

An
Bord
Pleanála

**Board Direction
ABP-319436-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/10/2024.

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

WHEREAS a question has arisen as to whether the change of use at the Paramount Hotel from use as a "hotel" to use as a "hostel" (non-tourist) where care or short-term homeless accommodation is provided at the Paramount Hotel, numbers 7-8 and 9 and 10 Exchange Street Upper, and numbers 1, 27-28 and 29-30 Parliament Street, Dublin is or is not exempted development:

AND WHEREAS Old City Management Limited care of Armstrong Planning Limited of 12 Clarinda Park North, Dun Laoghaire, County Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 13th day of March 2024 stating that no development by reason of works or by reason of a material change of use has taken place and that the continued use of the premises as hotel use is considered exempt from the requirement to seek planning permission:

AND WHEREAS Old City Management Limited referred this declaration for review to An Bord Pleanála on the 2nd day of April 2024:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended:
- (b) Section 3(1) of the Planning and Development Act, 2000:
- (c) Section 4 of the Planning and Development Act, 2000, as amended:
- (d) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended:
- (e) Class 14 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:
- (f) Class 6 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended:
- (g) the provisions of the Dublin City Development Plan 2022 -2028,
- (h) the submissions on file,
- (i) the planning history of the site,
- (j) the nature of the uses previously and currently on site and
- (k) the pattern of development in the area:

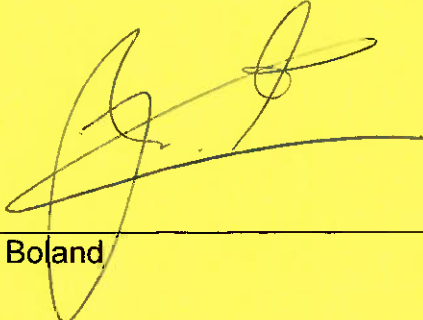
AND WHEREAS An Bord Pleanála has concluded that:

- (a) the use of the building for short term homeless accommodation constitutes a change of use from the permitted hotel use with reference to the following:
 - (1) the current use as described in the submission on file, including those from the representatives of the operator,
 - (2) the predominant use of the building is no longer for tourist accommodation,
 - (3) the provision of accommodation for homeless persons provides for a 'social need' and therefore constitutes 'care' as defined in Article 5(1), Part 2 of the Planning and Development regulations 2002, as amended,
 - (4) a hotel or hostel, other than a hostel where care is provided, is a 'business premises' as defined in Article 5(1), Part 2 of the Planning and Development Regulations 2002, as amended, therefore, the use of the building for a hotel as permitted is a business premises, the use of the building for short term homeless accommodation is not a business premises,

- (b) the change of use from the permitted hotel use to use as short term homeless accommodation raises planning considerations which are materially different to the planning considerations relating to the permitted hotel use, with references to the distinctions in the planning considerations between hotels intended for visitor accommodation and hostels/sheltered accommodation/family hubs for non-tourist homeless accommodation as referred to in the Dublin city Development Plan 2022-2028, including at sections 15.13.9, 15.14.1 and 15.14.1.1.,
- (c) the change of use, therefore, constitutes a material change of use and is development as defined in Section 3 of the Planning and Development Act, 2000, as amended, and
- (d) neither the Planning and Development Act, 2000, as amended, nor the Planning and Development Regulations, 2001, as amended, provide any exemption in respect of such a material change of use:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act ,as amended, hereby decides that the change of use at the Paramount Hotel from use as a 'hotel' to use as a 'hostel' (non-tourist) where care or short-term homeless accommodation is provided at the Paramount Hotel, numbers 7-8 and 9 and 10 Exchange Street Upper, and numbers 1, 27-28 and 29-30 Parliament Street, Dublin is development and is not exempted development.

Board Member:



Joe Boland

Date: 31/10/2024