



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/842

APPEAL by Coalquay Leisure Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork against the decision made on the 6th day of September, 2018 by Kildare County Council to refuse permission.

Proposed Development: Partial retention of the existing gaming and amusement arcade use and its relocation to the rear of the building. The proposed development consists of or comprises the carrying out of works to a protected structure. All at the former Hibernian Bank (Protected Structure, RPS reference: AY036), 46 Leinster Street, Athy, 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 relates to a Protected Structure which is located within the Core Retail Area of Athy, as identified in the Kildare County Development Plan 2017-2023 and in the Athy Town Development Plan 2012-2018 and is located on lands zoned town centre and within an area designated an Architectural Conservation Area, as identified in the Athy Town Development Plan 2012-2018. Having regard to the policy of the planning authority on non- retail uses in Core Retail Areas and Other Main Streets, including Policy R59 (refuse planning applications for amusement/gaming arcades as they are considered to be an undesirable use and potentially detrimental to the business and commercial environment of centres in the county) and Policy R60 (discourage where possible within its statutory powers the introduction of non-retail and lower grade retail uses in Core Retail Areas and other streets, in the interests of maintaining and sustaining the retail attraction of the county's centres) as set out in the Kildare County Development Plan 2017-2023, it is considered that the proposed development would detract from the vitality and vibrancy of the town centre and would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry

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

Dated this day of 2019.