction location of the site, I consider that a Construction Management Plan (CMP) is necessary for the proposed development and if the Board is minded to grant permission, I recommend

that a condition requiring a CMP prior to commencement of development should be included.

## **8.8. Other Matters**

### Flooding

- 8.8.1. The site is in Flood Zone A and the PA requested that a risk assessment be carried out. The report was prepared in accordance with Section 5.28 of the Flood Risk Management Guidelines for Planning Authorities and concluded that the development will not affect flooding conveyance routes or impact nearby property. The FFL of the extension will be 4.75mOD and considering the CFRAM's coastal levels of 4.71mOD and 5.16mOD for 0.5% and 0.1% AEP events, the report states that there is marginal flooding at the 0.5% AEP event and approximately 0.41m depth of flooding at the 0.1% AEP event (if defences are removed entirely). Mitigation measures have been outlined to be put in place. These measures will prioritise warning systems, evacuation procedures and ensuring the structural resilience of the building itself. The PA reviewed the report and had no concerns in this regard. The PA included 4 conditions relating to surface water management and flood response and I agree that such conditions are necessary for preventing and mitigating against flooding at the site in the interest of public health. If the Board is minded to grant permission, I recommend that similar conditions be included.

### Waste disposal

- 8.8.2. There are concerns raised that the car park will not facilitate the removal of waste from the facility and the location of the refuse bins is queried. The proposed bins are located in a screened area to the rear of the proposed extension. I note Condition 3 of the parent permission on site requiring that a secured location be provided for waste disposal and maintained at all times. This condition still applies to the development. I consider that the proposed location is secured and with regard to maintenance, the onus is on the applicant to maintain the area at all times in accordance with the parent permission.

## 9.0 AA Screening

- 9.1.1. I have considered the proposed extension in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 1.3km north of Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (004077).

The proposed development comprises the construction of a 603.6m<sup>2</sup> two-storey extension consisting of consultation rooms, a wellness area, an MRI department and associated ancillary areas. The development also includes a louvre screening of the existing plant and alterations the car park to provide for 26 spaces and bicycle storage.

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 it could not have any effect on a European Site.

The reason for this conclusion is as follows

- Scale and nature of the development
- Distance from nearest European site and lack of connections
- Taking into account screening report by Planning Authority

I conclude, on the basis of objective information, that the proposed development 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 Recommendation

- 10.1. I recommend that permission should be granted subject to conditions as outlined below.



## 11.0 Reasons and Considerations

11.1. Having regard to the nature and scale of the proposed development, its association with the existing medical use and within an 'Employment and Enterprise' zoning objective, it is considered that the proposal would be in accordance with the Limerick Development Plan 2022-2028, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to significant traffic or impact on the surrounding road or transport networks and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10<sup>th</sup> day of May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Revised drawings shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development for the following:</p> <p>(a) The quench pipe shall be located at least 2m away from the parapet roof on the western side.</p> <p>Reason: In the interests of clarity and residential amenity.</p>
3.	<p>The specific noise level from the development shall not exceed the background noise level outside at any noise sensitive receptor by more than 5 dB when assessed in accordance with BS 4142:2014:+A1:2019 <i>Methods</i></p>

	<p><i>for Rating and Assessing Industrial and Commercial Sound, taking account of instantaneous noise and tones.</i></p> <p>There shall be no tones or impulsive noise audible at night-time from the development at noise sensitive receptors.</p> <p>Reason: In the interest of residential amenity and proper planning.</p>
4.	<p>A detailed construction management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
5.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
6.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
7.	<p>Prior to the opening/occupation of the development, a final Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by occupants/staff employed in the</p>

	<p>development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
9.	<p>All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
10.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
11.	<p>A Flood Emergency Response Plan allowing for safe access &amp; egress during a flood emergency situation shall be developed for the site. The plan shall be submitted to and agreed in writing with the planning authority prior to the occupation of the proposed development. The plan shall be reviewed annually.</p> <p>Reason: In the interest of proper planning and public health</p>
12.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by</p>

	<p>or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
--	--

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.

---

Oluwatosin Kehinde  
Senior Planning Inspector

08<sup>th</sup> April 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-320021-24		
<b>Proposed Development Summary</b>	Construction of an extension to a medical facility.		
<b>Development Address</b>	Laya Health & Wellness Clinic, Ennis Road, Caherdavin, Limerick		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>	X		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_