



An
Coimisiún
Pleanála

Inspector's Report ABP-321431-24

Development	Change of use from retail unit to amusement arcade and construction of an opening between 15 and 14 Russell Street to allow for the expansion of premises and all necessary site works
Location	15 Russell Street, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2460446
Applicant(s)	JayKay Leisure
Type of Application	Planning permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Mark Leen
Observer(s)	Dept. of Housing, Local Govt. and Heritage
Date of Site Inspection	20 th October 2025
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site is located at Russell Street in Tralee Town Centre, Co. Kerry. Russell Street is a narrow curving street within the town's retail core.
- 1.2. The site initially comprised No. 15 Russell Street, which has a stated site area of 0.006 ha and is occupied by a three storey terraced building with a vacant retail unit at ground floor level. The site is adjacent to an existing amusement arcade ('JayKay Leisure') at No. 14 Russell Street.
- 1.3. By way of a request for further information, the 'red line' site boundary was amended to include both Nos. 14 and 15 Russell Street.

2.0 Proposed Development

- 2.1. The proposed development is described as follows:
 - (a) a material change of use from existing retail unit to use as an amusement arcade.
 - (b) Construct and form an opening between 15 and 14 Russell Street, to allow for the expansion of the existing business premises at the ground floor of 14 Russell Street, Tralee (amusement arcade) and all necessary site works.
- 2.2. The initially submitted drawings indicated localised repairs to the existing shop front and finishes of No. 15 Russell Street to match the adjoining 'JayKay Leisure' shopfront at No. 14 Russell Street.
- 2.3. Internally, a 2m wide opening is proposed in the party wall between the two buildings, with a small doorway blocked up and the stairs to the upper levels of No. 15 blocked off. The ground floor plan indicates slot machines within the extended amusement arcade in No. 15.
- 2.4. Further information was subsequently sought, as detailed in Section 3.2 below. A response to the request for further information was submitted on 14th October 2024 and it included amendments to the 'red line' site boundary to include No. 14 Russell Street. The further information was deemed to be significant and was subject to new public notices.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission, subject to 8 No. conditions. The following summarised conditions are noted:

- C2: Relates to the nature of the amusement arcade use at Nos. 14 and 15 Russell Street and requires that they not operate separately and that the use is restricted to ground floor only.
- C3 – C5: Relate to shopfront design (Nos. 14 and 15 Russell Street).
- C6 – C8: Relate to matters of construction management.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- There is no likely potential for significant effects to Natura 2000 sites, AA not required.
- This proposal is not one which requires EIA Screening or EIA.
- Under the zoning matrix, Bookmakers/Amusement Arcade use is “Open to Consideration”.
- There are no specified parking requirements for Amusement Arcades in the CDP. There are generally no parking requirements for uses in Area 1 (Retail Core areas) in the CDP.
- Existing foul and surface connection to public sewer. No issues arising.
- No details have been submitted with regard to the operating hours of the existing/proposed unit. It is considered that in principle, the proposal would not be seriously injurious to residential amenity of the area.
- The site is located within an Architectural Conservation Area. Having regard to the existing adjacent JayKay Leisure shopfront, including the extent of adhesive signage, F.I recommended with regard to shopfront design in order to ensure a satisfactory standard of development.

- No recent history on site. Non-compliance noted with regard to conditions attached to permission for No. 14 and F.I. recommended.
- Development Contributions not payable under terms of the Development Contributions Scheme for change of use / intensification of use where it does not lead to the need for new or upgraded infrastructure/services or additional demand on existing infrastructure.

3.2.2. A request for further information was subsequently issued. The items raised related to: non-compliance with Condition Nos. 2 – 5 of Reg. Ref. 16/339, relating to the shopfront finishes and signage for No. 14 Russell Street; details for security shutters, finishes and signage for No. 15 to meet the aforementioned requirements for No. 14; and a request to submit a revised site layout plan with both Nos. 14 and 15 within the 'red line' application site boundary and to identify other lands owned by the site owner in blue.

3.2.3. Following the receipt of the applicant's response (which was deemed significant), the subsequent Planner's Report can be summarised as follows:

- Applicant does not intend to use security shutters. If he does, they will adhere to the Shopfront Design Guidelines.
- Applicant has agreed to remove all signage fixed to the glass, remove neon lighting and the business name signage from No. 14 Russell Street. It is proposed to replace the red and black colours with traditional paint colours. Anodised individually fixed lettering is proposed and it is not proposed to put the name of the premises on No. 15 to continue the emphasis on creating the appearance of two separate entities.
- The response is noted and welcomed. The revised proposals are considered satisfactory and preferable to the original proposal. No further issues arising.

3.2.4. Other Technical Reports

- Flooding Coastal & Marine Unit: No flood risk associated with this type of development.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. Third Party Observations

- 3.4.1. One third party observation was made by the appellant. The issues raised are generally as per the appeal, as well as issues relating to gambling addiction.

4.0 Planning History

4.1. Reg. Ref. 16/339

- 4.1.1. Planning permission granted by Kerry County Council in 2016 to “alter the existing shop front along with associated works at existing private members’ amusement arcade”.
- 4.1.2. I note that the address of the site was identified as ‘Playland, 12 Russell Street, Tralee’. Having compared the Site Location Map with that for this application, I am satisfied that they relate to the same site.
- 4.1.3. The Planning Officer’s report states that “legal planning enforcement proceedings were taken by Tralee Town Council in relation to the existing use and the judge found in favour of the applicant”.
- 4.1.4. Five conditions were attached, including conditions relating to signage, location of security shutters and finishes to be approved by KCC.

5.0 Policy Context

5.1. Kerry County Development Plan 2022 – 2028

- 5.1.1. Section 4.2.8 relates to ‘Shop Fronts, Advertising and Signage’ and states that:

“The key towns, historic towns and villages of County Kerry have a variety of traditional and contemporary shop fronts which reflect and complement the character of the settlements. Quality shop fronts enhance the overall attractiveness and character of a town/village centre and make an important contribution to the vibrancy of the towns and villages across the County. Commercial businesses must have specific regard to the importance of quality design in terms of shop fronts, signage, and advertisements. Further details can be found in the KCC Shopfront Design Guidelines published in 2018.”

5.1.2. Section 4.4.2 states that: “maintaining the health of town or village centres requires diversity in the services on offer to the catchment population. A wide variety of different functions in town and village centres is a key element in ensuring the on-going vitality of an area.”

5.1.3. Section 4.4.2.2 states that: ‘Leisure and Entertainment facilities form an essential component of the mix of use required to ensure town centre vibrancy and vitality. They make a particularly important contribution to retaining vibrancy outside of regular business hours.’

5.1.4. Section 4.4.2.3 relates to ‘Evening and Late-Night Uses’ and states that:

“A healthy night-time economy contributes greatly to the vitality and viability of a town centre. There is a need to ensure that adequate provision is made for evening and late-night activities such as theatre, arts, music, cafes, restaurants, public houses, taxi offices, hot food takeaways and other similar uses. A vibrant night-time economy brings many benefits including increased visitor numbers, passive surveillance, and the creation of a destination for artistic and cultural events.”

5.1.5. Section 4.4.3 relates to the ‘Occurrence of Vacancy’ and states that:

“Vacancy is a by-product of reduced demand and is more pronounced in certain towns within the County. Relocation of retailing to more peripheral and out of centre locations has the potential to threaten the vibrancy and vitality of many core shopping areas and this plan aims to address this issue in a planned, evidence-based approach. There will be a presumption in favour of town centre developments as opposed to large out of town shopping centres and retail parks.

The main retail/commercial area is predominately located along the main street in towns. It is imperative that the vitality and viability of these areas are protected.

It is an objective of this plan to encourage the sustainable expansion in the range and number of retail and commercial services within the designated towns which in turn will provide local employment and improve the quality of life of the local community. Future mixed use and other non-residential development will be encouraged in the town core on brownfield and infill sites

first where appropriate and on sites zoned for such uses or open to consideration under the relevant zoning.”

5.1.6. Section 4.4.4.3.1 ‘Fast Food Outlets, Takeaways, Off Licences and Betting Offices’ states that:

“Fast food outlets, takeaways, off licences and betting offices have the potential to cause noise, littering and can detract from the amenities of an area. Therefore, proposals for new or extended Fast Food Outlets, Takeaways, Off Licences and Betting Offices will be carefully considered, particularly in locations where a proliferation of such uses already exists.”

5.1.7. The following Objectives are noted:

- **KCDP 4-24:** Ensure that traditional shopfronts and signage are retained and that works to existing shopfronts, new shopfronts and streetscape developments are in accordance with Kerry County Council’s Shopfront Design Guide 2018 and are of a high-quality architectural design and finish.
- **KCDP 4-29:** Support the re-use of existing vacant buildings within town/village centres for various uses including co-working facilities.
- **KCDP 4-41:** Facilitate a mix of compatible uses that will contribute to an enhanced provision of a range of town centre uses and to consolidate the retail core of towns, including a mix of day and night-time uses.
- **KCDP 4-42:** Promote the development of the town centre as the primary location for retail and as an attractive location for shopping, business, tourism, residential and community life.
- **KCDP 4-47:** Support and facilitate measures to reduce town centre retail vacancy.
- **KCDP 4-53:** Maintain and strengthen the vitality, viability and regeneration of the County’s Key Towns, Regional Towns, District Towns, Villages, and other settlements by providing for civic, leisure, cultural and tourism attractions while ensuring that retailing remains a core function of these centres, in line with the Retail Hierarchy.

- **KCDP 4-68:** Prevent an over-supply or dominance of fast-food outlets, takeaways, off licences, and betting offices in the main streets of towns and villages and shopping centres to ensure that injury is not caused to the amenities of these streets and centres through the loss of retail opportunities.

5.1.8. The Tralee Town Development Plan is contained in Volume 2 of the CDP.

5.1.9. The appeal site is zoned M2 'Mixed Use Town Centre'. The Zoning Matrix (Section 4 of Volume 2 of the CDP) states that 'Bookmakers / Amusement Arcade' is an 'Open to Consideration' use under this zoning objective.

5.1.10. Section 1.1 of the Tralee Plan states that:

"Tralee is the capital town and main administrative, retail, health, education and service centre for County Kerry and provides a large portion of the county's recreational facilities, culture, archaeological and architectural heritage [...] The health of the town is often reflective of the health of the county. It is therefore critical to maintain the vibrancy and vitality of Tralee, from a commercial, social, cultural and environmental viewpoint."

5.1.11. The following Strategic Objective is noted:

- **TR 11:** Plan for the future growth of Tralee and facilitate the sustainable regeneration and renewal of vacant / derelict sites within the town.

5.1.12. Russell Street is within the designated 'Town Centre' and 'Retail Core'. The following regeneration area Objective is noted:

- **TR 36:** Facilitate the regeneration of vacant and underutilized sites/buildings in the town centre area identified in Map 1.4.

5.1.13. Section 1.6.2 relates to 'Shopfronts & Signage' and states that:

"Tralee contains a number of traditional shopfronts, which contribute to the distinctive character of the town. The Council will encourage, through its Shopfront Design Guidelines (2018), the preservation and refurbishment of existing traditional shopfronts and name plates, and where appropriate the development of new high-quality shopfronts in traditional design. Non-traditional design shopfronts will only be considered if their design is sympathetic to adjacent facades and enhances, rather than detracts from the visual amenity of the streetscape."

5.1.14. Section 1.6.3 relates to 'Vacant Units' and notes that the Tralee Town Centre Health Check revealed an occupancy rate of 81% in the town centre and categorised 47% of the units surveyed as 'Retail'. It states that it is imperative that unused commercial, retail and office units are redeveloped in order to increase vibrancy.

5.1.15. The following Retail Regeneration Objectives are noted:

- **TR 43:** Facilitate the regeneration of retail shopping in Tralee Town Centre where appropriate and support the recommendations of the County Retail Strategy once complete.
- **TR 45:** Undertake a retail strategy for Tralee as part of the countywide retail strategy.

5.1.16. The appeal site is also within the Rock Street/ Ashe Street Architectural Conservation Area. The Statement of Special Significance contained in Appendix 3 of the Development Plan states that:

"The ACA's character is defined by the variety of streetscape elements. Original architectural features including shopfront details, chimneys, rainwater goods, boundary railings, carriage stops, windows and window sills, slates, chimney pots, decorative moulding and cornicing are key to protecting and enhancing this area's special character. The urban grain and dense plot pattern represent the area's socio-economic and landuse character which should be retained."

5.2. Kerry County Council Shopfront Design Guidelines

5.2.1. These guidelines set out guidance on the design of shopfronts and signage.

5.3. Natural Heritage Designations

5.3.1. The site is not within or adjacent to any sites with a natural heritage designation.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was lodged by Mark Leen and can be summarised as follows:

- The existing business is operating outside the bounds of its planning permission. Permission was granted for a private members club but it is fully open to the public.
- The applicant is endeavouring to extend this unauthorised business into No. 15 Russell St.
- Development Plan seeks to maintain diversity and variety in town centre uses and functions. It states that vitality is threatened by an overconcentration of one particular type of outlet.
- Allowing this proposal to connect to an existing private members club demonstrates over-concentration of one particular type of outlet.
- Section 4.4.4.3.1 of Development Plan notes potential issues with fast food outlets, takeaways, off licences and betting offices. To grant this proposal would permit a proliferation of an existing use which may itself be unauthorised.
- Objective KCDP 4-68 seeks to prevent an over-supply or dominance of fast food outlets, takeaways, off licences and betting offices in the main streets of towns and villages to ensure injury is not caused to the amenities of these streets through the loss of retail opportunities.
- Whilst it is acknowledged that such proposals are 'open for consideration', to permit this proposal will only result in an over concentration of one particular use.
- What is proposed is not a retail function and will only encourage vacancy in the surrounding units due to disturbance and anti-social behaviour commonplace with amusement arcades.
- Maintaining the vitality and vibrancy of Tralee and addressing the challenges of town centre renewal and regeneration is a key objective of the Plan to ensure the long-term sustainability of the town. It is an objective of the Plan to facilitate the regeneration of retail shopping in Tralee Town Centre and support the County Retail Strategy. Proposals such as this do not regenerate retail activity.

- Site is within the retail core and policy opposes the loss of retail floorspace and development contravening the Retail Strategy.
- Proposal would result in dead frontage, loss of a shop unit and a negative impact on viability and vitality of the town.
- Retail core is contracting due to out-of-town shopping. Retail floorspace should be safeguarded within a smaller area.
- Proposal would be an adverse precedent for the loss of retail floorspace.
- Amusement arcade use would ordinarily be appropriate in a town centre location but the site is within the retail core where the PA is seeking to ensure no further loss of retail floorspace. Notwithstanding any complementary role that it would have, the proposal would contravene the PA's retail strategy.

6.2. Applicant Response

6.2.1. A response to the appeal was submitted on behalf of the applicant by Jeremy Walsh Project Management and can be summarised as follows:

- Amusement arcades are 'Open to Consideration' under the zoning objective.
- The CDP emphasises reactivating vacant commercial spaces to support economic regeneration and strengthen town centre vibrancy.
- This is a modest (54 sq m) extension to an existing long-established private members' amusement arcade, in operation since 2007.
- Under section 4.4.2.2 of the CDP, leisure and entertainment facilities are recognised as an essential component in maintaining town centre vibrancy and activity, particularly during off-business hours.
- Permission was granted in 2016 for the existing business and the appellant's claims are a misrepresentation of facts. The premises have been licenced annually by the courts, demonstrating full compliance with statutory requirements.
- Application was comprehensively assessed by KCC which concluded that the proposal is a policy-compliant extension to an existing authorised use.

- Appellant's claims regarding overconcentration are unfounded. Section 4.68 of the CDP does not include amusement arcades in the categories of use where the PA seek to prevent oversupply.
- Appellant's interpretation of the Development Plan appears to overlook several key objectives that support this proposal.
- Objective 4-41 seeks to facilitate a mix of compatible uses that enhance both daytime and night-time activity in town centres. The proposal aligns with that objective by ensuring the continued operation and extension of an established leisure facility which provides evening activity in the area.
- The unit at 15 Russell Street has been vacant for over 8 years with no other offers for its lease. The nearby Mall Shopping Centre has a vacancy rate of 75% and Russell Street has several vacant units. Reactivating long-vacant spaces is a key objective 4-47 of the Development Plan.
- As per Section 1.6.3 of the Development Plan, the council has prioritised reducing vacancy rates in Tralee Town Centre. The appellant's claim that reducing vacancy by occupying this property would somehow increase vacancy is illogical.
- Appellant's concerns about retail viability fail to acknowledge the benefits of reactivating an unused commercial space, improving streetscape vibrancy and increasing footfall. The Tralee Town Centre Health Check outlines that Tralee has struggled with high vacancy rates, particularly since Covid-19.
- Appellant's concerns regarding anti-social behaviour are speculative and represent a common misapprehension about amusement arcades. In 17 years of operation, there has been no reported incidents of anti-social behaviour or public disturbance.
- Evening trade of the business has a positive impact on safety and security through passive surveillance and availability of security footage to Gardaí and public services.
- The Gardaí have the ability to object to the annual licence renewal due to issues related to anti-social behaviour or public disturbance. No such objections have ever been raised.

- Proposed development represents sustainable growth by building on an existing business in operation for over 17 years and will lead to increased employment.
- Development Plan emphasises the need for town centres to build on their economic and cultural strengths to ensure long-term viability and growth. Proposed development aligns with this objective by providing an enhancement to Tralee's economic offering, improving the town centre experience and contributing to the revitalisation of Russell Street.
- Claim that proposal would create dead frontage is without merit. Applicant has committed to significant improvements to the shop frontages of Nos. 14 and 15, ensuring full compliance with the Shopfront Design Guidelines and will bring the existing long vacant frontage back to a high standard, improving the visual amenity of Russell Street and the ACA.
- Proposed development will transform an eyesore into an active and visually appealing commercial premises, strengthen Tralee Town Centre's identity and enhance its offering.

6.3. **Planning Authority Response**

6.3.1. None.

6.4. **Observations**

6.4.1. The appeal was referred to a number of prescribed bodies under s.131 of the Act. A submission was received from the Department of Housing, Local Government and Heritage and can be summarised as follows:

- Proposed development is within an ACA. The Planning Authority has had regard to the ACA designation, Development Plan policies and objectives and guidance on shopfronts.
- The proposed works to the shopfront and advertising will greatly improve the current situation.
- The Department has no objection to proposed development and recommends that Condition Nos. 3, 4 and 5 be reinstated,

6.5. Further Responses

6.5.1. None.

7.0 Environmental Impact Assessment

7.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Appendix 1 of report.

8.0 Assessment

8.1. Having examined the appeal and all other documentation on file, having inspected the site, and having regard to the relevant policy context, I consider that the main issues in this appeal are as follows:

- Principle of proposed development.
- Impact on retail core.
- Design issues.
- Other matters.

8.2. Principle of Proposed Development

8.2.1. The applicant operates an existing amusement arcade at No. 14 Russell Street ('JayKay Leisure') and the proposed development would consist of the change of use of the vacant ground floor retail unit at No. 15 Russell Street from retail to amusement arcade and the creation of an internal opening between the two buildings to facilitate the operation of the enlarged amusement arcade.

8.2.2. The site is zoned M2 'Mixed Use Town Centre' and 'Bookmakers / Amusement Arcade' is an 'Open to Consideration' use under this zoning objective.

8.2.3. The Development Plan does not appear to define what an 'amusement arcade' is and, in particular, whether it includes gaming/gambling machines. I note, however,

that article 5 of the Planning and Development Regulations 2001, as amended, defines it as follows:

““amusement arcade” means premises used for the playing of gaming machines, video games or other amusement machines”.

- 8.2.4. There is no statutory definition of ‘gaming’ that I am aware of, but it is defined in the Oxford English Dictionary (10th ed., 2005) as “play at game of chance for money”.
- 8.2.5. The ground floor plan for the existing amusement arcade and the proposed extension primarily indicate slot machines, with a roulette area in No. 14. The business was not open at the time of my site inspection, but online photographs show the slot machine areas and a roulette machine. I am satisfied that these comprise gaming machines and that the premises can therefore be considered to be an amusement arcade and not a bookmakers or betting office.
- 8.2.6. The appellant contends that the proposed development will lead to over-concentration of such uses, noting Section 4.4.4.3.1 of the Development Plan, which seeks to avoid the proliferation of ‘Fast Food Outlets, Takeaways, Off Licences and Betting Offices’ on the basis that these uses have the potential to cause noise, littering and can detract from the amenities of an area. That section is supported by Objective KCDP 4-68.
- 8.2.7. An amusement arcade is not a betting office, off licence, takeaway or fast food outlet and therefore I am satisfied that this provision of the Development Plan and Objective KCDP 4-68 are not relevant.
- 8.2.8. Furthermore, the proposed development is an extension to an existing amusement arcade, not a new amusement arcade, and thus it will not result in a net increase in the number of amusement arcades in the town centre or contribute to an over-concentration of such uses.
- 8.2.9. With regard to the issues raised by the appellant regarding contended non-compliance with the existing permission for the amusement arcade, I consider that this would be an enforcement matter, outside the remit of the Commission.
- 8.2.10. In conclusion, I consider that the proposed development is acceptable in principle.

8.3. Impact on Retail Core

- 8.3.1. The appellant contends that the proposed development would encourage vacancy in the surrounding retail units due to disturbance and anti-social behaviour and that it would have a negative impact on the Retail Core through the loss of retail floorspace, dead frontage and other impacts on the vitality and vibrancy of the town centre.
- 8.3.2. The ground floor of No. 15 Russell Street appears to be a long vacant retail premises and on my site inspection I noted a number of other vacant retail units on Russell Street and in the surrounding area within the Retail Core of the town centre. This existing level of vacancy serves to detract from the vitality of the Retail Core and the visual amenity of the area.
- 8.3.3. As set out in Section 5.1 above, and as highlighted by the applicant's agent in the response to the appeal, the Development Plan recognises the challenges facing town centres due to the loss of retail uses and acknowledges that a wide variety of different functions in town centres is a key element in ensuring their on-going vitality. In particular, the Development Plan notes the role of leisure and entertainment facilities as an essential component of the mix of use required to ensure town centre vibrancy and vitality, particularly outside of regular business hours. The Development Plan also notes the importance of a healthy night-time economy to the vitality and viability of town centres.
- 8.3.4. In seeking to address retail vacancy and its impact on vibrancy and vitality of town centres, the Development Plan notes the need to encourage the sustainable expansion in the range and number of retail and commercial services within towns and encourage mixed use and other development in the town core first.
- 8.3.5. These provisions of the Development Plan are supported by a number of Objectives set out in Section 5.1 above, including KCDP 4-29, 4-41, 4-42, 4-47 and 4-53. There is no prohibition on non-retail uses within the Retail Core and I consider that the re-activation of a vacant unit for a leisure/entertainment land use with an evening/night-time element of use is consistent with applicable Development Plan policy relating to town centres and their retail cores. With regard to the Tralee Town Development Plan, I consider that the proposed development would be consistent with Objectives TR 11 and TR36 for the same reasons. Furthermore, given the current retail

vacancy rates in the town centre, as acknowledged in the Tralee Town Development Plan, I do not consider that the loss of one retail unit will affect the retail sector in the town.

- 8.3.6. I consider that the change of use of the ground floor unit at No. 15 Russell Street from retail to amusement arcade, as an extension to an existing business, will be a complementary use in the Retail Core, which will be beneficial in terms of supporting the night-time economy of Tralee and maintaining a pedestrian footfall in the town centre outside of normal retail hours. This will provide a degree of street activity and passive surveillance which will be to the benefit of the wider area and help to maintain the diversity and vitality of the town centre.

8.4. Design Issues

- 8.4.1. With regard to internal works, these are limited to the creation of an opening between the two buildings and internal fit-out works at ground floor level. I consider that these elements of the proposed development are acceptable, noting that neither building is a protected structure and that a functional internal link is required to facilitate the extension of the business into No. 15 Russell Street.
- 8.4.2. With regard to external works, the existing shopfront of No. 15 will be retained. While this is not a protected structure, the shopfront is of some architectural and visual interest within the ACA, being a good example of a traditional retail shopfront. I therefore welcome the proposal to retain and repair this shopfront.
- 8.4.3. With regard to the shopfront of the existing amusement arcade at No. 14, while the structure of the shopfront is of reasonably good quality, being a timber shopfront with bay windows and traditional detailing, the colours, signage and advertisements render the shopfront visually discordant and insensitive to the character of the building and are not consistent with the location of the premises within an ACA and the historic Retail Core of Tralee. This includes the use of red and black colouring on the pilasters and bay windows and a black and white chequerboard fascia with plastic red signage and decals filling the windows.
- 8.4.4. On foot of the applicant's response to the Planning Authority's Request for Further Information, No. 14 Russell Street is now within the 'red line' site boundary and the applicant has proposed modifications to the shopfront. These are illustrated on

drawing number 0483 A106 'Revised Front Elevation' and include removal of window signage, replacement of fascia signage with individually fixed metal letters and repainting of the shopfront in a more traditional muted colour. It is proposed to have no signage on No. 15 and a different paint colour to allow the visual appearance of a separate shopfront. The abovementioned drawing includes photographs of similar sample shopfronts, indicating the finishes to be achieved.

- 8.4.5. I note the submission from the Department of Housing, Local Government and Heritage which highlights the presence of the site within an ACA and which advises that the proposed works to the shopfront and advertising will greatly improve the current situation. The Department recommends that Condition Nos. 3, 4 and 5 be reinstated.
- 8.4.6. I agree with the Department's submission and consider that the revised shopfront proposals will render the existing and extended amusement arcade more in keeping with its sensitive location within an ACA and historic town centre and will serve to protect the visual amenities of the area. The revised design is also consistent with Objective KCDP 4-24 of the Development Plan and the provisions of the KCC Shopfront Design Guidelines.
- 8.4.7. I recommend a condition requiring the shopfront details, materials and colours be submitted for the agreement of the Planning Authority.

8.5. Other Matters

8.5.1. Anti-Social Behaviour

- 8.5.2. While the appellant has raised the issue of anti-social behaviour and disturbance, no evidence has been provided regarding this being an issue in relation to the existing long-established amusement arcade. As noted by the applicant, they are subject to a licensing regime, and I consider that such matters are best addressed through that process, where necessary.
- 8.5.3. Also, as I have noted above, I consider that the proposed development will contribute to increased footfall outside of normal retail hours, which will contribute to greater town centre pedestrian activity and associated passive surveillance.

8.5.4. With regard to the opening hours of the amusement arcade, these were not stated by the applicant and from my review of the previous planning history file for the existing amusement arcade (Reg. Ref. 16/339) it does not appear that any condition limiting the hours of operation were attached. I note that there was already an existing amusement arcade operating on the site under a different name at that time. As the proposed development is an extension to the existing long-established amusement arcade, and not a new premises, I do not consider that a condition restricting operating hours is necessary. I do, however, agree with the Planning Authority condition requiring Nos. 14 and 15 to operate as a single amusement arcade and not to operate separately.

8.5.5. **Development Contributions**

8.5.6. The Kerry County Council Development Contribution Scheme 2017 appears to still be the applicable Scheme. As indicated in the Planning Officer's report, a development contribution condition is not applicable in this instance, since Section 6 states:

“Permission for a change of use in town centres where the change of use does not lead to the need for new or upgraded infrastructure/services or where there is no additional demand placed on existing infrastructure (i.e. additional car parking), they shall be exempt from Development Contributions.”

9.0 Appropriate Assessment Screening

9.1. I have considered the proposed development in light of the requirements of s.177U of the Planning and Development Act 2000 as amended.

9.2. The appeal site is located in an urban area within Tralee Town Centre.

9.3. The proposed development comprises the change of use of an existing retail unit and minor internal and shopfront works.

9.4. No nature conservation concerns were raised in the planning appeal.

9.5. 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.

9.6. The reason for this conclusion is as follows:

- Nature of the works: e.g. small scale and nature of the development.
- Location in an urban area at a remove from the nearest European site and with a lack of potential connections.

9.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

10.1. The appeal site is located in a serviced urban area within Tralee Town Centre, c. 800m from the River Lee, which flows into Tralee Bay and the Atlantic Ocean to the west of Tralee.

10.2. The proposed development comprises the change of use of an existing retail unit and minor internal and shopfront works.

10.3. No water deterioration concerns were raised in the planning appeal.

10.4. 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 and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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.

10.5. The reason for this conclusion is as follows:

- Nature of works: e.g. small scale and nature of the development.
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.6. 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.

11.0 Recommendation

11.1. I recommend that planning permission is granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

12.1. Having regard to the nature of the development proposed 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 seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of October 2024, 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. The development shall be implemented as follows:

(a) The use of Nos. 14 and 15 Russell Street as an amusement arcade is restricted to the ground floor level only.

(b) Nos. 14 and 15 Russell Street shall operate as a single internally connected amusement arcade unit and shall not operate separately.

(c) Nos. 14 and 15 Russell Street shall not be used for any other use other than amusement arcade use without a grant of planning permission.

Reason: In the interests of clarity and to regulate and control the layout and use of the development.

3. The shopfronts to Nos. 14 and 15 Russell Street shall generally conform to the drawing entitled 'Revised Front Elevation' (drawing number 0483 A106) submitted to the planning authority on the 14th day of October 2024 and shall also conform to the following requirements:

(a) Existing plastic fascia signage, neon lighting and window decals to No. 14 Russell Street shall be removed prior to the commencement of development;

(b) Signage shall be restricted to a single fascia sign using individual mounted lettering;

(c) Shopfront glazing shall not be used for the purpose of sticking on posters or decals/stickers;

(d) Signage lighting, if required, shall be by means of downward directed lamps and no neon lighting shall be used;

(e) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission; and

(f) External roller shutters shall not be erected and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.

Details of the final proposed shopfront colour schemes, signage and lighting shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the applicant/developer and the local authority the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interest of the visual amenities of the area.

4. Site development and building works shall be carried out between the hours of: Mondays to Fridays - 7.00 a.m. to 6.00 p.m, Saturday - 8.00 a.m. to 2.00 p.m. and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

5. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property as a result of the site construction works and repair any damage to the public road arising from carrying out the works. Storage of construction materials is not permitted on the public road/footway unless agreed in writing with the Planning Authority.

Reason: To protect the amenities of the area and in the interests of road safety.

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.

Niall Haverty
Senior Planning Inspector

6th November 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321431-24
Proposed Development Summary	Change of use from retail unit to amusement arcade and construction of an opening between 15 and 14 Russell Street to allow for the expansion of premises and all necessary site works
Development Address	14 and 15 Russell Street, Tralee, Co. Kerry
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.	
<input 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____