



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP 323654-25**

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<b>Development</b>	Change of use from office to medical and health services on first and second floor of existing mixed-use building
<b>Location</b>	Unit 12 City East Retail Park, Garryglass, Ballysimon, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2560603
<b>Applicant(s)</b>	Ralph and Maureen Parkes
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ralph and Maureen Parkes.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	13/11/25.

**Inspector**

**Ann Bogan**

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### Appendix 1 –EIA Screening

## **1.0 Site Location and Description**

- 1.1. Site is located in the City East Retail Park at Garryglass, off Ballysimon Road, Limerick city, 1.2km east of the Limerick Southern Ring Road. The subject site consists of the first and second floors of a building designed for office type uses, which has a restaurant on the ground floor. The first floor of the building is vacant and it is unclear if the second floor is currently in use.
- 1.2. The adjoining building to the west is a single storey bathroom and tile showroom. A car park to the rear of the office building is accessed via an archway under the offices, but is not part of the 'red line' site boundary. It is not gated and serves the restaurant users and would also have served upper floor uses, when present. The adjacent bathroom showroom has a public entrance from the car park and customers also park there (although there is additional car parking on the east side of the showroom).
- 1.3. An open storage yard/car park serving a building supplies company is located directly to the west of the site
- 1.4. There are a number of retail warehouse uses in the vicinity of the site, including B&Q DIY, furniture and computer stores, bathroom and tile stores etc. There are no other office type buildings in the vicinity. There are some more traditional industrial and warehouse type uses nearby to the west. Two large car showrooms are positioned on the opposite side of the road to the site to the north.
- 1.5. The new Bon Secours Hospital is located 250m north of the site, on the opposite side of the heavily trafficked Ballysimon Road. There is a secondary school adjacent to the hospital and a large multi-storey office development opposite. Further construction is on-going on lands to west of the hospital.

## **2.0 Proposed Development**

- 2.1. The development consists of change of use of the first and second floors of an existing building from offices to medical and health services. The building is connected to existing public water and sewerage services and no internal or external changes to the structure are proposed.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The planning authority decided to refuse permission for the following reason:

In accordance with the provisions of Section 12.3 of Limerick Development Plan 2022-2028, the proposed development is located on lands zoned for Retail Warehousing whereby health care uses have been identified as generally not permitted and incompatible with the zoning objective. Therefore, the proposed development materially contravenes the zoning provisions of the Plan, may give rise to an undesirable precedent of incompatible uses at this location, and would be contrary to the proper planning and sustainable development of the area.

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

3.2.1. Planning Reports

- Planning officer concluded that “the proposed use is not compatible with the designated zoning and would set an undesirable precedent for similar developments in retail warehousing zones” and recommended refusal for the reason outlined in section 3.1 above. Decision is in line with this recommendation
- Concluded that there is no likelihood of significant effects on a European Site and Appropriate Assessment is not required.
- As the development is not a type of projected listed in Schedule 5, Part 1 or 2, concluded no EIA screening is required

3.2.2. Other Technical Reports

- None

#### **3.3. Prescribed Bodies**

- Transport Infrastructure Ireland requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and

National Roads Guidelines for Planning Authorities and relevant TII Publications.

### 3.4. Third Party Observations

- None

### 4.0 Planning History

19/541 Permission granted to Ralph and Maureen Parkes for extension to existing building to accommodate dry goods store (8.5sqm) and for extension of roof to form canopy at ground level.

18/759 Permission granted to Ralph and Maureen Parkes for ground floor extension to front and rear of coffee shop and relocation of entrance to upper floor to front (north) elevation with glazed canopy.

07/1581 Permission granted to Ralph and Maureen Parkes for additional floor to development granted under 06/2498 to accommodate a radio station and associated antennae and satellite dish.

06/2498 Permission granted to Ralph and Maureen Parkes for construction of sandwich bar and first floor offices.

### 5.0 Policy Context

#### 5.1. Development Plan

##### **Limerick Development Plan 2022-2028**

##### **Section 12.2: Zoning - Retail Warehousing**

Objective: To provide for retail warehouse development.

Purpose: To facilitate the sale of bulky household goods such as carpets, furniture, electrical goods and bulky DIY items catering mainly for car-based customers, in high quality and accessible locations subject to the requirements of the Retail Planning Guidelines and the Retail Strategy for Limerick Shannon Metropolitan Area and County Limerick.

### **5.7.8. Retail Warehousing**

A retail warehouse is a large single-level retail store specialising in the sale of bulky household goods such as carpets, tiles, furniture, electrical goods and bulky DIY items, predominantly catering for car-borne customers. A retail park generally comprises a number of such warehouses. These are a number of retail parks located in Limerick including the Ennis Road Retail Park, Parkway Retail Park and Childer's Road Retail Park. The Retail Strategy indicates that there is limited capacity for additional retail warehousing in the City and suburbs.

### **11.5.3 Health Care Facilities**

The Planning Authority will consider applications for health care facilities on their own merits. In doing so, the Planning Authority will distinguish between small-scale medical practices involving one to two practitioners (i.e. doctor/dentist/physiotherapist owning the business) with a maximum of one to two employees and larger medical practices accommodating two or more medical practitioners and staff.

Larger scale and group medical practices should normally only be located in local, district and major Town/City Centre zonings. They should not have negative impacts in terms of car parking, traffic hazard and residential amenity. All proposed signage shall be appropriately designed and of modest scale.

Medical practices in residential areas should normally be additions to the existing residential use of a dwelling and be subordinate to it in most cases and with suitable and convenient access for those arriving by car, foot or public transport.

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.

### **10.7 Health and Respite Care (extract)**

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.

### **Objective SCS1 O15 Health Care Facilities**

It is an objective of the Council 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.

### **Objective CGR O4 Active Land Management**

It is an objective of the Council to:

- a) Promote an active land management approach through cooperation with relevant stakeholders and infrastructure providers to deliver enabling infrastructure to achieve compact growth.
- b) Support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings throughout Limerick for residential, economic, community and leisure purposes.
- c) Establish a database of strategic brownfield and infill sites in the City Centre to be updated on an annual basis to monitor the progress of the active land management measures.

## **5.2. Natural Heritage Designations**

- Lower River Shannon SAC is 2.26km from site
- River Shannon and River Fergus Estuaries SPA is 4.06km from site

## **6.0 EIA Screening**

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- Appeal seeks to demonstrate that proposed development, while technically not permitted under zoning matrix is in fact a logical, sustainable reuse of an existing building in a rapidly changing urban environment
- Acknowledge local authority bound by provisions of zoning matrix in its assessment, which constrained ability to consider broader merits of proposal
- An Coimisiún Pleanála not so constrained, may determine the matter having full regard to proper planning and sustainable development of the area
- Subject site is three-storey building with ground floor café and two upper floors with permission for office use; first floor vacant, second floor used as administrative office space
- Change of use involves no external changes; internal layout is well suited for consultation/treatment rooms
- Location is zoned Retail Warehousing but the upper floor spaces are entirely unsuitable for bulky goods retaining due to configuration, size, and access arrangements and will remain vacant/underutilised unless appropriate non-retail uses are permitted
- Proximity of new Bon Secours private hospital has begun to attract supporting medical services to area. Subject site is well suited to accommodate such uses
- Proposal directly aligns with emerging land uses and need in this growing healthcare district, and is in line with sustainable land use and transport and healthcare accessibility, in line with national/regional policy
- Uniqueness of the subject property – no precedent risk as only 4 buildings in retail warehousing zoned lands at ‘City East’ which are not suited to retail warehousing

- Subject property is the only multi-storey mixed-use building within the zone, so approval of application would not set a precedent risk, as there are no other comparable buildings capable of accommodating similar uses.
- In zonings where office use permitted, conversion to healthcare is generally supported by planning authorities
- Medical practices share characteristics with professional services: low intensity footfall, limited servicing requirements and compatibility with mixed use environments
- Request An Coimisiún Pleanála to reverse decision of planning authority and grant permission for proposed development

#### **7.2. Planning Authority Response**

- None

#### **7.3. Observations**

- None

#### **7.4. Further Responses**

- None

### **8.0 Assessment**

8.1. Having examined the application details and all other documentation on file, including the appeal documentation, the report of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:

- Compatibility with Development Plan Zoning objectives
- Suitability of the location

## **8.2. Compatibility with Development Plan Zoning Objective**

- 8.2.1. As detailed in Section 5.1 above, the site is zoned for retail warehousing, to facilitate the sale of bulky goods, and “catering mainly for car-based customers, in high quality and accessible locations”. It appears that the existing office building and restaurant was permitted (06/2498) under an earlier Development Plan when the lands had an industrial zoning objective, under which office uses were open for consideration. An additional floor was later permitted to accommodate a radio station. Under the current Limerick Development Plan 2022-2028, health care uses are not “generally permitted” or “open for consideration” in areas zoned for retail warehousing. The proposed development would not therefore be in accordance with the Development Plan zoning objective.
- 8.2.2. The applicant makes the case that the upper floors of the building are unsuitable for sale of bulky goods as provided for under the zoning and will continue to be vacant/underutilised unless a change of use is permitted. I accept that the building is something of an anomaly in the retail park, and the upper floors of the building are not ideally suited to use for retail warehousing. However, I note the upper floors of the building already has an alternative permitted/ established use as offices, and offices uses can continue to be accommodated as a non-conforming use within the current retail warehouse zoning.
- 8.2.3. The planning authority, in its reason for refusal, stated that as well as the development being incompatible with the Development Plan zoning objective, it considered that it “may give rise to an undesirable precedent of incompatible uses at this location”. The applicant argues that as there are no similar office type buildings in the City East Retail Park there is no risk of it creating a precedent. While I accept there are no other office buildings in this location, I believe that granting permission for the proposed change of use for medical and health uses could create a precedent for other buildings to be converted or constructed to cater for such uses within this or other retail warehousing zoned areas.

## **8.3. Suitability of the location**

- 8.3.1. The applicant argues the proposed building is well suited for medical and healthcare uses, and that the area is developing into a growing healthcare district due to the presence of the new Bon Secours private hospital nearby, which is attracting other

healthcare uses to the area. Development Plan policy on location of medical and health related uses (Section 11.5.3) distinguishes between small 1 or 2 practitioner practices and larger practices with 2 or more practitioners and staff. Larger practices should normally be located in local/district/town centre/city centre zonings, while smaller practices in residential areas should normally be additions to the existing residential use of a dwelling. Under Objective SCS1 015 the Council aims to support and facilitate development and expansion of health service infrastructure at appropriate locations and also states that it will encourage the integration of appropriate healthcare facilities within new and existing communities. Section 10.7 of the Development Plan seeks to encourage healthcare facilities on suitability zoned lands which are easily accessible to new and existing residential areas.

- 8.3.2. The proposed location is dominated by retail warehouse uses, car showrooms and industrial uses, with enterprise and employment zoned lands adjacent. It is an area which is car dominated rather than easily accessible on foot or public transport. The area is separated from the Bon Secours Hospital site to the north and from residential areas to the north east by the heavily trafficked Ballysimon Road, where the absence of signalised pedestrian crossings creates a barrier to pedestrian movements. In my opinion, it does not correspond to the type of accessible location the Development Plan envisages as being suitable for medical and health uses
- 8.3.3. While the presence of the hospital nearby may well create a demand for additional floorspace for health care and medical uses, there are likely to be more suitable alternatives than the subject site, such as in local or district centres as advocated by the Development Plan, or in the lands zoned 'mixed use' in the vicinity of the hospital, where healthcare uses are categorised as 'generally permitted'. In that context, I note two planning permissions for medical related uses have already been granted on sites within this 'mixed use' zone: a 5 storey medical building to accommodate diagnostic, consulting and treatment rooms, (Ref 23/102) and a permission which includes retail uses, residential uses and a building with units for medical or office uses (Ref 22/950).
- 8.3.4. In conclusion, it is clear that the proposed change of use would materially contravene the Development Plan zoning as well as being in a location which limited sustainable means of access. I therefore recommend refusal of permission. I am satisfied that there is no basis for the Commission to consider granting permission

for the development in contravention of the Development Plan zoning objective, as advocated by the applicant, as none of the provisions of Section 37(2)(b) (i) to (iv) of the Planning and Development Act 2000 (as amended) apply.

## 9.0 **AA Screening**

- 9.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The Lower River Shannon SAC is 2.26km from the site, and the River Shannon and River Fergus Estuaries SPA is 4.06km from the site. The proposed development comprises change of use from office to medical and health services on first and second floor of existing mixed use building, at City East Retail Park, Garryglass, Limerick.
- 9.2. No nature conservation issues were raised in the planning appeal.
- 9.3. 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:
- The small scale and nature of the development
  - Location and-distance from nearest European site and lack of connections
- 9.4. 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 **Water Framework Directive**

- 10.1. The subject site is located at City East Retail Park, Garryglass, Limerick and the nearest waterbody is the lower River Shannon.
- 10.2. The proposed development consists of change of use from office to medical and health services on first and second floor of existing mixed use building.
- 10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and,

where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- The small scale and nature of the development
- The distance from nearest water bodies and lack of hydrological connections

10.5. I conclude that 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. Refusal of permission is recommended.

## 12.0 Reasons and Considerations

Having regard to the zoning of the site in the Limerick Development Plan 2022-2028, the objective of which is to provide for retail warehousing and where health care uses have been identified as generally not permitted, it is considered the proposed development would contravene materially the said zoning objective and may give rise to an undesirable precedent of incompatible uses at this location, and would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



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Ann Bogan  
Planning Inspector

27 November 2025

### Appendix 1 - Form 1 EIA Pre-Screening

<b>Case Reference</b>	ACP32365-254
<b>Proposed Development Summary</b>	Change of use from office to medical and health services on first and second floor of existing mixed-use building
<b>Development Address</b>	City East Retail Park, Garryglass, Ballysimon, Limerick
<b>In all cases check box /or leave blank</b>	
<p><b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b></p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	<p><input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input checked="" type="checkbox"/> No, No further action required.</p>
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	<p>State the Class here</p>
<p><input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<b>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?</b>	
<p><input type="checkbox"/> No, the development is not of a Class Specified</p>	

<p>in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input type="checkbox"/></p>	

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Inspector: Ann Bogan *ABog*

Date: 27/11/2025