

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kildare County**

**Planning Register Reference Number: 16/175**

An Bord Pleanála Reference Number: PL 09.246602

**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 20<sup>th</sup> day of April, 2016 by Kildare County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Retention of the existing gaming and amusement arcade use of the ground floor level and permission for upgrades to the façade at the former Hibernian Bank (Protected Structure, RPS reference number AY0361), 46 Leinster Street, Athy, County Kildare. The proposed upgrades to the facade consist of the replacement of ground floor windows; replacement of the front door; new signage; and repairs and refurbishment of the facade

## **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**

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 and would contravene development plan policy RP25. The proposed development 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 accepted certain merits of the proposed development insofar as it provided for the removal of some signage and the re-instatement of architectural detail to the front elevation of the Protected Structure. The Board considered that these overcame reason number 2 of the Board's previous decision under appeal reference number PL 09.245547. However, the Board did not share the Planning Inspector's conclusion that the modifications now being proposed would render the use acceptable in the context of an important Protected Structure prominently located within a designated Architectural Conservation Area.

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

**Dated this                      day of                      2016.**