



An
Bord
Pleanála

Board Order
ABP-308892-20

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/1083

Appeal by Boyle Sports care of EHP of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 16th day of November, 2020 by Kildare County Council to refuse a permission for the proposed development.

Proposed Development: Change of use of a rear section of the existing ground floor of this Protected Structure (RPS No. B22-48) from a retail unit with associated storage to use as a bookmakers office, while maintaining the retail use to Market Square to include associated internal alterations including removal of sections of the party wall, refurbishment works, minor alterations to the existing bookmakers office shopfronts and signage with all associated site works; no works or additional signage to the existing Market Square elevations are proposed, all at Southwells, Market Square and the existing Boyle Sports premises at Market Square/Claregate Street, Kildare, 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 'Town Centre' zoning objective of the subject site, the established bookmakers' use at this location and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact upon the architectural heritage of the building/area, nor excessively impact upon the retail quality within the town centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. Details of the proposed advertising signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect the historic fabric of the building.

3. Before any development authorised by this permission takes place, the masonry party wall shall be removed in such a manner as to enable its construction and detailing to be recorded and photographed. Details of that element including measured architectural drawings and coloured photographs shall be recorded in accordance with the requirements of the planning authority. Details of proposed scheduling, procedures for its removal, recording and reporting shall be submitted to, and agreed in writing in advance with, the planning authority.

Reason: To ensure the preservation of an accurate record of an item of architectural heritage value.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. 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 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.

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

Dated this day of 2021