



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323557-25

<b>Development</b>	Change of use from first floor commercial unit to leisure and gaming amusement arcade.
<b>Location</b>	Manor West, Tralee, County Kerry.
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	25/60356
<b>Applicant</b>	Quicksilver Gaming Limited
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	1. Biljana Gubic 2. Stephen Galway
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> November 2025
<b>Inspector</b>	Gary Farrelly

## **1.0 Site Location and Description**

- 1.1. The subject unit is located within the existing Manor West retail park which is located approximately 1km east of Tralee town centre and approximately 1km from the Tralee bypass (N-22). The retail park is accessed off the regional road R-875 and comprises of a number of existing uses such as Circle K fuel station and convenience shop, McDonalds fast-food restaurant, off-licence, cafés, barber, bookmakers, restaurants with associated car parking. The subject unit is located within a two-storey building situated along the southern boundary of the retail park approximately 60 metres set back from the R-875.
- 1.2. The retail park and site are bounded by Avondale Court housing estate to the west, which comprises of 11 no. residential properties, a residential property known as Manor House to the south, Manor West shopping centre to the southeast and Manor West Hotel to the east. There is no direct access from the retail park to any residential estate or properties. Aldi supermarket and Kerry County Council buildings are located to the north of the retail park on the opposite side of the R-875.

## **2.0 Proposed Development**

Permission is sought to change the use of a first-floor commercial unit to that of a leisure and gaming amusement arcade. The unit in question is vacant and was previously used as a health and fitness centre. The change of use will result in the extension of an existing amusement arcade on the ground floor of the building which will be linked via a new internal stairs. The internal layout of the first floor will comprise of a casino area, a leisure gaming and arcade area, seating area, coffee area, office, reception, lobby and toilet facilities. The unit is also served by external stairs along the western elevation of the building. The floor area of the first-floor measures 272.4sqm. The proposed opening hours are stated as 11am to midnight.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority (PA) decided to grant permission by Order dated the 15<sup>th</sup> day of August 2025 subject to six conditions.

#### **3.2. Planning Authority Reports**

##### Planning Report

The executive planner (EP) report on file assessed the proposed development in terms of the principle of development, visual impact, residential amenity and traffic safety. After submission of further information including clarification of opening hours being 11am-Midnight, the EP recommended a grant of permission which was endorsed by the Senior Executive Engineer.

##### Other Technical Reports

- Flooding Coastal and Marine Unit (email dated 23/05/25) – No flood risk identified.
- County Archaeologist (report dated 13/05/25) – No concerns raised.

##### Conditions

- Condition number 2 required the hours of operation to be agreed with the planning authority prior to the commencement of the development.
- Condition number 3 prohibited any further signage or advertisement on the building or its curtilage.

#### **3.3. Prescribed Bodies**

None

#### **3.4. Third Party Observations**

A total of 2 no. third party submissions were received by the PA which raised concerns in terms of a lack of justification for the expansion, the intensification of use shifting

the character of the premises to a destination gaming venue and the over-concentration of amusement and betting outlets.

## **4.0 Relevant Planning History**

PA ref. 23/674 / ACP ref. 317896-23 (ground floor unit)

Quicksilver Gaming Limited was granted permission for a change of use of the ground floor retail unit to an amusement gaming arcade. The planners report considered that that the location of the use was preferable than the town centre as it would not give rise to issues relating to the vitality and vibrancy of the town centre. A number of conditions were attached including for the signage to be in accordance with the Council's Shopfront Design Guidelines and for the hours of operation to be agreed with the PA. A third party appeal was lodged to the Commission but was later withdrawn.

## **5.0 Policy Context**

### **5.1. Kerry County Development Plan 2022-2028**

The Kerry County Development Plan 2022-2028 (CDP) was adopted by Elected Members on 4<sup>th</sup> July 2022 and came into effect on 15<sup>th</sup> August 2022. As part of Variation No. 1 of the CDP the Tralee Municipal District Settlements' Plan (TMDSP) replaced both the Tralee Town Development Plan contained in Volume 2 of the CDP and the Tralee Municipal District Local Area Plan 2018-2024.

The subject site is zoned Mixed Use 'M3 District, Neighbourhood Centre' within the TMDSP where the objective is to provide for development and enhancement of district centres including for retail, residential, commercial, civic and other uses (Volume 6, Appendix 2 of CDP). Amusement Arcade use is deemed open to consideration within this zoning designation (Volume 6, Appendix 2 of CDP).

Section 4.4.4.3.1 Fast Food Outlets, Takeaways, Off Licences and Betting Offices

It is an objective of the Council to:

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 amenities of these streets and centres through the loss of retail opportunities.

#### Volume 6, Appendix 1

- Section 1.10 Off-Licences/Betting Shops

*The Commission should note that the CDP does not specifically reference amusement arcades.*

## **5.2. Natural Heritage Designations**

The subject site is not located within any designated site. The nearest designated site is Ballyseedy Wood Special Area of Conservation (SAC) (Site Code 002112) which is located approximately 950 metres southeast of the site.

## **5.3. Environmental Impact Assessment (EIA) Screening**

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. I refer the Commission to Appendix 1 of this report in this regard.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A total of 2 no. third party appeals were lodged to the Commission from Biljana Gubic and Stephen Galway. The grounds of appeal are summarised as follows:

- Permission for the ground floor arcade was only approved under application ref. 23/674 on the basis of its limited and modest scale. This application will increase the floor area by over 400% to 339sqm. Such intensification is a fundamental change in character, scale and planning impact and a grant of permission would erode the credibility of the planning process and 2023 decision. The PA did not analyse whether the scale was compatible with the rationale of the 2023 permission.

- The proposed development will be a casino-style operation that will be a destination gaming venue.
- The building appearance is in breach of condition no. 3 of the 2023 permission with the signage not in accordance with the shopfront design guidelines, with blacked out windows creating dead frontage, extensive neon lighting and illuminated signage.
- The proposal would result in the concentration of amusement and betting outlets to which policy KCDP 4-16 seeks to avoid. Section 4.2.2 and 4.4.4.3.1 seek a mix of uses, however, the expansion will promote single use dominance. It will undermine the retail function of the M4 zoning which allows arcades only where they support the vitality and integrity of surrounding uses.
- There are already a number of amusement arcades and betting shops in the town and the PA did not address the cumulative presence of such uses in the town.
- There will be an impact on residential amenity due to higher footfall, increased risk of noise, nuisance and anti-social behaviour. The extensive neon signage causes light spill and glare.
- There is concerns with increased traffic movements to and from Manor West and increased demand in parking which would result in unsafe parking and circulation issues around the site. No noise or traffic assessment/parking study was requested.
- The layout of the first floor is questioned as a meet and greet area for a casino is inconsistent with the function of a casino or amusement arcade.

## **6.2. Applicant Response**

The applicant did not issue a response to the grounds of appeal.

## **6.3. Planning Authority Response**

The PA did not issue a response to the grounds of appeal.

## 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 reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Use Class
- Zoning
- Over Concentration of Use
- Intensification of Use – Impact on Residential Amenity
- Traffic Safety
- Visual Amenity

7.2. Firstly, the Commission should note that the appellants have concerns that the proposed development undermines the credibility of the planning process and that of the 2023 permission granted by the PA (application ref. 23/674). It is contended that this was only granted permission on the basis of its modest and limited footprint. Having reviewed the planner's report of ref. 23/674 and whilst the First Schedule of same includes "extent" of the proposed development as a reason for a grant of permission, it was not a sole determinative factor for such a grant and I note that the planner's assessment did not reference its limited footprint as a reason to grant permission. All parties should note that an extension of an existing use still requires a proper planning assessment on its own merits and such process does not restrict third party participation rights. Therefore, I disagree with the appellant's assertion that the credibility of the planning process and permission ref. 23/674 have been undermined as a result of this application (or in the event where the Commission decides to uphold the PA's grant).

### Use Class

7.3. The Commission should note that this change of use application relates to a gaming and leisure amusement arcade use. It should be noted that Article 5(1) of the Planning and Development Regulations 2001, as amended, defines '*amusement arcade*' as a

*“premises used for the playing of gaming machines, video games or other amusement machines”*. A betting office is also defined separately within Article 5(1) as a *“premises for the time being registered in the register of bookmaking offices kept by the Revenue Commissioners under the Betting Act, 1931”*.

- 7.4. Moreover, Schedule 2, Part 4 (Exempted Development - Classes of Use) of the Regulations specifies a betting office as Class 2(c) *“any other services”*, whilst Article 10(2)(b) of the Regulations specifically states that amusement arcades are not included within any use class within Schedule 2, Part 4. Therefore, I note that the planning legislation does not consider a betting office and an amusement arcade to be within the same use class. My reasoning for highlighting this separate use class to the Commission is due to the appellants raising a number of concerns regarding the overconcentration of amusement and betting outlets on the basis of provisions of the CDP where there is no reference to amusement arcades and relate to betting offices/shops (i.e. Objective KCDP 4-68 and Section 1.10 of Volume 6, Appendix 1).

### **Zoning**

- 7.5. The subject premises is located on lands zoned ‘M3 District, Neighbourhood Centre’ within the Tralee Municipal District Settlements Plan (TMDSP) where Volume 6, Appendix 2 of the CDP outlines that the objective is to provide for development and enhancement of district centres including for retail, residential, commercial, civic and other uses. I note that Volume 6, Appendix 2 of the CDP stipulates amusement arcades as ‘open to consideration’ within this zoning designation. Having regard to this and to the nature of the development, I consider the proposed development to be in accordance with the zoning designation.
- 7.6. The Commission should also note that the zoning matrix within Volume 6, Appendix 2 of the CDP has included both bookmakers and amusement arcades uses within the same zoning code. However, for my reasons outlined above within paragraphs 7.3 and 7.4 above, I do not consider such uses to be of the same use class.

### **Over Concentration of Use**

- 7.7. Notwithstanding my conclusions within paragraph 7.4 of this report, I will proceed to address the concerns of the appellants in relation to the overconcentration of amusement arcades and betting shops within the town.



- 7.8. I note that Manor West retail park is located on the periphery of the town approximately 1km from the town centre edge and comprises of a mix of uses including an existing amusement arcade (i.e. the ground floor of the subject premises), convenience shop/fuel station, off-licence, fast food restaurant, betting office, barbers, butchers, restaurants and café. Manor West shopping centre, which is located to the south of the site, accommodates a number of convenience, comparison and warehouse type retail outlets. I note that there is no numerical value provided within the CDP as to what amounts to an excessive concentration of a particular use, however, having inspected the site and environs, I did not observe any evidence of an excessive concentration of amusement arcades within the vicinity. I note that there is a bowling alley within the retail park to the southeast of the site which provides ancillary gaming machines, however, the nearest similar type facility is 'Funzone Casino' which is located on Pembroke Street approximately 2.5km west of the site. Having regard to this, together with the nature of the development being an extension to an existing amusement arcade, I consider that the proposed first floor extension would not result in an excessive concentration of amusement arcades within the area.
- 7.9. Furthermore, whilst Section 4.4.4.3.1 and objective KCDP 4-18 of the CDP relate to betting offices/shops, if the legislation did consider such use to be within the same use class, I note that Manor West retail park accommodates 1 no. such betting shop and thereby together with a single amusement arcade, in my view, would not amount to a proliferation of such uses. Additionally, having regard to the vacant nature of the first floor unit, to the location of the premises outside the Main Street and town centre of Tralee and to the design and layout of the development which will provide internal access to the first floor and thereby not requiring additional shop frontage at street level, I do not consider that the proposed development would seriously injure the amenity of the area through the loss of a retail opportunity unit nor will it undermine the vitality and integrity of surrounding uses.

#### **Intensification of Use – Impact on Residential Amenity**

- 7.10. I note that a key concern of the appellants is the scale of the extension and impact on residential amenity due to higher footfall, increased risk of noise and nuisance and anti-social behaviour.

- 7.11. The Commission should note that the subject two storey building within Manor West is located near a dwelling to the south and a number of residential properties within Avondale Court to the west. I note that the footprint of the retail park is not located within a residential area with no direct access from same to any such residential area. I consider that the nature of the c.272sqm extension will likely result in higher footfall to the area, however, it is my view that potential additional footfall and noise issues associated with such extension can be adequately controlled by restriction of operational hours and by control of sound levels from the premises. The Commission should note that whilst the applicant has stated that the hours of operation will be 11am to midnight the PA conditioned for such hours of operation to be agreed prior to commencement of the development. If the Commission is minded to grant permission, I have attached a condition below which I consider satisfactorily addresses same. With regards to issues around anti-social behaviour, I note no specific evidence has been provided that links amusement arcades to such behaviour.
- 7.12. Additionally, in relation to noise and footfall, the Commission should note that all existing windows on the unit are located on its northern elevation overlooking the existing car park and are not orientated towards any residential properties. Whilst I note that the submitted plans show a first floor access on the western side of the building (approximately 2-3 metres from the rear boundary of the Avondale Court properties, it is my recommendation to the Commission, if it is minded to grant permission, that this external access point is not used by patrons of the operation, in the interest of residential amenity.

### **Traffic Safety**

- 7.13. I note that the appellants raise concern with increased traffic movements to and from Manor West as well as the increased demand for parking. Having inspected the site, I observed a significant number of car parking spaces not in use. The Commission should note that having regard to the nature of the development being a change of use from that of a previous health and leisure facility and to the level of traffic associated with such previous use and to the level of adequate carparking available onsite, I have no significant concerns in relation to traffic safety or obstruction of road users in this regard.

## **Visual Amenity**

- 7.14. I note the appellants concerns regarding the building appearance being in breach of condition no. 3 of application ref. 23/674 as the signage is not in accordance with the shopfront design guidelines due to blacked out windows and the use of extensive neon lighting and illuminated signage. I have had reviewed the 2018 Shopfront Design Guidelines 2018 and note that the guide is intended as an advisory document when considering shopfronts. It should be noted that the PA did not raise any concern with existing signage and lighting on the existing premises as part of the application. I also did not observe any significant issues with the existing signage on the date of my site inspection.
- 7.15. The proposed development does not include for additional signage and the PA attached a condition for no more signage or advertisements to be displayed on the building. Therefore, if the Commission is minded to grant permission it is my recommendation that a similar condition is attached. Having regard to this and to the nature of the change of use at first floor level, I do not consider that the proposed development will result in an adverse impact on the visual amenity of the area.

## **Other Issues – Internal Layout**

- 7.16. I note the appellants have questioned the internal layout of the first floor in terms of the 'meet and greet area'. It is my view that in order to allow a degree of flexibility for the operator for the location of gaming machines that a condition should be attached for the final internal layout to be agreed with the PA.

## **8.0 Appropriate Assessment (AA) Screening**

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 950 metres from Ballyseedy Wood Special Area of Conservation (SAC) (Site Code 002112). No nature conservation concerns were raised in the planning application and appeal.
- 8.2. 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 small scale and nature of the change of use development within an urban area.
- The separation distance and intervening lands from the nearest European site and lack of hydrological connection.
- Taking into account the screening determination of the PA.

8.3. 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. 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 (WFD) Screening**

9.1. No water deterioration concerns were raised in the planning application or appeal. I have assessed the project 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. The reason for this conclusion is due to the small scale and nature of the change of use development and the location and distance of the site to the nearest waterbody and lack of hydrological connections.

9.2. 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

It is my recommendation to the Commission that permission should be **Granted**, subject to conditions, for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028, as varied, and the location of the proposed development on lands zoned 'M3 District, Neighbourhood Centre' within the Tralee Municipal District Settlements Plan, where the land use zoning objective seeks to provide for development and enhancement of district centres including for commercial and other uses, and where amusement arcades are considered open to consideration under said zoning, to the nature and location of the proposed change of use within an existing first floor unit that is currently vacant and underutilised, and to the pattern of the development in the vicinity which comprises of a mix and range of uses in the existing Manor West retail park, 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 of property in the vicinity, would not result in a traffic hazard or obstruction of road users and 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 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 21<sup>st</sup> day of July 2025, 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. Prior to operation of the development, the developer shall submit to the planning authority for its written approval, a floor plan showing full details of the internal layout of the first-floor unit including full details of the machines to be installed. The first-floor external access along the western elevation of the building shall not be used by patrons to enter and exit the premises.

**Reason:** In the interest of clarity and in the interest of maintaining the residential amenity of Avondale Court.

3. No advertisement or advertisement structure shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

4. The sound levels from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure that the sound is not audible in adjoining premises or at two metres from the frontage.

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

5. Unless otherwise agreed in writing with the planning authority, the hours of operation of the amusement arcade hereby permitted shall be between 1100 hours and 2400 hours Mondays to Sundays inclusive.

**Reason:** In the interest of residential amenity.

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## Declaration

*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.*

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Gary Farrelly  
Planning Inspector

27<sup>th</sup> November 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323557-25
<b>Proposed Development Summary</b>	Change of Use from commercial unit to amusement arcade
<b>Development Address</b>	Manor West, Tralee, County Kerry
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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.	



<b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	

<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>