



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3644/19

Appeal by Fortem Capital Limited care of Hughes Planning of 70 Pearse Street, Dublin against the decision made on the 24th day of September, 2019 by Dublin City Council to grant subject to conditions a permission to Drive Investments Funds PLC care of O'Mahony Pike Architects Limited of The Chapel, Mount Saint Anne's, Milltown, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from former Liz Delaney's public house and club to recreation building to include gym use (Class 11(e) without pool) which includes existing basement, existing ground floor, existing first floor, and single storey extensions at ground floor and at first floor, minor elevational changes including addition of entrance and relocation of fire escape doors and external works to include rebranding existing and additional signage and provision of new bicycle stands, all at Units 59, 60 and 61 Northside Shopping Centre, Clonshaugh Road, Coolock, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the use and design of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of vitality and viability of the Northside Shopping Centre and would not detract from the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 the operation of the proposed development, details of the following matters shall be submitted to, and agreed in writing with, the planning authority:
 - (a) the size, design and location of the cycle stands,
 - (b) a strategy for advertising and signage including design, materials and illumination.

Reason: In the interests of visual amenity and orderly development.

3. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019