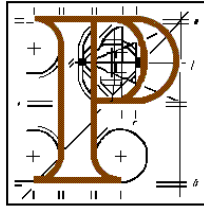


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Kildare County

Planning Register Reference Number: 14/891

An Bord Pleanála Reference Number: PL 09.244279

APPEAL by Paddy Power Plc care of O'Connor Whelan of 6 Northbrook Road, Dublin against the decision made on the 27th day of November, 2014 by Kildare County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of the ground floor Unit Number 1 (176 square metres) from the previously approved retail use to betting office use, new shop front, fascia level signage to front elevation, fitting four number new satellite dishes, four number new condenser units at first floor roof level at rear, together with internal fit out of unit and associated works, all at Unit Number 1, Clane Shopping Centre, Main Street, Clane, County Kildare.

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 nature of the proposed development and to its location on Clane's Main Street in a multi-use area with a mix of retail, commercial and residential units, it is considered that, subject to compliance with the conditions set out below, the proposed change of use to betting office would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered there was validity in the applicant's argument that the population to be served by the proposed development included not just the town but also a substantial population in its hinterland and that in this context a fourth betting office in the area could not be viewed as excessive.

CONDITIONS

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.

2. The proposed shopfront shall be in accordance with the following requirements:
- (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering.
 - (b) Lighting shall be by means of concealed neon tubing or by rear illumination.
 - (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
 - (d) External roller shutters shall not be erected and any internal shutters shall be only of the perforated type, coloured to match the shopfront colour.
 - (e) No adhesive material shall be affixed to the windows or the shopfront.

Revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 the 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2015.