



An
Coimisiún
Pleanála

Inspector's Report

PL-500026-KE

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| Development | Extension of existing amusement/gaming arcade into adjoining property and the change of use of adjoining property from "Hairdressing" into amusement/gaming arcade. |
| Location | Charlotte St/Eyre Street, Newbridge, Co. Kildare |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | 2560798 |
| Applicant | Vincent King |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party Normal Planning Appeal |
| Appellant | Vincent King |
| Observer | Damian Molyneaux |
| Date of Site Inspection | 15 th December 2025 |

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site comprises an established amusement/gaming arcade on the corner of Charlotte Street and Eyre Street and the adjoining vacant premises on Eyre Street. The site is located in Newbridge town centre in a mixed use area characterised by a range of uses including retail, hairdressing, beauty therapists/tanning shops/nail bar, café/restaurant, takeaways, professional services, and public houses. Charlotte Street is more retail focused than Eyre Street and there is a notable number of vacant premises.

2.0 Proposed Development

- 2.1. Planning permission is sought for the extension of an existing amusement/gaming arcade into the adjoining property, incorporating a change of use from hairdressing to amusement/gaming arcade. The size of the existing amusement arcade is given as c.47 sqm whilst the proposed additional floorspace at ground and first floor is given as c. 170sqm. No external alterations are proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Planning permission was refused by Kildare County Council on 8th September 2025 for the following reason:

1. The site is zoned as 'A: Town Centre' in the Newbridge Local Area Plan 2013–2019 (as extended), where the objective is 'To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses' and under which zoning an electronic games area/amusement arcade use is not permitted. Accordingly, the proposed development which seeks to substantially increase the floor area of an existing facility would contravene materially the land use zoning objective of the site as set out in the Newbridge Local Area Plan 2013-2019 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- Eyre Street has numerous lower order retail forms and uses. The proposal for an increase and extension of the previously permitted amusement arcade into a larger development, will result in a poor quality development and set a poor precedent for such uses in the town centre area.
- The proposed use is not permitted under the Town Centre zoning in the Local Area Plan. And the CDP states that they will not generally be considered other than where the proposal is part of a large tourist attraction. The proposal is not part of a large tourist attraction.
- Policy seeks to avoid excessive concentration of amusement/gaming arcades to safeguard vitality, viability and mix of uses.
- There is an existing amusement arcade, and it is considered that the proposed extension of this existing premises would result in an excessively large facility at a location where there is already an oversupply/overconcentration of such uses.
- The elevation along Eyre Street is poor quality. Plans indicate that there would be no signage on Eyre Street. If permission is granted it would need to be specified that the existing signage would need to be improved with any unauthorised signs removed.

3.3. Other Technical Reports

3.3.1. **Chief Fire Officer (21.08.2025):** No objections subject to conditions.

3.3.2. **Environment Section (21.07.2025):** No objections subject to conditions.

3.3.3. **Municipal District Engineer (18.08.2025):** No objections subject to conditions.

3.3.4. **Planning Enforcement (26.03.2025):** Unauthorised use has ceased and the party boundary wall has been reinstated. File closed.

3.3.5. **Strategic Projects and Public Realm Team (18.07.2025):** The Team are currently working through the Newbridge Town Renewal Masterplan and Eyre Street is one of the areas selected for revitalisation works. Further Information recommended to

provide detailed proposed elevations highlighting the finishes proposed to the external of the buildings. These would need to show the building being cohesive with the existing streetscape, noting that this area will be looked at in the future.

3.3.6. **Transportation (07.08.2025):** No objections subject to conditions.

3.3.7. **Water Services (24.07.2025):** No objections subject to conditions.

3.4. **Prescribed Bodies**

3.4.1. No response.

3.5. **Third Party Observations**

3.5.1. Three observations were submitted in response to the planning application, including observations from Councillor Chris Pender and Councillor Peggy O'Dwyer. These submissions are on file for the Commissions information and are summarised in the Planner's Report. The majority of issues raised are consistent with those raised in the observation on the appeal, set out in detail in Section 6.3 of this report. Issues raised in addition to those covered in the appeal observation are summarised as follows:

- The proposal is contrary to section 15.13.7 of the CDP as the proposal is not part of a large tourist attraction.
- The plan seeks to prevent an excessive concentration of amusement/gaming arcades in order to safeguard vitality, viability, and the mix of uses in town centres.
- Newbridge Main Street has already experienced reduced vitality due to vacancy and a proliferation of uses such as bookmakers and takeaways. The proposal would exacerbate this pattern.
- The development would be detrimental to vibrancy and regeneration goals.
- There would be the loss of a valuable local service, as the current site is a hairdressing salon.
- The introduction and expansion of gaming arcades can contribute to problem gambling, which has negative social consequences for individuals, families, and communities.

- The proposed location is within walking distance of residential areas, bus stops, sensitive uses, and key pedestrian routes, increasing potential exposure for young people and vulnerable individuals.
- No evidence has been provided to demonstrate compliance with the CDP's requirements for noise insulation, hours of operation, or mitigation of potential disturbances. No details have been provided regarding litter, traffic or parking. There is a risk to amenity.
- This proposal would create a full-size, stand-alone casino in a location that is completely unsuitable.
- There are already anti-social issues on Eyre Street. The development would intensify these issues and impact on the quality of life for local residents.
- The drawings are misleading and inaccurate, showing only 13 machines in the existing space where there are already more than 23. The scale of the proposal is understated. It would accommodate a full-size casino with multiple roulette wheels and machines.
- It is a separate building and therefore another arcade. Eyre Street does not need any further gambling/amusements arcades.

4.0 Planning History

Subject Site

- 4.1. **ACP Ref. 244599/Planning Authority Ref. 14/1099:** Permission was granted by the Commission in July 2015 for the use of gaming machines in conjunction with video games in the existing amusement arcade.
- 4.2. **Planning Authority Ref.14/818:** Permission was refused by Kildare County Council for the retention of an amusement/arcade.
- 4.3. **ACP Ref. 094761/ Planning Authority Ref. 94/1042:** Permission was granted by the Commission for the retention of the use of the premises as an amusement arcade for non-gaming machines and external signage.

Nearby Sites

1 Alfrac House, Eyre Street, Newbridge

4.4. **ACP Ref. 243604/Planning Authority Ref. 14/328:** Permission was refused by the Commission in November 2014 for a change of use of the premises at ground floor level from retail (pet feeds) to gaming arcade. Permission was refused for the following reason:

1. In accordance with the Newbridge Local Area Plan, 2013 – 2019, the appeal site is zoned 'town centre' and the objective of this land-use zoning is 'to provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses'. The proposed use as a gaming arcade is a use that is not a permitted use in accordance with the provisions of the said plan. The proposed change of use from retail to gaming arcade would, therefore, materially contravene the zoning objective for the site as set out in the said plan and would be contrary to the proper planning and sustainable development of the area.

Sharks Entertainment Centre, Henry Street, Newbridge

4.5. **ACP Ref 318450/Planning Authority Reference 23-60174:** Permission was granted by the Commission in November 2024 for the retention of a change of use from entertainment area to games area.

5.0 Policy Context

5.1. Kildare County Development Plan 2023-2029

- 5.1.1. Chapter 2 - Core Strategy and Settlement Strategy. Newbridge is identified as a 'Self-Sustaining Growth Town' in the Settlement Hierarchy.
- 5.1.2. Chapter 8 - Urban Centres & Retail aims to promote and encourage town centres as primary retail centres, at the heart of communities so that they play a vital role in ensuring these areas remain attractive, universally accessible and liveable places and to make provision for additional retail, at appropriate locations and quantum.
- 5.1.3. Newbridge is designated in the County Retail Hierarchy as a Level 2 town centre. Level 2 refers to major town centres and county (principal) town centres: major convenience and comparison.
- 5.1.4. The subject site is located outside of the Newbridge town centre core retail area as shown on Map V1-8.11.

- 5.1.5. Section 8.2.7 Town Centre First – A Policy Approach for Irish Towns. Acknowledges that town centre retail activities are facing challenges due to changing consumer habits and the rise of online shopping, as evident by high levels of retail vacancy in most designated core retail areas. The policy seeks to respond to the challenges experienced by town and village centres by increasing the focus on the ‘retail-led experience’ which includes a blend of retail services, leisure, entertainment and cultural uses. It further acknowledges that the development of new and alternative uses and functions for town centres that maximise new recreational, tourist, cultural, employment and residential opportunities will help to secure the long-term viability of the existing retail offer in the county’s town centres.
- 5.1.6. 8.7.1.2 Newbridge - It is noted that with the development of the Whitewater Shopping Centre and the growth and expansion of large scale (‘big box’) retailing at the south end of the town, including convenience, comparison and retail warehousing uses, has had an impact on the vitality of the Main Street, especially at the northern end of the town. Vacancy coupled with the proliferation uses such as bookmakers and takeaways have impacted on the vitality of the town centre. The town continues to experience strong growth in residential development and population growth which should assist in supporting in the consolidation and revitalising the Main Street.
- 5.1.7. Objective RET O25 seeks to monitor and restrict the number of lower order retail/commercial uses.
- 5.1.8. Section 8.17 Non-Retail Uses in Core Retail Areas and Other Main Streets. Notes that non-retail and non-desirable retail uses / lower grade retail uses in Core Retail Areas and other main streets has changed the characteristics and ambience of such centres. The uses listed includes amusement/gaming arcades. It is further stated that the council will seek to discourage an overconcentration of the listed uses in prime retail areas.
- 5.1.9. Objective RET O84: Discourage the proliferation of non-retail uses in Core Retail Areas and other streets, in the interests of maintaining and sustaining the retail attraction of the county’s centres.
- 5.1.10. Objective RET O85: Prevent an over-supply or dominance of fast-food outlets, takeaways, off licences and betting offices along the main streets of the county’s towns

and villages, within shopping centres and local centres in order to ensure that a balance of all retail services is provided in creating sustainable and vibrant centres.

5.1.11. Chapter 15 Development Management Standards:

5.1.12. Section 15.13.7 Fast Food Outlets Takeaways, Bookmakers, Budget Shops, Vape Shops, Charity Shops, Telephone/Mobile Shops and Amusement/Gaming Arcades. In order to maintain an appropriate mix of uses and protect amenity, it is the policy of the Council to prevent the excessive concentration of the uses listed above. The provision of any such uses will be assessed having regard to the following criteria:

- The number and frequency of such facilities in an area and their cumulative impact in association with the proposed development.
- The need to safeguard the vitality and viability of shopping areas in the town centre and to maintain a suitable mix of retail uses.
- The proximity of such uses to other vulnerable uses, e.g. residences, schools, open space.
- The likely impact on general and residential amenity in terms of noise / disturbance, traffic, parking, litter and fumes.
- Proposed façade design, the type and degree of any advertising / signage and lighting, and the visual appearance of vents / extractors.
- The design shall be required to respect the character of the street and the buildings, particularly within Architectural Conservation Areas.
- The status of the existing unit i.e., is the building in a poor state of disrepair, has it been vacant for a prolonged period and is vacancy a sustained prolific issue in the surrounding area.
- Gaming arcades will not generally be considered other than where the proposal is part of a large tourist attraction.

5.1. Newbridge Local Area Plan 2013-2019

5.1.1. The appeal site is located in the functional area of the Newbridge Local Area Plan 2013-2019 which was extended to 22nd December 2021. The Local Area Plan has therefore expired, and no replacement plan has been adopted to date, with the

Newbridge Local Area Plan 2025-2031 still at pre-draft stage. For context, the following provisions are noted:

- The appeal site was zoned 'A: Town Centre' with the objective 'To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses'. The purpose of the zoning was inter alia to protect and enhance the special character of Newbridge town centre. Under the land use zoning matrix, Amusement Arcades were not permitted on lands zoned A – Town Centre.

5.2. Legislation

Planning and Development Regulations 2001 (as amended)

- 5.2.1. Part 2, Article 5(1) "amusement arcade" – means premises used for the playing of gaming machines, video games or other amusement machines.

Gambling Regulation Act 2024

- 5.2.2. Part 5 – Licensing of Gambling Activities, Chapter 6 - Applications for Business to Consumer licences: betting, gaming and lottery licences.
- 5.2.3. Article 112(2)(a)(ii) - where a gaming licence is sought, the game or games the person seeks to provide pursuant to the licence and, where it is intended to provide the game through a gaming machine, the number of gaming machines proposed to be used...
- 5.2.4. Article 114(2)(a)(ii) A gambling licence granted under subsection (1) shall specify where relevant games may be provided pursuant to the licence and the games are to be provided through a gaming machine, the number of gaming machines that may be used to provide those games...
- 5.2.5. Authority has the meaning of the Gambling Regulatory Authority of Ireland.

5.3. Natural Heritage Designations

- 5.3.1. The site is not within or immediately adjacent to any European sites. The nearest European site is the Pollardstown Fen SAC (Site Code 000396) c. 1.95km to the west.

5.4. EIA Screening

- 5.4.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party appeal has been received from MCG Planning, for and on behalf of the Applicant, Vincent King, against the decision of Kildare County Council to refuse planning permission for the proposed development. The grounds of appeal can be summarised as follows:

- Gambling issues are regulated separately under the Gambling Regulation Act 2024. Concerns raised regarding gambling fall outside the remit of the planning process and are not material considerations.
- There are no reported incidents of anti-social behaviour outside of the premises.
- The Whitewater Shopping Centre has drained footfall and commercial vitality from traditional retail streets such as Eyre Street and Charlotte Street, and it is unrealistic and misguided to suggest that these areas hold potential for a revival of retail activity.
- The shopping centre and online shopping have fundamentally altered retail patterns.
- Charlotte Street hosts an existing shopping mall with numerous vacant units. Demand for traditional retail in this location is weak.
- Areas outside of the core retail zone should be repurposed in line with the Government's policy to promote the night-time economy.
- Diversification of use in underutilised areas would help reinvigorate the town centre and support local employment.

- It is unsustainable for a town centre to persist with large numbers of empty units. Vacancy invites anti-social behaviour and urban decline.
- The proposal is not a new development but a continuation and regularisation of an established business in operation in this location for c.35 years.
- The development plan is out of date and cannot be relied upon exclusively in assessing the application.
- The purpose of the extension is to upgrade and modernise the premises. The existing layout is cramped and accommodates 23 machines. The proposed plans show the same number of machines distributed across a larger and more practical floor area, meeting modern requirements.
- The proposal would also provide new office space, storage, and upgraded sanitary facilities.
- It is not intended to expand or intensify the use of the premises into a much larger casino, but to improve and modernise an established business.
- There is no proposal to alter the existing shop frontage, which will be retained, thereby respecting the character and appearance of the streetscape.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority direct the Commission to the Planner's Report and the reports of the various technical departments.

6.3. Observations

- 6.3.1. An observation has been received from Damian Molyneaux raising the following points:
- The Applicant previously extended into the adjoining premises, requiring enforcement action from the Planning Authority requiring him to remove the gaming machines and block up the wall.
 - Granting permission risks encouraging further unauthorised development and non-compliance with conditions.

- The Applicant has failed to adhere to Condition 2 of the Commission's previous permission as there are only gaming machines on the premises.
- The proposal contravenes the zoning objective of the Local Area Plan which does not permit amusement/gaming arcades.
- The proposal would materially contravene the development plan by undermining the Plan's aim to promote a vibrant town centre by diverting footfall from retail, risking higher vacancy and failing to contribute positively to the town centre.
- Approval would be counterproductive to regeneration efforts. Diversification to entertainment does not justify a use that conflicts with policy.
- Expansion increases the risk of problem gambling, harm to vulnerable people/families and diversion local spending despite the Gambling Regs 2024.
- The door is left open during the summer allowing sight of the gaming machines from passing schoolchildren.
- Longstanding operation does not override zoning or the history of non-compliance.
- The development Plan remains the operative framework until replaced.
- Upgrades do not justify a land use inconsistent with zoning or detrimental to town centre vitality.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning and Material Contravention
- Policy and Amenity
- Previous Conditions

7.2. Zoning and Material Contravention

- 7.2.1. The Planning Authority refused permission on the basis that the proposal would be contrary to the zoning objective of the Newbridge Local Area Plan 2013-2019 (as extended). I note that the LAP was extended by two years, up to and including the 22nd December 2021, in accordance with Section 19 of the Planning and Development Act 2000 (as amended). The Planning Authority state that Newbridge LAP 2013-2019 (extended to 2021) remains the adopted LAP for the town and this view is echoed by the observer.
- 7.2.2. The Newbridge LAP 2013-2019 has expired and there is no replacement plan. Whilst I note the Planning Authority's intention to replace the LAP, the Newbridge Local Area Plan 2025-2031 is only at pre-draft stage. Given the clear expiry of the LAP, it is my view that the policies and objectives set out therein are no longer applicable and the site is effectively unzoned in land use terms. In that regard the zoning matrix prohibition on amusement arcades in the town centre and the Planning Authority's reason for refusal, including claims of a material contravention, must be set aside.

7.3. Policy and Amenity

- 7.3.1. The Planner's Report makes reference to the need to avoid excessive concentrations of amusement arcades in order to safeguard vitality, viability, and mix of uses. It is also stated that the proposal would result in an excessively large facility where there is already an oversupply/overconcentration of such uses.
- 7.3.2. These sentiments are reflected in the observations, which raise concerns regarding the location of the development, amenity impacts (noise, litter, traffic), the risk of anti-social behaviour, and risk to vulnerable groups.
- 7.3.3. It is also submitted that the proposal would be counterproductive to regeneration efforts, that it would divert footfall from retail, thereby risking higher vacancy levels and that it would fail to contribute to the town centre. It is stated that diversification to entertainment does not justify a use that conflicts with policy and that this would not be overridden by the longstanding operation.
- 7.3.4. The Applicant submits that shopping habits have changed, exacerbated by the development of the Whitewater Shopping Centre and that there is a high level of vacancy, indicating weak demand for retail. It is the Applicant's position that areas

outside of the core retail area should be repurposed to promote the nighttime economy and that diversification of use would help reinvigorate the town centre and support local employment.

- 7.3.5. The Kildare County Development Plan 2023-2029 (CDP) is the operative plan for the site. The proposed development should therefore be assessed against the policies and objectives as set out therein.
- 7.3.6. Section 8.17 relates to non-retail uses in core retail areas and other main streets, noting that the introduction of non-retail and non-desirable retail uses/lower grade retail uses in core retail areas and other main streets has changed the characteristics and ambience of these centres. The uses listed includes (but not limited to) amusement/gaming arcades, bookmakers, fast food outlets, budget shops, vape shops, charity shops, telephone/ mobile shops. I amusement/gaming arcades. In order to maintain the integrity, critical mass of quality retail activity, viability and vitality of Core Retail Areas and other main streets, the Council will seek to discourage an overconcentration of the aforementioned uses in prime retail areas. This aim is secured under Objective RET O84.
- 7.3.7. Objective RET O85 seeks to prevent an over-supply or dominance of fast-foot outlets, takeaways, off licences, and betting offices along the main streets of the County's towns. I note that the objective does not make specific reference to amusement arcades.
- 7.3.8. Development management standards for the assessment of uses including an amusement arcade, are set out in Section 15.13.7. This section states that assessments will have regard to criteria relating to the number/frequency of such uses and their cumulative impact, proximity to vulnerable uses, amenity impacts, façade design, and the status of the existing unit, including if it is vacant for a prolonged period and if vacancy is a sustained prolific issue in the surrounding area.

Location

- 7.3.9. The CDP policies specifically refer to the core retail area, prime retail areas, and main streets in terms of the restrictions on non-retail and non-desirable uses. The development management standards also mandate consideration of the proposed use in terms of its proximity to vulnerable uses. The site is located within Newbridge town centre, but it is not located within or immediately adjacent to the core retail area. The

existing approved amusement arcade fronts onto Charlotte Street, it is a long established and permitted use and, in this respect, its relationship to Charlotte Street and its commercial context is a settled matter. The proposal would extend the existing facility into the commercial unit fronting onto Eyre Street, noting that the site comprises a corner building.

7.3.10. Eyre Street is a long street that runs parallel to the Main Street, between Canning Place and the junction with Charlotte Street where it transitions to Henry Street. Unlike the core retail area or a typical main street, the ground floor street environment is not continuously/majority lined with commercial/retail properties. Given the nature of the street environment and the characteristics of Eyre Street, I would not categorise it as a main street nor would it constitute a prime retail area.

7.3.11. I do not consider the site to be particularly close to vulnerable uses such as schools, residential or public open spaces. There are instances of ground floor residential use on Eyre Street but not proximate to the subject site and generally located further to the north-east. I accept that there is some residential in wider area, but these are outside of the immediate town centre context and do not neighbour the site. The dwellings across from the site on McElwain Terrace/Station Road are in commercial use (professional services - solicitors).

Commercial Uses, Vacancy, and Vitality

7.3.12. The Eyre Street unit is currently vacant and whilst I do not have information regarding the length of vacancy, I would note that there is a high level of vacancy within the surrounding area, including within the immediate area of the subject site. From the planning history for this site and other sites on Eyre Street, it is clear that vacancy has been a notable and sustained issue in the surrounding area, going back at least 12 years. The established use of the Eyre Street commercial unit is a hairdressers. There are a number of other hairdressers both on Eyre Street and within the surrounding streets and so I do not consider that the change of use of the unit would affect access to these services.

7.3.13. In terms of existing commercial uses, the dominant commercial use along the length of the street is that of professional services, followed by hair salons/barber/beauty therapy, then grocery stores/newsagent and then public houses. The remainder of the

commercial uses on the street includes car sales/repair, tattoo parlours, takeaways, restaurant, off licence, snooker hall, a charity shop and other retail.

- 7.3.14. Regarding Eyre Street and the non-desirable non-retail uses listed in Section 8.17 of the CDP (acknowledging that the list is not exhaustive), I would note that none of the listed uses are present in the vicinity of the subject site. Whilst there are some takeaways on Charlotte Street, the existing use fronting onto Charlotte Street already benefits from permission and as such the development would have little further impact on that commercial context. The nearest bookmaker to the site is located on the Main Street and well separated from the subject site.
- 7.3.15. Importantly, from my site inspection and a review of the planning register, there are no other amusement/gaming arcades on Eyre Street or on the immediate surrounding streets. Whilst I note that Sharkx Snooker Hall on Henry Street has some provision for gaming machines, this facility is located 220m away from the subject site, on a different street and arguably within a different commercial context. I note concerns raised that the development would take over another commercial unit (the Eyre Street unit) and that this would effectively result in two amusement/gaming arcades in this location. Whilst I accept the rationale for this concern, on balance I disagree, the development would operate as a single unit, albeit extended, and I am of the view that it would be read as such. Operation as a single unit can be secured by condition.
- 7.3.16. The change in use of the unit could lead to valid concerns regarding 'dead frontage' and I note that the Applicant does not propose any external alterations. I also acknowledge the comments of the Council's Strategic Projects and Public Realm Team and the revitalisation ambitions for Eyre Street. Again, in considering this matter against the existing nature and character of Eyre Street, such as its location outside of the core retail area, it not having the characteristics of either a main street or prime retail area, vacant properties, in addition to the limited size of the affected frontage, I consider that, on balance, this would not warrant a refusal of permission.
- 7.3.17. The proposal would not stymie the wider revitalisation aims of the Council, and I am of the view that a condition to secure appropriate signage, to be consistent across both frontages, would offer a suitable streetscape improvement as well as an opportunity to further reinforce that the use operates as a singular unit.

- 7.3.18. The Applicant submits that the increased floorspace would not facilitate an increase in use and that the total number of machines on the site would remain as existing but distributed across a larger and more practical floor area to provide a more comfortable and high-quality environment for customers and staff and to ensure compliance with modern requirements. I do not accept this argument, and it is not a reasonable position to take. Clearly the additional floorspace will result in an increase in the gaming use of the site and in that respect an intensification. That being said, I consider the proposed use to be acceptable within a town centre and also in the proposed location and I do not consider that it would be harmful in respect of the relevant policy controls set out previously. Furthermore, whilst there would be a significant increase in floorspace, the majority of this would be at first floor level where it would arguably have no impact on the streetscape or the commercial context. On the matter of the number of gaming machines proposed, I consider that this will be appropriately managed and controlled through the Gambling Regulation Act 2024.
- 7.3.19. Section 15.13.7 of the CDP states that gaming arcades will not generally be considered other than where the proposal is part of a large tourist attraction. This policy section does not state an outright prohibition, rather that gaming arcades will not generally be considered. In my opinion a reasonable allowance can be made for the fact that this is an extension to an existing approved use.
- 7.3.20. The aforementioned objectives and policies of the CDP are aspirational and seek to secure high order retail, a reasonable plan provision. However, the proposal has to be considered in the context of the existing Eyre Street baseline. As stated previously, the dominant commercial use is that of professional services. I accept that many of the retail uses on the street are not high order comparison uses, however, there is no apparent overconcentration or preponderance of the discouraged uses (listed under Section 8.17 of the CDP) on Eyre Street and certainly not in the legible context of the site. The proposal would be an extension to an existing use and taken together with the nature of Eyre Street and its surroundings, the existing commercial context and the sustained level of vacancy, I am of the view that it cannot be demonstrated that the proposal would be harmful to the retail function or vitality/vibrancy of Eyre Street or the town centre.

Amenity Impacts

7.3.21. In terms of amenity impacts such as noise, litter, traffic and parking, I do not share the concerns raised in the observations. The nature of the use is such that it would not have any likely impacts in terms of littering or noise, and I am of the view that traffic and parking impacts would be the same as any other retail use and certainly lower than uses that provide delivery or collection services. In any event, conditions can be applied to control noise.

7.3.22. The risk of anti-social behaviour has been raised in observations where it is stated that the development would intensify existing anti-social behaviour issues on Eyre Street. The Applicant refutes these claims and states that there are no reported incidents of anti-social behaviour outside of the premises. The Planner's Report makes no reference to anti-social behaviour matters other than in the summary of the observations. In this respect the claims of anti-social behaviour are unsubstantiated. Whilst there may be wider issues of anti-social behaviour in the wider area, I would caution against linking these matters directly to the existing/proposed use and there is no evidence to suggest that the development currently causes or would be likely to cause, issues regarding anti-social behaviour.

7.4. Previous Conditions

7.4.1. The observer has made reference to non-compliance with a previous planning condition. Permission for the use of gaming machines within the existing amusement arcade was granted by the Commission under appeal reference PL09.244599. In granting permission, the Commission imposed a planning condition that effectively sought to control the balance of gaming machines on the site. Condition 2 of the Commission's Order reads as follows:

2. The gaming machines shall be less, in terms of both the number of machines and the floor space occupied, than the number of video machines in operation on the premises. Within three months from the date of this order, a 1:50 floor layout plan indicating the layout and location of gaming and video machines to show compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority.

Reason: Having regard to the amusement arcade use permitted under planning register reference number 94/1042, An Bord Pleanála appeal reference number PL 09.09476, and in the interest of clarity.

- 7.4.2. The observer submits that all of the machines on the premises are gaming machines and that the development is therefore in breach of the condition. I note that it is not within the remit of the Commission to adjudicate on, or to investigate unauthorised development. Such investigations are the sole responsibility of the Planning Authority under Part 8 of the Planning and Development Act 2000 (as amended). Furthermore, I note that the Planning Authority undertook an enforcement investigation in March 2025 regarding the unauthorised use of the subject premises on Eyre Street and did not raise the matter of non-compliance with conditions. Regardless of any potential breach, the condition remains valid as it has not been removed or amended by the Planning Authority.
- 7.4.3. The Commission may therefore wish to reimpose this condition should it be minded to grant permission. However, I am mindful that this condition was imposed in 2014. The regulation and licensing of gaming machines and associated premises is now comprehensively covered by the Gambling Regulation Act 2024, which includes controls on the number of gaming machines and other compliance mechanisms, overseen by the Gambling Regulatory Authority of Ireland, and is, in my opinion, the appropriate legal code and licensing regime to address such matters.

8.0 Appropriate Assessment

- 8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Newbridge at a distance of approximately 1.95km from the Pollardstown Fen SAC (000396), which is the nearest European site. The development comprises a commercial extension/change of use. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature of the proposal as a change of use.

- The significant separation distance from the nearest European site and lack of connections.
- The screening determination of the Planning Authority.

8.2. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

9.0 Water Framework Directive

9.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises a commercial extension/change of use. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature of the proposal.
- The location of the site in a serviced area, the distance from nearest water bodies, and the lack of direct hydrological connections.

9.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

- 10.1. I recommend that the Commission grant planning permission, subject to conditions and for the reasons stated.

11.0 Reasons and Considerations

- 11.1. Having regard to the provisions of the Kildare County Development Plan 2023-2029, the existing established use of the site and the nature of the subject development, the location of the site outside of the core retail area, the surrounding commercial context, the nature of Eyre Street 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 detract from the character or mix of uses in the vicinity, would not result in an oversupply of amusement arcade use, would not seriously injure the amenities of the area or of property in the vicinity, would not detract from the retail function of the town centre or compromise its vitality, vibrancy or viability, and would not hinder wider regeneration efforts or the future development of a high quality vibrant town centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. Prior to the commencement of development, details of signage shall be submitted to, and agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity.

3. The extended area shall not operate independently of the existing arcade without a prior grant of planning permission.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 15 mins and the specific noise shall be measured at LAeq.T 15min.

Reason: In order to protect the amenities of property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

5. The amusement/gaming arcade shall not operate outside the hours of 10:00 – 22:00 daily.

Reason: In the interests of amenity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Terence McLellan

Senior Planning Inspector

19th January 2026

Appendix 1 - Form 1

EIA Pre-Screening

| | |
|---|---|
| Case Reference | PL-500026 |
| Proposed Development Summary | Extension of existing amusement/gaming arcade into adjoining property and the change of use of adjoining property from "Hairdressing" into amusement/gaming arcade. |
| Development Address | Charlotte St/Eyre Street, Newbridge, Co. Kildare |
| | In all cases check box /or leave blank |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input checked="" type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |

| | |
|--|--|
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required. | |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required | |
| <input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required) | |

| | |
|---|---|
| 4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)? | |
| Yes <input type="checkbox"/> | Screening Determination required (Complete Form 3) |
| No <input type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: _____ **Date:** _____