



An
Coimisiún
Pleanála

Inspector's Report

ABP-322500-25

Development	Change of use of existing 125sq metre vacant commercial premises to a veterinary clinic.
Location	107, Trees Road Upper, Mount Merrion, Blackrock, Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0143
Applicant(s)	Equine and Veterinary Consultants (EVC)
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Thomas Brady
Observer(s)	None

Date of Site Inspection

7th July 2025

Inspector

Suzanne White

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site is located at 107 Trees Road Upper, Mount Merrion, Blackrock, Dublin and has a site area of 0.04ha. The appeal relates to the ground floor unit of a two storey detached building which is set within a parade of commercial units. The parade is located on the northern side of Trees Road and is set back from the public roadway, behind an area of public open space. Within the setback area is an informal parking area, served by two access and egress points.
- 1.2. There is an external yard to the rear of the unit, which is included in the appeal site boundary. A laneway along the rear boundary provides vehicular access to the yard from Cedarmount Road to the east. At the front of the unit, to the left of the main entrance door is a gate providing access to a setback store room which forms part of the appeal site. This gateway also provides access to the first floor unit, which is stated in the applicant's covering letter and Local Authority Planner's Report as being in residential use. To the right of the main entrance door is a secondary entrance serving the appeal unit.
- 1.3. The parade includes a mix of cafe's, food retail, a mower/cycle shop, a physiotherapy clinic and a hairdressers. The upper floors of many of units appear to be in residential use and the surrounding area is primarily residential in character.

2.0 Proposed Development

- 2.1. Permission is sought for: change of use of existing 125sq metre vacant commercial premises to a veterinary clinic. The proposed works include internal alterations, soundproofing the kennel area, signage and ancillary works.
- 2.2. The change of use relates to the entire ground floor unit and rear yard. It is noted that the application form gives an existing floor area of 97.88sqm and a proposed floor area of 125sqm, though no works of extension are indicated. It is stated that the last use of the unit was beauty salon.

- 2.3. The proposed Veterinary Clinic would be comprised of reception, waiting areas, 2no. consulting rooms, 2no. surgery rooms, an internal kennel room area, prep room, canteen and storeroom.
- 2.4. As part of their response to the grounds of appeal, the applicant stated that the rear yard would be used for staff parking and deliveries.

3.0 Planning Authority Decision

Decision

Permission GRANTED 16th April 2025. The following conditions are of note:

Condition 2 relates to external finishes.

Condition 3 relates to noise control and waste management.

Condition 4 relates to control of odour.

Condition 5 relates to construction related impacts relating to the public road

Condition 6 relates to a financial contribution in respect of on-street visitor cycle parking.

Planning Authority Reports

3.1.1. Planning Reports

The main points of the planner's report include:

- Veterinary Surgery is 'open for consideration' within the zoning objective for the site
- Proposal would not detract from the character of the area
- Subject to conditions, the proposal would not detract from the amenities of the area and is consistent with the provisions of the current Development Plan

3.1.2. Other Technical Reports

- Transport Planning: no objection subject to conditions requiring staff cycle parking facilities, a contribution towards the provision of visitor cycle parking and measures to prevent construction-related road impacts
- Environmental Health Officer: no objection subject to conditions relating to operational waste and noise management
- Environmental Enforcement: no objection subject to conditions relating to noise, odour/air quality and waste management.

Drainage Planning: no objection.

Prescribed Bodies

None.

Third Party Observations

Three submissions were received in relation to the application. The issues raised may be summarised as follows:

- Lack of parking provision
- Danger to public safety arising from inappropriate parking and frequency of deliveries by large vehicles
- Lack of need, given the number of veterinary clinics in the surrounding area
- Potential for increased dog soiling in public spaces
- Noise pollution from dog barking and general disturbance, particularly at night and from external yard
- Lack of clarity relating to handling of deceased animals
- Lack of detail regarding waste storage and disposal

4.0 Planning History

D21A/1106

Permission REFUSED for change of use from office/commercial to residential, extension and alteration of existing building to provide 4 no. Apartments, including all associated site works. Permission was refused for three reasons: overdevelopment evidenced by failure to meet residential standards and reduction in active frontage; inadequate private and communal open space; access laneway of unacceptable standard to cater for any intensification of development and inadequate parking provision likely to result in inappropriate parking locally and traffic hazard.

5.0 Policy Context

Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the operative Development Plan for the area.

Zoning: 'Objective A' which seeks *"To provide residential development and improve residential amenity while protecting the existing residential amenities"*. Under this zoning objective, 'Veterinary Surgery' is 'open for consideration.

Section 12.3.2.6 relating to Health Care Facilities states in respect of veterinary surgeries: *"In the case of veterinary surgeries, full details of all services provided on site shall be submitted including details of overnight facilities (including kennels/staff accommodation) and out of hours services shall be submitted together with noise mitigation measures where appropriate."*

Veterinary Surgery is defined in Section 13.2 as: *Use of a building or part thereof or land as a clinic or surgery for the treatment and care of animals. Animals may be housed on the premises for short periods for treatment purposes but not as part of a boarding kennel operation.*

Car Parking Zone 3 – parking standards apply as a maximum for non-residential use. Medical facility - two spaces (max) per consulting room.

'Standards for Cycle Parking and Associated Cycling Facilities for New Developments 2018

Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

6.0 EIA Screening

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

Grounds of Appeal

One appeal was received from a third party. The grounds of appeal can be summarised as follows:

- Impacts on local residential community arising from noise generated by animals, both overnight and during the day.
- Potential for queuing and dog fouling outside the proposed clinic.
- Increase in traffic and demand for parking in the area. Associated issue of traffic safety.
- Odour arising from clinical waste storage and disposal.
- Absence of local need.

Applicant Response

A response was received from the first party, which may be summarised as follows:

- Veterinary premises are regulated by the Veterinary Council of Ireland and cannot legally operate without Premises Accreditation Scheme 'PAS' certification (which includes standards relating to e.g. health and safety, biosecurity, waste management etc).

- Overnight animals: the proposal is not a boarding facility. Animals will be kept overnight on rare occasions.
- Queuing/waiting area: large reception/waiting areas proposed. The service will operate on an appointment-only basis.
- Dog soiling: dog owners are legally responsible for cleaning up after their pets in public areas. Commits to ensuring the footpath outside the clinic is kept clean and free of soiling.
- Clinical waste disposal: indicated to be in line with 'PAS' requirements (including use of registered waste contractors, secure storage and hygiene measures and appropriate storage of animal remains).
- Traffic and parking: the premises is part of a local parade designed to serve the local community. 24no. parking spaces within setback area. Staff will use a private rear entrance and yard. Photo survey of parking levels (not submitted).
- Absence of local need: considers that there is a local need for the proposed development.

Planning Authority Response

None.

Observations

None.

Further Responses

None.

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, the report of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows (example):

- Principle of development
- Residential amenity
- Traffic and parking

Principle

- 8.2. Veterinary Surgery use is 'open for consideration' on lands to which zoning objective A applies, as in this case. Section 13.1.4 of the operative County Development Plan states that uses shown as 'open for consideration' are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area. In this regard, I note that the appeal site is a commercial unit located within an established parade of shops and services. I also note that the nature of the proposed veterinary clinic matches the definition of veterinary surgery set out in the operative development plan. Regarding the issue of 'need' for the proposed use, there are no development plan objectives seeking to control the distribution of veterinary surgeries and therefore refusal on this basis could not be supported.
- 8.3. In conclusion, I consider that the proposed use is acceptable in principle in this location, having regard to the planning history of the site, the zoning objective for the lands and the provisions of the Development Plan, subject to detailed considerations as set out in my assessment below.

Residential Amenity

- 8.4. The subject unit has an established commercial use and is located within an existing local parade of shops and services. The previous use comprised a beauty salon and there is no proposal to extend the floor area of the unit. . Given these factors, I consider that the previous and proposed uses would have been comparable in terms of the movement and flow of customers and the number of staff on site. For these

reasons, I do not consider the proposal to represent a material intensification of use on site.

- 8.5. The proposed kennel room would be located to the rear of the unit, within an existing single storey extension and limited in size (8.88sqm) . The first party response describes that animals would be kept overnight on rare occasions, involving severely ill animals requiring fluid therapy or critical care and under the direct care and responsibility of the attending veterinary practitioner. There is no proposal for an 'out of hours' service, rather the first party indicates that emergency cases would be referred to the Veterinary Hospital at UCD.
- 8.6. The residential unit at first floor level would not be directly above the kennel room but would have windows facing to the rear, in proximity to it. I note that the kennel room would be served by a window and door on the western elevation, facing the external yard associated with the unit. The reports of the Planning Authority's EHO and Environment Enforcement Sections raise no objection with regard to noise, subject to a condition requiring adequate soundproofing of the kennel room. I note that Section 12.3.2.6 of the Development Plan, in respect of veterinary services, requires that details of overnight facilities (including kennels/staff accommodation) and out of hours services shall be submitted together with noise mitigation measures were appropriate.
- 8.7. Having regard to the limited size of the kennel room, the proposed mitigation by way of soundproofing and to the description on file of the nature and frequency of overnight animal stays I consider that this element of the proposals would not give rise to material impacts on neighbouring residential amenity. I also consider that the operation of the clinic during normal opening hours would not result in a material impact on neighbouring amenity, given its size and location within an established local parade. A condition requiring soundproofing of the kennel and control of noise was specified by the local planning authority and, if the Commission is disposed towards a grant of permission, I recommend that a similarly worded condition be attached to any such grant. I consider that a condition restricting the hours of operation of the clinic would also be appropriate, so as to prevent acceptance of emergency cases during unsociable hours, though allowing for the care of animals overnight that are already admitted This would be in line with the description of the proposed clinic provided by the applicant.

- 8.8. With regard to the potential for soiling of footpaths or public spaces nearby, I note that, under Section 22 of the Litter Pollution Act, 1997, it is an offence to allow a dog under a person's control to foul a public place. Having regard to the modest scale of the proposed clinic and its proposed appointment-based operation I do not consider that a significant impact on local amenity is likely to arise in relation to this concern.
- 8.9. As highlighted in the first party response, the proposed layout for the veterinary clinic includes a reasonably sized reception area and two wait rooms, with a combined capacity of 8no. seats. I consider that this is sufficient to accommodate customers attending the two consulting rooms and any visits generated by the two surgery rooms, noting that the applicant has stated that the clinic will operate on an appointment-only basis.
- 8.10. In terms of the potential impacts on residential amenity arising from the storage of waste (including clinical) from the proposed clinic, I note that an external yard and enclosed storeroom form part of the application site. Also, the applicant has indicated that waste will be managed in accordance with the requirements of the Veterinary Council's Premises Accreditation Scheme PAS certification process, including use of registered waste contractors, secure storage and hygiene measures, use of approved sharps containers and a dedicated freezer for animal remains. I note that the Local Authority Environmental Health and Environment Enforcement reports did not raise concerns in this regard but did recommend that waste management was secured by condition. If the Commission is disposed towards a grant of permission, I recommend that a similarly worded condition be attached to any such grant.
- 8.11. Having regard to the location of the site within an established local parade, the character of the surrounding area, the details on file including technical reports provided by the local authority and to the provisions of the Development Plan, I consider that, subject to conditions, the proposed development would not give rise to significant impacts on residential amenity.

Traffic and Parking

- 8.12. I note the concerns raised in the appeal regarding this matter. The appeal site is in Parking Zone 3 as defined in the County Development Plan, where parking

standards are applied as a maximum. According to the parking standards set out in Table 12.5 of the Development Plan, the maximum requirement for the proposed use, based on two consulting rooms, is 4no. spaces. The parking area serving the local parade is not marked out, but from site observations would accommodate 20-24no. car spaces. There are 8no. commercial units in the parade, though one of these has parking to the rear, off Cedarmount Road. On the day of my site visit, there were c. 6no. spaces available in the shared parking area. I note that there is also uncontrolled on-street parking available in proximity, on Cedarmount Road and Redesdale Road.

- 8.13. The applicant states that parking for staff will be provided to the rear. From review of the planning history of the site, specifically D21A/1106, it appears that vehicular access and parking to the rear of the unit is established and would accommodate c. 4no. cars. One of the reasons for refusal of the previous application on site, D21A/1106, raised concern regarding an intensification of use of the laneway to the rear, without proposals for its upgrade. In this case, I do not consider that the change of use from beauty salon to veterinary clinic, would result in a material increase in staff numbers on site and consequent intensification of use of the access laneway. I note that no concern was raised in the planning authority's Transport Planning Report in relation to the application.
- 8.14. Given the urbanised environment, I would not anticipate the proposed development to lead to the generation of significant volumes of traffic and would note that it would be normal that many customers would walk from nearby residential areas. The proposal is substantially in compliance with the Development Plan with regard to parking standards and the Transport Planning Section of the planning authority have not raised concern, subject to conditions.
- 8.15. In terms of traffic safety, I note that the existing parking area has two access/egress points, which would facilitate movement of vehicles, including those making deliveries. There is no evidence before me to show that there is an existing issue in terms of access for delivery vehicles servicing the units or that the veterinary clinic use would generate more frequent or larger vehicle deliveries. No issues were raised in this regard in the Transport Planning report of the planning authority.

- 8.16. I am generally satisfied in this regard and have no information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users.
- 8.17. The Local Authority decision included a condition requiring the applicant to make a financial contribution of €500 for the provision of alternative on-street visitor (short stay) cycle parking provision in the vicinity. Section 12.4.6.2 of the Plan makes provision for a financial contribution where cycle parking cannot be conveniently provided within the development. Having regard to section 12.4.6 of the County Development Plan, relating to cycle parking, I note that the provisions are aimed at new development (of 400sqm or over in the case of non-residential development). The subject application relates to the change of use of an existing commercial unit of 125sqm. As stated above, I would not expect the proposed development to generate significant volumes of traffic, including cycle traffic, or to be materially different in this regard to the previous use. Given the nature of the use, it is more likely that customers will travel to the clinic by foot or car, than bicycle. From site observations, I note that there are no existing cycle parking stands serving the parade. Whilst the parade would benefit from short stay cycle parking, I do not consider that a requirement to provide short term cycle parking or a contribution towards same would be necessary or reasonable in this case.
- 8.18. The Local Planning Authority Report concluded that staff cycle parking could not be accommodated on site as the rear yard was thought not to be included in the application site boundary. However, from my assessment of the submitted plans I note that the rear yard forms part of the application site. I could not access the rear yard on the day of my site visit as the access was locked however, based on the site layout plan, the yard has sufficient capacity to accommodate staff cycle parking. Based on the cycle parking standards set out in Table 4.2 of the DLR Standards for Cycle Parking and associated Cycling Facilities for New Developments January 2018, 1no. space per 5no. staff (or a minimum of 2no spaces) is required for a veterinary clinic. I consider that provision of 2no. spaces for staff would be feasible and reasonable in this case.
- 8.19. In conclusion, I consider that the proposed development is not likely to give rise to traffic or road safety concerns and would be acceptable in terms of parking.

Other matters

- 8.20. The Local Authority decision includes a condition relating to road cleaning and prevention of vehicular/pedestrian conflict relating to construction activities. I consider a similar condition is appropriate given the extent of internal alteration of the unit proposed to implement the change of use.

9.0 AA Screening

- 9.1. Having regard to the modest nature and scale of the proposed development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Water Framework Directive Screening

- 10.1. Having regard to the modest nature and scale of the proposed development, it is concluded on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

- 11.1. I recommend permission be GRANTED subject to conditions.

12.0 Reasons and Considerations

Having regard to the existing commercial use of the site, its location with an established local parade and the nature of the proposed veterinary clinic use, it is considered that, subject to compliance with conditions below, the proposed development would be compatible with the relevant Zoning 'Objective A', which seeks "*To provide residential development and improve residential amenity while protecting the existing residential amenities*", would not seriously injure the

residential amenity of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and with the proper planning and sustainable development of the area.

13.0 Conditions

13.1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
13.2	The Veterinary Clinic shall be open for customer business between the following hours: 0800 hours to 2000 Monday to Saturday 1000 hours to 1700 hours Sundays and Bank Holidays. Reason: In the interest of protecting the residential amenities of the area.
13.3	During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling . Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: To protect the residential amenities of property in the vicinity of the site.

13.4	A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, clinical and organic waste, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan. Reason: To provide for the appropriate management of waste and, in particular recyclable, clinical and organic materials, in the interest of protecting the environment and residential amenity.
13.5	Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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. Reason: To safeguard the amenities of property in the vicinity.
13.6	(a) 2no. safe and secure bicycle parking spaces shall be provided within the site [a dedicated facility of permanent construction] for staff use. Details of the layout and marking demarcation of these spaces [the cycle storage facility] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.
13.7	The developer shall ensure the prevention of any mud, dirt, debris or building material being carried onto or placed on the public road arising from carrying out the works. Reason: To protect the amenities of the area.

13.8	The external finishes (excluding signage), including any new shopfront fenestration and doors, shall match those of the existing building, unless otherwise agreed in writing with the Planning Authority. Reason: In the interest of visual amenity.
13.9	Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and surface water management.

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.

Suzanne White
Planning Inspector

10th July 2025

Appendix 1

Form 1 - EIA Pre-Screening No EIAR Submitted

Case Reference	ABP-322500-25
Proposed Development Summary	Change of use of existing 125sq metre vacant commercial premises to a veterinary clinic.
Development Address	107, Trees Road Upper, Mount Merrion, Blackrock, Dublin
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White Date: 10th July 2025