



An
Coimisiún
Pleanála

Inspector's Report

ACP 323159-25

Development

Change of use from retail to a gaming/amusement arcade complex and all ancillary works.

Location

Unit 3, The Goulding, Santry Cross,
Ballymun, Dublin, D09 C792

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB 2036/25

Applicant(s)

Peter McNally.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Peter McNally

Observer(s)

1. Cllr Conor Reddy
2. Angela Birch
3. Bridget & Twiggy Keeley
4. Bridget Keeley
5. Ballymun Tidy Towns

6. Edward MacManus Pharmacy
7. Ballymun Against Gambling (Petition 624 signatures)
8. Ballymun Communications Ltd
9. Ballymun 4 Business
10. Patricia Mazur & 9 Others
11. Ballymun Local Drugs & Alcohol Task Force
12. Issac Almeida de Carvalho & Others
13. Residents of Santry Cross (8 residents)
14. Paul McAuliffe TD
15. Dublin Northwest Partnership
16. Daynah Bennet & 9 Others
17. Jacqueline, Gerard & Una Whelan
18. Angela King
19. Donal Donohoe & 9 others
20. The Star Project
21. Brace Community Response
22. Cllr Leslie Kane, Cllr Anthony Connaughton & Dessie Ellis TD
23. Petition – 918 signatures.

Date of Site Inspection

13th October 2025

Inspector

Barry Diamond

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1.0 Site Location and Description

- 1.1 The application site forms the vacant ground floor unit (Unit 3) of a five storey building located at The Goulding, Santry Cross. The application site is designed with a glazed shop frontage onto the Ballymun Road (R108) and has a rear fire escape door onto a private gated car parking area.
- 1.2 The wider building includes; a solicitors office (Spelman Callaghan), a restaurant (Regatto's) and a café (Sweet Paradise Café), on the ground floor with the upper four floors comprising residential apartments.
- 1.3 The surrounding area includes a similar building opposite the application site which also has ground floor retail/office uses and upper floor residential apartments along the Ballymun Road. Residential units are located along Santry Avenue to the northeast and Coultry Drive to the west. The Metro Hotel and apartment building which is fourteen storeys is located 50 metres north of the site and is a landmark building in the area.

2.0 Proposed Development

- 2.1 The proposed development comprises a change of use from a vacant ground floor retail (146sqm) to a gaming/amusement arcade complex and all ancillary works. The unit includes a lobby/security area, cashier booth, office/store, toilet and amusement area which includes 38 seated gaming machines. There are no changes proposed to the shop front.

3.0 Planning Authority Decision

3.1 Decision

On the 7th July 2025, the Planning Authority refused permission for the subject development for the following reason stated:

“Notwithstanding the fact that the proposed use would generally be acceptable in areas zoned Objective Z4 (Key Urban Villages/Urban Villages) in the Dublin City Development Plan 2022-2028, Policy CCUV14 (Adult Shops, Betting Shops and

Gaming Arcades) of the development plan includes a presumption against the development of gaming or other amusement machines in close proximity to residential areas, as is the case in this instance. Having regard to the proximity of the subject site to existing residential property, it is considered that, in the absence of sufficient justification, the provision of an amusement centre at this location would be contrary to Policy CCUV14 of the development plan and would, by itself and by the precedent it would set for other similar development in the vicinity, be contrary to the proper planning and sustainable development of the area.”

3.1.2. Planning Authority Reports

- The site is located in a mixed use area (zoned Z4), however, there is a significant number of residential units located in close proximity and therefore the policy presumption is to refuse development contrary to Policy CCUV14;
- An amusement arcade is inward looking and would not contribute towards street animation or vitality at this busy thoroughfare;
- The proposed arcade is a significant distance from the local church and schools;
- The proposal would not have any significant impact on residential amenity and the hours of operation could be controlled through the use of conditions (10:00-22:00);
- There is no need to address the site servicing issues raised by Transportation Planning Division as refusal is recommended.
- Considers that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area and thus Appropriate Assessment is not required; and
- States that there is no real likelihood of significant effects and the need for EIA can be excluded.

3.1.3 Other Technical Reports

- Drainage Division - No objection subject to a condition.
- Transportation Planning Division – Further information requested on the proposed servicing arrangements for the unit.

3.3. Prescribed Bodies

- Uisce Éireann - No comments received.

3.4. Third Party Observations

There were 51 observations, one of which was a community petition, submitted to the Planning Authority during the processing of the planning application. I consider that the majority of the issues raised correlate with the issues raised in observations to the Coimisiún under this appeal, however, the additional issues raised in the observations to the Planning Authority are as follows:

- The proposal would be contrary to Policy CCUV20, CCUV23 and CCUV09 of the Dublin City Development Plan;
- Concern that university students from Dublin City University living in the area would be affected by gambling;
- Research from the Gambling Regulatory Authority states that there are 130,000 gambling addicts in Ireland;
- Gambling requires a gambling licence;
- The proposal would be contrary to the retail design guide for Shop Front Design Guide 2001;
- Absence of regulations regarding gaming machines;
- Proximity to a funeral directors; and
- There is already a gaming arcade in Atari Expo;

4.0 Relevant Planning History

4.1 Site

None

4.2 Setting

3310/21 Permission was refused for the alterations to opening hours of the premises permitted under Condition No.2 of previously granted permission (Ref: 4297/16) from between 11.00 hours and 23:00 hours daily to opening hours between 12:00pm to 12:00am Monday to Thursday inclusive and between 12:00pm to 1:00am Friday to Sunday inclusive at Unit 2, The Goulding, Santry Cross, Ballymun, Dublin 9.

4297/16 Retention permission was granted for the continued use as a hot food take-away previously granted under planning permission 3673/11 and An Bord Pleanala, Ref PL29. 240297 at Unit 2, The Goulding, Santry Cross, Ballymun, Dublin 9.

Condition 02 stated: The hours of opening shall be restricted to between 11.00 hours and 23.00 hours daily. Reason: In the interest of residential amenity.

3673/11 & PL29N.240297: Permission was granted for a temporary period of two years which expired in July 2015 for a change of use from Bookmakers Shop to a Hot Food Takeaway Shop or shop, new signage and all ancillary siteworks at Unit 2, The Goulding, Santry Cross, Ballymun, Dublin 9.

4286/08 & PL29N.231841 Permission was refused for a change of use planning permission is sought from new retail unit, to hot food takeaway unit, and internal works new shop front and site works at Unit 1, The Goulding, Santry Cross, Ballymun, Dublin 9.

1266/08 Permission was refused for a change of use planning permission is sought for hot food takeaway, and new shop front at Unit 1, The Goulding, Santry Cross, Ballymun, Dublin 9.

1045/05 Permission was granted for the change of use of a retail unit (1052/03) to a bookmakers office at Unit 2, The Goulding, Main Street, Ballymun, Dublin 9.

4375/24 Permission was granted for the construction of 288 apartments/duplex and housing units at a site of c. 2.6ha. (c. 2.2ha. net) bound by Balbutcher lane to the north, Balcurris Park to the west, the Ballymun Road to the east and Balcurris Gardens to the south-west, Ballymun, Dublin 11,

4.3 Planning History Raised as Precedent

3032/12 & PL 29N.241225 – A split decision was issued by An Bord Pleanála which approved a part change of use of the ground floor area from retail use to part use as an internet café but refused a part change of use to an amusement arcade at 11, Main Street, Finglas, Dublin 11.

3357/24 – Retention permission was granted for the change of use from retail and office use to gaming and amusement arcade use at ground floor (111 sq.m) and change of use from storage to live gaming emporium at basement level (261 sq.m) at 63/64 Lower Dorset Street, Dublin 1 & 100-102 Saint Ignatius Road, Dublin 7 (previously the rear of 63/64 Lower Dorset Street, Dublin 1)

I note also that the wider area is subject to redevelopment proposals and applications.

4.4 Other Relevant History

1913/24 & ABP-320989-24 – Permission was refused for the internal alterations to the ground floor of the existing premises and change of use of the ground floor from a vacant retail premises to an amusement centre at 394 South Circular Road, Dublin 8, D08 E796.

1276/25 & ABP 322377-25 – Permission was granted for a change of use of the ground floor from commercial unit to gaming/amusement arcade with ancillary site works at 44 Main Street, Finglas, Dublin 11, D11 TCC9.

5.0 Policy Context

5.1 Development Plan

The Dublin City Development Plan, 2022-2028 identifies that the site is located within an area zoned 'Z4 – Key Urban Villages / Urban Village' with a land use zoning objective 'to provide for and improve mixed-services facilities'. Amusement/leisure complex uses are permissible subject to normal considerations. The site also sits either side of two areas zoned as Z1 Sustainable Residential Neighbourhood with a zoning objective 'to protect, provide and improve residential amenities'.

The main policies, objectives and standards are set out under Chapter 7 (The City Centre, Urban Villages and Retail), Chapter 13 (Strategic Development Regeneration Areas), Chapter 14 (Land-use Zoning) and Chapter 15 (Development Standards).

The following sections are relevant to the appeal:

7.5.1 – General Retail Policy

7.5.3 – Key Urban Villages, (Ballymun is identified as a Key Urban Village – Level 3 in the retail hierarchy, the top tier of urban centre outside the city centre.

13.4 – SDRA 2 – Ballymun (Figure 13-2)

14.6 – Transitional Zone Areas

14.7.4 – Key Urban Villages and Urban Villages – Zone Z4

15.14.9 – Betting Shops / Adult Store

15.14.10 – Amusement Centres / Events - Amusement centres will not be permitted in residential areas and will only be appropriate in mixed-use areas where the proposed use is in keeping with both the scale of the building and the pattern of development in the area.

15.17.5 – Shopfront and Façade Design (Appendix 17)

Summary of relevant policies and objectives:

CCUVO9 - Seeks to progress 'Health Check Assessments' for older suburban Key Urban Villages, as part of LAPs etc. in order to ensure the vitality and viability of these centres etc.

CCUV12 – Requires a high quality of design and finish for new and replacement shopfront signage and advertising.

CCUV13 - Seeks to promote the temporary use of vacant premises in order to reduce the level of vacancy on streets in the city's urban centres including Key Urban Villages as this can compromise the vitality of urban centres. Temporary uses can contribute to the economic, social and cultural vitality of Key Urban Villages and other centres.

CCUV14 - Sets out a presumption against betting shops, gaming arcades etc. in proximity to residential areas, places of public worship, schools and similarly. In addition, there is a presumption against an excessive concentration of such uses having regard to the existing presence of such retail outlets in an area.

CCUV20 - Seeks to supports the development, regeneration and or consolidation of Key Urban Villages etc. to ensure they continue to develop their mixed used role and function adding vitality to these centres etc.

CCUV23 - Seeks to promote active uses at street level in Key Urban Villages etc.

5.2 Ballymun Local Area Plan 2017

Ballymun Local Area Plan 2017 – The Ballymun Phasing Plan identifies the site as being in the Town Centre/Main Street which will act as a focal point for Ballymun and encourages a mixture of shops, residential, offices, leisure, community and so forth. The area in which the site is located is noted as being in the secondary commercial node. The operational life of the Ballymun Local Area Plan 2017 was extended in October 2022 for a further five years and remains extant until October 2027.

5.3. Relevant National or Regional Policy / Ministerial Guidelines

5.3.1 The Retail Guidelines for Planning Authorities (DECLG, 2012) notes that the planning system must promote and support the vitality and viability of city and town centres thereby contributing to a high standard of urban design and encouraging a greater use of sustainable transport. The Guidelines set out five key policy objectives including the promotion of town centre viability through a sequential approach to development.

5.3.2 Other Guidance

5.3.3 The Shopfront Design Guide (Dublin Corporation, November 2001) notes that shopfronts form an important part of a street's character as they constitute a highly visible part of the building at street level. It sets out the various guiding principles, including the context and the relationship to the building overhead and adjoining buildings. Appendix 1 of the guide outlines a checklist of design points to consider.

5.4. Natural Heritage Designations

The application site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated site being the North Bull Island SPA (004006), located c. 7.58km to the southeast of the site. The site is to drain to the public sewer and there is no connection to the designated site.

6.0 EIA Screening

The proposed change of use does not come within the definition of a project for the purposes of Environmental Impact Assessment (EIA). While the ancillary works referenced in the application would constitute a project, they would not come within a class of development as 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 (see Appendix 1).

7.0 The Appeal

7.1 Grounds of Appeal

The first party's grounds of appeal are provided by McCutcheon Halley Chartered Planning Consultants and are as follows:

- The site is zoned Z4 Key Urban Villages/Urban Villages which provides for and improve mixed service facilities which is supported by Policy CEE11 and Section 13.21.2.2. of the City Plan;
- The change of use will see a unit which has been vacant for 16 years being transformed into active commercial use complying with Policy CCUV 13 and will also counteract negative externalities such as anti-social behaviour and dereliction;
- Policy CCUV14 does not quantify specific distances from residential areas and the 22 metre separation distance used is arbitrary and would be as the crow flies rather than the 600 metres walking distance from Coultry Drive;
- The village core is focussed on the Ballymun Road with the existing commercial units facing onto it with no direct interface between the arcade and the residential area;
- Section 13.5 SRDA3 in Chapter 13 of the Dublin City Development Plan focusses on enhancing urban design and improving streetscapes in Ballymun. The proposal improves the visual appeal and functionality of the area;

- This would be the only gaming arcade in the area and there are no clusters of similar developments in Ballymun Village Core;
- There is no danger of a precedent being set as every application is considered on its own specific merits;
- The PA approved a similar scheme at Lower Dorset Street (Ref: 3357/24) where residential properties were less than 6 metres away with a more direct interface with residential properties, with a community centre, a church and a pharmacy close-by;
- The character of the area is that of a town centre with a diverse mix of uses;
- The Planning Authority has solely taken into account the location of the site and has given no consideration to the other policies within the Plan which seek to tackle persistent vacancy, stimulate the nighttime economy and support appropriate commercial uses in Key Urban Villages;
- The proposed operating hours are 10:00-22:00 hours with no external noise generating features;
- The Planning Authority indicated in their assessment that the development would not have any significant impact on residential amenity; and
- The approved use of this unit is for retail which would have a higher volume of deliveries and footfall than the proposed use.

7.3. Planning Authority Response

The conditions of the grant of planning permission are requested to be upheld and a condition requiring a Section 48 development contribution or Special Development Contribution is requested.

7.4. Observations

A number of third parties raised issues through individual submissions, joint submissions and two petitions. A summary of the main points of objection are as follows:

- The proposed use is contrary to Policy CCUV14 of the Dublin City Development Plan given the proximity of nearby residential areas;

- There will be disruption to the nursing home and support services (Domville House) which is only 75 metres away;
- There are two primary schools within a five minute walk, the proposal is within 250 metres of the Supporting Transformation and Recovery (STAR) building, and other services for vulnerable young people including BEST in Geraldstown House and the Aishling Project;
- The site sits immediately below an apartment block and sits opposite apartments;
- There is planning permission for 288 residential units opposite;
- There is already access to gambling facilities in the area, including bookmakers and an arcade in the Omni Shopping Centre;
- Ballymun Local Area Plan calls for high quality retail, youth services and family orientated spaces and viable commercial outlets that meet local needs
- The site is at the gateway to Ballymun and an arcade would not contribute to a healthy mix of uses and typically has an inactive and closed frontage which would diminish the vibrancy and walkability of the street would not activate vacant units and discourage investment from other retailers;
- Ballymun is beset with off licenses, bookmakers and fast food shops;
- The D1 Casino on Dorset Street is not a valid precedent as it sits in a different context than the application site;
- An Bord Pleanála refused the amusement arcade component of a joint application including an internet café at 11 Main St, Finglas (Ref: 3032/12);
- Research from ESRI and the Heath Research Board shows that 1:30 adults in Ireland are problem gamblers and people with addiction tend to try to gamble their way out of debt and substitute one addiction for another and this will add new levels to the problems of addiction;;
- Census data indicates that Ballymun include areas of disadvantage, very disadvantaged and extremely disadvantaged with high rates of

unemployment 15.5% (Census, 2022) and low levels of third level education and single parent families;

- An arcade on the street would normalise gambling and would attract young people to a gambling lifestyle;
- Census data indicates that there are 2106 people living within a 100m radius with one in four being under the age of 19;
- The proposal will generate anti-social behaviour and there have been issues with anti-social behaviour connected with some of the existing units;
- There is no support for this proposal in the area;
- The agents plans only indicate that there are 8 apartments above which is not accurate;
- Noise from this facility late at night may affect residents and children with autism living nearby;
- Servicing of the facility by the rear access would impact privacy safety and residential amenity of the apartment;
- There is a need to adopt planning policies that prioritise community well being and sustainable development;
- An oral hearing was requested by four of the observers;

8.0 Assessment

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

- Principle of Development
- Streetscape & Character
- Residential Amenity

- Access/Servicing
- Other Matters

8.2 Principle of Development

- 8.2.1 The Planning Authority Report indicates that amusement/leisure complexes are permissible uses in only Z4, (Mixed Services Area), Z5 (City Centre) and Z10 (Inner Suburban and Inner City Sustainable Mixed Uses) zoned areas. The application site is located within an area zoned as Z4 Key Urban Villages/Urban Villages with Policy CCEE11 indicating that these areas will be promoted as mixed use service centres, incorporating a range of retail, employment, recreational, community uses as well as 'co-working spaces' and 'office hubs'. The principle of a gaming arcade within the zoned area is therefore acceptable in principle subject to site specific issues.
- 8.2.2 The DCDP identifies the site as being in a mixed use area while the Ballymun Area Plan 2017 identifies the site as being within the secondary commercial node of Ballymun Village. In tandem with the Ballymun Area Plan I observed that a second commercial node is evident approximately 300 metres to the south of the site which also comprises ground floor retail with apartments above.
- 8.2.3 Policy CCUV14 specifically relates to Adult Shops, Betting Shops and Gaming Arcades, with the latter being of particular relevance to the subject application. The policy (CCUV14) is broken into two parts, with the first part restricting adult shops, betting shops and gaming arcades in proximity to residential areas, places of worship and schools. I consider that the uses listed (residential, places of worship and schools) in the policy are framed as being prescriptive, however, I am of the opinion that there is some scope as to the acceptability of a gaming arcade in relation to other incompatible uses depending on the circumstances.
- 8.2.4 No thresholds have been provided within Policy CCUV14 to ascertain what constitutes 'proximity' and therefore this has to be determined based on the circumstances of each case. There are a number of schools in the area including St. Josephs National School (432 metres to the west) Virgin Mary Boys National School (417 metres to the southeast) and Holy Spirit Boys National School (504 metre to the southwest). These school premises are also sited juxtaposed with the

nearest places of worship. These measurements are taken as the crow flies and would not in my view constitute as being in proximity to the application site for the purposes of the policy.

- 8.2.5 Section 15.14.10 – Amusement Centres / Events of the DCDP indicates that amusement centres will not be permitted in residential areas and will only be appropriate in mixed-use areas where the proposed use is in keeping with both the scale of the building and the pattern of development in the area. Policy CCUV14 restricts adult shops, betting shops and gaming arcades in proximity to residential areas. I do not consider that it could ever be the intention of the policy to prohibit gaming arcades in mixed use areas which have some residential properties, to do so would be to ignore the mixed use component. However, I am of the view that the purpose of Section 15.14.10 and Policy CCUV14 is to restrict the use of gaming arcades in areas of the 'Z4' zoning in which there are predominately residential uses.
- 8.2.6 I consider that the section of the Ballymun Road in which the application site is located is predominately a residential area. Although there is a mixture of retailing uses at ground floor level, there are four floors of apartments above the application site, which is also replicated on the opposite side of the Ballymun Road which has further residential in depth to the west. There is also apartments along Balbutcher Lane and Santry Avenue. In addition, the recent grant of permission for 288 apartments on lands to the southwest (Ref: 4375/24) will further consolidate the predominately residential character of the area.
- 8.2.7 The applicant's consultant argues that there is no direct interface between the apartments and the application site due to a lack of direct access from the apartments onto the Ballymun Road. While I accept that this is the case, I am of the view that the policy does not require there to be an interface, rather it requires an assessment of whether the site is in proximity to a residential area. In this case I am of the view that despite the mixed use zoning that the area in which the site is located is predominately residential with the mixed use component being less dominant.
- 8.2.8 A number of the third party's raised concerns with the proposed use being in proximity to a nursing home, a clinic and other facilities which may be used by

vulnerable people. I accept that the juxtaposition of an arcade with uses, other than those listed in the policy (CCUV14) would be inappropriate in some instances, however, I do not consider the nursing home some 75 metres to the south represents such a use. The other services referenced such as Supporting Transformation and Recovery (STAR) building, BEST in Geraldstown House and the Aishling Project are not considered to be in proximity to the application site. I am of the opinion however, that the application site is within a predominately residential area and therefore fails the first element of the policy.

8.2.10 The second element of Policy CCUV14 outlines a general presumption against an excessive concentration of adult shops, betting shops and gaming arcades having regard to the existing presence of such retail outlets in an area. I note that the policy refers to 'such uses' and in my view this seeks to amalgamate adult shops, bookmakers and gaming arcades into one grouping for the purposes of cumulative impact.

8.2.11 It is noted that there are two bookmakers located approximately 340 metres and 575 metres south of the application site. An arcade in the Omni Centre was raised to indicate that there were already arcade facilities in the area, however, this facility is located over 1 kilometre away as the crow flies. A number of third party's raised gaming machines located within other establishments as adding to the cumulative impact along with the numbers of take-aways and off licenses.

8.2.12 I consider that gaming machines located in a public house or other establishments is ancillary to the main use and does not contribute to the cumulative assessment referred to in the policy which refers to main uses i.e. adult shops, betting shops and gaming arcades. Likewise, other uses such as take-aways and off licenses referred to by third party's do not form part of the cumulative assessment stipulated within the policy.

8.2.13 I am of the view that there is not an excessive concentration of the uses referred to in Policy CCUV14 within the area and I am of the opinion that the proposal would comply with the second element of the policy, however, this does not overcome the failure under the first part of the policy.

8.2.14 The applicant's consultant states that the application site has been vacant for 16 years and Policy CCUV13 promotes temporary uses to revitalise vacant shop

units. I am of the view that this policy refers to pop-up or seasonal shops rather than the use of a vacant unit where a considerable amount of capital expenditure would be required. While I acknowledge the length of vacancy of the unit, I do not consider, in this instance, that it outweighs the restriction applied to gaming/amusement arcades in proximity to residential areas.

8.2.15 The various parties raised a number of precedents both in favour and against an arcade. It was correctly stated that the arcade component of a mixed use development at 11 Main Street Finglas (Ref: PL29N.241225) was refused permission by An Bord Pleanála. While this site was also located within a Key Urban Village (Z4 zoning), the refusal of the arcade component was based on the concentration of gambling uses in the area and therefore was relevant to the context of Main Street, Finglas. I have previously considered that there is not a concentration of such uses in the area and therefore do not consider that the precedent has determining weight.

8.2.16 The D1 Casino at Dorset Street (Ref: 3357/24) was raised as a precedent in favour of approval, however, upon examination of this grant of planning permission it is evident that this approval was based on an extension to an existing casino rather than a new use and therefore is not directly comparable to the assessment of the current application.

8.2.17 I do not consider that the precedents raised are comparable to the subject case and have given no determining weight to them in the assessment of the application.

8.2.18 I also considered other decisions for gaming arcades with the DCDP area. Permission was refused under WEB1913/24 & ABP-320989-24 for a change of use of a vacant ground floor retail premises to an amusement centre at 394 South Circular Road, Dublin 8, D08 E796. In that case the site was considered to be in proximity to a residential area and places of worship. The case is not directly comparable, however, it does reach similar conclusions regarding the predominant land use being a key consideration. Application Ref: 1276/25 & ABP 322377-25 was granted permission for a change of use of the ground floor from commercial unit to gaming/amusement arcade with ancillary site works at 44 Main Street, Finglas, Dublin 11, D11 TCC9. In that case the principle issue appeared to be the

number of other betting/gambling establishments in the area and the site was not considered to be a residential area.

8.2.19 While a gaming arcade is an acceptable use in a Key Urban Village, it is subject to a number of restrictions. In this context I consider that the application site is within a predominantly residential area and would be contrary to Section 15.14.10 (Amusement Centres / Events) and Policy CCUV 14 of the DCDP.

8.3 Streetscape & Character

8.3.1 The third parties refer to the need to comply with Policy CCUV23 which seeks to promote active uses at street level in Key Urban Villages and in their view a gaming arcade does not present such a use. It was stated by third parties that the use of the site as an arcade would be an inactive frontage, would not contribute to a healthy mix of uses, suggests degeneration rather than regeneration have a negative impact on the area. The Planning Authority's report refers to an arcade as being an inward facing use which would not add to street animation or vitality.

8.3.2 In contrast the applicant has highlighted that the retail unit has remained vacant since it was first built some 16 years ago.

8.3.3 Section 13.4 SCDRA 2 – Ballymun states that it seeks to attract new economic activity and stimulate new employment generating uses within three key areas of employment; (i) M50 lands, (ii) Main Street (Ballymun Road) and (iii) industrial estates. Section 14.7.4 of the DCDP states that Key Urban Villages should function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions. Section 13.4 and Section 14.7.4 of the DCDP promote economic activity and employment uses in the area.

8.3.4 I am of the view that the period of vacancy of the application site is significant and the visual presence of the vacant unit already detracts from the vitality of the street frontage. I accept that an arcade does tend to be inward looking, however, the active use of this vacant unit would add to the overall vitality of the streetscape.

8.3.5 While I consider that the active use of this vacant unit would be a matter that would weigh in favour of the proposed use, I do not consider that this outweighs the

policy presumption to refuse proposals for gaming arcades in proximity to residential areas as referred to above.

8.4 Residential Amenity

- 8.4.1 There were concerns raised by third parties with the level of noise from customers and deliveries although I note that this was not an area of concern raised by the Planning Authority. I acknowledge that the permitted use of the site is as a retail unit which would generate a higher footfall and higher levels of deliveries than the proposed gaming arcade use. In addition, an opening hour restriction of 10:00 - 22:00 is proposed which would address the concerns with late night noise. In addition, an 'Operational Management Plan' outlines how the business will be operated to help avoid adverse impacts. I do not consider that the use is likely to have an adverse impact on neighbouring properties by way of noise and a condition could be attached to control the level of noise given the presence of apartments immediately above. In addition, given the presence of the balconies associated with the residential apartments to the rear, noise breakout could occur if the rear access is left open, however, a condition could be imposed requiring it to be kept closed at all times other than for access and egress.
- 8.4.2 While there were concerns raised with anti-social behaviour from the proposed use, the only access door for visiting members of the public is onto the Ballymun Road with no customer access onto private communal areas. While there is a rear access door, this is described as being solely for servicing of the unit which could be controlled by way of condition. Given that the sole means of access to the facility is onto the Ballymun Road which offers extensive passive surveillance of the front of the unit, I consider that this would deter anti-social behaviour.
- 8.4.3 I am of the view that residential amenity would not be adversely affected and could be mitigated through the use of planning conditions.

8.5 Access/Service

- 8.5.1 The Transportation Planning Division of the Council requested further information on the proposed servicing arrangements for the unit. The applicants submission to the Planning Authority included an 'Operational Management Plan' which indicated that all deliveries will be via the rear access door. The permitted use of the unit is a

retail shop which would generally have more frequent servicing deliveries than a gaming arcade and I do not consider that there is any intensification of servicing activity associated with the unit. I also note that the servicing arrangements were not a matter raised by the Planning Authority in their reason for refusal. I am of the view that the access/servicing of the proposed use is acceptable given the pre-existing permitted use.

8.6 Other Matters

- 8.6.1 The concerns associated with gambling and gambling addiction are understood, however, planning decisions must be made in accordance with the National Policy, Guidelines and the Local Development Plan. There is no embargo on arcades, save for the requirements in the DCDP to have regard to their siting in appropriate locations (Policy CCUV14). I have considered that the principle of development is not acceptable at this location for the reasons stated above.
- 8.6.2 Although it is stated that the Ballymun area has varying degrees of deprivation and evidence of this was presented through reference to Census data, this is a matter which is beyond the scope of the appeal before the Coimisiún.
- 8.6.3 There was reference made by some of the third parties for a need for specific policies for the area, however, than is a matter for the Planning Authority to address through the development plan process and beyond the scope of this appeal.
- 8.6.4 There was strong local opposition against the proposed use and a number of third parties raised concerns with the lack of economic benefit from an arcade and would prefer to see shops or community based uses, however, the proposed development must be assessed on its own merits. I have considered that the proposal is not an acceptable use in this predominately residential area.
- 8.6.5 Reference was made to misleading plans which indicated that there were only eight apartments in the associated apartment block, however, I do not consider that there is an inaccuracy in the plans.
- 8.6.6 There was a request for an oral hearing in four of the observations, however, I note that Section 134 (2) (a) of the Planning and Development Regulations 2001, as amended, does not provide for such requests from observers. Notwithstanding

this, I do not consider that an oral hearing would be warranted in this case having regard to the nature of development and issues raised in the appeal.

9.0 AA Screening

9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at Unit 3, The Goulding, Santry Cross, Ballymun, Dublin, no relevant designated sites are close by.

9.2 The proposed development comprises a change of use from retail to a gaming/amusement arcade complex and all ancillary works. No nature conservation concerns were raised in the planning appeal. 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 European Site.

9.3 The reason for this conclusion is as follows:

- Small scale and nature of the development; and
- Distance from nearest European site and lack of connections.

9.4 I conclude that 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. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Frame Directive

10.1 The subject site is located at Unit 3, The Goulding, Santry Cross, Ballymun, Dublin, which is 125 metres north of the nearest water body.

- 10.2 The proposed development comprises a change of use from retail to a gaming/amusement arcade complex and all ancillary works. No water deterioration concerns were raised in the planning appeal.
- 10.3 I have assessed the 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. 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.
- 10.4 The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development ; and
 - Distance from nearest water bodies and/or lack of hydrological connections.
- 10.5 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

That planning permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. Notwithstanding that the proposed change of use is acceptable under the zoning 'Z4 – Key Urban Villages / Urban Village' the subject site is located in proximity to

a residential area where there is a presumption under Section 15.14.10 (Amusement Centres / Events) and Policy CCUV14 (Adult Shops, Betting Shops and Gaming Arcades) of the Dublin City Development Plan 2022-2028 against the development of gaming/amusement arcades or other amusement machines such as that sought in this instance. It is considered that in the absence of sufficient justification, the development would be contrary to the provisions of the development plan for the area and therefore, by itself and by the precedent it would set for other similar development in the vicinity, be contrary to the proper planning and sustainable development of the area.

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.

Barry Diamond
Planning Inspector

22nd October 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP 323159-25
Proposed Development Summary	Change of use from retail to a gaming/amusement arcade complex and all ancillary works.
Development Address	Unit 3, The Goulding Santry Cross, Ballymun, Dublin, D09 C792
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
<input type="checkbox"/> No, No further action required.	
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, 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 <u>Part 2</u>, 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?	

<p>✓ 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.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i></p>
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i></p>

Inspector: _____ Date: _____