



An
Bord
Pleanála

Inspector's Report

ABP-315528-23

Development	Change of use from convent to hostel and all associated site works
Location	St. Agnes Convent, Armagh Road, Crumlin, Dublin 12, D12 W62N
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4714/22
Applicant(s)	Peter Pfeffer
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Aengus Ó Snodaigh TD Cllr Máire Devine
Observer(s)	Cllr Pat Dunne
Date of Site Inspection	10 th September 2023
Inspector	Sarah Moran

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1.0 Site Location and Description

1.1. The development site is an existing two storey convent building dating from the 1940s, accessed via Armagh Road in Crumlin, Dublin 12. The original convent grounds have been developed such that there is now a three storey building containing a Primary Care Centre and a pharmacy to the immediate south of the convent building (outside the red line site boundary but within the blue line lands under the same ownership), also a nursing home site and associated sheltered housing further to the south. There is a car parking area to the north of the convent building, which serves the convent building and the Primary Care Centre. The wider area is predominantly residential, however there are several schools in the immediate vicinity of the development site.

2.0 Proposed Development

2.1. The proposed development involves a change of use of the convent building, stated area 1,209 sq.m., to remain within the existing footprint and with some changes to external elevations. An existing flat roofed area is to be used as an outdoor amenity space, area 102 sq.m. The development is to use existing adjacent car parking and will provide new cycle parking stands. It will connect to existing site services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council (DCC) issued a Request for Further Information (RFI) on 18th October 2022 in relation to the following matters:

- There is extensive planning history relating to the subject site and to surrounding institutional lands. Applicant to provide the planning reg. ref. no. which amended the parent permission for the Primary Care Centre, change and use and renovation of the convent as granted under reg. ref. 2881/12, to omit the convent building from the original scheme.
- Applicant to demonstrate how the development accords with requirements of the Z15 zoning objective.

- Applicant to clarify the total number of bedspaces and indicate which bedrooms are intended for multiple occupancy.
- Clarification of existing and proposed car parking arrangements having regard to the approved Car Parking Management Plan under reg. ref. 3161/20, condition no. 5(b). The inclusion of 8 no. spaces within the proposed use appears to conflict with the approved Car Parking Management Plan.

3.1.2. DCC issued a Notification of a Decision to Grant Permission on 6th December 2022, subject to nine no. conditions. None of the conditions imposed involved any significant changes to the development. The following conditions are noted in particular:

3. The hostel shall adhere to the following requirements:

- a) A management company shall be provided in a full time capacity to provide maintenance, repair ,operation ,safety and security for the patrons/ customers of the hostel.*
- b) The hostel shall not be used for the provision of homes or accommodation for persons in a care setting, as an institutional hostel or in social support of persons, or for students without a prior grant of planning permission.*
- c) The hostel shall be used for tourist purposes only on short time lets i.e. maximum length of stay shall be no longer than 1 month.*

Reason: In the interest of clarifying the scope of this permission

6. The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council

- a) The proposed 8 no. car parking spaces shall form part of the overall car parking plan as permitted under ref. 3161/20 and shall be assigned and managed by the Car Parking Management Plan as agreed under compliance sub 2 of planning ref 3161/20.*
- b) A minimum of 20 no. cycle parking spaces shall be provided as part of the development. Cycle parking shall be of the Sheffield style design to allow both*

wheel and frame to be locked. Cycle parking shall be provided within the dedicated cycle parking store and externally adjacent to main entrance.

- c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*
- d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

Reason: To ensure a satisfactory standard of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning report 17th October 2022. Recommends RFI.
- Planning assessment of RFI response, 6th December 2022, recommends permission subject to conditions.

3.2.2. Other Technical Reports

- DCC Drainage Division 6th September 2022. No objection subject to conditions.
- DCC Transportation Planning Division 3rd October 2022. Additional information requested. Second report 21st November 2022, accepts FI submission, no objection subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. None on file.

3.4. Third Party Observations

- 3.4.1. There is one submission on file from the above named appellants, which objects to the development on grounds similar to those raised in the grounds of appeal.

4.0 Planning History

4.1. Reg. Ref. 2881/12 PL29S.241889 Development Site

- 4.1.1. Relating to the existing convent building and associated grounds. Permission granted by DCC and by the Board on appeal for development comprising:
- Renovation and change of use of the existing convent building to accommodate GP suites, medical treatment rooms, office space, public community facilities and ancillary services on the ground floor and office space and medical treatment rooms on the upper floor. Two pedestrian links at first floor level to link the existing convent building and the new structure.
 - Construction of a new three storey Primary Care Centre facility of 2,598 sq.m. and associated works, to incorporate a pharmacare centre (including pharmacy and optician), a cafe, GP suites; medical treatment rooms; HSE offices/administration and ancillary facilities.
 - Existing sheds and outbuildings to be demolished.
 - Landscaped pedestrian street incorporating seating between the two structures at ground level.
 - Upgrade of existing access road to include traffic calming; a 2m wide footpath, a dedicated cycle lane and new boundary treatment, to be taken in charge by DCC.
 - 51 no. parking spaces at surface level to the front of the convent structure. New wall and railing to separate this area from adjoining lands.

4.2. Reg. Ref. 4456/19 ABP 308078-20 Lands to East of Convent Building

- 4.2.1. Relating to lands to the east of the convent building at the subject site. Permission granted by DCC and by the Board for a three storey block containing 12 no. one-bed independent living units with balconies on the upper floors and landscaped communal garden space to the front and rear at ground floor level, along with six no. on site car parking spaces and associated site works. Vehicular access from the internal access road along the north, rear side of the primary health care building and the former convent building. Six no. parking spaces proposed to serve the development.

4.3. **Lands to South of the Primary Care Centre**

4.3.1. The lands to the south of the Primary Care Centre have been subject to permission /development as a nursing home and associated sheltered accommodation. The following planning history on these lands is noted.

4.3.2. Reg. Ref. 2882/12 PL29S.241890

Permission granted by DCC and by the Board for the provision of a residential care facility to include;

- Development of a four storey 122 bed nursing home, and 120 no. independent living units in six no. 3-4 storey blocks. The total development floorspace is 13,965 sq m.
- Landscaped open space area of 9,513 sq.m.
- Upgrade of existing access road is to be upgraded to include traffic calming; a 2m wide footpath, dedicated cycle lane, new boundary treatment, surface car parking (59 no. spaces), 10 no. motor cycle spaces and 24 no. cycle parking spaces.

4.3.3. Reg. Ref. 4135/17

Permission granted for modifications to the nursing home and independent living units comprising reconfiguration of the car park to provide 43 no. additional car parking spaces (total of 102 no. spaces); construction of six no. bin stores; construction of sub-station.

4.3.4. Reg. Ref. 3610/18

Permission granted for modifications to permitted sheltered housing/nursing home comprising new basement level to accommodate kitchen, staff facilities, administrative offices and plant; increase in floorplate of building; re-organisation of floor plans to provide an additional 12 bedrooms, bringing the total to 134 bedrooms (139 bed spaces).

4.3.5. Reg. Ref. 3544/19 ABP-305593-19

Permission refused by DCC for an application for two no. infill residential buildings each accommodating 11 no. one bed independent living units (total 22 units). The Board refused permission for the following stated reason:

Having regard to the close proximity, height, and scale of the proposed development to the previously approved blocks, and to the design and disposition of the proposed infill blocks, it is considered that the proposed development would represent a poor design response where the resulting narrow circulation spaces would be of poor quality and overbearing in nature. The proposed development would have an adverse impact on the amenities of future occupants of the development and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.3.6. Reg. Ref. 2572/20 ABP-307778-20

Permission refused by DCC for an application for two no. additional 3-4 storey blocks within Phase 2 of the overall integrated health care and residential care facility providing for a total of 20 no. one bed independent living units, (ILU's) ten units in each block. The Board refused permission on 1st December 2020 for the following stated reason:

Having regard to the close proximity of the proposed infill blocks to the existing blocks, the narrow width between the footprints and the height, scale and mass and the design of the proposed blocks, and resultant substitution of narrow circulation space for the communal amenity space between blocks, it is considered that the proposed development would seriously injure the residential amenities of occupants of and the visual and residential amenities of the integrated independent living units and residential care facility within the site and would be contrary to the proper planning and sustainable development of the area.

4.3.7. Reg. Ref. 3161/20

Permission granted for modifications to the permitted nursing home to provide an additional 17 no. bedrooms bringing the total to 151 bedrooms and providing separate external access to common facilities within a five storey over basement structure. Modifications also include redesigned external gardens, an additional eight no. car parking spaces and associated site works and services.

4.3.8. Reg. Ref. 2125/21

Permission granted for two no. four storey infill residential buildings each accommodating eight no. one bedroom independent living units (total 16 units) with associated balconies/winter gardens.

4.3.9. Reg. Ref. 2126/21 ABP 310004-21

Permission sought for five no. one bed bungalows for use as independent living units with a total stated floor area of 256 sq.m. DCC refused permission on 23rd March 2021. The Board refused permission on 6th September 2021 for the following stated reason:

Having regard to the quantum of development already permitted on this site, and to the location of the proposed development, adjacent to the main pedestrian route between the residential care facility building and the blocks of independent living units, it is considered that the proposed development would sever and would diminish the quality, quantum and amenity potential of the overall scheme. As a result, the proposed development would constitute substandard overdevelopment, would seriously injure the residential amenities of current and future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.1.1. The previous 2016 development plan was in effect when the subject application was lodged with DCC on 24th August 2022 and when the decision to grant permission was issued by the planning authority on 6th December 2022.

5.1.2. The development site has the Z15 'Community and Social Infrastructure' zoning objective under the 2016 development plan, with the stated objective 'To protect and provide for institutional and community uses'. The uses 'bed and breakfast' and 'hostel' are open for consideration under the Z15 objective. Development plan section 14.8.14 states:

Where there is an existing institutional and/or community use, any proposed development for 'open for consideration' uses on part of the landholding, shall be required to demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses; how it secures the retention of existing functional open space e.g. school playing fields; and the manner in which the nature and scale of the proposal integrates with the surrounding lands.

A masterplan may assist in demonstrating how the requirements of this paragraph may be satisfied. A masterplan is not required in the case of minor developments associated with the existing use or where the development proposed relates to extensions to the existing community and institutional use and would enhance the facilities.

In considering whether there is no longer a need for the existing institutional use and a material contravention or variation to the development plan is proposed, the planning authority shall consult with the owner/ operator of the existing institutional and community uses and the relevant statutory provider (e.g. the Department of Education and Skills in the case of schools, and the Department of Health and the HSE in the case of hospitals). A masterplan is required in these circumstances.

Development plan section 14.4 states in relation to open for consideration uses:

An open for consideration use is one which may be permitted where the planning authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.

5.1.3. Development plan section 6.5.3 sets out policy on tourism. Section 16.11 states in relation to development standards for tourist accommodation:

In determining planning applications for change of use to bed and breakfast, guesthouse, hotel or hostel in residential areas, the planning authority will have regard to the following:

- *Size and nature of facility*

- *The effect on the amenity of neighbouring residents*
- *The standard of accommodation for the intended occupiers of the premises*
- *The availability of adequate, safe and convenient arrangements for car parking and servicing*
- *The type of advertising proposed*
- *The effect on listed buildings and/or conservation areas*
- *The number of existing facilities in the area*

5.2. **Dublin City Development Plan 2022-2028**

5.2.1. The Dublin City Development Plan 2022-2028 was adopted at a Special Council meeting on the 2nd of November 2022 and came into effect on the 14th of December 2022.

5.2.2. The development site has the zoning objective Zone Z15 Community and Social Infrastructure under the new plan with the stated objective 'To protect and provide for community uses and social infrastructure.' Development plan section 14.7.14 states:

A: Development on Z15 Lands

Limited residential/commercial development on Z15 lands will only be allowed in highly exceptional circumstances where it can be demonstrated by the landowner/applicant that the proposed development is required in order to maintain or enhance the function/ operational viability of the primary institutional/social/community use on the lands. The following criteria must also be adhered to:

- *In proposals for any limited residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.*
- *Any such residential/commercial development must demonstrate that it is subordinate in scale to the primary institutional/social/community use.*
- *Where appropriate, proposals should be subject to consultation with the relevant stakeholder e.g. Department of Education/Health Service Executive.*

- *The development must not compromise the open character of the site and should have due regard to features of note including mature trees, boundary walls and any other feature(s) as considered necessary by the Council.*
- *In all cases, the applicant shall submit a statement, typically in the form of a business plan, or any other relevant/pertinent report deemed useful and/or necessary, as part of a legal agreement under the Planning Acts, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands.*
- *In all cases the applicant shall be the landowner or have a letter of consent from the landowner...*

... Any proposed development for 'open for consideration' uses on part of the Z15 landholding, shall be required to demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; and, how such a development would preserve, maintain or enhance the existing social and community function(s) of the lands subject to the development proposal.

B: Development Following Cessation of Z15 Use

The cessation of an existing Z15 institutional/social/community use on a site or change in land ownership does not extinguish/ negate the purpose of these lands for community and social infrastructure use. It is the objective of the Council that such lands should be retained for a use in accordance with the zoning objective unless exceptional circumstances prevail. In such circumstances, (i.e. cessation of use on a Z15 site or disposal of all or part of a Z15 site), a variation or material contravention to the development plan will be required to develop such lands for residential/commercial purposes. Any such variation/material contravention would need to be supported by a detailed community and social infrastructure audit which should clearly demonstrate why the land is not viable/ suitable for social and community use (defined as the physical infrastructure necessary for successful communities, i.e. community infrastructure such as schools, libraries, community centres, cultural spaces, health centres, facilities for the elderly and persons with disabilities, childcare facilities, parks, and other facilities and spaces for play and recreational activity) in accordance with the zoning objective.

The use 'hostel' is not listed as permissible or open for consideration under the Z15 zoning objective.

5.3. Natural Heritage Designations

- 5.3.1. Having regard to the nature and scale of the proposed development in an established built-up area on serviced land, and the separation distances to European Sites, I do not consider that the proposal would be likely to significantly impact the qualifying interests of European Sites during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

5.4. EIA Screening

- 5.4.1. Having regard to the modest scale and nature of the proposed development being a change of use of an existing building in a built up urban area, I consider that the requirement for submission of an EIAR and carrying out of an EIA may be discounted at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Third Party Appeal

- 6.1.1. The appeal is submitted by two local elected representatives. The main points made may be summarised as follows:
- The proposed use is 'open for consideration' under the Z15 zoning objective (the appeal was submitted when the previous 2016 development plan was still in effect). The building was used as a convent in the past and was used in recent years by the Hope Centre, which provided community activities in accordance with the Z15 objective, including meetings of local community groups.

- The limitations on the proposed use imposed by condition no. 3 are welcomed by the appellants. They request that the condition be strengthened such that short term lets cannot be rolled over into *de facto* longer stays.
- Some of the bedrooms in the proposed hostel will overlook an adjacent school yard. Screening should be required at this location, along with other measures such as angling windows away from the playground or having no windows facing the playground.
- Lack of information regarding proposed cycle provision and cycle parking, also whether car parking spaces will be suitable for EV charging. Lack of sustainable energy features at the development, e.g. solar panels.
- Lack of information regarding security measures at the hostel in close proximity to several schools.

6.2. Applicant Response to Third Party Appeal

6.2.1. The following points are noted:

- The use of the convent building has not changed on foot of the previous permission at the site and there is no need to seek permission to exclude the building from the permission granted at the site under the parent permission reg. ref. 2881/12 PL29S.241889. The status of the building under that permission was Class 7 Residential Institutional Use as a Convent Residence. The building is not a protected structure.
- The established use resumed when the parent permission expired. The appellants do not indicate awareness of what is available to the landowner/applicant in respect of use of the building either in an ex-planning context to accommodate Ukrainians displaced by ongoing war in Europe or as exempted development, to accommodate other refugees. Class 14(h) and (i) change of use exemption relating to convents to accommodation for protected persons has been in the Planning and Development Regulations since 2015. S.I. 306 of 2022 provided that, under the EU Directive, the provisions of the Planning Legislation (Act) shall not apply to development in conjunction with a Minister of Government or OPW in relation to all accommodation and support needs for

Displaced Persons is ex-planning for a defined period. S.I. 605 introduced Class 20(f) relating to International Protection (all persons seeking asylum) accommodation, as exempted development.

- While this option is available to the landowner without planning consent, they have instead sought to propose a tourism related use for the development site. Condition no. 3, which limits the use of the permitted development, is accepted by the applicant and has not been appealed.
- With regard to overlooking of the school yard, it is submitted that the relationship between the convent and the school is long established. Guests in the tourist accommodation would generally not be present at the premises during the school day. Therefore, there is a lower chance of the schoolyard being overlooked than in another accommodation context.
- The car parking is managed by the St. Agnes Management Company. The existing car parking provision is an over provision. Tourists using the hostel are unlikely to travel by car and will probably use public transport.
- The conditions required by the appellant regarding cycle stands will only come into effect if the development goes ahead.
- The applicant has not applied for solar panels, as same are exempted development.
- The submission refers to local protests to accommodation for refugees, however same is not sought as part of the subject application.
- It is submitted that there is no planning substance to the third party appeal and that it should be withdrawn.

6.3. Planning Authority Response to Third Party Appeal

- 6.3.1. The planning authority requests that the Board upholds their decision and requests that a condition requiring the payment of a section 48 development contribution is imposed.

6.4. Observations

6.4.1. One observation has been submitted by Cllr Pat Dunne. The following points of same are noted:

- There is a need and a demand for the community use of these premises. Details of a motion agreed at the DCC South East Area Committee meeting of 14th November 2022 are submitted in support of this comment.
- The Hope Centre at the building provided many services to residents and community groups and the building was also used by other local groups. Other local groups would like to avail of the building.
- The entire St. Agnes site was sold by the Sisters of Charity to the developer on the basis that Z15 development would take place at the site with accommodation for older people, a Primary Care Centre and a nursing home to be built. The convent and chapel were to remain in community use and it is understood that there is a clause in the agreement to secure this objective.
- There are concerns in the local community about the inappropriate use of a tourist hostel next to a school yard.

6.5. Further Responses

6.5.1. None on file.

7.0 Assessment

7.1. I have read through the file documentation and the relevant provisions of both the Dublin City Development Plan 2016-2022, which was in effect when the subject application was lodged with Dublin City Council (DCC) on 24th August 2022 and when the decision to grant permission was issued on the 6th December 2022, and the Dublin City Development Plan 2022-2028, which has since come into effect on the 14th of December 2022. I have also carried out a site inspection. I consider that the main issues are those raised in the grounds of appeal. Overall, I am satisfied that no other substantive issues arise. The site is located in an established urban area and has access to existing site services. It is not located in a flood zone. No other

significant matters are raised in the planning and technical reports on file or in the submitted third party observation. The relevant issues can therefore be dealt with under the following headings:

- Principle of development under the Z15 zoning objective
- Car and cycle parking
- Other matters

7.2. Principle of Development Under the Z15 Zoning Objective

- 7.2.1. The development site is part of a larger area of lands currently in institutional use including several schools to the west and north of the site, a Primary Care Centre to the immediate south of the convent building and an area currently under development further to the south, where a nursing home and associated sheltered housing are permitted /under construction. The subject convent building and immediately adjacent Primary Care Centre were the subject of reg. ref. 2881/12 PL29S.241889, which granted permission for the new Primary Care Centre and for the renovation and change of use of the convent building for medical and health services, with two pedestrian links at first floor level between the convent building and the new structure. The permitted development also involved the provision of new pedestrian, vehicular and cycle access and 51 no. car parking spaces.
- 7.2.2. The current proposed development, as detailed in the documentation on file, involves the conversion of the convent building to a tourist hostel with 104 no. bedspaces in 36 no. rooms, also provision of breakfast, kitchen and laundry facilities. Both the third party appeal and the observer comments raise concerns about the loss of community uses at the convent building, stating that the building was extensively used by local community groups for various purposes until the current owner took it over in 2022.
- 7.2.3. The previous 2016 development plan was in effect when the subject application was lodged with DCC on 24th August 2022 and when the decision to grant permission was issued on the 6th December 2022. The development site has the Z15 'Community and Social Infrastructure' zoning objective under the 2016 development plan, with the stated objective 'To protect and provide for institutional and community uses'. The uses 'bed and breakfast' and 'hostel' were open for consideration under

the Z15 objective under the 2016 development plan. Development plan section 14.8.14, as set out above, requires the applicant to demonstrate how a proposed 'open for consideration' use secures the retention of the main institutional and community uses on the lands and states that this requirement may be satisfied by a masterplan. The planning authority sought further information on 18th October 2022 on this matter, requesting the applicant to demonstrate how the development accords with the Z15 zoning then in force under the 2016 plan. The applicant's response submits that the development will be complementary to existing adjacent land uses and will maintain public presence on the lands in the vicinity of the Primary Care Centre that are currently unoccupied and without passive surveillance and provide custom for some of the commercial services co-located on the site. It is also submitted that the development will re-use a building that has heritage value in a manner which is compatible with the form and function of the structure. With regard to the requirement for a masterplan, the applicant refers to a masterplan originally submitted with the parent application for the overall site, ref. 2881/12, as summarised above. The applicant also submits that there are no other such tourist hostels within 500m of the site. The planning authority accepted on this basis that the development was in accordance with the Z15 zoning objective under the 2016 plan and granted the development on 6th December 2022, subject to condition no. 3 restricting the use of the hostel to short term tourist use only and specifically excluding its use for the provision of homes or accommodation for persons in a care setting, as an institutional hostel or in social support of persons, or for students without a prior grant of planning permission.

7.2.4. I consider that the submission of the applicant as per the rationale for the development under the Z15 objective of the 2016 plan is reasonable given that the use will bring a currently disused building back into use and with regard to the original permission granted at the site under reg. ref. 2881/12 PL29S.241889. I therefore concur with the view of the planning authority that the development would be in accordance with the Z15 zoning objective under the 2016 development plan.

7.2.5. The new 2028 development plan has been adopted since that decision was issued by DCC. The development site is now subject to the zoning objective Zone Z15 Community and Social Infrastructure with the stated objective 'To protect and

provide for community uses and social infrastructure.’ Development plan section 14.7.14, as set out above, states:

The cessation of an existing Z15 institutional/social/community use on a site or change in land ownership does not extinguish/ negate the purpose of these lands for community and social infrastructure use. It is the objective of the Council that such lands should be retained for a use in accordance with the zoning objective unless exceptional circumstances prevail. In such circumstances, (i.e. cessation of use on a Z15 site or disposal of all or part of a Z15 site), a variation or material contravention to the development plan will be required to develop such lands for residential/commercial purposes. Any such variation/material contravention would need to be supported by a detailed community and social infrastructure audit which should clearly demonstrate why the land is not viable/ suitable for social and community use (defined as the physical infrastructure necessary for successful communities, i.e. community infrastructure such as schools, libraries, community centres, cultural spaces, health centres, facilities for the elderly and persons with disabilities, childcare facilities, parks, and other facilities and spaces for play and recreational activity) in accordance with the zoning objective.

The use ‘hostel’ or tourist accommodation is not listed as permissible or open for consideration under the Z15 zoning objective. I therefore consider that the proposed development would contravene the development plan currently in force at the development site. Permission should therefore be refused on principle.

7.3. Car and Cycle Parking

- 7.3.1. The grounds of appeal submit that there is a lack of information on proposed car and cycle parking, including details of cycle stands and provision of EV charging facilities. The applicant proposes to use eight no. car parking spaces within the existing car park to the north of the convent building, which serves the development site and the adjacent Primary Care Centre. These spaces are to be assigned and managed in agreement as part of an overall car parking management plan submitted in compliance with reg. ref. 3161/20 as summarised in the planning history above. The proposed car parking provision was clarified by the planning authority by way of a further information request to the satisfaction of DCC Transportation Planning Division. I consider that the provision is acceptable with regard to the availability of

existing parking spaces and also noting the comment of the applicant that tourists accessing the proposed facility are likely to use public transport, also that there is scope for complementary use with the Primary Care Facility. The issues of EV charging and cycle parking design may be resolved by condition if permission is granted.

7.4. Other Matters

- 7.4.1. The appeal raises concerns in relation to site security and overlooking of the adjacent school yard. Condition no. 3 of the permission granted by DCC requires the provision of a management company for the facility, including security, same could be imposed by the Board if permission is granted. The school yard is in the public realm and is currently overlooked from the wider area, including the existing building at the development site. I therefore do not consider that the development should be amended to reduce overlooking of the school yard.

8.0 Recommendation

- 8.1. Having regard to the above assessment, I recommend refusal for the reasons and considerations stated below.

9.0 Reasons and Considerations

The development site is subject to the Z15 zoning objective under the Dublin City Development Plan 2022-2028, the objective of which is to protect and provide for community uses and social infrastructure. The proposed tourist hostel use is not permissible or open for consideration under this zoning objective. The development would therefore contravene materially the said zoning objective. The Board, pursuant to the provisions of section 37 (2)(b) of the Planning and Development Act, 2000, is precluded from the granting of permission for the proposed development as none of the provisions of section 37 (2)(b) (i), (ii), (iii) of (iv) of the said Act apply in this case. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Sarah Moran
Senior Planning Inspector

11th September 2023