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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0079/20**

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

**AND WHEREAS** Michael Maher care of Kenny Kane Associates of Oak Hollow Studio, Upper Glenageary Road, Glenageary, County Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 20<sup>th</sup> day of March, 2020 stating that the said matter is development and is not exempted development:

**AND WHEREAS** Michael Maher care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin referred the declaration for review to An Bord Pleanála on the 16<sup>th</sup> 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, 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, and
- (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 2000 Act, hereby decides that the change of use from an off-licence to a pharmacy at 62 Dorset Street Lower, Dublin, is development and is not exempted development.

### **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.

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

**Dated this            day of            2021.**