



An
Bord
Pleanála

Inspector's Report ABP321683-25

Development

Change of use of 2 existing apartments on the first and second floor of 633 South Circular Road, Dublin 8 (D08 DD58) from residential apartments to short-term accommodation for patients of the National Adult Bone Marrow transplant unit of St James hospital and their carers and for short-term letting to visitors.

Location

633 South Circular Road, Dublin 8.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB2333/24

Applicant

Bone Marrow Leukaemia Trust and Islandbridge Property Ltd.

Type of Application

Permission.

Planning Authority Decision

Permission with conditions.

Type of Appeal

First Party

Appellant	Bone Marrow Leukaemia Trust and Islandbridge Property Ltd.
Observer	None
Date of Site Inspection	18 th March 2025.
Inspector	Derek Daly

1.0 Site Location and Description

- 1.1. The site is located in the southwestern suburbs of Dublin city and is located to the western side of South Circular Road within close proximity to the junction with Emmet Road. The general area is with a mix of uses including retail and residential. The appeal site forms part of a terrace of two storied buildings with a mansard roof level with redbrick on the front elevation elevations to first floor level which accommodate a mix of retail and commercial uses at ground level and residential at the upper floor levels. The appeal site has a pharmacy at ground level with 2 no. apartments at 1st and 2nd floor levels.
- 1.2. The front elevation fronts onto the inner edge of the public footpath. The site has a deep rear garden in excess of 45 metres and the rear of the site can be accessed from a laneway.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 21st October 2024 is for the change of use of 2 no. existing apartments located on the first and second floor from residential apartments to short-term accommodation for patients of the National Adult Bone Marrow transplant unit of St James Hospital, their carers and for short-term letting to visitors. No alterations are proposed to the building.
- 2.2. The application as submitted also included a cover letter from the applicant Bone Marrow for Leukaemia Trust C.L.G. which provides a background and reasoning for the proposed change of use.

The letter highlights that the proposed use is intended to serve patients who require follow up care after receiving Stem Cell Transplant (Allogeneic transplants) under the CAR-T cell programme for treatment of haematological cancers within the haematology department of St. James's Hospital. The letter notes that Allogeneic transplant usually involves approximately 6-week stay in hospital. The follow up care requires regular visits by patients to the haematology day ward, potentially 2-3 times per week post discharge. Patients are required to be within easy access of the hospital for approximately 6-12 weeks post discharge which places significant

financial burden on patients outside of Dublin. Patients who have CAR-T cell therapy are required to be within an hour of transplant unit for 2-weeks post discharge due to the risk of serious complications.

The applicant was set up with a major objective to support patients with Haematological malignancies. The trust has bought seven apartments in close proximity to St. James's Hospital specifically for the purpose of accommodating patients post discharge following transplant. Recently, due to increasing number of patients undergoing Car-T cell therapy, the Trust are unable to always offer the supportive services and patients are having to source and fund accommodation themselves. The letter notes that as part of the post discharge care, it is mandated for safety to have a family member/friend stay with them during this time.

- 2.3. The gross floor space of existing buildings on the site is stated as 111.0m², no demolition or extension of floor area is proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to four conditions.
- 3.1.2. Condition 3 refers to *the use of the 2 no. apartments at first and second floor levels for short-term accommodation of the subject site shall be solely for use of patients of the National Adult Bone Marrow transplant unit of St James Hospital and their family or carers. The apartment units shall not be rented or otherwise sub-let or leased to other parties unless otherwise permitted in a separate grant of permission. Reason: To clarify the scope of the permission and in the interests of the proper planning and development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 16th December 2024 refers to the provisions of the current County Development Plan (CDP); an assessment of the proposal referring to

particular provisions of the Dublin City Development Plan 2022 which sets out guidance in relation to short term letting and that there is no clear view in relation as to whether the proposed accommodation type comes under residential or any other use as defined set out within the Development Plan including 'Buildings for the Health, Safety or Welfare of the Public', Hostel (Tourist), Hotel, Guesthouse or 'Residential Institution'.

Reference is made to section 15.14.3 of the Development Plan states that there is a presumption against the provision of dedicated short-term tourist rental accommodation in the city due to the impact on the availability of housing stock however the applicant's cover letter would suggest that apartment units are not intended as tourist rental accommodation and instead will solely provide for short-term residential accommodation for patients of the haematology department of St. James's Hospital. Notwithstanding, the development description includes for use of short-term letting to visitors in addition to the use as short-term accommodation for patients of the National Adult Bone Marrow transplant unit of St James hospital and their carers and the meaning of this is not clear. It is considered that in the event of a grant of permission, it is considered reasonable to attach a condition specifying that the accommodation may be used on a short-term accommodation solely for the use of patients of the National Adult Bone Marrow transplant unit of St James hospital and their family or carers.

Reference is also made to Policy QHS52 states that it is the Policy of DCC to support voluntary agencies in the provision of appropriate healthcare facilities on suitably located and zoned lands in easily accessible locations throughout the city.

It is in this regard indicated that while the proposed change of use does not explicitly come under a healthcare use, its association and importance in the delivery of treatment and care to patients of the National Adult Bone Marrow transplant unit of St James hospital is clear and cognisance must be had to its close proximity to the St. James's Hospital campus.

It is considered that the use is compliant with the overall zoning objective for Urban Villages in providing mixed services facilities.

Permission was recommended.

4.0 Planning History

- 4.1. No recent planning history
- 4.2. PA. Ref No. 1847/77. Planning permission granted for change of use from retail shop to delicatessen and take away food premises.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plan is the Dublin City Development Plan 2022-2028.
- 5.1.2. The subject site has the land zoning objective Z4 Key Urban Villages/Urban Villages with the accompanying objective 'To provide for and improve mixed-services facilities'. The site adjoins an area under the Z1 zoning to the west Sustainable Residential Neighbourhoods, with a land use zoning objective 'To protect, provide and improve residential amenity.'
- 5.1.3. Chapter 5 refers to Quality Housing and Sustainable Neighbourhoods and section 5.5.8 Social and Community Infrastructure refers to Social and community infrastructure is an essential part of all communities and that national and regional planning and development policy places a renewed emphasis on providing resources such as social infrastructure in the right place at the right time, as the basis for successful place-making and community development. In relation to healthcare it is indicated that the Council will support the provision of public and private healthcare facilities, together with community support services, on suitably located and zoned lands in easily accessible locations throughout the city and facilitate healthcare authorities in the provision, consolidation, co-location and enhancement of hospitals/ healthcare facilities.

This is further stated in Policy QHS52 - Sláintecare Plan

that it is the Policy to support the Health Service Executive and other statutory, voluntary, private agencies and community based services in the provision of appropriate healthcare facilities - including the system of hospital care and the provision of community-based primary care facilities, mental health, drug and alcohol services and wellbeing facilities including Men's Sheds and to encourage the

integration of healthcare facilities in accessible locations within new and existing communities in accordance with the government Sláintecare Plan.

Chapter 14 refers to Land-use Zoning and section 14.7.4 in relation to Key Urban Villages and Urban Villages Zone Z4 indicates as a principle to promote an increased density of mixed-use development including residential development with diversity in unit types and tenures capable of establishing long-term integrated communities. Permissible uses are wide ranging in the Z4 zoning and include bed and breakfast, buildings for the health, safety and welfare of the public, childcare facility, community facility, guesthouse, hostel (tourist), hotel, medical and related consultants, residential, shop (district), shop (local), and shop (neighbourhood).

Chapter 15 Development Standards Section 15.14.3 Short Term Tourist Rental Accommodation indicates that there is *a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock. Applications for Short Term Tourist Rental Accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve. Applications may also be considered in locations adjacent to high concentration of night / time noisy activity where standard residential development would be unsuitable.*

5.2. Natural Heritage Designations

5.3. The subject site is not proximate to any European site.

5.4. EIA Screening

5.5. The proposed development is a change of use and not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal in summary refers to;

- The appeal is in relation to condition 3 of the planning authority decision.
- Reference is made to the wording which limits the letting and that the apartment units shall not be rented or otherwise sub-let or leased to other parties unless otherwise permitted in a separate grant of permission.
- The cover letter submitted with the application did outline the use of the apartments for short term letting when the apartments are not required by patients and or carers and this was also outlined in the public notices.
- The restrictions outlined in the wording would result in the apartments being vacant when not required by patients and carers and be an inefficient use of the property.
- The Trust would not require the apartments for their constant use and condition no 3 of implemented would require the property being vacant for considerable lengths of time. As the Trust would require the apartments in accordance with their agreement with the owner of the property their dual use would affect the availability of the property as housing stock in the same manner as if the property was retained in sole use by the Trust.
- The partnership between the Trust and the site owner enables the use of free accommodation for patients as set out in an agreement a copy of which is submitted with the grounds of appeal and also permits vibrancy in the area through the visitors brought into the area and it is requested that condition no. 3 be reconsidered.

6.2. Planning Authority Response

The planning authority in a response dated the 4th February 2025 requests the Bord to uphold their decision and if permission is granted to include a condition requiring payment of a Section 48 development contribution.

7.0 Assessment

- 7.1. The main issues in this appeal are principle of the development and the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- The principle of the development
- Grounds of appeal.

7.2. The principle of the development.

7.2.1. The proposal is for a change of use of 2 existing apartments on the first and second floor of 633 South Circular Road, Dublin 8 (D08 DD58) from residential apartments to short-term accommodation for patients of the National Adult Bone Marrow transplant unit of St James hospital and their carers and for short-term letting to visitors.

7.2.2. The planning report in assessing the proposal refers to the issue of how to characterise the use and whether it can be considered as to come under residential or another use as defined set out within the Development Plan including 'Buildings for the Health, Safety or Welfare of the Public', Hostel (Tourist), Hotel, Guesthouse or 'Residential Institution'. In section 14.7.4 in relation to Key Urban Villages and Urban Villages Zone Z4 there is a wide range of permissible uses including tourist related uses bed and breakfast, guesthouse, hostel (tourist) and hotel. Other uses permissible include residential and a wide range of retail and commercial uses, buildings for the health, safety and welfare of the public, childcare facility, community facility medical and related consultants, residential, shop (district), shop (local), and shop (neighbourhood).

The current use is apartments and the proposed development retains the use of apartments and the change of use proposed is in the nature of occupancy of the apartments. In principle based on the uses permissible the principle of the use is acceptable subject to consideration of other provisions of the plan in particular short term letting.

7.3. Grounds of appeal

7.3.1. The primary issue raised in the appeal relates to condition 3 of the planning authority decision which refers to the use of the 2 no. apartments at first and second floor levels for short-term accommodation of the subject site shall be solely for use of patients of the National Adult Bone Marrow transplant unit of St James Hospital and

their family or carers. The apartment units shall not be rented or otherwise sub-let or leased to other parties unless otherwise permitted in a separate grant of permission.

- 7.3.2. In applying this condition, the planning authority have relied on section 15.14.3 of the Development Plan which states that there is a presumption against the provision of dedicated short-term tourist rental accommodation in the city due to the impact on the availability of housing stock.
- 7.3.3. In the grounds of appeal The appellant contends that the cover letter submitted with the application did outline the use of the apartments for short term letting when the apartments are not required by patients and or carers and this was also outlined in the public notices.
- 7.3.4. It is contended that the restrictions outlined in the wording would result in the apartments being vacant when not required by patients and carers and be an inefficient use of the property.
- 7.3.5. The appellant who is Bone Marrow Leukaemia Trust would require the apartments in accordance with the owner of the property and that dual use would affect the availability of the property as housing stock in the same manner as if the property was retained in sole use by the Trust.
- 7.3.6. It is also indicated that the partnership between the Trust and the site owner enables the use of free accommodation for patients as set out in an agreement a copy of which is submitted with the grounds of appeal and also permits vibrancy in the area through the visitors brought into the area and it is requested that condition no. 3 be reconsidered.
- 7.4. In relation to this agreement I note that in the grounds of appeal there is reference to an initial time period of 10 years which could be further extended and the Trust would have use of the apartments for between 90 and 180 days each year. I would also note the owners are stated are both parties to this agreement.
- 7.4.1. The public notices refers to change of use of 2 existing apartments on the first and second floor from residential apartments to short-term accommodation for patients of the National Adult Bone Marrow transplant unit of St James hospital and their carers and for short-term letting to visitors. The term visitors may be open to some degree of interpretation as to whether it relates to visitors to patients of the National Adult

Bone Marrow transplant unit or a wider view of visitors who are tourists but the use of the term letting would infer a wider consideration of visitors.

- 7.5. Section 15.14.3 in relation to short term tourist rental accommodation does indicate that there is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock. This provision is reasonable in the context of retaining the availability of housing stock.
- 7.5.1. Section 15.14.3 does however also indicate applications for short term tourist rental accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve.
- 7.5.2. Given that the proposal is to facilitate short-term accommodation for patients of the National Adult Bone Marrow transplant unit of St James hospital and their carers which is reasonable such an arrangement as contended in the grounds of appeal would affect the availability of the property as housing stock or the impact on the availability of housing stock for long term letting. It would also lead to vacancy of the apartments when not in use by the Trust for a considerable period of the year.
- 7.5.3. As applications for short term tourist rental accommodation will be considered on a case by case basis in certain locations and that tourist related developments are permissible in this mixed use zoning, I consider that the change of use as applied for can be granted.
- 7.5.4. I do however consider that a grant of planning permission should be a temporary planning permission limited to a period of 10 years given the agreement and arrangement for patients and carers is for a period of 10 years and at the expiry of this period the apartments can revert back to the original current use or a further planning permission can be made to extend the period or alter the nature of the precise letting of the apartments.
- 7.5.5. It is noted that the application and public notices does not specifically refer to a period of time relating to the change of use applied for.
- 7.5.6. Although the appeal is specifically in relation to a condition of the planning authority's decision and could therefore be considered under section 139(1) of the Planning and Development Act 2000 as amended omitting or amending condition no 3, I consider

that any grant of permission should include be a revised schedule of conditions including a condition limiting the duration of the permission.

8.0 Appropriate Assessment Screening

I have considered the proposal for the change of use of 2 existing apartments on the first and second floor of from residential apartments to short-term accommodation for patients of the National Adult Bone Marrow transplant unit of St James hospital and their carers and for short-term letting to visitors in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is an established residential site.

- 8.1. The proposed development comprises a change of use and no construction works are proposed as outlined in section 2 in the Inspectors report. Having considered the nature and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 8.2. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be granted.

10.0 Reasons and Considerations

Having regard to the nature of the proposed development, the pattern of development in the area and the existing residential use on site and the provisions of the Dublin County Development Plan 2022-2028 including the current zoning of the site it is considered that the proposed development for a change of use would not

seriously injure the amenities of the area of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>(a) The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 21st October 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This grant of planning permission is for a maximum period of ten years from the date of this order provides for the change of use of 2 no. existing apartments located on the first and second floor to provide the apartments for short-term accommodation for patients of the National Adult Bone Marrow transplant unit of St James Hospital, their carers as indicated in the terms of the agreement of the occupancy of the apartments submitted in the documentation and for short-term letting to visitors when not used by patients of the National Adult Bone Marrow transplant unit of St James Hospital and their carers unless planning permission has been granted for its retention for a further period prior to that date.</p> <p>Reason: In the interest of clarity and orderly development.</p>
3.	<p>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</p>

	<p>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 Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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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.

Derek Daly
Planning Inspector

27th March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321683-25		
Proposed Development Summary	Change of use of 2 existing apartments on the first and second floor of 633 South Circular Road, Dublin 8 from residential apartments to short-term accommodation for patients of the National Adult Bone Marrow transplant unit of St James hospital and their carers and for short-term letting to visitors.		
Development Address	633 South Circular Road, Dublin 8.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Tick if relevant and proceed to Q2.
		No X	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	Proceed to Q3.

No X	Tick or leave blank		Tick if relevant. No further action required
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3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?

Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No X	Tick/or leave blank		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?

Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?

No	X	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: Derek Daly Date: 27th March 2025