

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/1179

Appeal by Listowel Pharmacists' Group care of Brendan McGrath and Associates of Riverstown Cottage, Corofin, County Clare against the decision made on the 8th day of April, 2021 by Kerry County Council to grant subject to conditions a permission to Greenville Primary Care Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from the permitted medical suite use to pharmacy/dispensary unit. The proposed development includes (i) retail floorspace, (ii) public counter, (iii) dispensary area, (iv) consultation room, (v) store, (vi) WC facilities, (vii) external illuminated signage, (viii) alterations to the internal layout and (ix) all associated site development works, all at Listowel Primary Care Centre, Convent Road, Listowel, County Kerry, as revised by the further public notice received by the planning authority on the 15th day of March, 2021.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the “Retail Planning Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in April 2012, to the Kerry County Development Plan 2015 – 2021, to the Listowel Town Development Plan 2009 (as varied and extended), to the previous planning history on the site, to the nature and scale of the proposed development and to the existing pattern of development at this location, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the vibrancy and vitality of Listowel Town Centre, would not seriously injure the amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 2nd day of March, 2021 and the 15th day of March, 2021, and by the further plans and particulars received by An Bord Pleanála on the 1st day of June, 2021, 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.

2. The proposed development shall be amended as follows:
 - (a) The internal door linking the pharmacy/dispensary unit with the remainder of the Primary Care Centre shall be omitted. No internal access between the pharmacy/dispensary unit and the Primary Care Centre shall be permitted without a further grant of planning permission.
 - (b) The total number of parking spaces serving the Primary Care Centre development shall be reduced from the permitted 68 number spaces to 60 number spaces, five of which shall be reserved for the use of the pharmacy/dispensary unit and shall be clearly demarcated as such.

Revised drawings showing compliance with these requirements, as well as setting out the remainder of the uses within the former “medical suite” that is to be altered, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity.

3. The development shall comply with the terms and conditions of the permission granted by An Bord Pleanála under planning appeal reference number PL 67.240854 which governs the overall development of the lands of which the site forms part, except as may otherwise be amended by the terms and conditions set out herein.

Reason: In the interest of clarity.

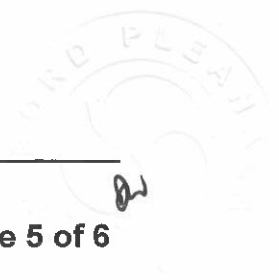
4. (a) Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the unit shall be operated as a pharmacy/dispensary unit as set out in the documentation, lodged with the application and the appeal, unless otherwise authorised by a prior grant of planning permission.
- (b) The pharmacy/dispensary unit hereby permitted shall be restricted to the floorspace as shown on Drawing Number 20107_A10-02 dated 2nd November, 2020 - Rev. A, and shall not be amalgamated with any other unit or floorspace within the Primary Care Centre unless authorised by a prior grant of planning permission.

Reason: In the interests of clarity and protecting the vitality and viability of the town centre.

5. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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 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.



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.



Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 11th day of February 2022.