



# Councillor **BRIAN LAWLOR**

7 Beechdale Court, Firhouse/Ballycullen, Dublin 24

☎ 087 644 5472    ✉ [blawlor@cllrs.sdublincoco.ie](mailto:blawlor@cllrs.sdublincoco.ie)



The Secretary  
An Bord Pleanála  
64 Marlborough St.  
Dublin 1

07 January, 2019

**REF: ED18/0040, South Dublin County Council**

Dear Secretary,

I wish to appeal the decision on this referral, that the change of use of The Carmelite Monastery (Protected Structure), Firhouse Road, Dublin 24, from a religious institution to a hub for homeless families is exempted development, as decided by the council on 04 December, 2018. My initial letter to the council, the planner's report and fee of €200 is enclosed.

Both the council and I agree that the change of use is a material change of use that is development. Where we disagree is whether the material change of use is exempt or not. The council found that because the proposed development was exempt because it comes under Section 4 (1) (f) of the Planning and Development Act, which allows development carried out on behalf of, jointly or in partnership with a local authority, pursuant to a contract, in its capacity of a planning authority or any other capacity.

My grounds are that the monastery is located in a HA-DV zoning - a high amenity area where the only use permitted in principle is open space. The zoning is to protect and enhance the outstanding character and amenity of the Dodder Valley. The uses open to consideration include hotel/hostel. The planner's report on ED18/0040 acknowledge that the hostel in question is not intended to be for visitor/tourist use but one for the care of people in need of care. The two types of hostels are materially different in planning terms, one coming under Class 6 and the other under Class 9. The hostel that is open to consideration is a Class 6 tourist use, which would support the zoning as it would enhance the outstanding character and amenity of the Dodder Valley, as an ordinary person reading the development plan would understand. The Class 9 use as a hostel for people in need of care does not protect or enhance the zoning and therefore, would materially contravene the zoning.

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Fee: €	<u>220</u> Type: <u>card.</u>
Time:	<u>9.26</u> By: <u>hand.</u>

Working in your area with Colm Brophy TD, Ellen O'Malley Dunlop and Brian Hayes MEP

There are restrictions on exemption for local authorities - Section 4 (1) (f) is limited by Section 178 of the Planning and Development Act. Section 178 (1) states that:

"The council of a county shall not effect any development in its functional area which contravenes materially the development plan."

As the type of hostel proposed by the council is a Class 9 rather than a Class 6 hostel, the use is not open for consideration - it materially contravenes the zoning. Therefore the council cannot avail of the exemption afforded to it under Section 4 (1) (f) and the proposed development is **not** exempted development.

Please note that An Bord Pleanála has already found under PL11. RL0969 that the change of use from convent to use a hostel for refugees does not come within Class 6. Similarly, in 68.RL.2685 the change of use from hotel to hostel (also to provide accommodation for refugees), that such a hostel does not come within Class 6.

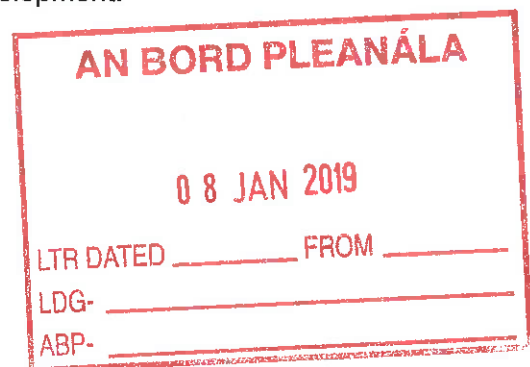
The only type of hostel that is open for consideration under this zoning is a Class 6 hostel. A Class 9 hostel would be a material contravention of the zoning. The council's exemption is restricted by Section 178 and so Section 4 (10 (f) cannot be availed of for this type of hostel in the particular Dodder Valley High Amenity Zoning.

Please find that the development is not exempted development.

Kind regards,



Cllr. Brian Lawlor  
7 Beechdale Court  
Firhouse / Ballycullen  
Dublin 24





# Councillor **BRIAN LAWLOR**

7 Beechdale Court, Firhouse/Ballycullen, Dublin 24

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Laura Leonard  
A/Director Planning  
South Dublin County Council  
Dublin 24

**AN BORD PLEANÁLA**

**08 JAN 2019**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

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7 November 2018

Dear Laura

As you are aware, I have serious concerns about the use of the Carmelite Monastery on Firhouse Road, Dublin 24, a Protected Structure, as a hub / hostel for homeless families. I am asking under Section 5 of the Planning and Development Act, that the council determines whether the change of use is a material change of use that requires planning permission.

The authorised use of the Monastery is a convent, which as you know is a Class 7 use, under Part 4, Exempted Development, Classes of Use in the Planning and Development Regulations, 2001 to 2018. A homeless hostel comes within Class 9 and a tourist hostel comes under Class 6 of the Regulations. A change of use between classes is a material change of use that is not exempted development and requires a grant of planning permission. The use of the building for homeless families without a grant of planning permission is an unauthorised use.

In addition, the building is a Protected Structure and no works that would be normally deemed exempted works, can be carried out without a grant of permission or a Section 57 declaration, clarifying what works exempt from what is not.

The convent building is not fit for purpose as a homeless hub for families without works being carried out to improve it. These children have suffered enough without putting them in a not fit for purpose facility.

If the council has any doubts on the question of whether a change of use from convent to homeless hostel, requires planning permission I request you refer the matter directly to An Bord Pleanala for determination.

Please let me know your decision, if you don't agree with me I will bring my referral to Area Committee, that the members can decide to submit directly to An Bord Pleanala or I will submit directly.

Regards  
Brian Lawlor

**AN BORD PLEANÁLA**

**08 JAN 2019**

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Working in your area with Colm Brophy TD, Ellen O'Malley Dunlop and Brian Hayes MEP

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**Submission by Cllr Brian Lawlor**

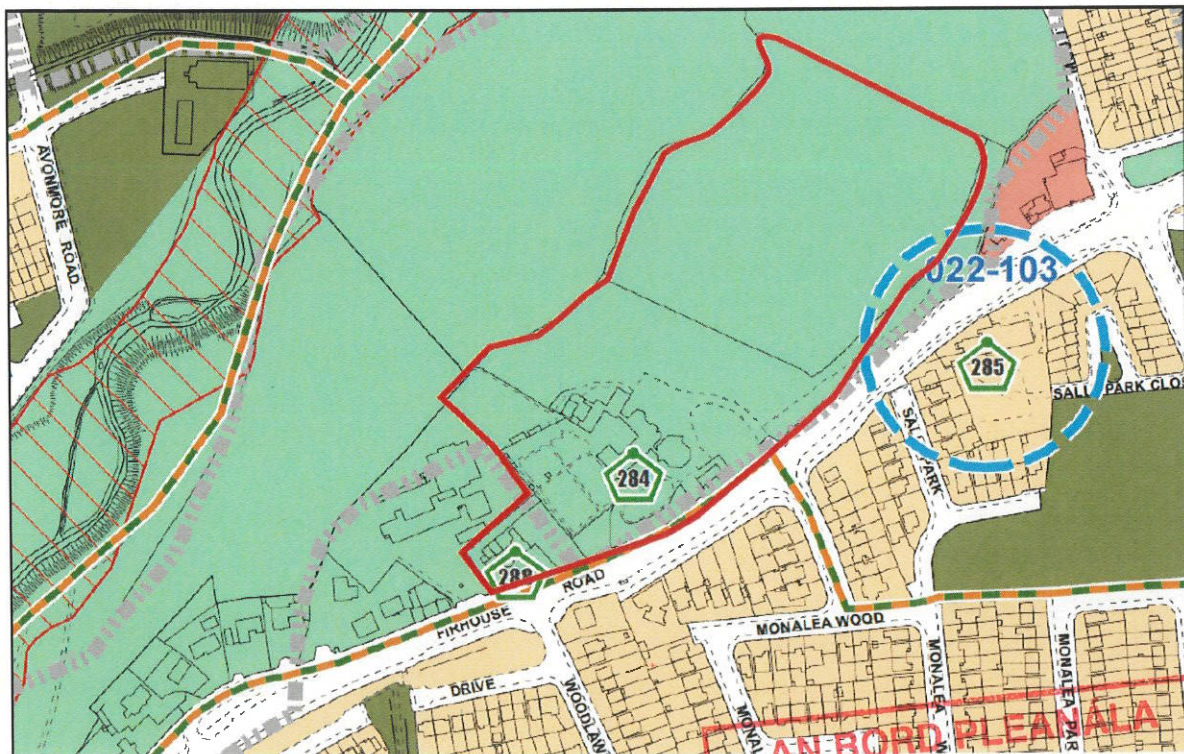
**Carmelite Convent, Firhouse**

**Site Description**

The c.3.69 hectare site consists of an existing monastery including protected structure RPS Reference 284 (a detached three-bay single-storey former school-house) and 288, the Cottage, front gates and railings and wall to the front and extensive associated open space lands. The existing buildings consist of a chapel, reception rooms, a small school, kitchen and recreational rooms, and residential accommodation for the order. The modern development within the site is c.18,500 sqft. and in excellent condition.

**Zoning**

The site is zoned High Amenity – Dodder Valley, in the current South Dublin Development Plan. The objective of the zoning is to **Protect and Enhance the outstanding natural character and amenity of the Dodder Valley**. Furthermore, the site has two protected structure on it - (284 and 288). The dashed grey line indicates that the site comes within a protected geological site. A portion of the site is in a zone of archaeological potential associated with a national recorded monument nearby at the Sally Park Nursing Home (built c. 1770). The site also falls within a proposed Natural Heritage Area.



A hostel is open to consideration under the zoning, as is residential use, provided they are located in an existing premises.

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It could be argued that the type of hostel envisaged is a tourist hostel, as opposed to a homeless hub for families. That would be more akin to the Residential Institution Use, which is Not Permitted under the zoning and would materially contravene the zoning.

Please see the Table below, taken from the development plan.

**Table 11.14: Zoning Objective 'HA - DV': 'To protect and enhance the outstanding character and amenity of the Dodder Valley'**<sup>a\*</sup>

USE CLASSES RELATED TO ZONING OBJECTIVE	
<b>Permitted in Principle</b>	Open Space.
<b>Open for Consideration</b>	Agriculture, Allotments, Bed & Breakfast <sup>a</sup> , Car Park <sup>b,c</sup> , Cemetery <sup>a</sup> , Childcare Facilities <sup>a</sup> , Community Centre <sup>a</sup> , Cultural Uses <sup>a</sup> , Doctor/Dentist <sup>a</sup> , Education, Guest House <sup>a</sup> , Home Based Economic Activities <sup>a</sup> , Hotel/ Hostel <sup>a</sup> , Place of Worship <sup>a</sup> , Public House <sup>a</sup> , Public Services <sup>f</sup> , Recreational Facility <sup>a,f,g,h</sup> , Residential <sup>a,c</sup> , Restaurant/Café <sup>a</sup> , Rural Industry-Food <sup>a</sup> , Shop-Local <sup>a</sup> , Sports Club/Facility <sup>a,g,h</sup> , Traveller Accommodations <sup>a</sup> .
<b>Not Permitted</b>	Abattoir, Advertisements and Advertising Structures, Aerodrome/Airfield, Betting Office, Boarding Kennels, Camp Site, Caravan Park-Residential, Concrete/ Asphalt Plant in or adjacent to a quarry, Conference Centre, Crematorium, Embassy, Enterprise Centre, Fuel Depot, Funeral Home, Garden Centre, Health Centre, Heavy Vehicle Park, Hospital, Housing for Older People, Industry-Extractive, Industry-General, Industry-Light, Industry-Special, Live-Work Units, Motor Sales Outlet, Nightclub, Nursing Home, Office-Based Industry, Offices less than 100 sq.m, Offices 100 sq.m-1,000 sq.m, Offices over 1,000 sq.m, Off-Licence, Outdoor Entertainment Park, Petrol Station, Primary Health Care Centre, Recycling Facility, Refuse Landfill/ Tip, Refuse Transfer Station, Residential Institution, Retail Warehouse, Retirement Home, Science and Technology Based Enterprise, Scrap Yard, Service Garage, Shop-Major Sales Outlet, Shop-Neighbourhood, Social Club, Stadium, Transport Depot, Veterinary Surgery, Warehousing, Wholesale Outlet, Wind Farm.

<sup>a</sup> In existing premises

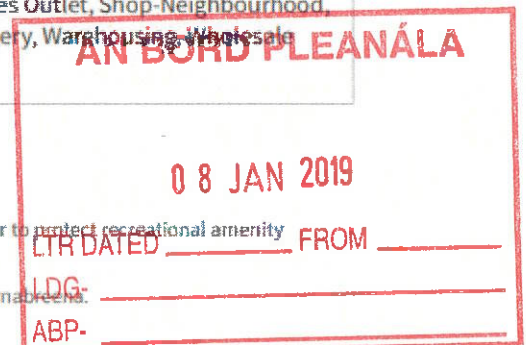
<sup>c</sup> In accordance with Council policy for residential development in rural areas

<sup>f</sup> Subject to acceptable landscape impact assessment

<sup>g</sup> All development classes shall not be permitted within 30m of the river bank, in order to protect recreational amenity

<sup>h</sup> For small-scale amenity or recreational purposes only

\*Note: The Division between the 'HA-DM' and 'HA-DV' zones occurs at Fort Bridge, Bohernabreena.



In planning terms, the use as a hostel for homeless people is a slightly different use than that of a tourist hostel. A tourist hostel would come under Class 6 of the Classes of Use in Part 4 of the Exempted Development regulations. The HA zoning would normally imply the hostel is of the tourist variety.

A hostel where care is provided is normally a homeless hostel. It generally requires a grant of planning permission.

Any objection to a planning application should be based on material contravention of the zoning. The planning authority cannot grant planning permission for a material contravention of the development plan without first going through the material contravention zoning.

### Material Contravention of the Zoning

The granting of a material contravention must be approved by the elected Council (South Dublin) as it is a reserved rather an executive function. Within this process, notice is given to the public who are

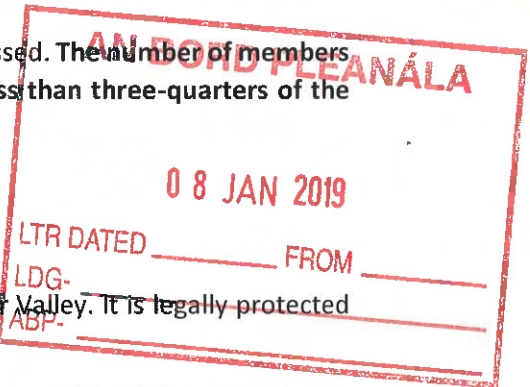
allowed 4 weeks to lodge submissions. Provision for Development Plan Material Contravention processes are provided for in Section 34(6) of the Planning and Development Acts 2000 (as amended).

The County Manager has 6 weeks from the publication of the notice to prepare a report for the members of the planning authority stating 'the main reasons and consideration on which the proposal to grant permission is based' and 'advising the members of his or her opinion regarding the compliance or otherwise of the proposed development with any Ministerial guidelines under section 28 or any relevant policies or objectives of the Government or Minister of the Government or with any regional spatial and economic strategy'.

The report is then considered by the members before a resolution is passed. **The number of members of the planning authority voting in favour of the resolution is not less than three-quarters of the total number of the members of the planning authority.**

#### Other policy grounds that affect the site

The site comes with the proposed Natural Heritage Area of the Dodder Valley. It is legally protected from damage under the Wildlife Act (1976-2010). It is Council Policy to:



#### HCL13 Objective 2:

To restrict development within a proposed Natural Heritage Area to development that is directly related to the area's amenity potential subject to the protection and enhancement of natural heritage and visual amenities including biodiversity and landscapes.

HC10 states that new development should be related to the area's amenity potential, which would support the contention that the only hostel that can be permitted is a tourist hostel. HCL3 requires that proposals that affect a protected structure, including alterations and extensions, must be sympathetic to its special character.

#### HERITAGE, CONSERVATION AND LANDSCAPES (HCL) Policy 10 Liffey Valley and Dodder Valley

**It is the policy of the Council to protect and enhance the visual, recreational, environmental, ecological, geological and amenity value of the Liffey Valley and Dodder Valley, as key elements of the County's Green Infrastructure network.**

#### HCL10 Objective 1:

To restrict development within areas designated with Zoning Objective 'HA - LV' (To protect and enhance the outstanding character and amenity of the Liffey Valley) and 'HA - DV' (To protect and enhance the outstanding character and amenity of the Dodder Valley) and ensure that new development is related to the area's amenity potential and is designed and sited to minimise environmental and visual impacts.

#### HCL3 Objective 2:

To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Guidelines for Planning Authorities, DAHG (2011) including the principles of conservation.

In relation to Change of Use proposals within Protected Structures, Section 11.5.2 (iii) states:

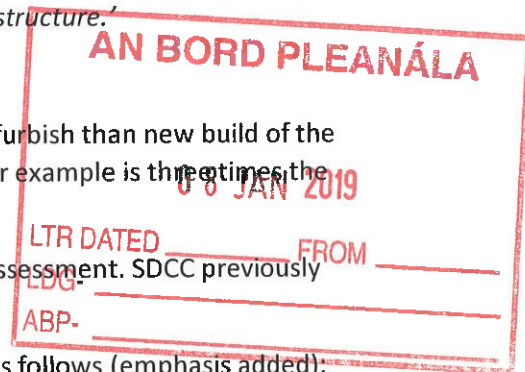
*'The Planning Authority will consider proposals for the change of use or re-use of a Protected Structure based on the policies and objectives outlined in this Plan, but may operate a level of flexibility to help safeguard the ongoing use and preservation of the structure.'*

#### **Other matters**

Protected Structures are significantly more expensive to refit and refurbish than new build of the equivalent size. Running costs are also more expensive. Insurance for example is threetimes the new build equivalent, reflecting the higher building costs.

Any application here will have to be accompanied by an ecological assessment. SDCC previously refused a housing application in part of the lands

On the 6<sup>th</sup> January 2016, SDCC refused permission for 4no. reasons as follows (emphasis added):



*“1. The proposed residential development on a sensitive site, adjoined alongside on three boundaries by High Amenity Zoned land, does not comply with the urban design criteria as identified in the ‘Sustainable Residential Development in Urban Areas’ Guidelines (Department of Environment Heritage and Local Government, 2008) and Section 4 Sustainable Neighbourhoods of the South Dublin County Council Development Plan 2010-2016 in terms of context, inclusivity, distinctiveness, layout, public realm, and detailed design by reason of the following:*

*(a) The failure to respond to the field patterns and in particular the removal of the centrally located hedgerow / tree clusters, contrary to Policy LHA 18 (Hedgerows) which sets out to protect hedgerows in the county from development which would impact adversely upon them and to enhance the County’s hedgerows by increasing coverage, where possible, using locally native species (Section 4.3.7 xvi).*

*(b) the lack of high quality and direct connection between the Dodder Valley Park and Firhouse Road,*

*(c) The arrangement of dwellings (Particularly the eastern block) would result in predominantly high and blank boundary walls of proposed dwelling units onto open space to the side resulting in a lack of passive surveillance and visually unattractive environment.*

*(d) The fragmented layout of the ‘northern cluster’ and creation of ‘stand-alone’ or pavilion type apartment blocks that are poorly secured and do not offer an adequate degree of privacy and security for residents,*

*(e) The lack of Sustainable Urban Drainage Systems and integration of Green Infrastructure methods throughout the entire design and layout.*

*(f) The lack of viable planting along the internal streets and to the front of dwellings,*

*(g) The inharmonious architectural language*

*(h) The provision of a pedestrian route that would not be adequately overlooked.*

*(i) The creation of a poor quality streetscape onto the road which separates the pavilion type apartment blocks on one side and the corner apartments on the other which would comprise of wall and railings and a swathe of car parking space which will create a visual and physical barrier along the street that would preclude the provision of an active street frontage on both sides of the street. The proposed development would therefore*

represent a substandard form of development and would seriously injure the amenities of property in the vicinity. The proposed development is of poor quality and would contravene the 'A' zoning objective of the site. 'to protect and/or improve residential amenity, as set out in South Dublin County Council Development Plan (2010-2016) and would, therefore, be contrary to the proper planning and sustainable development of the area.

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2. Having regard to the layout of the proposed residential development, which would: (a) necessitate the removal of a significant row of trees for vehicular access, a field boundary and ditch system in the centre of the site, a section of a historic townland boundary to the north west of the site (due to road and parking incursion) in the immediate vicinity of High Amenity Zoned lands; (b) have a negative impact on biodiversity, in particular on protected species including bats and badgers through the loss of habitat (trees and hedgerows) and the disturbance arising from additional lighting in a currently dark corridor along the River Dodder, (c) isolate a piece of this High amenity Zoned land (proposed to be ceded to the Local Authority) behind a 1.8m high wall and railing, The proposed development would be visually obtrusive, would seriously injure the amenities of property in the vicinity and would be out of character with and negatively impact upon the High Amenity Zoned lands, Thus the proposed development would contravene the 'G' zoning objective 'to protect and improve High Amenity Areas' in the South Dublin County Development Plan 2010-2016 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would give rise to a substandard level of residential amenity for future occupants by reason of: Six single aspect north facing apartments, The shape and location of the proposed linear strip of open space along the south east site boundary, which primarily acts as a pedestrian walkway, with a significant section of this open space not passively surveilled. The most eastern section of the site which is heavily shaded by coniferous trees and fails to integrate with the existing open nature of the immediately adjacent lands which are zoned High Amenity. Thus, the proposed development would seriously injure the residential amenities of future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed residential development does not comply with the basic standards as identified in the Design Manual for Urban Roads and Streets Guidelines (Department of Environment, Community and Local Government, 2013) in terms of layout, car parking, distinctiveness, public realm, and detailed design by reason of the following: (a) the use of standard 'black top' surface materials in a highly sensitive location within the immediate vicinity of the Dodder High Amenity zoned lands. (b) the carriageway widths and corner radii which exceed the minimum standards (c) the lack of self-regulating low speed environment (d) the predominance of in curtilage car parking and the lack of provision for visitor car parking. Thus, the proposed residential development represents a substandard form of development and would seriously injure the amenities of properties in the vicinity. The proposed development is of poor quality and would materially contravene the South Dublin County Council Development Plan (2010-2016) 'A' zoning which sets out 'to protect and/or improve residential amenity; and would, therefore, be contrary to the proper planning and sustainable development of the area.

5. This application proposes to construct a new junction to this development adjacent to the Morton's pub entrance and the Ballycullen Avenue signals. The proposed junction is a priority junction with no right turning facility. It is also situated very close to the Morton's pub entrance and the Ballycullen Avenue Signals, which will increase the confusing road layout at this location. While the Firhouse Road is nominally a 50kph speed limit, due to its width, the traffic speeds are potentially higher than this. A right turning lane would need to be provided in order to protect right turning traffic. This would require the removal of large section of the existing bus lane, which is a key piece of



*public transport infrastructure in the area. Therefore the proposed entrance is unacceptable and would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise."*

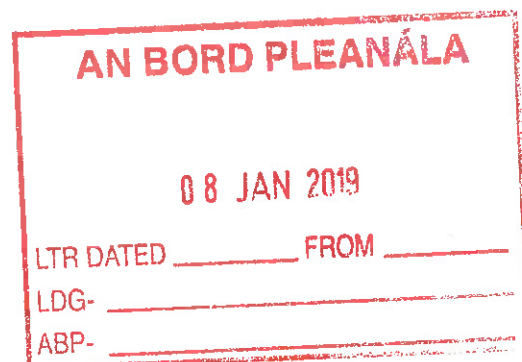
Following a 1<sup>st</sup> Party Appeal against the decision of SDCC, An Bord Pleanála also refused permission for the following reason:

*"Having regard to the design and layout of the proposed development, the Board considered that the proposal provided for an excessive amount of apartments, that the design of the proposed apartment buildings is inharmonious, that the location of the two main apartment blocks at the northern end of the scheme failed to integrate with the remainder of the development, that there were a number of north facing single aspect apartments included in the scheme and that the proposed development failed to respond in an adequate manner to its site. The Board, therefore, considered that the proposal would seriously injure the residential amenities of residents of the proposed development, and of properties in the vicinity, and would not be in accordance with the proper planning and sustainable development of the area."*

While this decision is no longer relevant given the rezoning of the site, it indicated the complexity of obtaining planning permission on the site.

#### **Conclusion**

A hostel for homeless families or for other persons who have fallen into homeless would materially contravene the development plan zoning, not being a hostel for tourist purposes. Any application should be refused or subject to the material contravention motion process outlined above.



Cllr. Brian Lawlor  
7, Beechdale Court  
Ballycullen  
Dublin 24

05-Dec-2018

Dear Sir/ Madam,

**Our Ref:** ED18/0040  
**Re:** The Carmelite Monastery, Firhouse Road, Dublin 24

I wish to inform you that the proposed development of: Use of monastery as a hub/hostel for homeless families at the above address is, by Chief Executive's Order PR/1315 dated 04-Dec-2018, DECLARED EXEMPT and therefore **WILL NOT** require planning permission.

A copy of the Planner's report is enclosed for your information.

Yours faithfully,

  
for Senior Planner

<b>AN BORD PLEANÁLA</b>	
08 JAN 2019	
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# Comhairle Chontae Atha Cliath Theas

PR/1315/18

## Record of Executive Business and Chief Executive's Order

<b>Register Reference:</b>	ED18/0040
<b>Correspondence Name &amp; Address:</b>	Cllr. Brian Lawlor 7, Beechdale Court, Ballycullen, Dublin 24
<b>Development:</b>	Use of monastery as a hub/hostel for homeless families.
<b>Location:</b>	The Carmelite Monastery, Firhouse Road, Dublin 24
<b>Applicant:</b>	Cllr. Brian Lawlor

### Description of Site and Surroundings

The Carmelite Monastery is located north of the Firhouse Road. The Monastery is a protected structure in Schedule 2 of the South Dublin County Development Plan 2016-2022.

### Proposal

This is an application requesting a Section 5 Declaration on whether

- *'the use of a monastery as a hub/hostel for homeless families at the Carmelite Monastery, Firhouse Road, Dublin 24'*

is or is not development and is or is not exempted development.

The Carmelite Monastery is a Protected Structure.

### Recent Relevant Planning History

SD15A/0336 and PL06S.246101

Permission refused by SDCC and ABP for: Residential development consisting of 72 dwelling units including vehicular access from Firhouse Road, all associated site and infrastructural works including foul and surface water drainage, 106 car parking spaces, landscaping and public open space, boundary walls and fences, roads, cycle paths and footpaths all on a site area of approximately 2.3 hectares. The site is within the curtilage of a Protected Structure (RPS reference 284).

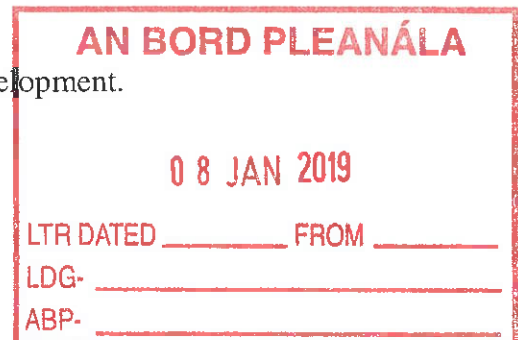
### Relevant Enforcement History

None.

### Zoning and Council Policies

The subject site is subject to zoning objective 'HA-DV' - *'To protect and enhance the outstanding character and amenity of the Dodder Valley'*.

Under zoning objective HA-DV, a Hotel/Hostel is open for consideration in existing premises.



# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

### South County Development Plan 2016-2022

The Carmelite Monastery is designated as a Protected Structure and is listed under Schedule 2 of the County Development Plan under the following:

- RPS Ref. 284 - Detached Three-Bay Single-Storey Former School- House, and
- RPS Ref. 288 - Cottage, Front Gates, Railings & Walls to Front (Cottage Adjacent To Convent).

Under Section 2 of the Planning and Development Act 2000, the term 'structure' means "any building, structure, excavation, or other thing constructed or made on, in, or under any land, or any part of a structure so defined, (a) where the context so admits, includes the land on, in or under which the structure is situate, and (b) in relation to a protected structure or proposed protected structure, includes (i) the interior of the structure, (ii) the land lying within the curtilage of the structure, (iii) any other structures lying within that curtilage and their interiors, and (iv) all fixtures and features which form part of the interior or exterior of any structure or structures". Therefore, the entire site is a protected structure, including all existing buildings on site including their exteriors, interiors, fixtures and fittings. The Protection also extends to the lands of the site and as such come under the provisions of the Planning and Development Act 2000, as amended.

### Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4, 5, and 57 of the Planning and Development Act 2000 (as amended) and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2001 (as amended).

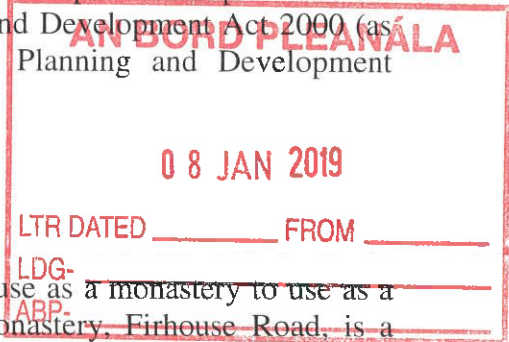
### Is the proposal development?

It is considered that the proposed change of use from use as a monastery to use as a hub/hostel for homeless families at the Carmelite Monastery, Firhouse Road, is a material change of use and is therefore development.

### Is the proposal exempted development?

### Planning and Development Act 2000, as amended

Section 4(1) and Section 57 of the Planning and Development Act 2000 (as amended) sets out exempted developments for the purposes of the Act. Section 57 specifically relates to a protected structure.



# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

Section 4(1)(f) - *Exempted Development* of the Planning & Development Act 2000 (as amended) states that the following shall be exempted developments for the purposes of this Act –

(f) *development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity;*

It is the understanding of the Planning Authority that a contract has been entered into with South Dublin County Council, for the purpose the provision of a hub/hostel for homeless families at the subject application site.

Section 57(1) states:

*Notwithstanding section 4(1)(a), (h), (i), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of*

*(a) the structure, or*

*(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.*

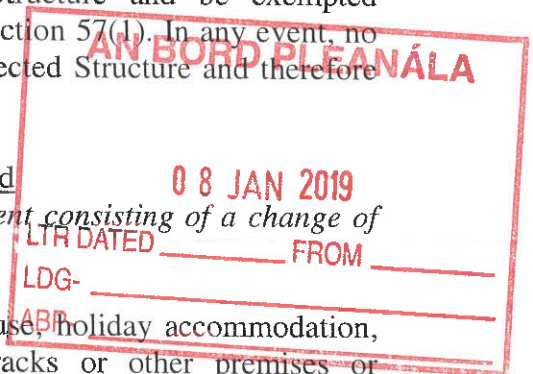
Some works can be carried out to a Protected Structure and be exempted development, as long as they fall within the limits of Section 57(1). In any event, no details have been provided regarding works to the Protected Structure and therefore no opinion can be given on this issue.

Planning and Development Regulations 2001, as amended

Class 14 of Part 1 of Schedule 2 relates to - *Development consisting of a change of use* and states -

(h) **from use as a** hotel, motel, hostel, guesthouse, holiday accommodation, convent, **monastery**, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, **to use as accommodation for protected persons**

(i) **from use as a** hotel, motel, hostel, guesthouse, holiday accommodation, convent, **monastery**, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, **to use as an emergency reception and orientation centre for protected persons**, and



# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

(i) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.

Having regard to the above, it is considered that the use of the hub/hostel is not for use for protected persons, as defined under Article 5(1) of the 2001 Regulations (as amended). Therefore Class 14 of Part 1 of Schedule 2, of the Planning and Development Regulations 2001, as amended does not apply in this case.

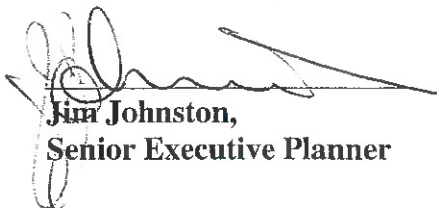
Part 4 of Schedule 2 sets out '*Exempted Development – Classes of Use*. The existing use is a monastery/convent under Class 7(c) - *as a monastery or convent*. The hub/hostel for homeless families would come under Class 9(a) - *for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose)*. A change of use from one class to another would not be exempted development and would require planning permission.

### Conclusion

It is considered that the proposal to use the Carmelite Monastery as a hub/hostel for homeless families is exempted development having regard to Section 4(1)(f) of the Planning and Development Act 2000 (as amended).

### Recommendation

The applicant should be written to and informed that the use of the Carmelite Monastery as a hub/hostel for homeless families is considered to be exempted development with respect to Section 4(1)(f) of the Planning and Development Act 2000 (as amended) and therefore does not require planning permission.

  
**Jim Johnston,**  
Senior Executive Planner

**AN BORD PLEANÁLA**


08 JAN 2019

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

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Endorsed:   
**Susan Sinclair,**  
Administrative Officer

# Comhairle Chontae Atha Cliath Theas


## Record of Executive Business and Chief Executive's Order

**ORDER:** That the applicant be informed that the proposed development of:

**Use of monastery as a hub/hostel for homeless families at The Carmelite Monastery, Firhouse Road, Dublin 24**

is considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore **does not** require planning permission.

Date: 4/12/18

  
Jason Frehill, A/Senior  
Planner

