

Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 21/1020

APPEAL by Lou Investments Healthcare Kilkenny Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 16th day of February, 2022 by Kilkenny County Council to refuse permission.

Proposed Development: 1. The material change of use of part (Area: 155 square metres) of the ground floor general medical practice use (previously granted under planning permission 18/59); to a new pharmacy retail unit, which will now operate as a separate unit. 2. Reconfiguration of the existing internal layout and all associated site development works at Newpark Primary Care Centre, Golf Links Road, Newpark, Kilkenny.

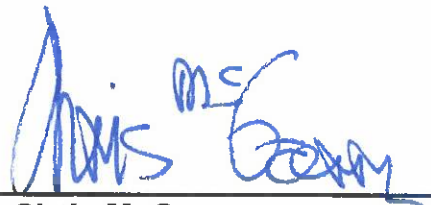
Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the totality of the Kilkenny City and County Development Plan 2021 – 2027, including the zoning objective for the site and the provisions of the Plan relating to non-conforming uses, the planning history of the site, the established building on site within which the footprint of the proposed change of use is located, and which incorporates healthcare use as the predominant use of the building, to the nature of the change of use sought which is for a pharmacy retail which will operate as a separate unit, it is considered that the proposed development would materially contravene the zoning objective for the site for the use solely or primarily as amenity/ greenlinks/biodiversity/conservation/open space/recreation and by the nature of the proposed use would not be consistent with the provisions of the Development Plan as they relate to non-conforming uses. In this regard, it is considered that the proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the totality of the documentation submitted with the application and appeal, the relevant provisions of the statutory development plan and concluded that the proposed change of use to a pharmacy retail unit, described in the statutory notices as operating as a separate unit, would not constitute an ordinarily incidental or auxiliary use to the overall health complex. As a consequence, the Board concluded that the proposed use would be inconsistent with the proper planning and sustainable development of the area having regard to the current zoning of the site and noting the planning history of the building within which the change of use is sought. In reaching this conclusion the Board fully agreed with the Inspector that it is not a function of the planning system to regulate competition between businesses.

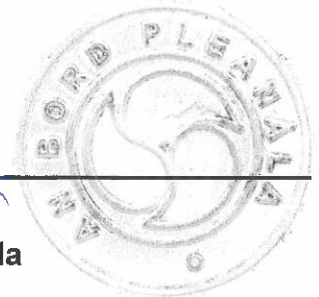


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this 22nd day of August 2022