

---

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 21/829**

**APPEAL** by Tesco Ireland Limited care of Avison Young of 4<sup>th</sup> Floor, 2-4 Merrion Row, Dublin against the decision made on the 29<sup>th</sup> day of July, 2021 by Kildare County Council to refuse permission.

**Proposed Development:** Change of use of the existing retail premises to accommodate a dental surgery at ground floor level (113 square metres). The proposal also includes the removal of internal partition walls, amendments and reconfiguration to the internal layout, the provision of staff facilities, signage, connection to existing services and all site and ancillary development works all at a 0.0113 hectare site at Unit 18B Monread Shopping Centre, Monread Road, Naas, County Kildare.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

The proposed development is located on lands zoned R-Retail/Commercial under the Naas Town Development Plan 2011-2017. A dental surgery is neither permissible nor open for consideration on R-zoned lands, and the development would, if permitted, materially contravene the Naas Town Development Plan 2011-2017 and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board agreed with the Inspector that the proposed development was a material contravention of the County Development Plan but did not concur with the Inspector that the criteria under Section 37(2)(b) has been met to allow the Board to grant permission for the proposed development. The Board considered, therefore, that permission cannot be granted under Section 37(2)(b) in this instance.

**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

Dated this *1<sup>st</sup>* day of *April*, 2022