



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 0313/20

WHEREAS a question has arisen as to whether a change of use from residential use to a hostel for homeless accommodation at 15/17 Lower Drumcondra Road, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Anthony Corbett care of Keenan Lynch Architects of 4 Herbert Place, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 30th day of September, 2020 stating that the matter is development and is exempted development:

AND WHEREAS Anthony Corbett referred the declaration for review to An Bord Pleanála on the 27th day of October, 2020:

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

- (a) sections 2(1), 3(1), 4(1)(f), 4(1)(h) and 178 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14 (e) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) Class 9 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (e) the definition of ‘care’ as set out in Article 5 of the Planning and Development Regulations, 2001, as amended,
- (f) the provisions of the Dublin City Development Plan 2016-2022,
- (g) the submissions on file, including the planning authority’s response to the Board’s section 132 notice, and
- (h) the planning history of the site, the nature of the uses previously and currently on site and the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the change of use from residential use to a use for the provision of residential accommodation and care to people in need of care as defined under Class 9 (a) of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, is a material change of use by reason of providing a different service to a different user group, and is, therefore, development,
- (b) the provision of the support described above falls within the scope of 'care' as defined at Article 5 of the Planning and Development Regulations, 2001, as amended, namely personal care including help with social needs,
- (c) the material change of use would not come within the scope of Article 10(1) of the Planning and Development Regulations, 2001, as amended, as it does not constitute a change of use within any one class,
- (d) in the absence of evidence of the application of Policy QH30 and section 16.12 of the Dublin City Development Plan 2016-2022 in considering the proposal to develop and change the use of the premises, the Council in entering into the contract, effected development in the city which contravenes materially the development plan contrary to the provisions of section 178(2), by failing to comply with the specific procedures for such developments, and, therefore, any exemption which might have been available under the provisions of section 4(1)(f) cannot be availed of, and

- (e) there are no other exemptions available for the material change of use within existing legislation:

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 residential use to a hostel for homeless accommodation at 15/17 Lower Drumcondra Road, 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.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2021.