An Coimisiún Pleanála

Commission Order
PL-501632-DN-26

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1480/26

Appeal by McCare Limited against the decision made on the 4th day of June, 2026 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The development will consist of: (i) a change of use from 11 number residential apartments to residential apartments where care is provided to minors; (ii) change of use of two number ground floor commercial units to ancillary staff offices and meeting rooms to serve the facility; (iii) all other works necessary to complete the development. All at Numbers 49, 50 and 51 Amiens Street, Dublin (a Protected Structure).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the 'Z5 City Centre 'zoning objective of the Dublin City Development Plan 2022 – 2028, Policy QHSN17 Sustainable Neighbourhoods, Policy QHS28 Temporary Homeless Accommodation and Support Services, Section 15.13.8 Care Homes, to the nature and scale of the proposed development and the characteristics of the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be in accordance with the provisions of the Dublin City Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission agreed with the Inspector that the proposed change of use is a Children's Residential Care Centre, and that Objective QHS29 would be applicable in this instance, with accommodation being provided on a temporary basis subject to the residents returning home or finding a long-term permanent option, consistent with its registration by Tusla.

However, the Commission did not agree with the Inspector, or the planning authority, that approval for a Children's Residential Centre would lead to an overconcentration of similar homeless and social support accommodation services in the city centre. The nature, age range and legal status of the minors (i.e. taken into care by Tusla), qualified staffing arrangements, requirements for individualised care plans and the registration and inspection/monitoring regimes applicable to Children's Residential Care are unique amongst the range of other temporary care accommodation services within a 750-metre radius i.e. no overconcentration of similar services.

Furthermore, the Commission did not share the Inspector's view that removing the two commercial units as independent units and absorbing them into the residential centre's operations would noticeably impact on the streetscape and character of the area as a result. Noting that the Z5 zoning objective outlines that vibrant ground floor uses should be promoted, not that such uses are required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of May 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 2612/20 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

   Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. This permission is limited to 11 residents (aged 16 to 18) and 4 care staff, and the development shall be operated and managed in accordance with the requirements of Tusla and/or HIQA, depending on Tusla's registration requirements, and the Amiens Street Operational Management Plan as submitted to the planning authority.

   Reason: In the interest of the proper planning and sustainable development of the area.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out internally or externally on the premises without a prior grant of planning permission.

   Reason: In the interest of residential amenity

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

6. The developer shall pay to the planning authority a financial contribution in respect of the Luas Red Line Docklands Extension (Luas C1) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Declan Moore
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 20th **day of** October **2026.**