



The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/01/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the continuation of retail use from off-licence to introduction of retail use as a pharmacy at 62 Dorset Street Lower, Dublin 1, is or is not development or is or is not exempted development:

AND WHEREAS Michael Maher care of Kenny Kane Associates, requested a declaration on this question from Dublin City Council, and the Council issued a declaration on the 20th day of March, 2020, stating that the matter is development and is not exempted development:

AND WHEREAS Michael Maher care of Simon Clear & Associates Planning and Development Consultants referred this declaration for review to An Bord Pleanála on the 16th day of April, 2020:

AND WHEREAS An Bord Pleanála decided to rephrase the question as follows : whether the change of use from an off-licence to a pharmacy at 62

Dorset Street Lower, Dublin 1, is development and is not exempted development.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations 2001-2020,
- (c) Part 4 of Schedule 2 of the Planning and Development Regulations 2001-2020,
- (d) the planning history of the site,
- (e) the provisions of the Dublin City Development Plan 2016-2022,
- (f) the pattern of development in the area,
- (g) the submissions on file from the referrer:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the previous and permitted use of the premises as an off-licence and the change to the current use of the premises as a pharmacy, constitutes a change of use, which is considered to be a material change of use and is, therefore, development within the meaning of Section 3 of the Planning and Development Act 2000, as amended, and;
- (b) there are no provisions in the Planning and Development Act 2000, as amended or in the Planning and Development Regulations 2001-2020, made thereunder, whereby the said change of use is exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the change of use from an off-licence to a pharmacy at 62 Dorset Street Lower, Dublin 1, is development and is not exempted development.

Board Member:

Date: 20/01/2021

Terry Prendergast