An Coimisiún Pleanála

Inspector's Report
PL-501632-DN-26

Development	PROTECTED STRUCTURE: Change of use from 11 residential apartments to residential apartments where care is provided to minors with change of use of 2 commercial units to staff offices and all associated site works.
Location	49, 50 & 51 Amiens Street, Dublin 1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1480/26
Applicant(s)	McCare Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Planning Appeal
Appellant(s)	McCare Limited
Observer(s)	None
Date of Site Inspection	22/09/26

Inspector	Donal Farrelly

Contents

1.0 Site Location and Description 4

2.0 Proposed Development 4

3.0 Planning Authority Decision 5

3.1. Decision 5

3.2. Planning Authority Reports 6

3.3. Prescribed Bodies 6

3.4. Third Party Observations 7

4.0 Planning History 7

5.0 Policy Context 9

6.0 EIA Screening 15

7.0 The Appeal 15

7.1. Grounds of Appeal 15

7.2. Planning Authority Response 18

7.3. Observations 18

7.4. Further Responses 18

8.0 Assessment 18

9.0 AA Screening 23

10.0 Water Framework Directive 23

11.0 Recommendation 23

12.0 Reasons and Considerations 24

Appendix 1: Form 1 EIA Pre-Screening 26

1.0 Site Location and Description

1.1. The appeal site is located at no's. 49, 50 and 51 Amiens Street Dublin 1. The appeal buildings are located approximately 20m northeast of the intersection of Foley Street and Buckingham Street Lower and approximately 223m southwest of the Five Lamps intersection of Killarney Street and Portland Row. Connolly Station is located approximately 127m to the southeast.

1.2. No 51 Amiens Street (RPS reference no. 103) is identified as a protected structure within Volume 4 of the Dublin City Development Plan 2022-2028 (Development Plan). No's 49 and 50 Amiens Street are not identified as Protected Structures within Volume 4 of the Development Plan. I note within the planner's report that no's. 49 and 50 were previously listed as protected structures within the Development Plan but were destroyed in a fire. These buildings have been rebuilt.

1.3. The appeal building comprises a four storey building with a basement level. The total height of the buildings is 15.895m. The rear communal courtyard area also provides for bicycle parking and bin storage. A recently permitted development of 11 no. residential apartment and 2 no. ground floor commercial units was approved for the appeal site under planning reference no. **2612/20**.

1.4. Access to commercial unit no.1 (no. 49) is directly from Amiens Street. Access to commercial unit no. 2. (no .50) is through a covered indoor atrium which also provides access to commercial unit no. 1.

2.0 Proposed Development

2.1. The proposed development comprises the following.

- Change of use from the permitted 11 no. residential apartments to 11 no. residential apartments to be used by 13 no. young people between the ages of 16 and 18 where care is provided on site by 4 no. staff qualified in psychology and disability services. There will be 2 no. staff on duty during the day and 2no. staff on duty during the night. The facility will be operated by McCare in conjunction with Tusla.
- Change of use of 2 no. ground floor commercial units with bathrooms to staff meeting rooms/offices. Commercial unit 01 is 39m2 (no. 49) and commercial

unit no 2 is 26m2 (no.50). The offices will also be used for counselling services. There is no change of use proposed to the ground floor area of no. 51 Amiens Street.

- No external changes to the buildings are proposed and no internal changes are proposed to the layout of the building.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused by Decision Order dated 05/06/2026 for the following reason.

'The proposed change of use is located in an electoral ward in the north inner city where a disproportionate quantum of temporary residential accommodation for vulnerable members of the community has been identified. It is the policy of the Council to ensure any such proposals for temporary accommodation and support services do not result in an undue concentration of such uses nor undermine the existing local economy, residential community or regeneration of an area. The proposed change of use would replace a recently constructed and exemplary purpose built mixed-use residential scheme resulting in a further overconcentration of a similar category of use in this area of the north inner city. In addition, the change of use would result in a poor relationship with the streetscape in terms of the loss of permitted commercial active frontages at ground floor level. Having regard to the nature of the intended use which would be an access controlled environment, would not contribute to an appropriate balance of uses or the provision of sustainable, liveable, mixed neighbourhoods, and which would be contrary to Section 15.13.9 (Hostels /Sheltered Accommodation / Family Hubs), Policy QHSN28 and QHSN29 of the Development Plan 2022 – 2028. Therefore, the proposed development, in itself or by the precedent a decision would make to grant planning permission a similar development, would be seriously injurious to the regeneration of the area and the amenities in the vicinity and contrary to the proper planning and sustainable development of the area.'

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The initial planners report requested further information regarding operations and management of the facility, details of similar facilities in the locality and a Tusla letter, impact on public realm, and clarity regarding the internal design.
- The final planners report recommends a refusal due to there being a high concentration of temporary residential accommodation for vulnerable members of the community (persons who are seeking international protection, homeless accommodation and facilities where care is / and is not, provided) in the area. Concerns also include the creation of a mono use development not in accordance with the Z5 zoning objective which promotes mixed use development, a lack of interaction with the streetscape, and concerns regarding the loss of street level commercial uses.

3.2.2. Other Technical Reports

- Drainage Division. No objection subject to conditions regarding surface water management and drainage.
- Transportation Planning. No objection subject to conditions.
- Environmental Health Officer. NO objection subject to conditions.
- Conservation Officer. No objection subject to conditions.

3.3. **Prescribed Bodies**

Uisce Eireann. No response received.

Department of Housing, Local Government and Heritage. No response received.

An Taisce. No response received.

Heritage Council. No response received.

Failte Ireland. No response received.

An Chomhairle Ealaion. No response received.

Transport Infrastructure Ireland. No objection subject to conditions regarding a s49 contribution if relevant.

Irish Rail. No response received.

National Transport Authority. No response received.

3.4. Third Party Observations

None

4.0 Planning History

Planning reference no. **2612/20**. PROTECTED STRUCTURE: Planning Permission is sought at Nos. 49, 50 & 51 Amiens Street, Dublin 1 (No. 51 Amiens Street is a protected structure), for the following works: (i) restoration of No. 51 Amiens Street to provide 4 no. apartments (1 no. studio apartment and 3 no. one bed apartments) at basement to second floor levels (inclusive); (ii) provision of light well to rear of No. 51 at basement level; (iii) construction of 4 storey (with recessed 5th storey) mixed use building over basement at Nos. 49 & 50 Amiens Street to provide for 7 no. apartments (1 no. studio apartment, 4 no. one bed apartments and 2 no. two bed apartments) and 2 no. commercial units; (iv) restoration of front facade of Nos. 50 & 51 Amiens Street, including removal of non-original sand and cement render to expose the original brick; (v) provision of courtyard behind No. 50 Amiens Street front facade at ground floor level and erection of glazed roof over courtyard; (vi) restoration of original lightwells at ground floor level of Nos. 49-51 Amiens Street at basement level; (vii) landscaped courtyard providing communal amenity space and incorporating bicycle parking to rear of No. 49, 50 & 51; and (viii) landscaping, boundary treatments, SuDS drainage, infrastructural works and all ancillary works necessary to facilitate the development. Permission granted 28/08/20.

Planning reference no. **ABP-303482-19/363718**. PROTECTED STRUCTURE; The development will comprise of the following (i) Reconstruction at no. 49 and 50 Amiens Street to provide a three storey over basement building, with a fourth floor penthouse level stepped back. The existing front facade to No. 50 will be retained and altered/refurbished where necessary. The reconstructed building will contain 9 no. apartment units (8 no. one bedroom apartments and 1 no. studio). Basement

level studio will be provided with a private courtyard to the rear. Penthouse level apartments will be provided with private terraces to the front / street elevation; (ii) Refurbishment repair and extension at no. 51 Amiens Street to provide 4 no. 1 bed apartments; comprising basement and ground floor level rear extension, reconstruction of original light well, together with plinth walls and railings , to street elevation; removal of chimney breast at basement level; reinstatement of window openings at basement level in the front/street elevation, and provision of new door. New courtyard to rear to serve the basement level apartment . Alterations to front facade at ground level to provide 2 no. window openings. Block up non-original opening between no. 50 & 51 at first floor level. Reinstatement of stairwell in no.51 to original form and position; (iii) Landscaped communal courtyard to the rear, together with bin storage and bicycle parking; SuDS drainage & all ancillary works necessary to facilitate the development.

Permission refused on 26/06/19 by ABP due to a lack of private open space, the street edge is not appropriate with habitable rooms fronting onto the street level, and inclusion of a new fourth storey.

Planning reference no. **6111/04**. The refurbishment and extension of nos. 49 and 50 to include the following - the demolition of existing rear returns, the refurbishment of the basements to include 2 no. one bed apartments, the refurbishment of extension to the ground floors to include retail/commercial areas, the refurbishment of and extension to the first and second floors, to include one no. 2 bed apartments and one no. 1 bed apartments on each floor with a three-storey extension at rear to include part of the above with balconies or terraces at the rear to each apartment, the construction of a new third floor containing 1 no. two bed apartment extending between numbers 49-50, set back from front facade, with a terrace to front, the reopening of the basement 'areas' and the reinstatement of front railings to the back of existing footpath on Amiens Street, the replacement of existing windows at first and second floor to nos. 49 and 50 and reconfiguration of the first and second floor front windows to no. 49 to match those adjoining. The refurbishment of and extension to no. 51 Amiens Street, which is a protected structure, to include - the demolition of the existing rear return, the refurbishment of the basement to include one no. 1 bedroom apartment with main door access off Frankfort Cottages, the reinstatement of the original ground floor front windows, the refurbishment of the

ground floor to include commercial use, the refurbishment of the first and second floors to a single three bedroom dwelling unit, the construction of a new rear two storey return with kitchen and bathroom and terrace at roof level, the reopening of the basement 'areas and the reinstatement of front railings to the back of the existing footpath on Amiens Street. The application also includes the demolition of a shed to the rear of no. 4 Buckingham Street to be included in the rear common space and provide one car parking space, together with new entrance gates from Frankfort Cottages. The total application comprises 9 residential units and 152 square metres retail/commercial space. Permission granted on 14/11/05.

5.0 Policy Context

5.1 Development Plan

The Dublin City Development Plan 2022-2028 (Development Plan) is the relevant Development Plan for the appeal site. The subject site is zoned ‘Z5 City Centre’ as per the Development Plan.

I consider the following objectives and policies of the Development Plan to be most relevant to the appeal. The policies outlined in bold represent those polices which formed the reason for refusal.

Chapter 4 Shape and Structure of the City

Policy SC2 City’s Character To develop the city’s character by:

- cherishing and enhancing Dublin’s renowned streets, civic spaces and squares;
- developing a sustainable network of safe, clean, attractive streets, pedestrian routes and large pedestrian zones lanes and cycleways in order to make the city more coherent and navigable and creating further new streets as part of the public realm when the opportunities arise;
- protecting the grain, scale and vitality of city streets and encouraging the development of appropriate and sustainable building heights to ensure efficient use of resources, services and public transport infrastructure and that protects the heritage and natural assets of the city;

Policy SC3 Mixed Use Development. To promote a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential.

Policy SC19 High Quality Architecture To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.

Chapter 5 Quality Housing and Sustainable Neighbourhoods

Policy QHSN17 Sustainable Neighbourhoods. To promote sustainable neighbourhoods which cater to the needs of persons in all stages of their lifecycle, e.g. children, people of working age, older people, people living with dementia and people with disabilities.

Policy QHSN20 Community Facilities for People with Specific Planning and Design Needs. To facilitate the provision of community facilities for people with specific planning and design needs, such as family resource centres, Traveller resource centres, youth centres and youth cafes, skateboarding areas and kids clubs subject to compliance with normal planning criteria.

Policy QHSN25 Housing for People with Disabilities To support access, for people with disabilities, to the appropriate range of housing and related support services, delivered in an integrated and sustainable manner, which facilitates equality of outcome, individual choice and independent living. To support the provision of specific purpose-built accommodation, including assisted/supported living units, lifetime housing, and adaptation of existing properties.

Policy QHSN26 Dublin City Council's Strategic Plan for Housing People with a Disability 2016 To support and facilitate the implementation of Dublin City Council's Strategic Plan for Housing People with a Disability 2016 or any subsequent review.

Policy QHS28 Temporary Homeless Accommodation and Support Services To ensure that all proposals to provide or extend temporary homeless accommodation or support services shall be supported by information demonstrating that the

proposal would not result in an undue concentration of such uses nor undermine the existing local economy, resident community or regeneration of an area. All such applications shall include: a map of all homeless services within a 750 metre radius of the application site, a statement on the catchment area identifying whether the proposal is to serve local or regional demand; and a statement regarding management of the service/facility.

Objective QHS29 Temporary Accommodation Located in the City Centre To ensure a review of the existing provision of temporary/homeless accommodation in the city centre, with a specific regard to Dublin 1, 7 and 8. The aim of which should be to reduce the overconcentration of services in those locations and to provide more temporary/homeless accommodation in areas not currently providing such services. There will also be a general presumption against the development and expansion of any new temporary/homeless accommodation services within Dublin 1, 7 and 8, including adaptation of tourist hostels and hotels, in acknowledgement of the existing concentration of such uses. Nothing of this policy will interfere with the Council's humanitarian obligation to provide suitable emergency accommodation to those in need.

Chapter 8 City Economy and Enterprise

Policy CEE8 The City Centre To support the development a vibrant mix of office, retail, tourism related and cultural activities in the city centre.

Chapter 11 Built Heritage

Policy BHA2. That development will conserve and enhance protected structures and their curtilage.

(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.

(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.

(h) Have regard to ecological considerations for example, protection of species such as bats.

BHA4. To have regard to the National Inventory of Architectural Heritage (NIAH) rating of a structure and any associated Ministerial Recommendation in the assessment of planning applications.

Policy BHA11. Rehabilitation and Reuse of Existing Older Buildings

(a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.

(b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.

(c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.

Chapter 13 Strategic Development Regeneration Areas

S13.12 SDRA 10 North East Inner City

Chapter 15

Section 15.13.6 Living Over the Shop. 'Dublin City Council will actively encourage the development of residential accommodation over existing commercial premises.'

Section 15.15.2.3 Protected Structures. 'Any works which materially affect the character of a Protected Structure require planning permission'.

'Works to a protected structure should be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the Conservation Advice Series published by the Department of Housing, Local Government and Heritage'.

Section 15.13.8 Care Homes In accordance with the Planning and Development Regulations, 2001 (as amended), applications for change of use from a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons will require planning permission where the number of persons with such a disability exceeds six, and where the number of resident carers exceeds two will require planning permission. Please refer to National Quality Standards: Residential Services for People with Disabilities prepared by HIQA.

Section 15.13.9 Hostels/Sheltered Accommodation/ Family Hubs. An over-concentration of non-tourist hostel accommodation, homeless accommodation, social support institutions and family hubs can potentially undermine the sustainability of a neighbourhood and so there must be an appropriate balance in the further provision of such developments and/or expansion of such existing uses in electoral wards which already accommodate a disproportionate quantum. Accordingly, there shall be an onus on all applicants to indicate that any proposal such development will not result in an undue concentration of such uses, nor undermine the existing local economy, the resident community, the residential amenity, or the regeneration of the area.

All such applications for such uses shall include the following:

- A map of all homeless and other social support services within a 750 m radius of application site.
- A statement on catchment area, i.e. whether proposal is to serve local or regional demand and estimation of expected daily clients.
- A statement regarding security and operational management of the service/facility including hours of operation.
- Assessment of the impact on the public realm and quality environment.

Conditions may be attached to a grant of permission limiting the duration of the permission and the use on a temporary basis.

Dublin City Council's Strategic Plan for Housing People with a Disability 2016
Increase and improve the range of housing solutions for people with a disability to ensure that everyone with a disability will have a home suitable to their needs with any supports that are required to facilitate them living in the community

Homeless Action Plan 2022-2024

5.2 National/Regional Plans/Policies

National Planning Framework (First Revision)

National Policy Objective 90. Enhance, integrate and protect the special physical, environmental, economic and cultural value of built heritage assets, including streetscapes, vernacular dwellings and other historic buildings and monuments, through appropriate and sensitive investment and conservation.

Regional Spatial and Economic Strategy 2019-2031

RPO 9.30. *Support the sensitive reuse of protected structures.*

5.3 National Guidance

Architectural Heritage Protection Guidelines for Planning Authorities (2011)
Chapter 6 Development Control

s6.8.8 Material Change of Use. On the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use. Where this is

not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure. A planning authority should carefully consider any proposed change of use and its implications for the fabric and character of the structure.

s6.8.9 Where, having considered these issues, a planning authority considers that the alterations required to achieve a proposed change of use will not have an undue adverse effect on the special interest of the structure, the proposals may be granted subject to conditions as appropriate.

National Built Heritage Service National Inventory of Architectural Heritage (NIAH)

There is no record of no's. 49-51 Amiens street on the NIAH database.

5.4 Natural Heritage Designations

The appeal site is located approximately 1.4km southwest of the South Dublin Bay and River Tolka Estuary SPA (004024).

Proposed Natural Heritage Areas

The appeal site is located approximately 0.4km southwest of the Royal Canal (002103).

6.0 EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. [Refer to Form 1 in Appendix 1 of report].

7.0 The Appeal

7.1. Grounds of Appeal

A first party planning appeal has been submitted by Hughes Planning and Development Consultants acting on behalf of the appellant. The issues of the appeal I consider to be relevant are summarised as follows.

- The appellant outlines that the appeal concerns a change in the management and operation of an existing residential development rather than intensification or redevelopment of the site. It represents an appropriate form of residential development on Z5 zoned lands.
- The Planning Authority has incorrectly categorised the use by treating it the same as a hotel or sheltered accommodation. The appellant outlines that it also differs in that sheltered accommodation is transient and is temporary. The proposal should be regarded as residential accommodation with ancillary care. The provision of care remains subordinate to the primary residential function.
- The application was refused by the Planning Authority on a single ground in that there would be an overconcentration of similar services in the area.
- The Planning Authority incorrectly applies s15.13.9 of the Development Plan, together with policies QHSN28 and QHSN29. The planner uses the expression 'institutional sheltered accommodation type use' which is not defined within Appendix 15. The development differs than what is described in s15.13.9. The Planning Authority has incorrectly applied s15.13.9 of the Development Plan. Other accommodation services in the area serve different statutory functions. The survey information of nearby facilities was provided by the applicant to the Planning Authority however this does not assume the applicant accepts that the facility falls under s15.13.9.
- No meaningful analysis of the 28 facilities within a 750m radius is undertaken. There is no distinction between the facilities. Policy QHSN28 relates to temporary homeless accommodation only.
- There are a number of Development Plan policies (QHSN17, 19, 25, 28 and 29) which focus on temporary homeless accommodation. The application does not seek homeless accommodation or an International Protection Accommodation Service. The proposed use is long term and not temporary. The issue of overconcentration of homelessness accommodation of IPAS facilities is not applicable.

- No design alterations are proposed to the building, with no change to the 11 no. apartments. The proposal is to use the existing apartment for 11 young people between the ages of 16-18 who require residential care under the supervision of Tusla. The young people will reside on a full time basis and will receive professional care and supervision.
- The facility will not contain public waiting areas or other spaces associated with hostel accommodation. Residents are accommodated on a live in basis and participate in educational and community activities.
- The operator is experienced and the premises is registered by Tusla.
- The Planning Authority has not established how the proposal would conflict with the proper planning and sustainable development of the area.
- The Planning Authority has not demonstrated that the commercial units are of strategic importance and that their change of use would materially alter the character and vitality of the street. No blank frontage is created, and the offices would be open 24 hours a day. No analysis is provided that the two commercial units are occupied or the demand for their use. There are also vacant ground floor units located next to the building.
- The change is limited and it is not reasonable to consider that this undermines the zoning objective of the wider area. The proposal is not a significant departure from the permitted development, will not operate as a hostel or homeless facility
- The Planning Authority has not identified evidence that the proposed use will result in an adverse impact on the area, including on residential amenity.
- The management arrangements were submitted to the Planning Authority.
- The assessment should focus on the land use consequences rather than the characteristics of the those who reside within the building.
- It is unclear as to why the proposal would undermine proper planning and sustainable development of the area. There is a disconnect between the facts and conclusions reached.

- ‘Community’ facility’ and ‘residential’ are permitted in principle under the Z5 zoning objective.
- The site is located within an existing city centre mixed use area and would integrate appropriately.
- The proposal accords with Housing First National Implementation Plan 2022-2026 and the Dublin Homeless Action Plan Framework 2022-2024.

7.2. **Planning Authority Response**

Letter dated 14/07/26 (sent my email 28/07/26) which requests that the decision to refuse permission is upheld but if the decision is to grant permission that s48 and s49 conditions are included.

7.3. **Observations**

None

7.4. **Further Responses**

None

8.0 Assessment

8.1. Having examined the planning application details and all other documentation on file, including the submission received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance. I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning and principle of development
- Change of Use
- Commercial units and the streetscape

8.2. **Zoning and principle of development**

8.3. I note that the first party appellant considers that the proposed development satisfies the definition of 'residential' and 'community use' of the Development Plan.

8.4. The definition of a 'community facility' within Appendix 15 of the Development Plan is as follows. 'A building, or part thereof, used for (community) activities organised primarily by the local community and to which the public may be admitted on payment of a charge or free of charge and includes community meeting space, parish centres, social/ non-sporting clubs such as youth clubs, bridge clubs and scouts' dens, clubhouses and family resource centres.'

8.5. The definition of 'residential' within Appendix 15 of the Development Plan is as follows. 'The use for human habitation of a building, or part thereof, including houses, apartments, studios and residential mews buildings. The definition of house and habitable house in Section 2 of the Planning and Development Act 2000 (as amended) shall apply.'

8.6. As per Section 2 of the planning and Development Act 2000 (as amended) "house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

8.7. As per Part 2 Section 5(1) of the Planning and Development Regulations 2001 (as amended) "care" means personal care, including help with physical, intellectual or social needs;

8.8. The definition of 'residential institution' within Appendix 15 of the Development Plan is as follows. 'A building, or part thereof, or land used as a residential institution and includes a monasteries and convents'.

8.9. 'Residential' 'Office Use' and 'Community facility' are permissible uses in principle within the Z5 zoning objective as per Appendix 14 of the Development Plan. I note 'residential institutional' is not permissible or open for consideration under the Z5 zoning objective. I consider the proposed use to constitute residential institutional due to the concentration of care being provided to people between the ages of 16 and 18 and the associated management rooms.

8.10. I do not consider that the proposed change of use falls under the ‘community facility’ use as per the Development Plan as it does not include public meeting spaces or community associated uses/spaces. I consider that the building will be used for residential accommodation for 11 young people between the ages of 16 and 18 and where on site care will be provided by 4 no. staff. Similarly, I do not consider that the proposed use satisfies the definition of ‘residential’ due to the ‘care’ element which is included. I consider ‘office’ an ancillary use to be used for the supporting operations and care facilities of the building.

8.11. Having regard to the above I do not consider that the proposed change of use is classified as either ‘permissible’ or ‘open to consideration’ under the Z5 zoning objective of the Development Plan. Therefore, I will assess the change of use in accordance with s14.3.1 Permissible and Non-Permissible Uses of the Development Plan having regard to the relevant policies and objectives of the Development Plan.

8.12. I also note that Schedule 2 Part 1 Class 14 Change of Use of the Planning and Development Regulations 2001 (as amended) is not applicable in this instance as the number of persons living in the residence will exceed 6 and the number of carers will exceed 2.

8.13. **Change of Use**

8.14. The further information response from the applicant to the Planning Authority confirms that Tusla will operate the facility as a children’s residential centre. I note that the Department of Children, Disability and Equality defines ‘Children Residential Centres’ as domestic homes where children attend local schools and take part in local sporting and community activities. It goes on to state the following ’Research suggests that the age of entry and the speed of action to either return the child home, or find long term permanency options, are critical in achieving optimal outcomes for children in the care system. Research suggests that long term outcomes for children in the care system are best when they return home relatively quickly or are provided with a long term permanent option’.

8.15. I note that the further information planners report identifies the change of use to constitute sheltered housing.

8.16. Having regard to the above I consider the proposed change of use to constitute a Children’s Residential Care Centre, with accommodation provided on a temporary

basis subject to the residents returning home or finding a long-term permanent option. Having regard to this I consider that **Objective QHS29** to be applicable in this instance, which seeks to reduce the overconcentration of accommodation services in the city centre with there being a general presumption against the development and expansion of any new temporary accommodation services.

8.17. I note that Policy QHS28 formed the reason for refusal. However, I consider this to be related to homeless accommodation which is not the intended use of the proposed development. I do not consider this Policy relevant.

8.18. I note s15.13.9 of the Development Plan which outlines that development for social support institutions shall include a map of all homeless and social support services within 750m radius of the application site. I note the details submitted by the applicant in response to the further information request which includes the Operation Management Plan and details of the other facilities management by McCare Limited. I note the table provided under item no. 4 of the further information planning response which identifies 29 no. facilities within 750m of the appeal site.

8.19. I acknowledge that the appellant states that the facility is not for homeless services. Nonetheless s15.13.9 is regarding the collective concentration of various accommodation types in order to determine if an overconcentration exists. I consider based on the above and the details submitted that the proposed Children's Residential Care Centre would constitute an overconcentration of such accommodation services with 29 no. accommodation facilities already within 750m of the site excluding IPAS centres. Further to this I consider that the proposed change of use would not be in accordance with **Objective QHS29** of the Development Plan regarding the expansion of temporary accommodation services in the city centre. Having regard to the above I therefore recommend that the change of use is refused.

8.20. **Commercial units and the streetscape**

8.21. The appellant argues that the Planning Authority has not demonstrated that the commercial units are of strategic importance and how the loss of the commercial units would materially impact on the character and vitality of the street. They also outline that there are nearby vacant commercial units on Amiens Street.

8.22. I note that the reason for refusal outlines that the change of use would result in a poor relationship with the streetscape in terms of the loss of active commercial

frontage at ground floor level and that there would be an access controlled environment as a result of the proposed change of use. I also note that the Conservation Officer outlines concerns regarding the loss of the ground floor commercial units.

8.23. I note condition no. 7 of planning reference no. **2612/20** which outlines the 2 no. commercial units as being independent units. I also note that condition no. 7 requests details of the use, layout and hours of operation of these units. The proposed change of use seeks to utilise the 2 no. units as offices for support services for the 11 no. apartments.

8.24. I note the submission to the Planning Authority regarding the use of unit no.50 as a 24 hour office hub which was deemed compliant on 22/01/25. I note that the same submission included for another 24 hour office hub for no.49 but this did not form part of the compliance letter issued by the Planning Authority. The compliance letter was issued for no. 50 only.

8.25. I consider that the change of use is a departure from the intended uses for the permitted ground floor commercial units in a mixed use building in that these are independent and would not necessarily be access controlled during hours of operation. As the proposed change of use intends to integrate the 2 no. commercial units with the rest of the building this will remove the independent nature of the units and result in an access controlled environment with respect to the ground floor of the building. I note the 24 hour office hub for no. 50 was deemed compliant, but this is on the basis as a stand alone office unit which is not integrated with the residential element.

8.26. I consider that the change of use will have an impact on the streetscape and character of the area as a result. I acknowledge that the appellant makes reference to other vacant units on Amiens Street and I observed this during my site visit. However, I am of the opinion that the proposed change of use would remove the 2 no. commercial units as independent units and absorb them into the residential operations of the building thereby removing the mixed use function of the building.

8.27. I consider that this would not be in accordance with Policy SC2 of the Development Plan with respect to protecting the vitality of city streets and enhancing the city

street, and the Z5 zoning objective which outlines that vibrant ground floor uses should be promoted. I recommend a refusal on this basis.

9.0 AA Screening

9.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The appeal site is located at 49, 50 and 51 Amiens Street Dublin 1 approximately 1.4km southwest of the South Dublin Bay and River Tolka Estuary SPA (004024).

The permission is for a change of use from 11 residential apartments to residential apartments where care is provided to minors, with a change of use of 2 commercial units to staff offices.
No nature conservation concerns were raised in the planning appeal.

Having considered that no construction works are required, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

I conclude, 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. No water framework directive issues arise as no construction is involved.

11.0 Recommendation

11.1. I recommend to the Commission that permission be refused for the reasons and considerations set out below.

12.0 **Reasons and Considerations**

The proposed change of use is located in an electoral ward in the north inner city where a disproportionate quantum of temporary residential accommodation for vulnerable members of the community has been identified. It is the policy of the Council to ensure any such proposals for temporary accommodation and support services do not result in an undue concentration of such uses nor undermine the existing local economy, residential community or regeneration of an area. The proposed change of use would replace a recently constructed and exemplary purpose built mixed-use residential scheme resulting in a further overconcentration of a similar category of use in this area of the north inner city.

In addition, the change of use would result in a poor relationship with the streetscape in terms of the loss of permitted commercial active frontages at ground floor level.

Having regard to the nature of the intended use which would be an access controlled environment, would not contribute to an appropriate balance of uses or the provision of sustainable, liveable, mixed neighbourhoods, and which would be contrary to Section 15.13.9 (Hostels /Sheltered Accommodation / Family Hubs), and Objective QHSN29 of the Development Plan 2022 – 2028. Therefore, the proposed development, in itself or by the precedent a decision would make to grant planning permission a similar development, would be seriously injurious to the regeneration of the area and the amenities in the vicinity and 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way."

Donal Farrelly
Planning Inspector

15/10/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501632-DN-26
Proposed Development Summary	Change of use from 11 residential apartments to residential apartments where care is provided to minors, with change of use of 2 commercial units to staff offices.
Development Address	49, 50 and 51 Amiens Street Dublin 1
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	**State the Class here**
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR**	

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ Date: _____