

DEPUTY PLANNING OFFICER

APPLICATION NO.	WEB1913/24
PROPOSAL	The development consists of 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.
LOCATION	394 South Circular Road, Dublin 8, D08 E796
APPLICANT	Kian McGuigan
DATE LODGED	25-Jul-2024
ZONING	
APPLICATION TYPE	Permission

13/09/24

DF/EB

Site Notice:

Site notice in order 20/08/2024.

Pre Planning Meeting:

No pre-planning consultation has been undertaken.

Zoning

The site is located in an area governed by the landuse zoning Z4 - Key Urban Villages/Urban Villages with the accompanying objective *To provide for and improve mixed-services facilities.*

The site is also located within the boundary of the SDRA 12 – Dolphin House.

Site Description:

The subject site comprises a vacant retail unit (ground floor) which forms an end-of-terrace property within a two-storey terrace comprising a number of commercial units which is located within close proximity to the South Circular Road and Dolphin's Barn Street junction. The property has an existing part single, part two-storey extension to the rear (both with flat roofs) of which the ground floor (94.3sq.m) accommodates a vacant retail unit and the first floor accommodating a single residential unit. The site adjoins a number of vacant units to the south-east (no.'s 33-37 Dolphin's Barn Street) which is currently the subject of an application for an 8 storey mixed-use building comprising 25no. apartment units. Other neighbouring sites includes the six storey Reuben's Square residential building with the 8 to 12 storey Earls Court development located to the north.

Planning History:

<u>Reg. Ref</u>	<u>Decision/Description</u>
6108/07	PP Granted by DCC for the provision of an off licence (19sqm) subsidiary to the main retail use.

Relevant Applications to Neighbouring Sites

<u>Reg. Ref</u>	<u>Decision/Description</u>
3581/24	Site at the corner of South Circular Road, 33-37 Dolphin's Barn Street –FI Received 20/08/2024 – Decision Due 16/09/2024 for 1) The demolition of the existing derelict buildings and structures on the site; 2) The construction of a part two storey to part eight storey mixed-use building comprising: community/social enterprise use (Class 10) or retail use (Class 1) at ground and mezzanine floor levels (subject to future tenant requirements) and 25 no. residential units at the

upper floors - 12 no. one bedroom apartments, 11 no. two bedroom apartments and 2 no. two bedroom duplex apartments; 3) The development will also include the provision of balconies and terraces on the south-eastern, north-western and south-western elevations; communal open space at mezzanine floor level on the northern elevation; roof terraces on the north-western elevation at fourth floor level, and the north-western and north-eastern elevations at sixth floor level; 51 no. bicycle parking spaces; bin storage facilities and ESB substation at ground floor level; solar PV panels at sixth floor and roof level; and all associated site development works above and below ground to facilitate the development.

Observations/Submissions:

37 observations have been received by DCC which includes submissions from residents in the wider area, elected members of DCC, and groups including the Rialto Development Association, Daisyhouse Housing Association and the South Inner City Drugs and Alcohol Task Force.

The observations all object to the proposed development.

- It is suggested that the proposed development is not conducive to good planning and will in no way contribute positively to the amenities in the area. It is stated that the development would have a substantial negative impact on the surrounding local residents in Dolphin's Barn, Fatima and Rialto communities. It is stated that the development would encourage anti-community activities and undermine any positive, pro-social, integration activities in the area. A slot machine/gambling arcade is the antithesis of what's needed and will only deeply contribute further to existing anti-social problems within the immediate area. It is stated that it is clear that they do not facilitate genuine community and cultural interaction, any more than do bookmakers (of which there are already two within five minutes' walk of the proposed development site). It is clear that the proposed development would make the local area less safe for residents, less attractive to visitors, and more difficult for local businesses to effectively operate.
- Examples of similar premises in the area were highlighted whereby it was stated that it was a magnet for antisocial behaviour. Serious concerns are expressed within observations whereby the dangers of such 'gambling establishments' are highlighted with specific reference to vulnerable people with addictions. Specific reference is made to the surrounding area which is stated as being 'blighted by addiction in the past years' and it is suggested that placing a gambling and amusement facility in the heart of the community is counterproductive. It is argued that it is inappropriate for the proposed development at this location being only 100m or so from the services of the Rialto Community Drug Team.
- There are already two gambling businesses on this small stretch of road (between Dolphins Barn crossroads and the roundabout in Rialto, at 445 and 471 South Circular Rd), introducing another gambling facility will likely contribute to more problem gambling and addictive behaviour in a community that already faces significant challenges and hardships related to addiction.
- Observations stated that the gaming/amusement sector in Ireland is upregulated and open to abuse with little or no inspection for illicit gaming machines.
- The application describes the development as an '*amusement centre*' in an attempted to secure a more favourable designation under the Z4 zoning (of which amusement centre is a permissible use).
- It is suggested in many of the observations that the 'With-Prize' (AWP) machines in conjunction with the layout of the proposed development is more consistent with the definition of a gambling establishment or casino than that of a typical amusement centre.

- It is also suggested that that such use may come under a 'betting office' which is open for consideration, a more difficult standard to reach.
- The Development Plan policy with respect to casinos is also highlighted whereby it is suggested that the application be at very least assessed on the criteria such as hours of operation, signage and shop frontage treatment have not been specified (details of which have not been provided by the applicant). Observations suggest that typically, storefronts to such premises are loud, tacky and would be unbecoming to a majority residential area.
- A number of observations highlight Policy CCUV14 which places a presumption against gaming arcades in proximity to residential areas, places of worship and schools.
- Observations indicate that the development is in proximity to a primarily residential area being surrounded by Z1 (Sustainable Residential Neighbourhoods) and is beside a site soon to be developed for social housing (Reg. Ref. 3581/24 – Iveagh Trust). It is suggested that the application site is within proximity to a number of places of worship including being within a few yards of the Grotto and within proximity to a number of schools. The above are stated as being sufficient to trigger a presumption against CCUV14.
- It is suggested that the proposed site for the 'Amusement Centre' could be repurposed for the development of affordable homes. This would provide long-term benefits to the community by supporting families, reducing homelessness, and ensuring that Dublin 8 remains accessible to people from all walks of life.
- Many observations reference the subject site's location within SDRA 12 Dolphin House and highlighted associated principles for development within these areas.
- The strip of shops near the proposed development desperately needs an injection of vitality and spaces that will act as a community hub. These uses close themselves off from the street and deaden the vitality of the street.
- The subject site is located in close proximity to premises under the operation of Daisyhouse Housing Association. The Association express concerns relating to the amusement arcade and highlight issues associated with impacts on vulnerable individuals.
- The site is located nearby to the Dolphin House DCC housing complex which has undergone significant investment and rejuvenation. The Player Wills, Bailey Gibson and Teresa's Gardens area nearby which will result in unprecedented public and private investment in the area. The proposed gambling use would undermine the benefits of all this public and private investment.

Interdepartmental Report(s):

Drainage Division: Report dated 12/08/2024 – No objection.

Transportation Planning Division: Report dated 04/09/2024 – No objection.

Consultees /Interested Parties:

Uisce Éireann: No report received.

Policy:

Dublin City Development Plan 2022-2028

Section 7.5.1 General Retail Policy

- Policy CCUV14 - Adult Shops, Betting Shops and Gaming Arcades

Section 7.5.3 Key Urban Villages, Urban Villages and Neighbourhood Centres

- Policy CCUV20 - Mixed Use Key Urban Villages/Urban Villages
- Policy CCUV23 - Active Uses

Section 13.14 SDR 12 – Dolphin House

Section 14.6 Transitional Zone Areas

Section 14.7.4 Key Urban Villages and Urban Villages – Zone Z4

Section 15.14.10 Amusement Centres / Events

Appendix 15: Land Use Definitions - Amusement/ Leisure Complex

Planning and Development Regulations, 2001, as amended

Article 5(1) of the Regulations state:

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

Planning Assessment

The proposed development comprises the change of use of the ground floor level to no. 394 South Circular Road (area: 93.3sq.m) 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. The development includes 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. The floor plans provided illustrate the location of the Amusement-With-Prize ('AWP') and Amusement-Only ('AO') machines extending from the front to the rear of the retail unit.

The subject site is located within an area zoned Z4 - Key Urban Villages/Urban Villages with the accompanying objective *To provide for and improve mixed-services facilities. 'Amusement/leisure complex'* is a permissible use within Z4 zoned lands. Appendix 15 of the Development Plan defines '*Amusement/leisure complex*' as '*a building, or part thereof, used for the playing of gaming machines, video games or other amusement machines as defined in Article 5 of the Planning and Development Regulations, 2001, as amended. It may also include a bowling alley, quasar complex, pool or snooker hall, or children's indoor play centre*'. Article 5(1) of the Regulations states an *amusement arcade means premises used for the playing of gaming machines, video games or other amusement machines.*

Notwithstanding that an amusement centre is a permissible use in principle under the Z4 zoning, there are a number of other policy areas that are used to inform development in this part of the city.

Section 15.14.10 of the Development Plan states '*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. It is an objective of Dublin City Council to prevent an excessive concentration of amusement centres*'.

It is understood that the Amusement-With-Prize and Amusement-Only ('AO') machines are essentially slot machines which are also typical of gaming arcades. It is therefore considered Policy CCUV14 is relevant 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*'.

The subject site, located within close proximity to the South Circular Road and Dolphin's Barn St. junction forms part of an area zoned Z4 Urban village which is oriented around the junction extending to the south-west to the Grand Canal and to the north-east along Dolphin's Barn Street and Cork Street. The Z4 zoning to this area is noted for predominately consisting of the properties fronting onto Dolphin's Barn Street, Cork Street and to this section of South Circular Road which immediately adjoin residential areas to the rear (predominantly under the Z1 zoning) which consist of relatively low density housing (e.g. Reuben St. Reuben Avenue, Haroldville Avenue). The properties immediately adjoining the subject site within the Z4 – Urban Village include no's 33-37 Dolphin's Barn Street (a vacant site) which is currently the subject of an application for a high density 8 storey mixed-use building comprising 25no. apartment units under Reg. Ref. 3581/24.

DCC made a decision to request for further information on 18/06/2024 relating to cycle parking, drainage and to submit a Historic Buildings Survey. The initial Planner's Report is largely positive relating to the scheme. The applicant submitted further information on 20/08/2024 with a decision due on 16/09/2024.

The other neighbouring sites include the six storey Reuben's Square residential building with the 8 to 12 storey Earls Court development located to the north. The wider area to Cork Street is experiencing a similar pattern of development with many vacant/underutilised sites gradually being replaced by high density residential development which typically addresses the mixed-use requirements of Z4 through provision of ground level commercial units. The wider area is noted by the redevelopment of Dolphin House (DCC housing complex) to the south-west and the forthcoming residential developments to the Bailey Gibson and Player Wills sites. Notwithstanding that the subject and neighbouring sites are located within a Z4 – Urban Village it is clear that the existing character of the immediate and wider area and the pattern of development that is occurring is residential in nature.

The subject site is located immediately adjoining a number of high density residential schemes and is in an area with a high proliferation of residential uses. Given the site specific nature of the subject site, it is considered that the provision of an amusement centre would be contrary to Policy CCUV14 and Section 15.14.10 of the Development Plan and would be detrimental to the amenities of the residential properties. It is recommended that permission is refused.

Appropriate Assessment:

Under Article 6 (3) of the EU Habitats Directive and Regulation 30 of SI NO.94/1997 European Communities (Natural Habitats) Regulations (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177 (U) of the Planning and Development Act 2000 (as amended).

The Planning Department, as the competent authority, has undertaken the Appropriate Assessment screening of the development and has determined that progression to Stage 2 of the Appropriate Assessment process (i.e. preparation of a Natura Impact Statement) is not considered necessary. It is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

EIA:

Having regard to the nature and scale the development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion:

The proposed development to convert the ground floor of 394 South Circular Road into an amusement centre with 29 machines, including Amusement-With-Prize (AWP) and Amusement-Only (AO) machines, is situated in a Z4 zoned Urban Village area. Although amusement centres are permissible under Z4 zoning, the site's immediate character and proximity to residential areas raise significant concerns. The proposed use is considered contrary with Policy CCUV14 (Adult Shops, Betting Shops and Gaming Arcades) and Section 15.14.10 (Amusement Centres / Events) of the Development Plan, which aim to limit amusement centres near residential areas to prevent negative impacts on local amenities and prevent excessive concentration of such facilities. Therefore, the development is considered inconsistent with the area's residential character and Development Plan policy.

Recommendation:
Refuse Permission

The subject site is located immediately adjoining a number of high density residential schemes and is in an area with a high proliferation of residential uses. The provision of an amusement centre at this location would be detrimental to the amenities of the area and would be contrary to Policy CCUV14 (Adult Shops, Betting Shops and Gaming Arcades) and Section 15.14.10 (Amusement Centres / Events) of the Dublin City Development Plan 2022-2028 which aim to limit

amusement centres near residential areas and prevent excessive concentration of such facilities. The development would therefore, by itself and by the precedent it would set for other similar undesirable development in the vicinity, be contrary to the proper planning and sustainable development of the area.