

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

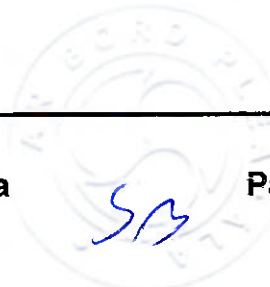
Planning Register Reference Number: D21A/0903

Appeal by KW Investment Funds ICAV care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin against the decision made on the 2nd day of December, 2021 by Dun Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Change of use from a vacant cafe/restaurant unit (Unit 4, Ground Floor, Block L – circa 242 square metres) to use as a gym and all ancillary works at Unit 4, Ground Floor, Block L, Central Park, Leopardstown Road, Dublin.

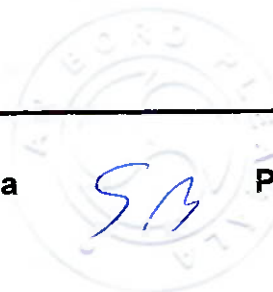
Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.



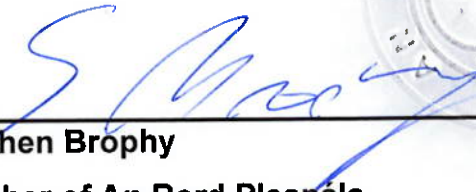
Reasons and Considerations

The proposed development comprising the change of use from a vacant cafe/restaurant unit to use as a gym would materially contravene the zoning objective for the area as Mixed Use Inner Core (MIC) in the Dun Laoghaire-Rathdown County Development Plan 2022-2028 which seeks 'to consolidate and complete the development of the mixed use inner core to enhance and reinforce sustainable development', as while a restaurant is 'permitted in principle' a gym is neither 'permitted in principle' nor 'open for consideration' under the MIC zoning objective of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the decision of the planning authority and noted that, notwithstanding the adoption of a new development plan since this decision, the zoning of the site and the 'permitted in principle' and 'open for consideration' uses thereupon are materially unchanged. The Board had regard to the provisions of section 13.1.5 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 which provides that 'Uses which are not indicated as 'Permitted in Principle' or 'Open for Consideration' will not be permitted' and noted that 'gym' use is not a category which can be considered on a case-by-case basis under the provisions of section 13.1.5 of the development plan.





Stephen Brophy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 21st day of December 2023.