



An
Coimisiún
Pleanála

Inspector's Report

PL-500696-DS-26

Development	Change of use of the existing vacant butcher/deli use to gaming/amusement arcade complex use at ground floor level, installation of signage and all ancillary site development works.
Location	304 Ballyfermot Road, Dublin 10
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB5611/25
Applicant(s)	Alejandro Garcia
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First party
Appellant(s)	Alejandro Garcia
Observer(s)	None

Date of Site Inspection

28 March 2026

Inspector

Killian Harrington

Table of Contents

1.0	Site Location and Description	4
3.0	Planning Authority Decision.....	4
4.0	Planning History	6
5.0	Policy Context	7
6.0	EIA Screening	10
7.0	The Appeal	10
8.0	Assessment.....	12
9.0	AA Screening	16
10.0	Water Framework Directive	16
11.0	Recommendation	17
12.0	Reasons and Considerations	17

1.0 Site Location and Description

1.1 The subject site is located on the northern side of Ballyfermot Road within a row of two storey commercial units. This two-storey terrace of shops and commercial uses are orientated so that they face onto Ballyfermot Road, with a setback (a narrow access road) and two storey terraced residential dwellings on Ballyfermot Road directly face the site. In addition, residential dwellings are located on both the south side of the commercial terrace and to the north (Colepark Avenue). Immediately to the east of the commercial terrace there is a block of apartments and a church. Ground floor uses in the commercial terrace include convenience shops, butchers, beauticians, hairdressers, drapery, bookmakers, bakery, take-aways and a phone shop. The subject site consists of the ground floor unit only which is vacant and formerly used as a butcher/delicatessen.

2.0 Proposed Development

2.1 The proposed development comprises a change of use of the existing vacant butcher/deli use to gaming/amusement arcade complex use at ground floor level only. The proposal includes Installation of signage and all ancillary site development works

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council refused permission with the following reason for refusal:

1. 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, schools and places of worship, as is the case in this instance. Having regard to the proximity of the subject site to existing residential properties,

schools and places of worship and given the established residential character of the surrounding area, 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

3.1.1. Planning Authority Reports

The planner's report concludes that while the proposed use would be acceptable in principle under 'Z4 Key Urban Villages / Urban Village' zoning, the surrounding area is residential in nature and therefore the proposal would not comply with Policy CCUV14, which states that there *'will be a presumption against adult shops, betting shops and gaming arcades in proximity to residential areas, places of public worship and schools and similarly, there will be a presumption against an excessive concentration of such uses having regard to the existing presence of such retail outlets in an area'*. While the subject site no. 304 Ballyfermot Road is within a row of commercial shops and forms part of an area zoned Z4 Urban Village, this terrace of shops and commercial uses are orientated so that they face onto Ballyfermot Road. While there is a setback, the residential houses face the site directly. In addition, residential houses are sited to both sides and the rear of the site (Colepark Avenue). The shops and commercial uses on Ballyfermot Road within this Z4 zone should support the needs of the residents of the immediate area.

Given the site context, it was considered that the change of use would be detrimental to the amenities of the residential properties and would have undue negative impacts on the immediate area.

3.1.2 Other Technical Reports

- Drainage Division - No objection subject to a standard condition.
- Transportation Planning Division – Some concern regarding proposed servicing arrangements for the unit and a request for further clarity was recommended.

3.3. Prescribed Bodies

No relevant submissions

3.4. Third Party Observations

A number of submissions were received including a signed petition from local residents. The issues raised are summarised as follows;

- Policy CCUV14 states that there is a presumption against gambling establishments in proximity to residential areas
- These establishments have negative impacts on communities including gambling addiction and anti-social behaviour.
- Need for a variety of different outlets in our area, but a gambling establishment is not needed
- Increased traffic and noise late at night with residential houses less than 50m away
- Decrease in property desirability and value
- Inconsistent with the established residential character of the area
- Already an overconcentration of bookmakers in the area with 4 outlets within 200 metres of the unit

4.0 Planning History

4.1 Subject site

- Reg. Ref. WEB5297/25 – An application for the change of use of the existing vacant butcher/deli use to gaming/amusement arcade complex use

at ground floor level, Installation of signage and all ancillary site development works was withdrawn by the applicant.

- Reg. Ref. 2235/06 – Planning permission was granted subject to conditions for 1st floor additional meat preparation area, over existing ground floor meat preparation facility, with access rear door over servicing lane to the rear of the Butcher Shop at 304, Ballyfermot Road, Dublin 10.

4.2 Surrounding area

- *Unit 3, The Goulding, Santry Cross, Ballymun, Dublin 9*

Reg. Ref. WEB2036/25 - Planning permission was refused for the change of use from retail to a gaming/amusement arcade complex and all ancillary works. Following a first party appeal, this was refused by ACP (ACP Ref 323159).

- *44 Main Street Finglas*

Reg. Ref. WEB1276/25 – Planning permission was granted subject to conditions for the change of use of the ground floor from commercial unit to gaming/amusement arcade with ancillary site works.

- *394 South Circular Road*

Reg. Ref. WEB1913/24 – Planning permission was refused for internal alterations to the ground floor of the existing premises including the provision of toilets, a cash dispensing counter and the creation of a storage area and for the change of use of the ground floor, with an internal area of 93.3sqm, of a property at 394 South Circular Road Dublin 8 from a vacant retail premises to an amusement centre containing a mix of Amusement-With-Prize ('AWP') and Amusement-Only ('AO') machines, totalling 29 machines

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 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:

- Section 7.5.1 – General Retail Policy
- Section 7.5.3 – Key Urban Villages, (Ballyfermot is identified as a Key Urban Village – Level 3 in the retail hierarchy, the top tier of urban centre outside the city centre).
- Section 14.6 – Transitional Zone Areas
- Section 14.7.4 – Key Urban Villages and Urban Villages – Zone Z4
- Section 15.14.9 – Betting Shops / Adult Store
- Section 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.
- Section 15.17.5 – Shopfront and Façade Design (Appendix 17)

Below is a synopsis 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.

Other Policy Guidance

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.

5.2 Relevant National or Regional Policy / Ministerial Guidelines

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. Natural Heritage Designations

The subject site is c.1.1km to the north of Grand Canal proposed NHA, 1.2km south of Liffey Valley proposed NHA and c. 9.3km to the west of South Dublin Bay SAC, South Dublin Bay and River Tolka SPA and South Dublin Bay proposed NHA. The site is also c. 10km to the southeast of Rye Water Valley/Carlton SAC.

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 appeal gives a detailed policy summary of the subject site and proposal and includes the following grounds of appeal:

- Planning Precedent – The appeal makes reference to a number of planning permissions granted in the Dublin City Development Plan area for amusement arcades with gambling machines – among them Reg. Refs 357/24 (63/64 Lower Dorset Street & 100-102 St Ignatius Road, Dublin 7), WEB1276/25 (44 Main Street Finglas) and 2079/21 (185 Parnell Street, Dublin 1).
- Zoning objectives - The Dublin City Development Plan 2022-2028 specifies the land use zoning for the site (Z4 Key Urban Villages/Urban Villages) should encompass a diversity of uses to maintain vitality throughout the day and evening. The Development Plan also states that the zoning promotes mixed-use

development including residential development. The Plan also promotes street vibrancy and consolidation of urban villages.

- Impact on amenities - There are no residential uses immediately adjacent the subject premises. The proposed arcade would be a managed and supervised premises subject to appropriate operational controls to ensure no undue impacts arise and this can be conditioned as part of a planning permission. The business would operate within restricted daytime and evening hours similar to other town centre retail uses and there would be no late night or early morning operations. Furthermore, there would be a comprehensive CCTV system in place with age restrictions and access controlled by staff at all times.
- Vitality and Streetscape – The design is in keeping with the surrounding area, would not introduce undue negative impacts on the character of the surrounding area and the development would make a positive contribution to Ballyfermot Urban Village by reactivating a long-vacant premises, diversifying the use of the village centre and supporting footfall along Ballyfermot Road and increasing passive surveillance in the area.
- Interpretation of Policy CCUV14 – The appeal states that it does not wish to revisit the zoning compatibility as this has already been established by the planning authority as a permissible use. Rather, it seeks to address the manner in which Policy CCUV14 is interpreted. Proximity to residences, schools and places of worship is an inherent and unavoidable characteristic of town centre locations. The appeal maintains that Ballyfermot Road is more akin to a town centre street in its character. Attention should be drawn to planning permission for a gaming arcade at 44 Main Street Finglas (ref WEB1276/25 & ACP ref 322377-25), which interpreted Policy CCUV14 in a different way – recognising the need for a balanced, site-specific and spatially-informed assessment having regard to zoning objectives and the functional character of the area, rather than a clear-cut approach of banning such uses

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

8.1. Following a review of the file, assessment of the relevant planning policies and inspection of the site, I am satisfied that the primary concern in this appeal relates to the principle of the change of use.

(1) Principle of Development

8.2 The Planning and Development Regulations, 2001, (Article 5(1)) define amusement arcade as a premises used for the playing of gaming machines, video games or other amusement machines.

8.3 According to the Dublin City Development Plan 2022-2028, 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.

8.4 The subject appeal 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 subject to site specific issues.

8.5 Policy 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. This policy does not specify what might constitute 'proximity' and therefore this has to be determined based on the circumstances of each case.

- 8.6 Section 15.14.10 of the Development Plan (Amusement Centres / Events) 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 agree with the appeal that there is a certain inevitability of proximity to some residential properties and other sensitive receptors, so it would be incorrect to apply a blanket approach to these proposals and ignore the much needed mix of uses that the zoning requires. 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.
- 8.7 I consider that the section of the Ballyfermot Road in which the application site is located is predominately a residential area. Although this row of businesses constitutes a commercial village at this location, the area surrounding the Z2 zoned land is not town centre and cannot be characterised as mixed-use. Rows of terraced 2 storey dwellings on Ballyfermot Road directly face the site and these extend quite extensively to the south as far as Inchicore, with these residential streets broken only by the railway line. In addition, residential dwellings are located to the rear (north) of the commercial buildings extending as far as Kylemore College. Immediately to the east of the commercial terrace there is a block of apartments. West of the site is slightly more varied and contains a mix of commercial and residential. However, the rows of housing along Ballyfermot Road continue in this direction. The distinct presence of playing fields and pocket parks within a 500 metre radius of the site is also evidence of residential neighbourhoods.
- 8.8 Policy CCUV14 also references proximity to schools and places of worship. The subject site is located near a church (Our Lady of the Assumption) c. 200 metres to the east and a family resource centre c. 350 metres to the east. The schools in question are located in a cluster and they are St. Raphael's National School, St. Gabriel's National School and St. Michael's National School. They share an

entrance off the R112 which is c. 280 metres to the east of the site. St Seton's secondary school is c. 210 metres to the northwest.

- 8.9 In this case I am of the view that despite the Z4 zoning of the site, the area in which the site is located is predominately residential with close proximity to houses and community services including schools and places of worship. Other than two other Z4 zonings along this stretch of Ballyfermot Road - the Tesco superstore village to the south of the site and the village at the Le Fanu Road junction to the west, the retail component in this area is effectively isolated to this one row of businesses where the subject site is located.
- 8.10 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. It is noted that there are two bookmakers in close proximity of the site. These are Paddy Power at 308 Ballyfermot Road within 50 metres to the west and Boyle Sports at 283 Ballyfermot Road within 50 metres to the south.
- 8.11 Despite the presence of betting shops, I am satisfied that there is not an excessive concentration of the uses referred to in Policy CCUV14 within the general area and I am of the opinion that the proposal would comply with the second element of the policy. However, this does not resolve the issue of 'proximity', and to counter the appeal submission, what I view as the inherent residential character of the surrounding area.
- 8.12 Regard has been had in my assessment to other decisions for gaming arcades with the Dublin City area and I note the appeal has referred to some of these cases. I note that planning 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.

- 8.13 A permission that has been cited in the appeal is 44 Main Street Finglas (Reg. Ref: 1276/25 & ACP ref 322377-25) This involved a change of use of the ground floor from commercial unit to gaming/amusement arcade with ancillary site works. In that permission, 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. The site was in an established town centre location and this was also the case for two other permissions cited in the appeal on 63/64 Lower Dorset Street & 100-102 St Ignatius Road, Dublin 7 and 185 Parnell Street, Dublin 1.
- 8.14 While the appeal makes a sensible argument for precedent and the mixed-use nature of the zoning and while a gaming arcade with gambling machines is an acceptable use in a Z4 Key Urban Village zoning, it is subject to a number of context-related policy restrictions mentioned above. Having looked at the evidence, I consider that the application site is within a predominantly residential area and is in close proximity to schools and a place of worship and would therefore be contrary to Section 15.14.10 (Amusement Centres / Events) and Policy CCUV 14 of the DCDP.

(2) Other matters

- 8.15 The proposed ancillary works comprise a new double door entry and corresponding alterations to the window glazing, internal reconfiguration of the vacant commercial unit and shopfront signage. The proposed front sign which from the application drawings, appears to be non-illuminated with 250mm raised aluminium letters on black background in a standard size/font in keeping with the appearance of the surrounding commercial units. I am satisfied that this would be Development Plan compliant and in line with guidance set out in Section 5.0 of this report including Shopfront Design Guidelines. I am satisfied that the replacement shopfront would be in keeping with the existing scale and appearance and there are no concerns regarding visual or townscape impact.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area c. 9.3km to the west of South Dublin Bay SAC, South Dublin Bay and River Tolka SPA and c.10km to the southeast of Rye Water Valley/Cartron SAC.
- 9.2. The proposed development comprises a change of use of the existing vacant butcher/deli use to gaming/amusement arcade complex use and minor ancillary works. No nature conservation concerns were raised in the planning appeal.
- 9.3. 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:
- Nature of works
 - Location in an established residential area
 - Lack of connections to nearest European sites
- 9.4. 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.

10.0 Water Framework Directive

- 10.1. The subject site is located at 304 Ballyfermot Road Dublin 10 approximately 700 metres southwest of the River Liffey.
- 10.2 The proposed development comprises a change of use of an existing commercial unit with minor ancillary works in an urban residential area. 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. The reason for this conclusion is as follows:

- Nature of works and the use proposed
- Location-distance from nearest water bodies and/or lack of hydrological connections

10.4 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 permission be refused

12.0 Reasons and Considerations

12.1 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, schools and a place of worship 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Killian Harrington
Planning Inspector

5 April 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-500696-DS-26
Proposed Development Summary	Change of use of the existing vacant butcher/deli use to gaming/amusement arcade complex use at ground floor level, installation of signage and all ancillary site development works.
Development Address	304 Ballyfermot Road, Dublin 10
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
<p>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</p> <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) 	<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 <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	
1. 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?	

<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)	
2. 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: 5 April 2026