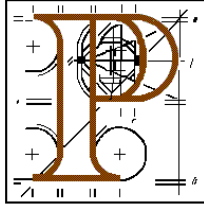


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/580

An Bord Pleanála Reference Number: PL 09.245547

APPEAL by Coalquay Leisure Limited care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 31st day of August, 2015 by Kildare County Council to refuse permission.

PROPOSED DEVELOPMENT: (a) The continuation of the existing gaming and amusement arcade at ground floor level permitted by An Bord Pleanála under appeal reference number PL 35.240508 (Athy Town Council planning register reference number 12/300004) and (b) the proposed signage associated with the use, all at 46 Leinster Street, Athy, County Kildare. (Formerly Hibernian Bank) Protected Structure, RPS Reference AY036.

DECISION

REFUSE permission for the above proposed development based on 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

1. The proposed development relates to a Protected Structure located within an area zoned 'town centre' and within an area designated an Architectural Conservation Area in the Athy Town Development Plan 2012–2018. It is the policy of the planning authority, as set out in the development plan "To discourage amusement/gaming arcades in the Core Retail Area, as they are considered to be an undesirable use and potentially detrimental to the business and commercial environment of the town" (Policy RP25). The Board previously granted planning permission for the proposed development on a temporary basis for a period of three years only on the basis that the use would contribute to the maintenance of the Protected Structure. Notwithstanding this previous grant of planning permission, it is considered that the continued use of the premises as a gaming and amusement arcade would detract from the primary retail use of the street and from the vitality and vibrancy of the town centre. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the Protected Structure designation of the building and its location within a visually sensitive Architectural Conservation Area, it is considered that the proposed signage, which is reliant on opaque screening, directly affixed to the fenestration and door of the protected structure, would detract from the quality of this building and result in dead street frontage and accordingly, would adversely affect the Architectural Conservation Area. The signage as proposed would detract from the visual amenities of the area and the preservation of the character of the building and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2016.