



ABP: 307064-20

COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Jennifer Carleton
Administrative Assistant
Processing
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
18 MAY 2020	
Fee: €	_____ Type: _____
Time: _____	By: <i>Reg. Pod</i>

15th May 2020

Section 5 referral Reference R20-9 the name of Maria McCarthy of Aughanteeroe Residents Association
Whether the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, is or is not development and is or is not exempted development.

We acknowledge receipt of your correspondence dated 11th May 2020 in relation to the above Section 5 Referral. In this regard we enclose the following documentation:-

- ❖ Section 5 Referral Application and associated paperwork as submitted on the 21st February 2020.
- ❖ Acknowledgement from Clare County Council dated the 21st February 2020.
- ❖ Planners Report dated the 18th March 2020.
- ❖ Declaration and Chief Executives Order dated the 18th March 2020.
- ❖ Accompanying Letter dated the 18th March 2020.

Name and Address of Owner of Land as specified Section 5 Referral Application:-
❖ Clare County Council, New Road, Ennis, Co. Clare.

Please also find enclosed, as follows:

- ❖ Planning Reference 95/128 (Ennis Town Council) – Notification of the Grant of Permission.

Mise le meas

Thomas Hogan
Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



AN ORDINANCE

OF THE

CITY OF

MEMPHIS

CHAPTER

ENNIS URBAN DISTRICT COUNCIL
LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963 TO 1993
NOTIFICATION OF A GRANT OF PERMISSION, (SUBJECT TO CONDITIONS)

K.C.W. Ltd.,
C/o H.G. L. O'Connor & Co.,
Woodquay Court,
Woodquay,
GALWAY.

Planning Ref. 95/128

APPLICATION BY: K.C.W. Ltd.,
OF: C/o H.G.L. O'Connor & Co,
Woodquay Court, Woodquay, Galway,
ON: 8th September, 1996,

AN BORD PLEANÁLA	
LDG- _____	_____
ABP- _____	_____
18 MAY 2020	
Time: _____	Type: _____
_____	By: _____

8/2/96

FOR permission for housing development together with all ancillary site work and services in accordance with plans lodged on 8/9/1995 as amended by plans received on 8/9/1996, at Aughanteeroe Bridge, Galway Road, Ennis.

A permission has been granted for the development described above, subject to the following condition(s):

FIRST SCHEDULE - CONDITION

1. The proposed development shall be modified as follows -
 - (a) Rear gardens of Sites 81 - 99 shall be increased in size to measure a minimum of 10.5m. from the rear of each dwelling to the point of severe level change as indicated on submitted plans.
 - (b) Dwellings 110 - 115 shall be omitted and the sites of these dwellings and the area of the road servicing them shall be incorporated as part of the public open space serving the development.
 - (c) Adequate turning areas shall be provided at the end of all cul de sac roads such that parking on such turning areas will not interfere with their use for the turning vehicles.
 - (d) The layout and orientation of sites 100 - 104 shall be amended in a manner to be agreed with the Council.
 - (e) Site Number 61 shall be omitted.

Revised drawings indicating these alterations and any consequential alterations shall be submitted for the agreement of the Council and no development shall commence unless and until such agreement has been obtained.

2. The roads and footpaths shall be constructed to the Planning Authority's satisfaction in accordance with the Recommendations for Site Development Works for 'Housing Areas' of An Foras Forbartha (1994)



NAME	_____
ADDRESS	_____
CITY	_____
STATE	_____
ZIP	_____
DATE	_____
TIME	_____
BY	_____

3.

Hydrants shall be provided as follows:-

- (a) All hydrants shall comply with B.S. No. 750 (1984) (Screw-down type) for Underground Fire Hydrants and shall be suitably located on a footpath, grass margin, etc., and fitted with a nominal two and a half inch male round threaded outlet. (See attached diagram).

Fire Hydrants should be positioned in such a way that:

- (1) area within 1 metre of hydrants is clear of all obstruction;
- (2) the parking, loading and unloading of vehicles is unlikely to obstruct them.

Where necessary, such double flanged distance pieces shall be provided to locate the isolating spindle of the hydrant within 150mm below the C.I. surface box cover.

- (b) Outlet shall be not more than 300 mm. below finished ground level.
 - (c) Hydrant indicator plates shall conform to B.S. 3251: 1976 and can be made of vitreous enamelled mild steel, cast iron, aluminium, alloy or plastic. The plates are of standard dimensions, yellow in colour with the letter 'H' and digits in black. The figure appearing on the top aperture denotes the nominal size of the main in millimetres and the lower one the distance in metres between the indicator plate and the hydrant.
 - (d) Shall be so spaced that no building is more than 150 ft. (45.72m) through free access from one and not more than 100m apart. The minimum distance between hydrant and building shall be 6M.
 - (e) Pipe sizes and general hydraulics shall be such that a discharge of 250 gallons per minute at 10 pounds per square inch is obtainable at each hydrant.
4. Where a number of underground fire hydrants are required in an estate, the mains supplying such hydrants should be in the form of a ring, to form a complete circuit of the site.
Water supply to the ring main should be from different mains if possible. Isolating valves and non return valves shall be provided in accordance with Sanitary Authority's requirements
5. A sufficient number of suitably spaced and located road gullies shall be provided on the roads. The gullies shall be connected to the surface water disposal system. The Recommendations for Site Development Works for 'Housing Areas' of An Foras Forbartha, (1984) shall be taken into account in the design of this system.
6. All surface water from roofs and paved areas shall be discharged to the surface water disposal system and no surface water shall be discharged to a foul sewer or be permitted to flow onto the public roadway or adjoining property.
7. Public lighting shall be provided to facilitate each dwellinghouse when occupied and the public lighting shall be switched on as residential units/houses are occupied. The public lighting shall be maintained by the developer unless and until taken in charge by the Council.

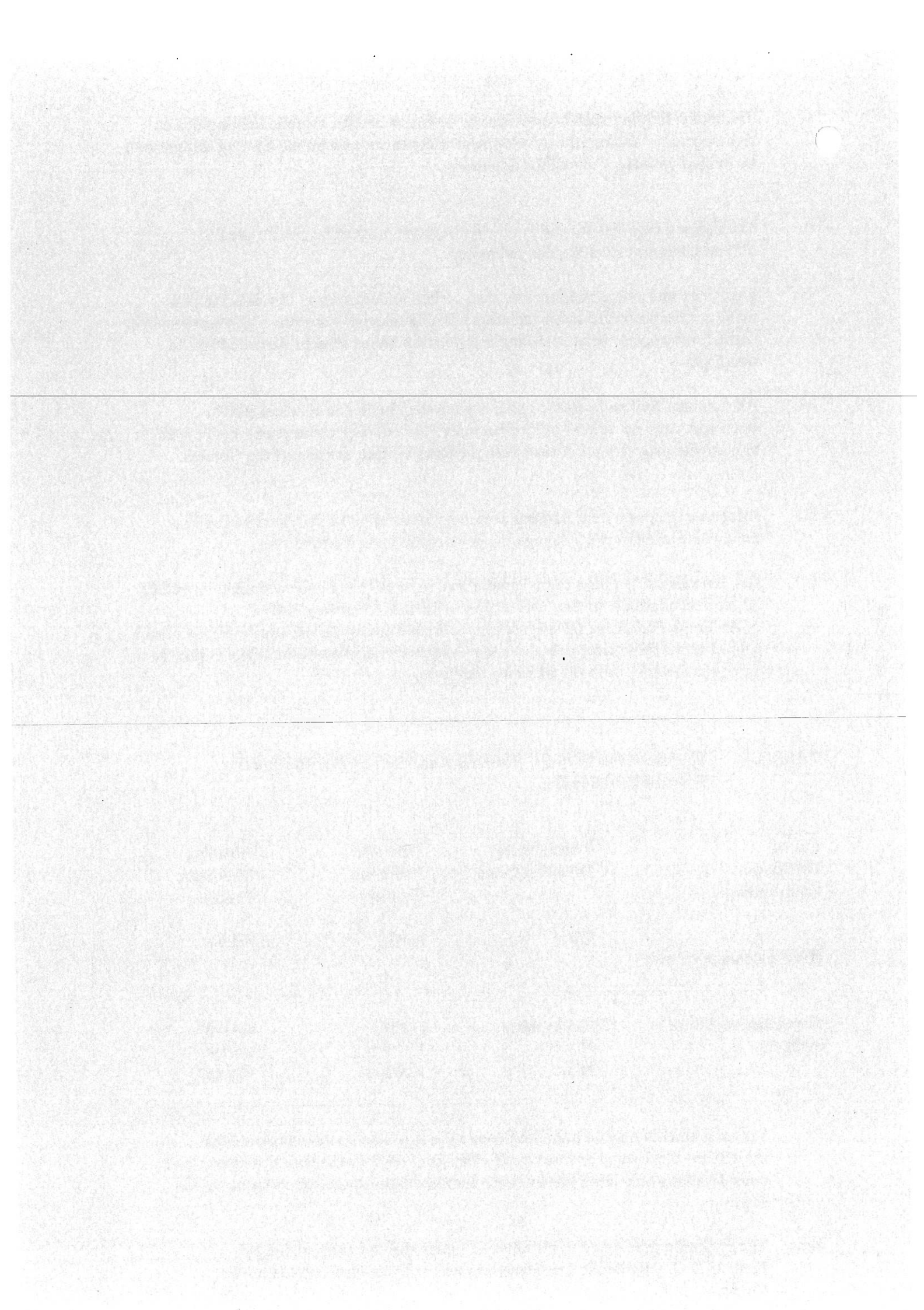
8. The public lighting shall be provided in accordance with a public lighting design to be agreed. Before the development is commenced a public lighting design shall be lodged with the Council for agreement.
9. The lighting columns for the public lighting system shall be constructed of 3.2mm minimum steel hot dip galvanised.
10. Electricity and telephone services shall be laid underground. Provision shall be made for the underground installation of cable television service. This work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.
11. All the main foul and surface water sewers shall be laid in roads or public open areas and no sewers other than individual building connections shall be laid in any private property other than with the prior written consent of the Council.
12. Adequate temporary car parking accommodation shall be provided on the site for the use of employees engaged in construction work on the site.
13. Road gradients, junction radii, camber and cross fall shall be in accordance with the "Recommendations for Site Development Works in Housing Areas" of An Foras Forbartha, (1984) subject to the following amendment to Table 3.1 and subject to no foul sewer being less than 225mm. in diameter other than as may be agreed in advance with the Planning Authority.

TABLE 3.1 Pipe sizes and Gradients for Drains and Sewers carrying small flows of Foul Sewage.

No. of Dwellings Contributing	Minimum Pipe Diameter (mm)	Desirable Minimum Gradient	Absolute Minimum Gradient
1 (House connection only)	100	1 in 40	1 in 60
Depending on house numbers.	225 or more	1 in 100	1 in 130*
	225	1 in 140	1 in 180*
	300	1 in 200	1 in 250*

* Lower gradients may be permitted where the applicant can demonstrate that the volume discharged ensures a self-cleansing velocity of at least 0.8 m/sec. Such considerations only arise when a large number of houses are contributing to the sewer.

Note: The minimum gradients for storm water drains shall be as approved by Ennis U.D.C. Hydraulic considerations will be taken into account by the Council.



14. Before development commences, details of front boundary walls and fencing shall be agreed with the Planning Authority. No alteration shall be made in the fencing provision without the prior approval of the Council.
15. A minimum of 2 car parking spaces suitably surfaced in durable dust-free material shall be provided to service each residential unit.
16. The footpath shall be dished at each vehicular entrance and entrance gates shall open inwards.
17. Before development commences on the site, a comprehensive landscaping scheme shall be submitted for the agreement of the Planning Authority. The scheme shall include details of -
 - (a) Mounding and seeding,
 - (b) Plant and tree varieties,
 - (c) Height and girth of trees proposed,
 - (d) Maintenance and replacement planting, and
 - (e) Phasing and timing of implementation.
18. The developer shall ensure that the finished floor levels of all dwellings are above flood levels and that all low points are filled to ensure that such flooding does not occur.
19. Before the development commences on the site, the developer shall pay to the Planning Authority the sum of £200 per residential unit and the sum of £600 in respect of each guest house as a contribution towards the expenditure which has been incurred by the Planning Authority in the provision of a water supply which will facilitate the proposed development.
20. Before the development commences the developer shall pay to the Planning Authority the sum of £200 per residential unit and a sum of £600 in respect of each guesthouse as a contribution towards expenditure which has been incurred by the Planning Authority in the provision of a sewerage system which will facilitate the proposed development.
21. No garage, shed, awning or similar structure shall be provided without the prior consent of the Planning Authority whether or not such provision would otherwise constitute exempted development.
22. A name for the proposed housing development shall be submitted for the agreement of the Council and the proposed development shall not be named nor shall any name be used in publicising the proposed development until such agreement has been obtained.
23. Footpaths shall be ramped at road junctions at gradients suitable to facilitate those with restricted physical mobility.
24. The Council shall be informed in writing as each stage of the development takes place, namely -
 - (a) marking out of site,
 - (b) provision of road base,

- (d) marking out of dwellings.
- (e) surfacing of road and footpath

in order that inspection of the work in question may be carried out.

- 25. Details of the use of the area to the south of site 24 shall be agreed with the Council before development commences.
- 26. Existing trees and hedgerows shall be retained save where their removal is required by other conditions of this permission.
- 27. All security provided in accordance with the conditions of this permission shall be increased annually in accordance with the following formula until such security is discharged.

Security at Year X = Security specified in the relevant condition multiplied by the building Price Index as of 31st December of year X divided by the Building Price Index as of 30th April, 1996

- 28. Until finally discharged at no time shall the period of validity of any bond or other security lodged with the Planning Authority in accordance with the conditions of this permission be less than twelve months.
- 29. No residential unit shall be occupied until watermains, sewers and roadways are provided to serve that unit.
- 30. All drains within or bounding the proposed site shall be piped in pipes of a diameter to be agreed with the Council and in a manner to permit the continued free flow of water and shall then be backfilled.
- 31. Means of connecting to public water and sewerage systems shall be agreed with the Planning Authority before development commences.
- 32. The development shall be carried out in phases as follows:-
 - Phase 1 Dwellings 3 - 42 and the proposed guesthouse.
 - Phase 2 Dwellings 43 - 73
 - Phase 3 Dwelling 74 - 84 and 104 - 110
 - Phase 4 The remainder of the development.

Development shall not commence on any phase until the previous phase is completed to a stage acceptable to the Planning Authority.

- 33. The developer shall pay to the Planning Authority the sum of £40,000 as a contribution towards the cost of the provision of a sewerage pumping facility which will serve the proposed development. The development shall be connected to the pumping station in a manner to be agreed with the Council and the proposed pumping station shall not be provided by the developer. In the event of connection to the Council pumping facility not being permitted, a pumping station shall be provided by the developer to a specification and at a location to be agreed with the Council

34. Before the development commences, the developer shall lodge with the Planning Authority, cash deposit, a bond of an Insurance Company or such other security as may be acceptable to the Planning Authority to secure the provision, satisfactory completion and maintenance until taken in charge of roads, footpaths, sewers, watermains, drains, public open space, public lighting, and other services required in connection with the development, coupled with an agreement empowering the said Planning Authority to apply such security or part thereof for the satisfactory completion or maintenance as aforesaid of any part of the development. The amount of the security shall be as follows:

Phase 1	-	£40,000
Phase 2	-	£25,000
Phase 3	-	£20,000
Phase 4	-	£20,000

35. A 1/200 scale drawing of the design of the junction between the estate road and the public road shall be submitted to and agreed with the Council before development commences.
36. This permission shall not apply to the design, location or means of access to the proposed guesthouses.

The design and location of these elements of the development shall be amended in a manner to be agreed with the Council before development commences.

The design and location of the road access to sites 3 - 7 shall also be amended in a manner to be agreed with the Council.

37. Before development commences on site, a full survey of trees and hedging within and bounding the proposed site shall be submitted. This survey shall indicate the trees and hedgerows being retained together with proposals for their maintenance.
38. The existing electricity line passing through the site shall be relocated underground before other site works commence.
39. The high level windows in the south facing elevation of dwelling 25 shall be fitted with obscure glazing.
40. The mix of house types shall not be as on submitted plans. A revised proposal which provides a greater degree of relationship between house types shall be submitted for Council agreement before development commences. Such submission shall include a street elevation of the proposed house groups indicating the relationship of buildings.
41. Before development commences on site the dimensions of the proposed site shall be confirmed to the Council.
42. Before development commences evidence shall be submitted that the vehicle movements required to gain access to dwellings in the vicinity of road junctions conform to normal road safety requirements.
43. The design of screen walls shall be agreed with the Council before development commences.

44. Proposed house designs shall be amended as follows -

House Type C

(a) Massing of roof shall be reduced.

House Type E

(a) Massing of roof shall be reduced.

(b) Window design of first floor windows shall be amended.

45. No pedestrian access shall be provided between the proposed development and the Pinegrove Housing Estate to the South. Any passageway capable of being used as such shall be permanently and effectively sealed.
46. At the junction between the proposed estate road and the public road the existing public footpath to the North and South of the proposed junction shall be extended to meet the carriageway of the proposed access road.
47. No development shall take place in the vicinity of the 15" watermain or 1500mm. pumped sewer which are laid along the route of the old railway line. In particular a wayleave of a minimum width of 7M. shall be provided such that neither service is closer to the edge of the wayleave than 2.5m. Evidence of the existence of the wayleave shall be lodged with the Council before development commences.
48. All foul sewers serving 10 houses or more shall be not less than 225mm in diameter and all pipework above 150mm diameter shall be in S and S sealed concrete.
49. Surface water proposed to drain to manhole S8 shall drain to the adjacent stream instead in a manner to be agreed with the Council.
50. The following shall apply to the proposed surface water drainage system -
- (a) No pipes less than 225mm. in diameter shall be provided,
 - (b) All pipe runs indicated as 225mm. shall be increased to 300mm. diameter.
 - (c) Pipe run Slb - Sl shall be increased to 300mm.
 - (d) Pipe run S2 - Sl shall be increased to 450mm.
 - (e) The pipe to drain the open space at the Pinegrove Housing Estate to the South shall be increased to 225mm.
 - (f) All pipes shall be S and S concrete.
51. All finished site levels shall be above 4.8m. O.D. but shall otherwise not exceed the levels indicated on submitted plans. Notwithstanding anything indicated in this condition, no filling shall take place to the West of a line drawn along the Western face of the most Easterly bridge support of the old railway bridge to the west of the site and extended Northwards and Southwards from same.
52. A public right of way shall be provided from the Old Railway Bridge to the West of the Site to the Gort Road.
53. This permission shall apply to the revised site layout plans submitted to the Council on 8th March 1996 save as amended by the conditions of this permission.
54. The detailed design and finish of the screen wall between the public open space in Pine Grove and the development shall be agreed with the Council before

55. Details of external finishes and colour schemes shall be agreed with the Council before development commences.
56. Access for fire fighting appliances shall be in accordance with Section 5 of T.G.D. B 'Fire' to the Building Regulations 1991, "Access and Facilities for the Fire Service".
57. The minimum size of the main for supply to Fire Hydrants shall be a minimum diameter of 150mm. and the main shall be ringed unless otherwise agreed with the Council.
58. Self contained smoke detectors to IS 409 1988 - Self Contained Smoke Detectors for Private Dwellings which are mains operated and interlinked shall be provided in each occupancy in accordance with Appendix D of BS 5588 Part 1 1990 - Dwellings.
59. With the exception of the guesthouses no house shall be used for the commercial overnight accommodation of guests (including use as B & B accommodation) without the prior approval of the Council.

Signed on behalf of Ennis U.D.C.

**J. COTTER-COUGHAN,
SENIOR STAFF OFFICER,
WATERPARK HOUSE, DRUMBIGGLE,
ENNIS.**

11TH JUNE, 1996.

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

78055

Reference Number:

R20-9

Date Referral Received:

21st February 2020

Name of Applicant:

Maria McCarthy of Aughanteeroe Residents Association

Location of works in question:

Westbrook House, Gort Road, Ennis, Co. Clare.

Section 5 referral Reference R20-9 the name of Maria McCarthy of Aughanteeroe Residents Association

Whether the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, is or is not development and is or is not exempted development.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended;
- (b) Article 10(1) of the Planning and Development Regulations 2001, as amended;
- (c) Part 4 (Class 6) of the Second Schedule to these Regulations;
- (d) The planning history of the site;
- (e) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council (Planning Authority) has concluded:

- (a) the permitted use on site is as a guesthouse and is, therefore, a class of use coming within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;
- (b) the current use as a house remains as a guesthouse, used as accommodation for homeless persons, and is considered to fall within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;

ORDER: Whereas by Chief Executive's Order No. HR 130 dated 4th March 2020, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, A/Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, A/Senior Executive Planner, hereby declare that the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, does not constitute a material change of use and thus constitutes exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Signed: 
GARETH RUANE
A/SENIOR EXECUTIVE PLANNER

Date: 18th March 2020



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Maria McCarthy
Aughanteeroe Residents Association
C/o 27 Aughanteeroe
Ennis
Co Clare

RL 5232 2721 91L

18th March 2020

**Section 5 referral Reference R20-9 the name of Maria McCarthy of Aughanteeroe Residents Association
Whether the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, is or is not development and is or is not exempted development.**

A Chara,

I acknowledge on behalf of Mr. Pat Dowling, Chief Executive Officer, correspondence received on the 7th February 2020 in relation to the above.

I refer to your application received on 21st February 2020 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas

Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate

An Stiúirthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R20-9



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R20-9 the name of Maria McCarthy of Aughanteeroe Residents Association

Whether the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, is or is not development and is or is not exempted development.

AND WHEREAS, Maria McCarthy of Aughanteeroe Residents Association has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended;
- (b) Article 10(1) of the Planning and Development Regulations 2001, as amended;
- (c) Part 4 (Class 6) of the Second Schedule to these Regulations;
- (d) The planning history of the site;
- (e) The works as indicated in submitted documents from the referrer.

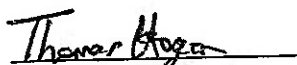
And whereas Clare County Council (Planning Authority) has concluded:

(a) the permitted use on site is as a guesthouse and is, therefore, a class of use coming within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;

(b) the current use as a house remains as a guesthouse, used as accommodation for homeless persons, and is considered to fall within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, does not constitute a material change of use and thus constitutes exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Thomas Hogan

Senior Staff Officer

Planning Department

Economic Development Directorate

18th March 2020

Referral R 20-9

Referral Question:

Whether the change of use of Westbrook house from a commercial Guesthouse to a 'homeless hostel' run by an approved housing body is or is not development or is or is not exempted development.

I refer to the attached referral as received by the Planning Authority on the 21st February last. I have examined the contents of this referral and note the planning history of the site together with the current use of the site.

I note that this particular unit was permitted under PL. Ref 95/128 (Ennis Town Council) as a guesthouse. Class 6 of Part 4 of the Second Schedule provides that the following uses fall within the one class – use as a residential club, a guesthouse or a hostel (other than a hostel where care is provided).

I note from the email from the Housing section on file that the use of the dwelling as a guesthouse continues albeit for homeless individuals. In this regard I do not consider that this represents a material change of use in this instance, noting the provisions of Class 6 and noting also that no care is being provided within the building. I also note the provisions of Article 10 (1) and do not consider that the proposal falls within same.

Recommended Order as follows:

WHEREAS

A question has arisen as to whether the change of use of Westbrook house from a commercial Guesthouse to a 'homeless hostel' run by an approved housing body is or is not development or is or is not exempted development:

AND WHEREAS

Clare County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Article 10(1) of the Planning and Development Regulations 2001, as amended,
- (c) Part 4 (Class 6) of the Second Schedule to these Regulations,
- (d) the planning history of the site

AND WHEREAS

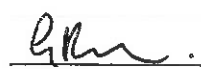
Clare County Council has concluded that -

(a) the permitted use on site is as a guesthouse and is, therefore, a class of use coming within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;

(b) the current use as a house remains as a guesthouse, used as accommodation for homeless persons, and is considered to fall within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;

NOW THEREFORE

Clare County Council, in exercise of the powers conferred on it by section 5(2) of the Planning and Development 2000 Act, as amended, hereby decides that the change of use of Westbrook House from a commercial Guesthouse to a 'homeless hostel' run by an approved housing body, does not constitute a material change of use and thus constitutes exempted development.



G Ruane
A/SEP
18/03/20

Gareth Ruane

Subject: FW: Referral R 20-9 - Westbrook Lodge

From: Etain McCooey
Sent: 18 March 2020 15:15
To: Gareth Ruane
Cc: Siobhan McNulty
Subject: Referral R 20-9 - Westbrook Lodge

Gareth,

I refer to your email below. Westbrook House is currently operated and managed by Mid West Simon and this service is to be put out to tender this year. Mid West Simon provides a Head of operations, Case Manager, Housing support staff, Night support worker. It is staffed on a 24/7 basis, individuals have access to support and staff throughout the day and evening with access to the night porter and on call service during the night. One person per room –currently by 15 ensuite rooms. It is not being run and it is not intended to run it as a hostel (eg a low threshold facility). MW Simon provide support to the residents - ie supporting them to address any presenting challenges that may inhibit accessing private rental accommodation or transitioning to more permanent solutions.

If you have any queries please call me, Siobhan McNulty or Damien McMahon

Thank you
Etain

Etain McCooey
Administrative Officer
Social Development Directorate
(Housing, Culture and Sport/Recreation)
Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2
T: 065 6846236 | E:emccooey@clarecoco.ie | W: www.clarecoco.ie
Local Authority of the Year



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Maria McCarthy
Aughanteeroe Residents Association
C/o 27 Aughanteeroe
Ennis
Co Clare

21st February 2020

**Section 5 referral Reference R20-9 the name of Maria McCarthy
Whether the change of use of Westbrook House from a commercial Guesthouse to a
Homeless Hostel run by an approved housing body at Westbrook House, Gort Road,
Ennis, Co. Clare, is or is not development and is or is not exempted development.**

A Chara,

I refer to your application received on 21st February 2020 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Annette Ryan
Clerical Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúirtheoireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



12A

To: John O'Sullivan, Area Planner

Section 5 referral Reference R20-9 the name of Maria McCarthy
Whether the change of use of Westbrook House from a commercial Guesthouse to a Homeless Hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, is or is not development and is or is not exempted development.

21st
Received on ~~20~~^{21st} February 2020

Due Date: Thursday 19th March 2020 (please note the applicant should have a response by this date)

Regards

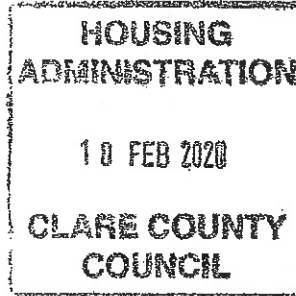
Annette



Aughanteeroe Residents Association

Gort Road, Ennis, Co. Clare

Mr. Pat Dowling,
CEO, Clare County Council,
New Line, Ennis,
Co. Clare



7th February 2020

Aughanteeroe Residents Association wish to complain about the unauthorised development and change of use of Westbrook House Guest House to a Homeless Hostel.

Dear Mr. Dowling,

Aughanteeroe Residents Association (ARA) is hugely concerned to learn that Clare County Council is planning to significantly *change the use* of Westbrook House Guesthouse to a homeless hostel. We believe this proposed *change of use* of Westbrook House Guesthouse is an **unauthorised development** under the Planning Regulations and as such we wish to make a formal complaint to Clare County Council about this.

We are requesting an urgent meeting with you to address this complaint and the following concerns:

1. Aughanteeroe Residents Association believes the proposed '*change in the use*' of Westbrook House from a private commercial Guesthouse to a *Homeless Hostel* is in breach of planning legislation. Westbrook House operated as a private commercial Guesthouse that was registered with *Bord Fáilte*, as per the signage displayed outside Westbrook House until early January 2020, (Appendix 2: photo of this signage). Westbrook House Guesthouse is still listed on many of the holiday accommodation booking apps including *Booking.com* and *Trivago* etc (please see Appendix 3).
2. The proposed change of use of the building to a homeless hostel operated by '*an approved housing body*' represents a **very significant change in the use** of Westbrook House Guesthouse. Aughanteeroe Residents Association believes this '*change of use*' is **not compliant** with **Planning regulations** and as such it is an **unauthorised development** which should cease immediately, until the planning process has been completed in full. We have attached, for your information and attention, reports of similar planning issues that have arisen with the **change of use** of commercial buildings in Dublin City (see Appendix 4).
3. Clare County Council is **obliged** under the Planning Regulations to **notify the public** about the proposed '*change of use*' of Westbrook House from a commercial Guesthouse to a homeless hostel. Clare County Council is also **obliged to consult with the residents of Aughanteeroe** and the other residential developments in the immediate vicinity of Westbrook House about the proposed change of use of the building. To date, we have received **no formal communication**

from Clare County Council regarding the purchase of Westbrook House or the proposed change of use of this building.

4. As Westbrook House is located at the main/ only entrance and exit to Aughanteeroe, the proposed *change of use* of Westbrook House from a Guesthouse to a homeless hostel will have a very significant and negative impact on Aughanteeroe Residents: Aughanteeroe residents have no choice but to pass by Westbrook House on our way in and out of the estate. Residents are hugely concerned about the safety, welfare and quality of life of all residents and in particular children, older people and vulnerable adults.
5. Westbrook House is located in **close vicinity to 2 primary schools** and there are significant numbers of children passing by Westbrook House throughout the day. Aughanteeroe Residents Association is hugely concerned that the Council has not consulted with Residents or any other stakeholders about this significant proposed change in the use of Westbrook House.
6. Has the Council undertaken any risk assessments on the **appropriateness of the *change of use* of this building as a homeless hostel in an entirely residential area?**

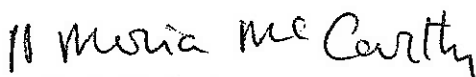
Aughanteeroe Residents Association understands that Clare County Council is now preparing to put the future management and use of Westbrook House out to public tender in the coming weeks. As Aughanteeroe residents are hugely impacted by any changes to the use of Westbrook House, we have a right, under the planning regulations, to be notified and consulted on any proposed change of use of the building.

Aughanteeroe Residents Association is now requesting an urgent meeting with you and the Director of Housing Services in Clare County Council, preferably in the evening, to address this complaint.

We are also requesting a response to the list of concerns and questions raised by Aughanteeroe Residents about the current management of Westbrook House; the list of concerns and questions is attached in **Appendix 1**: As you will read, Aughanteeroe Residents are hugely concerned and upset about the poor condition and upkeep of the exterior of Westbrook House since it was purchased by Clare County Council (**photos attached in Appendix 1**) and we are seeking immediate action on these concerns.

We will await your response to this request by return.

Yours sincerely,



Maria McCarthy,

On behalf of Aughanteeroe Residents Association, 27 Aughanteeroe, Ennis

Tel: 085 152 0642

E: emailmariamccarthy@gmail.com

Attachments: Appendices 1-4

C.C: Ms A Haugh, Director of Housing Services, Clare County Council



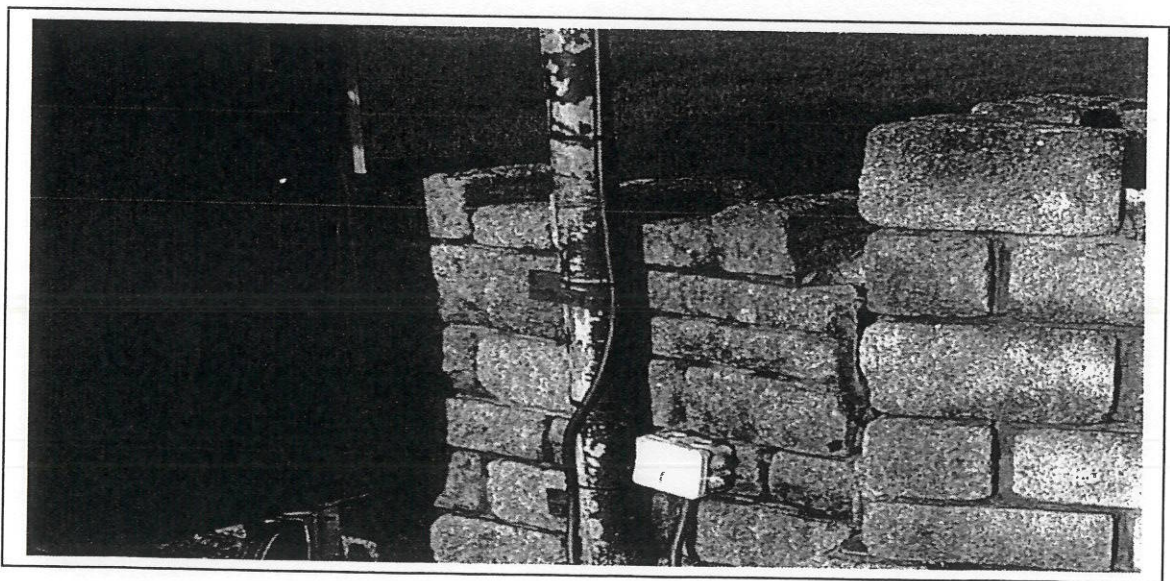
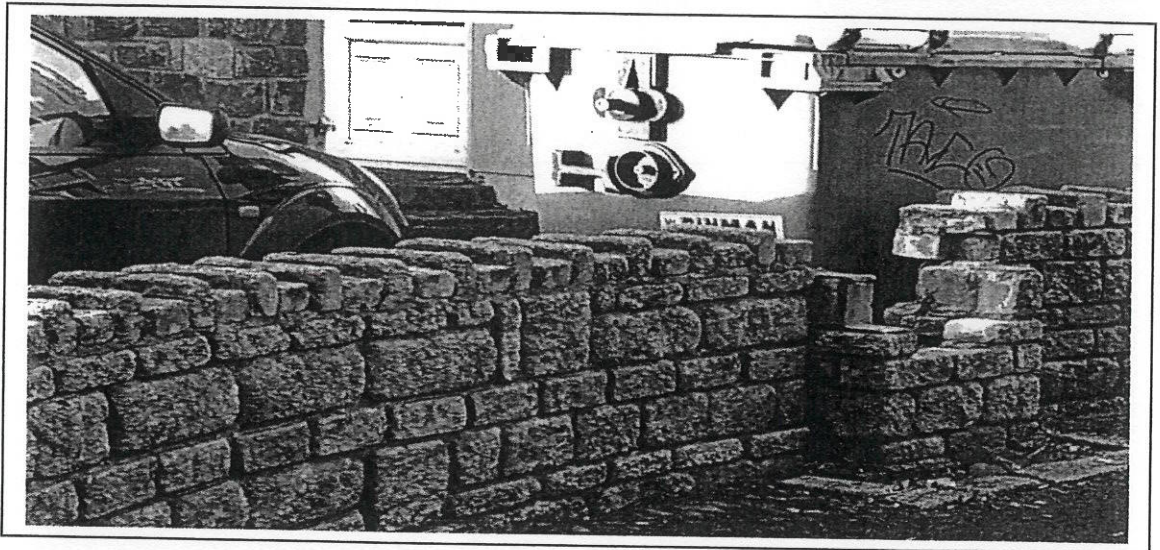
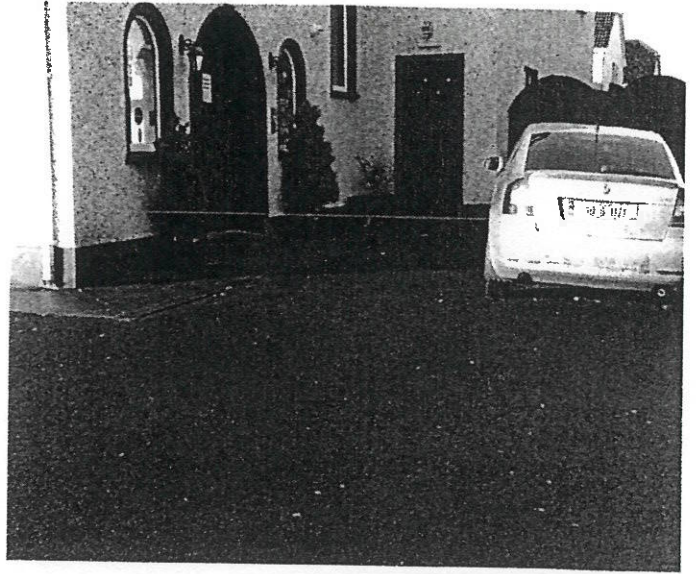
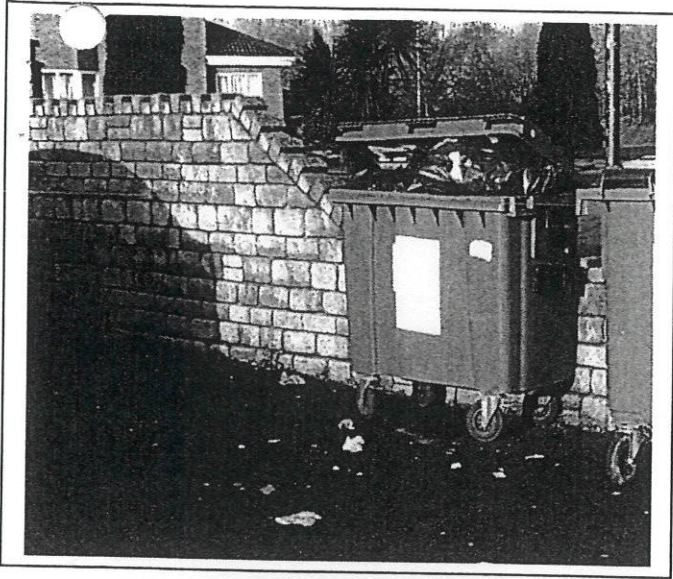
Aughanteeroe Residents Association

Gort Road, Ennis, Co. Clare

Appendix 1 List of Specific concerns & questions from Aughanteeroe Residents regarding the planning status, operation, maintenance and appearance of Westbrook House

1. **What is the planning status of the proposed development of a Homeless Hub from Westbrook House, given that it was operating as a private and commercial Guesthouse for the past two decades until it was sold in mid Dec 2019?**
2. **Has planning permission been sought? Can the council provide details of this process?**
 - a. What type of Resident is the Homeless Hub proposed to be used for?
3. **What contract conditions has the Council, as the owner of Westbrook House, put in place with Simon Community for the safe operation and delivery of services from Westbrook House?**
 - a. What type of Resident is the accommodation designed for?
 - b. Are occupants obliged to leave the accommodation in the morning and return in the evening, as a homeless hostel?
 - c. Are there policies and risk assessments in place for the safeguarding of children in Westbrook House (under Children First Legislation)
 - d. Will the council ensure the adjoining public areas around Westbrook House are well lit, monitored and supervised whilst homeless services are provided from Westbrook House?
 - e. When will the council repair and maintain the entrance and exterior of Westbrook House? It is extremely unkempt at the moment as illustrated in the pictures overleaf.
 - f. As the owner /landlord of Westbrook House, who should Aughanteeroe Residents contact in Clare Co County if they have concerns or complaints about the management of Westbrook House?
 - g. What is the operating procedure to address any intimidating or anti-social behaviour experienced by Aughanteeroe Residents or members of the public passing by Westbrook House?
 - h. Has the council informed Ennis Garda Station of the change of use of Westbrook House and has it been agreed to increase support provided by the Station to the Gort Road area? I.e. increase the Community Garda service to 7 days a week and increase response time from Ennis Garda Station?
 - i. What is the Council proposing regarding the Signage outside Westbrook House? Aughanteeroe Residents are anxious that the property would remain named as Westbrook House and to ensure the property is well maintained at all times. At present the exterior front areas of the property are unkempt and in disrepair- see photos attached in the next page.
 - j. We expect the Council to maintain the public areas adjacent to Westbrook House – green areas and shrubs- to ensure the environment does not facilitate anti-social behaviour
4. **Has the Council or Simon Community completed the obligatory range of risk assessments required under planning regulations for the commencement of homeless accommodation from Westbrook House?**
5. **Aughanteeroe Residents expect Clare County Council to consult with them on the proposed changes to the use of Westbrook House as per Planning Regulations: When should we expect this to happen?**

Pictures of Westbrook House –the exterior of the building is now in disrepair and poorly maintained



Appendix 2: Westbrook House Guesthouse – signage & upkeep

Photo of Westbrook House Guesthouse Signage with *Bord Fáilte* Approval- displayed outside the building until early January 2020.



Exterior of Westbrook House Guesthouse was well maintained, clean & tidy prior to 2020



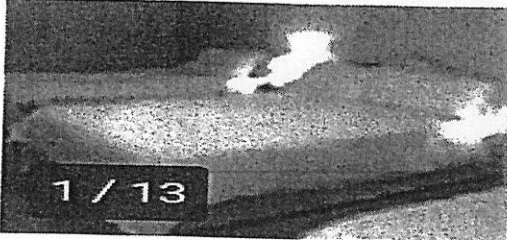
Appendix 3:

Pictures of Westbrook House Guesthouse listed on Booking.com, Trivago.com holiday accommodation booking sites (dated 7/2/20)

21:24    ...



www.trivago.ie



8.4 Very good (200)

Change dates to see available deals

Info

Photos

Reviews



13 / 13

The images displayed on trivago are provided by third parties

Appendix 4: Reports of Similar Planning issues related to the 'Change of Use of commercial buildings in Dublin City

Homeless shelter must close by May unless planning status regularised;

Fri, Dec 8, 2017, 15:16:

irishtimes.com/news/crime-and-law/courts/criminal-court/homeless-shelter-must-close-by-may-unless-planning-status-regularised-1.3320365

Carman's Hall used as emergency temporary accommodation for rough sleepers

A Dublin City centre based hostel used as accommodation for homeless people will close next May unless its planning status is regularised. In October, Mr Justice Donald Binchy held a decision by Dublin City Council to allow Carman's Hall, Francis Street, in Dublin's Liberties be used and converted into a hostel was in material contravention of the area's local development plan.

The matter returned before the High Court on Friday for final orders in the case, when the Judge was told the parties had reached an agreement.

It had been agreed the facility can remain open until May 1st, 2018 unless the council takes steps to ensure the facility complies with the planning laws and does not conflict with the local development plan. The facility opened before Christmas 2016 and has been used as emergency temporary accommodation for rough sleepers. It has a capacity of 51 beds and has been run by the Simon Community and the Salvation Army.

Local residents, through the Carman's Hall Community Interest Group, Michael Mallin House Resident's Association and community worker Elizabeth O'Connor, brought High Court proceedings claiming the council was not entitled to convert the building into a hostel for the homeless. They alleged the council's decision of October 28th, 2016 authorising change of use and refurbishment of the building was unlawful, breached the planning laws and should be quashed.

The residents want the building, owned by the Catholic Archdiocese of Dublin, to be used as a community centre. It had been used as a community centre for many years before it was closed in 2013 over accessibility and fire safety concerns. The council, opposing the application, argued the hostel was opened to deal with the "humanitarian crisis" of rough sleepers in Dublin.

On Friday Declan McGrath SC, appearing with Niall Handy BL for the residents, said following discussions the parties had agreed the wording of the final orders in the case. It had been agreed the court could make an order formally quashing the council's decision of October 28th last year. The court could also make a declaration that the council's decision amounted to a material contravention of the local development plan. A stay on the orders, requiring the shelter to close, had also been agreed until May, counsel added. James Connolly, appearing with Stephen Dodd BL for the council, said his client was consenting to the orders.

Mr Justice Binchy welcomed the agreement. He commended the residents for agreeing to allow the facility remain open "especially at this time of year". The Judge awarded the residents their costs of their proceedings against the council, which took three days to hear.

However he ruled both sides should pay their own legal costs for a pre-trial application where the council was successful in lifting a stay that allowed the facility open to rough sleepers in December 2016. In his judgment, the Judge held the council's decision was in material contravention with objectives as set out in the local development plan for the south inner city. Proper consideration, he said, was not given to claims that the hostel would result in an over concentration of such facilities for the homeless in the area and the effects that would have on the local economy and community. In the circumstances the court was satisfied to quash the orders made by the council in respect of the building.

Peter McVerry Trust must show 'due diligence' regarding planning of state's largest homeless hostel - junior housing minister

Irish Independent. November 29 2019

<https://www.independent.ie/irish-news/news/peter-mcverry-trust-must-show-due-diligence-regarding-planning-of-states-largest-homeless-hostel-junior-housing-minister-38737770.html>

JUNIOR housing minister John Paul Phelan has said that the Peter McVerry Trust must show due diligence regarding the planning of the State's largest homeless hostel in Dublin.

On Tuesday, dramatic scenes erupted inside the Carmelite Community Centre on Aungier Street, Dublin as local residents voiced their opposition to a new hostel which will provide overnight accommodation for 150 adults at Avalon House.

The residents stressed they are not against the housing of homeless people. Instead, they objected to the decision being made without their knowledge.

Dublin City Council's deputy chief executive, Brendan Kenny, and Peter McVerry Trust deputy chief executive, Brian Friel, were regularly met with jeers as locals argued they were not addressing their concerns. Members of a Dublin-based housing group were also asked to leave after Councillor Mannix Flynn was heckled when talking about his record helping the homeless.

He had called the emergency meeting after it emerged that the Peter McVerry Trust and the Dublin Region Homeless Executive (DRHE) intend to take over the Victorian building off Aungier Street, which includes cold weather beds for rough sleepers during winter.

Until recently it had been used as a backpackers' hostel. A lease on the building has now been signed by the trust, and it is envisioned that the hostel will open in January.

Speaking to Independent.ie, junior housing minister John Paul Phelan said that both the trust and the new owners have a responsibility to show that "due diligence" is carried out and that the "required consents" are in place, such as planning. However, he maintained that the government and DCC have a requirement to accommodate people who have no homes.

"If we're serious nationally about trying to address homelessness and rough sleeping, there will have to be more locations in Dublin city where they can be accommodated," he said.

At Tuesday night's meeting, Brendan Kenny said that the DRHE required 300 additional emergency accommodation beds. "If we don't get accommodation for people or more beds for people, more and more single people will become dead on the street," he said.

Mr Friel said that while the charity appreciated local concerns, problems previously envisaged by communities where it has opened other hostels had not come to pass.

But Cllr Flynn vowed to take a High Court action to prevent the hostel from opening. "I'm sick and tired of being railroaded," he said. "Stop trying to blackmail us in relation to those that are unfortunate enough to be on our streets in an awful state."

He later accused DCC and the Peter McVerry Trust of leaving the community in "complete darkness." "This agreement was done in total secret," he said. One woman who was at the meeting feared the hostel would only "heighten the area's drug and anti-social problem". "There's a primary school just around the corner from where this hostel is supposed to go." "It's being placed in an area that is already inundated with similar facilities. Why can't this hostel go out in D4 instead?"

A spokesperson for the Peter McVerry Trust told Independent.ie it has made contact with organisations and individuals in the community in addition to DCC and the DRHE. They said in a statement: "Peter McVerry Trust, with the support of the DRHE and Dublin City Council, has announced this morning that Avalon House will be used as a family hub to support families out of B&Bs and hotels and assist them into housing. "Peter McVerry Trust is committed, in partnership with the DRHE, to reducing homelessness across the city. "We are the lead provider of Housing First, the sole purpose of which is to support rough sleepers into housing. "We have 23 hostels (Supported Temporary Accommodation) which together provide 695 beds across the city delivering vital services to homeless people. We have 7 family hubs supporting 86 families out of B&Bs and hotels and assisting them to access housing. "All of the above we do in partnership with the DRHE, Department of Housing, Planning and Local Government and with the support of the communities of which we are a part. "Our planned new hostel at Avalon House was a sincere effort on our part to reduce street homelessness in the city.

"However, given the concerns raised about the concentration of hostel beds in this area of the city and following consultation with the DRHE, we now propose to reconfigure Avalon House into 30 suite family hub to support families out of B&Bs and hotels and assist them into housing. "This will contribute considerably significantly to the plight of homeless families who need support to move towards housing.

"Housing is the primary goal in tackling homelessness and Peter McVerry Trust has increased its housing stock this year by 50 units and will increase this by a further 100 units in 2020. "We have a proven track record of forging strong links with communities across the city and will continue our efforts to do so going forward.

"The DRHE said: "It is the intention that this facility will provide long-term stable placements, there will be no queuing for admission or congregating on the street outside."

Guns, drunken melees, and pest infestations - living in emergency accommodation in Dublin is no joke

Three months' worth of complaints to the Dublin Regional Homeless Executive suggest conditions in the capital's emergency accommodation are fraught.

The Journal.ie Oct 30th 2017: <https://www.thejournal.ie/homeless-hostel-complaints-3668290-Oct2017/>

THE PROBLEMS WITH the standards of homeless accommodation in Dublin city show little sign of being resolved, newly released documents reveal.

Complaints made to the Dublin Regional Homeless Executive (DRHE), by both residents and managers, between April and June of this year show that, for many, living in emergency accommodation in Dublin can be a fraught experience.

The data, three months worth of complaints regarding the accommodation and goings-on for the ever-increasing number people and families currently without a place to live in the capital, has been released to *TheJournal.ie* by DRHE under Freedom of Information. In those three months alone some 253 pages of complaints were received by DRHE.

Hardship

The hardships of living in homeless circumstances at present are laid bare by one complaint from early April, which concerned a lady living in a hostel with her daughter, who has special needs. The original email to DRHE details how the little girl "refused to walk and insists that her mother carries her everywhere". "This morning and yesterday she just lay on the ground screaming and hurting herself. Screaming is her only way of communication as she is non-verbal."

Another complaint from mid-April describes a 75-minute long 'drink and drug-fueled melee' on the part of several hostel residents. "I had to go to their room and threaten them with immediate eviction in order to restore calm," the complaint from the hostel-operator reads.

On checking their room this morning (I) found a large amount of empty cans, a small amount of hash, and the remains of drug wraps and cards of tablets... we are left with no option but to close their room.

Later the same month, a husband and wife in a homeless hostel requested a transfer after a woman claimed the man had threatened to 'slit her throat' over an altercation concerning the noise being made by the man's children.

Further to our telephone conversation of Saturday morning, could you please place on record the following:

On Tuesday morning [redacted] became involved in a heated verbal confrontation with [redacted] over the noise of [redacted] children. Things escalated quite quickly with [redacted] claiming that [redacted] threatened to slit her throat.

[redacted] phoned her boyfriend to tell him her side of the story. Her boyfriend arrived a short time later and despite being warned by a female member of staff that he was not allowed upstairs he forced his way up. Both [redacted] boyfriend exchanged threats and only for the intervention of another member of staff, violence would have ensued.

Having discussed matters with staff on duty, it is their opinion that [redacted] was completely out of order, both her behaviour and in calling her boyfriend.

[redacted] informed me this morning that he saw [redacted] boyfriend on Meath Street today and was left in no doubt that the boyfriend was trying to intimidate him.

Having discussed matters with his wife, [redacted] no longer feels safe here and has requested a transfer as soon as possible.

We feel that it would be unfair on the [redacted] if they had to move out [redacted] was allowed to stay, some residents have come forward to say that [redacted] behaviour was unbelievable considering the issue only arose because of children making noise in their own bedroom at 9.30 am in the morning.

Could you please let me know what your thoughts on the above are.

Source:

DRHE

The operators of the hostel requested the opinion of higher authority as in their opinion the woman in question had been "completely out of order" both in how she had behaved and in calling her boyfriend, who subsequently arrived and "attempted to intimidate" the father. The man and his family subsequently informed the accommodation manager that they no longer felt safe staying there.

Another issue from April comes from a person occupying a private room in a hostel complaining of a "musty" smell in the room, with "excrement on the toilet walls".

A playroom in another hostel "was closed to try and combat the head lice issue" prevalent in the accommodation at the time, with one entire family of five children presenting with the problem.

Pest-control is a recurring trend within the documents, with numerous issues from bed-bug bites to mice infestations laid bare. In late June, pest control company Rentokil urges one accommodation to keep a room off-limits for at least two weeks "due to pest control issues".

I understand this may be inconvenient to you but it is imperative that we do so Rentokil can get a handle on the situation that has arisen.

'Smoking crack'

In late April a family complained regarding their own emergency accommodation of there being "no management of who comes in and out of the building", of "anti-social behaviour throughout the night", and of people "in the hotel smoking 'crack' and the smell coming through vents into other families' rooms with children present".

Anti-social behaviour is a recurring scourge of emergency accommodation around the city.

- Still no management on who comes in and out of the building. Families have visitors staying there that should not be there.
- Families are not staying there for long periods of time. Families sign for week/s at a time as there is no one on a desk.
- Anti-social behaviour through out the night, no staff intervene to stop this.
- Smell of people in the hotel smoking "crack" and smell coming through vents in to other families rooms with children present.
- No presence of staff after breakfast time, cannot access getting fresh towels or toilet roll as a result or even in worst case scenario if there was an emergency.

Source: DRHE

In June, a complaint was made about a couple who had been living in homeless accommodation for some time: "(They) live there for a long time, abusing people. They take drugs all day long, they don't even have food to eat. They smoke inside and the woman walks naked everywhere."

I sincerely have no way out of this situation as the manager encourages her behaviour and don't take any action against it.

Sent: 06 June 2017 14:50

To: [REDACTED]

Subject: [REDACTED] report

Hi

I live at [REDACTED] and I have complain to make about the anti social behaviour of the people and the management.

[REDACTED] and [REDACTED] live there for long time, abusing people. They take drugs all day long, they don't even have food to eat, they smoke inside the house and the woman walks naked everywhere, she wear only a Tshirt without underpants, she have showed her privates parts to my daughter who is 2 years old, not only for my daughter but also to the kids next door [REDACTED] there a teenage kids who come to the garden to see her privates.

She recorded private conversation and after she would be talking about it in a sarcastic mean way.

I sincerely have no way out of this situation as the manager encourage her behaviour and don't take any action against it.

It's also child protect issue as we have 2 children in te house my daughter and a premature baby who is living in a place where te housemates smoke, she turn off the fire

1

In another incident reported in June by an accommodation manager, the Garda Armed Support Unit (ASU) was called to the scene, which led to an arrest and the same accommodation being cancelled for the perpetrators.

The cancellation of accommodation appears to be a last resort for a property's managers when the behaviour of those living there goes beyond the pale. Incidents of people, not those living in emergency accommodation, arriving on site with weapons in order to settle a grievance are also numerous. One complaint made in April saw staff at one hostel report "that persons with weapons had entered the building and were going through... looking for a particular family". Staff stated that the child was present during this.

Families are seeking definite rules to adhere to.

Families reported that individuals with firearms came to the Hub who made their way inside the building, leaving families feeling vulnerable and frightened. Families concerned that these individuals were able to make their way inside the building and up to the bedroom area, which is a child protection concern.

There is reported drug use and alcohol misuse in front of children, which is again a child protection concern.

Families advised that many residents do not stay in the Hub frequently indicating they may have somewhere else to reside. It was reported that many families sign in for days and nights that they have not resided there.

Families stated that there is a lack of staff presence.

Families advised they have no access to running drinking water. Standard of breakfast not acceptable for example at times no bread, no milk -- feel some staff are not approachable to ask for this to be rectified.

Problems with key cards resulting in families getting locked out, staff not always there to rectify this.

Staff not understanding child protection -- ignoring child protection issues, however using it as a threat in circumstances that do not meet the threshold of what is a child protection concern.

Families advised they have inadequate access to cleaning supplies, towels, toilet roll etc.

In conjunction with this information I would like to highlight our concerns. If this information is accurate re: fire arms and drug and alcohol misuse, we are not being informed, which results in our safety as employees being compromised. We are unaware of accurate information and if child protection notifications have been submitted. This leaves the families and us vulnerable through a lack of communication. We have been advised that no incidents are to be reported to us by staff and that they will only report directly to DCC. We have had issues with keycards not working and lack of staff presence on the door, resulting in us not being able to access our office from time to time. Safety for staff and for families are not at an appropriate level.

At least one other instance of firearms being brought into an accommodation in order to settle a grievance is documented.

Child protection

Child protection issues are ten-a-penny. One complaint recounts an incident in which the gardaí were called to a scene by accommodation management: *"The guards arrived shortly after. The police went up and since (the residents of the room) continued fighting in the room, the police decided to retrieve the baby."*

In another incident in late June, an emergency accommodation resident informed management that the father of her baby was being abusive and aggressive and was under the influence of drugs".

"She advised that (he) was taking the baby in his arms and trying to use the baby as a bargaining tool to get his own way."

Overall a picture emerges of barely controlled chaos, of constant issues involving standards of accommodation (drainage problems and inadequate fire safety for example), to the seeming omnipresence of drugs, to fiery arguments and squabbles between residents, to a lack of security options for those managing the property.

September 2017 was the second month in a row (the first time this has been the case for three years) that more families exited emergency accommodation in Dublin than entered it.

Regardless, there were 89 new presentations by families in the same month. It's a problem that simply isn't going away, and it's hard to see how conditions in the accommodations available are going to improve as things stand.

DRHE, for its part, says that it "actively pursues all complaints and has a formal complaints policy that deals with all those received".

"If complaints are received from persons or families who are accessing homeless services, the appropriate department investigates the complaint and then responds accordingly to the complainant," a spokesperson told *TheJournal.ie*.

Regarding the standard of accommodation itself, DRHE says it: "ensures compliance with all the statutory health and safety standards is maintained by all service providers".

Furthermore all service providers must operate under protection procedures as required by (child and family agency) Tusla.

AN BORD PLEANÁLA

LDG- _____

ABP- _____

18 MAY 2020

Fee: € _____ Type: _____

Time: _____ By: _____

▼ Open Menu

Gort Road R456



Aughanteroe

V95 YP52



**WESTBROOK, GORT ROAD, ENNIS,
CO. CLARE, V95 YP52**

Aughanteroe

Fioruisce

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[1:2500 scale OSI Map]



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R20-9

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

CLARE
COUNTY COUNCIL
21 FEB 2020
Planning Section



Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	<p>Maria McCarthy, Aughanteeroe Residents Association, C/O 27 Aughanteeroe, Ennis, Co. Clare</p>
(b) Telephone No.:	085 152 0642
(c) Email Address:	emailmariamccarthy@gmail.com
(d) Agent's Name and address:	<p style="text-align: center;">U.A.</p>

2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
 Note: only works listed and described under this section will be assessed.

Sample Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?

Is the 'change of use' of Westbrook House from a commercial guesthouse to a 'Homeless Hostel' run by an 'approved housing body' - development or is it an exempted development?

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

Westbrook House has operated as a commercial guest-house, approved by Bord Teithe, for the last 20 years + up until Dec 2019. Signage still outside the house. In mid Dec 2019, Aughanteroe Residents noted that Westbrook House was being operated as a homeless hostel by the Simon Community - this represents a very significant 'change of use' of Westbrook House under the planning regulations. Aughanteroe Residents have not received any information on this change of use of Westbrook House - we understand Clave County Council purchased the house in mid-Dec 2019 for €1.2m and the Council has contracted the Simon Community to run the building as a homeless hostel since mid Dec 2019.

- (c) List of plans, drawings etc. submitted with this request for a declaration: see enclosed letter.
 (Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey GO map for the areas, to identify the lands in question) of Clave =

Copy of OSI Map of Westbrook House (1:2500) enclosed

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

<p>(a) Postal Address of the Property/Site/Building for which the declaration sought:</p>	<p>Westbrook House, Court Road, Ennis V95 YP52</p>
<p>(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?</p>	<p>NO</p>
<p>(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):</p>	<p>Aughamee Residents and Landowners are directly impacted by the 'change of use' of Westbrook House</p>
<p>(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:</p> <p><i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i></p>	<p>Clave Co. Co.</p>
<p>(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:</p>	<p>Yes: see enclosed letter from Aughamee Resident Association to the CEO of Clave Co. Co dated 7/12/20.</p>
<p>(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:</p>	<p>NO</p>
<p>(g) Were there previous planning application/s on this site? If so please supply details:</p>	<p>None</p>
<p>(h) Date on which 'works' in question were completed/are likely to take place:</p>	<p>the 'change of use' of Westbrook House operating since Dec 1</p>

SIGNED: M/C M. Gerty

DATE: 20-2-20

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

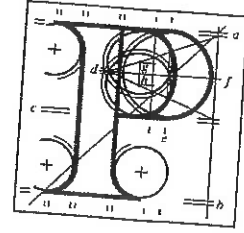
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:	

Our Case Number: ABP-307064-20

Planning Authority Reference Number: R209



An
Bord
Pleanála

Maria McCarthy
27 Aughanteeroe
Ennis
Co. Clare

Date: 11 May 2020

Re: Whether the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare is or is not development and is or is not exempted development.
Westbrook House, Gort Road, Ennis, Co. Clare

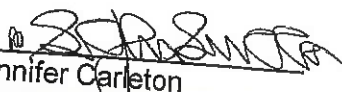
Dear Madam,

An Bord Pleanála has received your referral and will consider it under the Planning and Development Act, 2000, (as amended). A receipt for the fee lodged is enclosed.

Please note that under section 127(3) of the Planning and Development Act, 2000, (as amended), the person by whom the referral is made shall not be entitled to elaborate in writing upon or make further submissions in writing in relation to the grounds of the referral unless requested to do so by An Bord Pleanála.

Please note that in accordance with Section 251A (inserted by Section 9 of the Emergency Measures in the Public Interest (Covid-19) Act 2020) of the Planning and Development Act 2000, the period beginning on 29th March 2020 and ending on 23rd May 2020, inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations. N.B. These dates may be subject to change.

Yours faithfully,


Jennifer Carleton
Administrative Assistant
Direct Line: 018737153

BPRL01

Teil
Glaio Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

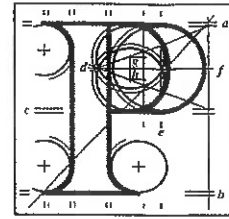
Tel
LoCall
Fax
Website
Email
(01) 858 8100
1890 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Our Case Number: ABP-307064-20

Planning Authority Reference Number: R209



**An
Bord
Pleanála**

Clare County Council
Planning Department
New Road
Ennis
Co. Clare

Date: 11 May 2020

Re: Whether the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare is or is not development and is or is not exempted development.
Westbrook House, Gort Road, Ennis, Co. Clare

Dear Sir / Madam,

Enclosed is a copy of a referral under the Planning and Development Act, 2000, (as amended).

In order to comply with section 128 of the Planning and Development Act, 2000, (as amended), please forward, within a period of 2 weeks beginning on the day on which a copy of the referral is sent to you, copies of any information in your possession which is relevant to the referral, including

- (i) details of previous decisions affecting the site;
- (ii) any correspondence that has taken place between the person(s) issued with a declaration under subsection (2)(a) of section 5 of the 2000 Act, (as amended), and the planning authority.
- (iii) the name and address of the owner of the land in question and the name of the occupier of the said land, if different;
- (iv) where no declaration was issued by you, indicate the date that the referral was due to be issued in accordance with subsection (2) of section 5 of the 2000 Act, (as amended)

In accordance with section 129 of the 2000 Act, (as amended), you may make submissions or observations in writing to the Board in relation to the referral within a period of 4 weeks beginning on the date of this letter.

Please note that in accordance with Section 251A (inserted by Section 9 of the Emergency Measures in the Public Interest (Covid-19) Act 2020) of the Planning and Development Act 2000, the period beginning on 29th March 2020 and ending on 23rd May 2020, inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations. N.B. These dates may be subject to change.

Tel (01) 858 8100
Glaó Áitiúil LoCall 1890 275 175
Facs Fax (01) 872 2684
Láithreán Gréasáin Website www.pleanala.ie
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the referral without further notice to you.

Please quote the above referral number in any further correspondence.

Yours faithfully,



Jennifer Carleton
Administrative Assistant
Direct Line: 018737153

BPRL07

Validation Checklist

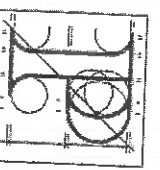
Lodgement Number : **LDG-025623-20**
Case Number: **ABP-307064-20**
Customer: **Maria Mc Carthy**
Lodgement Date: **03/04/2020 11:30:00**
Validation Officer: **Mark Kielty**
PA Name: **Clare County Council**
PA Reg Ref: **R209**
Case Type: **Section 5 Referrals**
Lodgement Type: **Referral**



An
Bord
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm PA Case Link	Confirmed-Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Question	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

*BPRLO1, BPRLO7 to be sent
Clare County Council are the land owners.*



An Bord Pleanála

Details

ARP-307-064-20

Lodgement Date	03/04/2020
Customer	Maria Mc Carthy
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Categorisation

Lodgement Type	Appeal Referred
Section	Processing

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	

Appeal

Lodgement ID	LDG-025623-20
Map ID	
Created By	Kevin McGettigan
Physical Items Included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

PA Name	Clare County Council
Case Type (3rd Level Category)	

1209

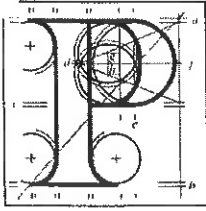
Observation/Objection Allowed?	
Payment	PMT-017657-20
Related Payment Details Record	PD-017587-20

URGENT

Date of Decision: 18/03/2020 Last day: 07/05/2020

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Adjudgement Deadline	
Development Description	
Development Address	

Appeals 1 ypc



An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Maria Mc Carthy

(b) Address

27 Aughanteeroe, Ennis, County Clare

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not Applicable

(b) Agent's address

Click or tap here to enter text.

AN BORD PLEANÁLA	
LDG-	<u>025623 -20</u>
ABP-	_____
03 APR 2020	
Fee: €	<u>220</u> Type: <u>Chg</u>
Time:	_____ By: _____

10
5

AN BORD PLEANALA
D 1 APR 2028

10
5

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Clare County Council

(b) Planning authority register reference number

(for example: 18/0123)

R20-9

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

No.2 Aughanteeroe, Ennis, County Clare

AN BORD PLEANÁLA

03 APR 2020

LTR DATED

Page 2 of 5

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see enclosed documents.

We believe that this building is not an exempted building and therefore would need planning for change of use.

AN BORD PLEANÁLA

03 APR 2020

LTR DATED _____ FROM _____

LDG- _____ Page 3 of 5

APP.

10



Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

AN BORD PLEANÁLA	
03 APR 2020	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

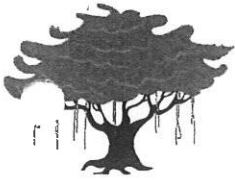
AN BORD PLEANÁLA	
03 APR 2020	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

Plain English

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

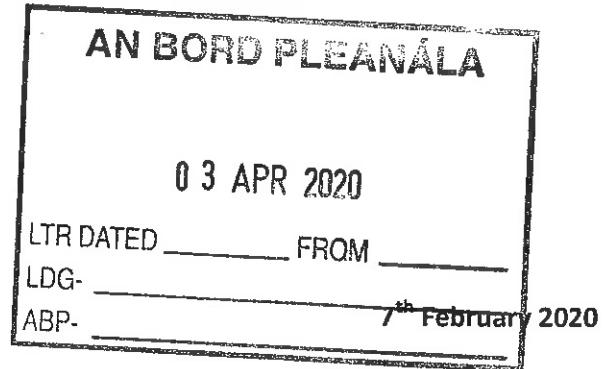
Plain English
Approved by NALA



Aughanteeroe Residents Association

Gort Road, Ennis, Co. Clare

Mr. Pat Dowling,
CEO, Clare County Council,
New Line, Ennis,
Co. Clare



Aughanteeroe Residents Association wish to complain about the unauthorised development and change of use of Westbrook House Guest House to a Homeless Hostel.

Dear Mr. Dowling,

Aughanteeroe Residents Association (ARA) is hugely concerned to learn that Clare County Council is planning to significantly *change the use* of Westbrook House Guesthouse to a homeless hostel. We believe this proposed *change of use* of Westbrook House Guesthouse is an **unauthorised development** under the Planning Regulations and as such we wish to make a formal complaint to Clare County Council about this.

We are requesting an urgent meeting with you to address this complaint and the following concerns:

1. Aughanteeroe Residents Association believes the proposed '*change in the use*' of Westbrook House from a private commercial Guesthouse to a *Homeless Hostel* is in breach of planning legislation. Westbrook House operated as a private commercial Guesthouse that was registered with **Bord Fáilte**, as per the signage displayed outside Westbrook House until early January 2020, (Appendix 2: photo of this signage). Westbrook House Guesthouse is still listed on many of the holiday accommodation booking apps including **Booking.com** and **Trivago** etc (please see Appendix 3).
2. The proposed change of use of the building to a homeless hostel operated by '*an approved housing body*' represents a **very significant change in the use** of Westbrook House Guesthouse. Aughanteeroe Residents Association believes this '*change of use*' is **not compliant** with **Planning regulations** and as such it is an **unauthorised development** which should cease immediately, until the planning process has been completed in full. We have attached, for your information and attention, reports of similar planning issues that have arisen with the **change of use** of commercial buildings in Dublin City (see Appendix 4).
3. Clare County Council is **obliged** under the Planning Regulations to **notify the public** about the proposed '*change of use*' of Westbrook House from a commercial Guesthouse to a homeless hostel. Clare County Council is also **obliged to consult with the residents of Aughanteeroe** and the other residential developments in the immediate vicinity of Westbrook House about the proposed change of use of the building. To date, we have received no formal communication



Faint, illegible markings or text located in the upper left quadrant of the page, possibly representing a signature or a stamp.



from Clare County Council regarding the purchase of Westbrook House or the proposed change of use of this building.

4. As Westbrook House is located at the main/ only entrance and exit to Aughtanteeroe, the proposed *change of use* of Westbrook House from a Guesthouse to a homeless hostel will have a very significant and negative impact on Aughtanteeroe Residents: Aughtanteeroe residents have no choice but to pass by Westbrook House on our way in and out of the estate. Residents are hugely concerned about the safety, welfare and quality of life of all residents and in particular children, older people and vulnerable adults.
5. Westbrook House is located in **close vicinity to 2 primary schools** and there are significant numbers of children passing by Westbrook House throughout the day. Aughtanteeroe Residents Association is hugely concerned that the Council has not consulted with Residents or any other stakeholders about this significant proposed change in the use of Westbrook House.
6. Has the Council undertaken any **risk assessments on the appropriateness of the *change of use* of this building as a homeless hostel in an entirely residential area?**

Aughtanteeroe Residents Association understands that Clare County Council is now preparing to put the future management and use of Westbrook House out to public tender in the coming weeks. As Aughtanteeroe residents are hugely impacted by any changes to the use of Westbrook House, we have a right, under the planning regulations, to be notified and consulted on any proposed change of use of the building.

Aughtanteeroe Residents Association is now requesting an **urgent meeting** with you and the Director of Housing Services in Clare County Council, preferably in the evening, to address this complaint.

We are also requesting a response to the list of concerns and questions raised by Aughtanteeroe Residents about the current management of Westbrook House; the list of concerns and questions is attached in **Appendix 1**: As you will read, Aughtanteeroe Residents are hugely concerned and upset about the poor condition and upkeep of the exterior of Westbrook House since it was purchased by Clare County Council (**photos attached in Appendix 1**) and we are seeking immediate action on these concerns.

We will await your response to this request by return.

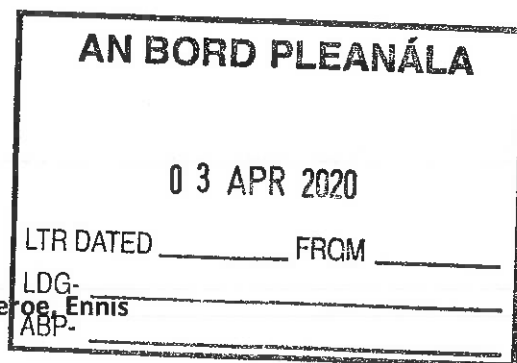
Yours sincerely,

Maria McCarthy,

On behalf of Aughtanteeroe Residents Association, 27 Aughtanteeroe, Ennis

Tel: 085 152 0642

E: emailmariamccarthy@gmail.com



Attachments: Appendices 1-4

C.C:

Ms A Haugh, Director of Housing Services, Clare County Council



Aughanteeroe Residents Association

Gort Road, Ennis, Co. Clare

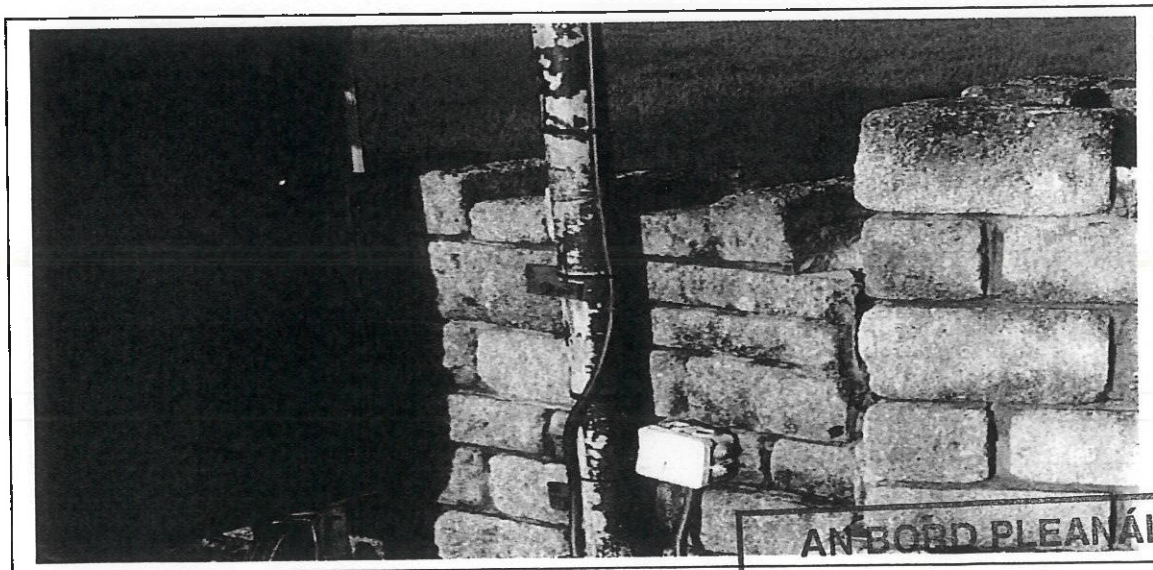
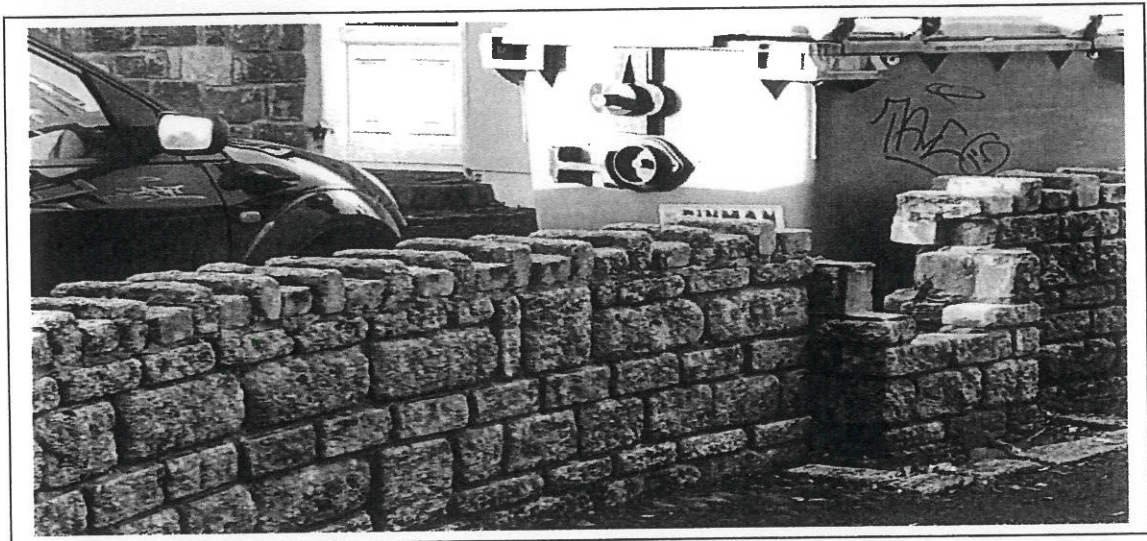
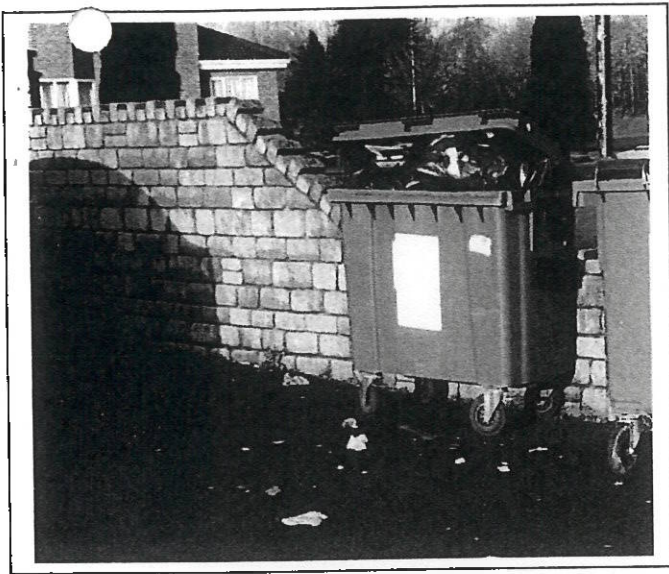
Appendix 1 List of Specific concerns & questions from Aughanteeroe Residents regarding the planning status, operation, maintenance and appearance of Westbrook House

1. What is the planning status of the proposed development of a Homeless Hub from Westbrook House, given that it was operating as a private and commercial Guesthouse for the past two decades until it was sold in mid Dec 2019?
2. Has planning permission been sought? Can the council provide details of this process?
 - a. What type of Resident is the Homeless Hub proposed to be used for?
3. What contract conditions has the Council, as the owner of Westbrook House, put in place with Simon Community for the safe operation and delivery of services from Westbrook House?
 - a. What type of Resident is the accommodation designed for?
 - b. Are occupants obliged to leave the accommodation in the morning and return in the evening, as a homeless hostel?
 - c. Are there policies and risk assessments in place for the safeguarding of children in Westbrook House (under Children First Legislation)
 - d. Will the council ensure the adjoining public areas around Westbrook House are well lit, monitored and supervised whilst homeless services are provided from Westbrook House?
 - e. When will the council repair and maintain the entrance and exterior of Westbrook House? It is extremely unkempt at the moment as illustrated in the picture in Appendix 5
 - f. As the owner /landlord of Westbrook House, who should Aughanteeroe Residents contact in Clare Co County if they have concerns or complaints about the management of Westbrook House?
 - g. What is the operating procedure to address any intimidating or anti-social behaviour experienced by Aughanteeroe Residents or members of the public passing by Westbrook House?
 - h. Has the council informed Ennis Garda Station of the change of use of Westbrook House and has it been agreed to increase support provided by the Station to the Gort Road area? I.e. increase the Community Garda service to 7 days a week and increase response time from Ennis Garda Station?
 - i. What is the Council proposing regarding the Signage outside Westbrook House? Aughanteeroe Residents are anxious that the property would remain named as Westbrook House and to ensure the property is well maintained at all times. At present the exterior front areas of the property are unkempt and in disrepair- see photos attached in the next page.
 - j. We expect the Council to maintain the public areas adjacent to Westbrook House – green areas and shrubs- to ensure the environment does not facilitate anti-social behaviour
4. Has the Council or Simon Community completed the obligatory range of risk assessments required under planning regulations for the commencement of homeless accommodation from Westbrook House?
5. Aughanteeroe Residents expect Clare County Council to consult with them on the proposed changes to the use of Westbrook House as per Planning Regulations: When should we expect this to happen?

AN BORD PLEANALA
03 APR 2020
LTR DATED _____ FROM _____
LDG- _____
ARB

100
100
100

Pictures of Westbrook House –the exterior of the building is now in disrepair and poorly maintained



AN BOB D PLEANÁLA

03 APR 2020

LTR DATED _____ FROM _____

LDG-



1980

Appendix 2: Westbrook House Guesthouse – signage & upkeep

Photo of Westbrook House Guesthouse Signage with *Bord Fáilte Approval*- displayed outside the building until early January 2020.



Exterior of Westbrook House Guesthouse was well maintained, clean & tidy prior to 2020



ANÁLA

03 APR 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

100

Appendix 3:

Pictures of Westbrook House Guesthouse listed on Booking.com, Trivago.com holiday accommodation booking sites (dated 7/2/20)

21:24    ...

  www.trivago.ie

 **1 / 13**

8.4 very good (200)

Change dates to see available deals

Info

Photos

Reviews



13 / 13

The images displayed on trivago are provided third parties

AN BORD PLEANÁLA	
03 APR 2020	
LTR DATED _____	FROM _____
LDG- _____	_____
ABP- _____	_____

Appendix 4: Reports of Similar Planning issues related to the 'Change of Use of commercial buildings in Dublin City

Homeless shelter must close by May unless planning status regularised;

Fri, Dec 8, 2017, 15:16:

irishtimes.com/news/crime-and-law/courts/criminal-court/homeless-shelter-must-close-by-may-unless-planning-status-regularised-1.3320365

Carman's Hall used as emergency temporary accommodation for rough sleepers

A Dublin City centre based hostel used as accommodation for homeless people will close next May unless its planning status is regularised. In October, Mr Justice Donald Binchy held a decision by Dublin City Council to allow Carman's Hall, Francis Street, in Dublin's Liberties be used and converted into a hostel was in material contravention of the area's local development plan.

The matter returned before the High Court on Friday for final orders in the case, when the Judge was told the parties had reached an agreement.

It had been agreed the facility can remain open until May 1st, 2018 unless the council takes steps to ensure the facility complies with the planning laws and does not conflict with the local development plan. The facility opened before Christmas 2016 and has been used as emergency temporary accommodation for rough sleepers. It has a capacity of 51 beds and has been run by the Simon Community and the Salvation Army.

Local residents, through the Carman's Hall Community Interest Group, Michael Mallin House Resident's Association and community worker Elizabeth O'Connor, brought High Court proceedings claiming the council was not entitled to convert the building into a hostel for the homeless. They alleged the council's decision of October 28th, 2016 authorising change of use and refurbishment of the building was unlawful, breached the planning laws and should be quashed.

The residents want the building, owned by the Catholic Archdiocese of Dublin, to be used as a community centre. It had been used as a community centre for many years before it was closed in 2013 over accessibility and fire safety concerns. The council, opposing the application, argued the hostel was opened to deal with the "humanitarian crisis" of rough sleepers in Dublin.

On Friday Declan McGrath SC, appearing with Niall Handy BL for the residents, said following discussions the parties had agreed the wording of the final orders in the case. It had been agreed the court could make an order formally quashing the council's decision of October 28th last year. The court could also make a declaration that the council's decision amounted to a material contravention of the local development plan. A stay on the orders, requiring the shelter to close, had also been agreed until May, counsel added. James Connolly, appearing with Stephen Dodd BL for the council, said his client was consenting to the orders.

Mr Justice Binchy welcomed the agreement. He commended the residents for agreeing to allow the facility remain open "especially at this time of year". The Judge awarded the residents their costs of their proceedings against the council, which took three days to hear.

AN BORD PLEANÁLA

03 APR 2020

LTR DATED _____ FROM _____

LDG- _____

ADP- _____

However he ruled both sides should pay their own legal costs for a pre-trial application where the council was successful in lifting a stay that allowed the facility open to rough sleepers in December 2016. In his judgment, the Judge held the council's decision was in material contravention with objectives as set out in the local development plan for the south inner city. Proper consideration, he said, was not given to claims that the hostel would result in an over concentration of such facilities for the homeless in the area and the effects that would have on the local economy and community. In the circumstances the court was satisfied to quash the orders made by the council in respect of the building.

Peter McVerry Trust must show 'due diligence' regarding planning of state's largest homeless hostel - junior housing minister

Irish Independent. November 29 2019

<https://www.independent.ie/irish-news/news/peter-mcverry-trust-must-show-due-diligence-regarding-planning-of-states-largest-homeless-hostel-junior-housing-minister-38737770.html>

JUNIOR housing minister John Paul Phelan has said that the Peter McVerry Trust must show due diligence regarding the planning of the State's largest homeless hostel in Dublin.

On Tuesday, dramatic scenes erupted inside the Carmelite Community Centre on Aungier Street, Dublin as local residents voiced their opposition to a new hostel which will provide overnight accommodation for 150 adults at Avalon House.

The residents stressed they are not against the housing of homeless people. Instead, they objected to the decision being made without their knowledge.

Dublin City Council's deputy chief executive, Brendan Kenny, and Peter McVerry Trust deputy chief executive, Brian Friel, were regularly met with jeers as locals argued they were not addressing their concerns. Members of a Dublin-based housing group were also asked to leave after Councillor Mannix Flynn was heckled when talking about his record helping the homeless.

He had called the emergency meeting after it emerged that the Peter McVerry Trust and the Dublin Region Homeless Executive (DRHE) intend to take over the Victorian building off Aungier Street, which includes cold weather beds for rough sleepers during winter.

Until recently it had been used as a backpackers' hostel. A lease on the building has now been signed by the trust, and it is envisioned that the hostel will open in January.

Speaking to Independent.ie, junior housing minister John Paul Phelan said that both the trust and the new owners have a responsibility to show that "due diligence" is carried out and that the "required consents" are in place, such as planning. However, he maintained that the government and DCC have a requirement to accommodate people who have no homes.

"If we're serious nationally about trying to address homelessness and rough sleeping, there will have to be more locations in Dublin city where they can be accommodated," he said.

At Tuesday night's meeting, Brendan Kenny said that the DRHE required 300 additional emergency accommodation beds. "If we don't get accommodation for people or more beds for people, more and more single people will become dead on the street," he said.

Mr Friel said that while the charity appreciated local concerns, problems previously envisaged by communities where it has opened other hostels had not come to pass.

AN BORD PLEANÁLA

03 APR 2020

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But Cllr Flynn vowed to take a High Court action to prevent the hostel from opening. "I'm sick and tired of being railroaded," he said. "Stop trying to blackmail us in relation to those that are unfortunate enough to be on our streets in an awful state."

He later accused DCC and the Peter McVerry Trust of leaving the community in "complete darkness." "This agreement was done in total secret," he said. "One woman who was at the meeting feared the hostel would only "heighten the area's drug and anti-social problem". "There's a primary school just around the corner from where this hostel is supposed to go." "It's being placed in an area that is already inundated with similar facilities. Why can't this hostel go out in D4 instead?"

A spokesperson for the Peter McVerry Trust told Independent.ie it has made contact with organisations and individuals in the community in addition to DCC and the DRHE. They said in a statement: "Peter McVerry Trust, with the support of the DRHE and Dublin City Council, has announced this morning that Avalon House will be used as a family hub to support families out of B&Bs and hotels and assist them into housing. "Peter McVerry Trust is committed, in partnership with the DRHE, to reducing homelessness across the city. "We are the lead provider of Housing First, the sole purpose of which is to support rough sleepers into housing. "We have 23 hostels (Supported Temporary Accommodation) which together provide 695 beds across the city delivering vital services to homeless people. We have 7 family hubs supporting 86 families out of B&Bs and hotels and assisting them to access housing. "All of the above we do in partnership with the DRHE, Department of Housing, Planning and Local Government and with the support of the communities of which we are a part. "Our planned new hostel at Avalon House was a sincere effort on our part to reduce street homelessness in the city.

"However, given the concerns raised about the concentration of hostel beds in this area of the city and following consultation with the DRHE, we now propose to reconfigure Avalon House into 30 suite family hub to support families out of B&Bs and hotels and assist them into housing. "This will contribute considerably significantly to the plight of homeless families who need support to move towards housing.

"Housing is the primary goal in tackling homelessness and Peter McVerry Trust has increased its housing stock this year by 50 units and will increase this by a further 100 units in 2020. "We have a proven track record of forging strong links with communities across the city and will continue our efforts to do so going forward.

"The DRHE said: "It is the intention that this facility will provide long-term stable placements, there will be no queuing for admission or congregating on the street outside."

AN BORD PLEANÁLA	
03 APR 2020	
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Guns, drunken melees, and pest infestations - living in emergency accommodation in Dublin is no joke

Three months' worth of complaints to the Dublin Regional Homeless Executive suggest conditions in the capital's emergency accommodation are fraught.

The Journal.ie Oct 30th 2017: <https://www.thejournal.ie/homeless-hostel-complaints-3668290-Oct2017/>

THE PROBLEMS WITH the standards of homeless accommodation in Dublin city show little sign of being resolved, newly released documents reveal.

Complaints made to the Dublin Regional Homeless Executive (DRHE), by both residents and managers, between April and June of this year show that, for many, living in emergency accommodation in Dublin can be a fraught experience.

The data, three months worth of complaints regarding the accommodation and goings-on for the ever-increasing number people and families currently without a place to live in the capital, has been released to *TheJournal.ie* by DRHE under Freedom of Information. In those three months alone some 253 pages of complaints were received by DRHE.

Hardship

The hardships of living in homeless circumstances at present are laid bare by one complaint from early April, which concerned a lady living in a hostel with her daughter, who has special needs. The original email to DRHE details how the little girl "refused to walk and insists that her mother carries her everywhere". "This morning and yesterday she just lay on the ground screaming and hurting herself. Screaming is her only way of communication as she is non-verbal."

Another complaint from mid-April describes a 75-minute long 'drink and drug-fueled melee' on the part of several hostel residents. "I had to go to their room and threaten them with immediate eviction in order to restore calm," the complaint from the hostel-operator reads.

On checking their room this morning (I) found a large amount of empty cans, a small amount of hash, and the remains of drug wraps and cards of tablets... we are left with no option but to close their room.

Later the same month, a husband and wife in a homeless hostel requested a transfer after a woman claimed the man had threatened to 'slit her throat' over an altercation concerning the noise being made by the man's children.

AN BORD PLEANÁLA	
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Further to our telephone conversation of Saturday morning, could you please place on record the following:

On Saturday morning [redacted] became involved in a heated verbal confrontation with [redacted] over the noise of [redacted] children. Things escalated quite quickly with [redacted] claiming that [redacted] threatened to slit her throat.

[redacted] phoned her boyfriend to tell him her side of the story. Her boyfriend arrived a short time later and despite being warned by a female member of staff that he was not allowed upstairs he forced his way up. Both [redacted] boyfriend exchanged threats and only for the intervention of another member of staff, violence would have ensued.

Having discussed matters with staff on duty, it is their opinion that [redacted] was completely out of order, both her behaviour and in calling her boyfriend.

[redacted] informed me this morning that he saw [redacted] boyfriend on Meath Street today and was left in no doubt that the boyfriend was trying to intimidate him.

Having discussed matters with his wife, [redacted] no longer feels safe here and has requested a transfer as soon as possible.

We feel that it would be unfair on the [redacted] if they had to move out [redacted] was allowed to stay, some residents have come forward to say that [redacted] behaviour was unbelievable considering the issue only arose because of children making noise in their own bedroom at 9.30 am in the morning.

Could you please let me know what your thoughts on the above are.

Source:

DRHE

The operators of the hostel requested the opinion of higher authority as in their opinion the woman in question had been "completely out of order" both in how she had behaved and in calling her boyfriend, who subsequently arrived and "attempted to intimidate" the father. The man and his family subsequently informed the accommodation manager that they no longer felt safe staying there.

Another issue from April comes from a person occupying a private room in a hostel complaining of a "musty" smell in the room, with "excrement on the toilet walls".

A playroom in another hostel "was closed to try and combat the head lice issue" prevalent in the accommodation at the time, with one entire family of five children presenting with the problem.

Pest-control is a recurring trend within the documents, with numerous issues from bed-bug bites to mice infestations laid bare. In late June, pest control company Rentokil urges one accommodation to keep a room off-limits for at least two weeks "due to pest control issues".

I understand this may be inconvenient to you but it is imperative that we do so Rentokil can get a handle on the situation that has arisen.

'Smoking crack'

In late April a family complained regarding their own emergency accommodation of there being "no management of who comes in and out of the building", of "anti-social behaviour throughout the night", and of people "in the hotel smoking 'crack' and the smell coming through vents into other families' rooms with children present".

Anti-social behaviour is a recurring scourge of emergency accommodation around the city.

- Still no management on who comes in and out of the building. Families have visitors staying there that should not be there.
- Families are not staying there for long periods of time. Families sign for week/s at a time as there is no one on a desk.
- Anti-social behaviour through out the night, no staff intervene to stop this.
- Smell of people in the hotel smoking "crack" and smell coming through vents in to other families rooms with children present.
- No presence of staff after breakfast time, cannot access getting fresh towels or toilet roll as a result or even in worst case scenario if there was an emergency.

Source: DRHE

AN BORD PLEANÁLA	
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In June, a complaint was made about a couple who had been living in homeless accommodation for some time: "(They) live there for a long time, abusing people. They take drugs all day long, they don't even have food to eat. They smoke inside and the woman walks naked everywhere."

I sincerely have no way out of this situation as the manager encourages her behaviour and don't take any action against it.

Sent: 06 June 2017 14:50
To: [REDACTED]
Subject: [REDACTED] report

Hi

I live at [REDACTED] and I have complain to make about the anti social behaviour of the people and the management.

[REDACTED] and [REDACTED] live there for long time, abusing people. They take drugs all day long, they don't even have food to eat, they smoke inside the house and the woman walks naked everywhere, she wear only a Tshirt without underpants, she have showed her privates parts to my daughter who is 2 years old, not only for my daughter but also to the kids next door [REDACTED] there a teenage kids who come to the garden to see her privates.

She recorded private conversation and after she would be talking about it in a sarcastic mean way.

I sincerely have no way out of this situation as the manager encourage her behaviour and don't take any action against it.

It's also child protect issue as we have 2 children in te house my daughter and a premature baby who is living in a place where te housemates smoke, she turn off the fire

1

In another incident reported in June by an accommodation manager, the Garda Armed Support Unit (ASU) was called to the scene, which led to an arrest and the same accommodation being cancelled for the perpetrators.

The cancellation of accommodation appears to be a last resort for a property's managers when the behaviour of those living there goes beyond the pale. Incidents of people, not those living in emergency accommodation, arriving on site with weapons in order to settle a grievance are also numerous. One complaint made in April saw staff at one hostel report "that persons with weapons had entered the building and were going through... looking for a particular family". Staff stated that the child was present during this.

Families are seeking definite rules to adhere to.

Families reported that individuals with firearms came to the Hub who made their way inside the building, leaving families feeling vulnerable and frightened. Families concerned that these individuals were able to make their way inside the building and up to the bedroom area, which is a child protection concern.

There is reported drug use and alcohol misuse in front of children, which is again a child protection concern.

Families advised that many residents do not stay in the Hub frequently indicating they may have somewhere else to reside. It was reported that many families sign in for days and nights that they have not resided there.

Families stated that there is a lack of staff presence.

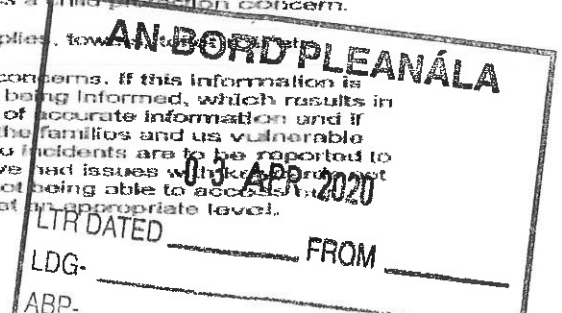
Families advised they have no access to running drinking water. Standard of breakfast not acceptable for example at times no bread, no milk -- feel some staff are not approachable to ask for this to be rectified.

Problems with key cards resulting in families getting locked out, staff not always there to rectify this.

Staff not understanding child protection -- ignoring child protection issues, however using it as a threat in circumstances that do not meet the threshold of what is a child protection concern.

Families advised they have inadequate access to cleaning supplies, towels, etc.

In conjunction with this information I would like to highlight our concerns. If this information is accurate re: fire arms and drug and alcohol misuse, we are not being informed, which results in our safety as employees being compromised. We are unaware of accurate information and if child protection notifications have been submitted. This leaves the families and us vulnerable through a lack of communication. We have been advised that no incidents are to be reported to us by staff and that they will only report directly to DCC. We have had issues with staff not working and lack of staff presence on the door, resulting in us not being able to access the office from time to time. Safety for staff and for families are not at an appropriate level.



At least one other instance of firearms being brought into an accommodation in order to settle a grievance is documented.

Child protection

Child protection issues are ten-a-penny. One complaint recounts an incident in which the gardaí were called to a scene by accommodation management: *"The guards arrived shortly after. The police went up and since (the residents of the room) continued fighting in the room, the police decided to retrieve the baby."*

In another incident in late June, an emergency accommodation resident informed management that the father of her baby was being abusive and aggressive and was under the influence of drugs".

"She advised that (he) was taking the baby in his arms and trying to use the baby as a bargaining tool to get his own way."

Overall a picture emerges of barely controlled chaos, of constant issues involving standards of accommodation (drainage problems and inadequate fire safety for example), to the seeming omnipresence of drugs, to fiery arguments and squabbles between residents, to a lack of security options for those managing the property.

September 2017 was the second month in a row (the first time this has been the case for three years) that more families exited emergency accommodation in Dublin than entered it.

Regardless, there were 89 new presentations by families in the same month. It's a problem that simply isn't going away, and it's hard to see how conditions in the accommodations available are going to improve as things stand.

DRHE, for its part, says that it "actively pursues all complaints and has a formal complaints policy that deals with all those received".

"If complaints are received from persons or families who are accessing homeless services, the appropriate department investigates the complaint and then responds accordingly to the complainant," a spokesperson told *TheJournal.ie*.

Regarding the standard of accommodation itself, DRHE says it: "ensures compliance with all the statutory health and safety standards is maintained by all service providers".

Furthermore all service providers must operate under protection procedures as required by (child and family agency) Tusla.

AN BORD PLEANÁLA

03 APR 2020

LTR DATED _____ FROM _____

LDG- _____

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Number 2

Westbrook House
Guest Accommodation



R458

Fioruisce

Glenina

Gort Rd



St. Ladys Chruch

Glenina

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AN BORD PLEANÁLA

03 APR 2020

LTR DATED _____ FROM _____

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APP

Number 2



AN BORD PLEANÁLA

03 APR 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

12th February 2020

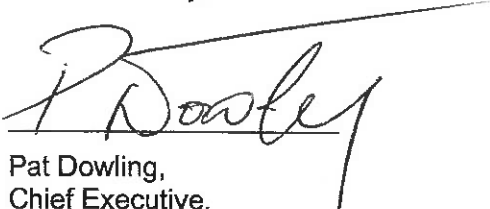
Ms. Maria McCarthy
On behalf of Aughanteeroe Residents Association,
27 Aughanteeroe,
Gort Road,
Ennis,
Co. Clare.

RE: Westbrook House, Gort Road, Ennis.

Dear Ms. McCarthy,

I wish to acknowledge receipt of your letter of the 7th inst. regarding Westbrook House, Gort Road, Ennis, Co. Clare. I have referred same to Ms. Anne Haugh, Director of Social Development for attention and response to you.

Yours sincerely,



Pat Dowling,
Chief Executive.

AN BORD PLEANÁLA

03 APR 2020

LTR DATED _____ FROM _____
LDG- _____
ABP- _____



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

19th February 2020

Ms. Maria McCarthy,
On behalf of Aughanteeroe Residents Association,
27 Aughanteeroe,
Gort Road,
Ennis,
CO. CLARE.

RE: Westbrook House, Gort Road, Ennis

Dear Ms. McCarthy,

I acknowledge receipt of your correspondence dated 7th February 2020 addressed to the Chief Executive of Clare County Council and copied to myself.

The contents of your letter have been noted and a further communication will issue in due course.

Yours sincerely,

A. Haugh

ff. Anne Haugh,
Director of Service,
Social Development Directorate.

AN BORD PLEANÁLA

03 APR 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

P07

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie

CLARE
COUNTY COUNCIL
21 FEB 2020



REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))
FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	Maria McCarthy, Aughanteeroe Residents Association, C/o 27 Aughanteeroe, Ennis, Co. Clare
(b) Telephone No.:	085 152 0642
(c) Email Address:	emailmariamccarthy@gmail.com
(d) Agent's Name and address:	W.A.

AN BORD PLEANÁLA
03 APR 2020
LTR DATED _____ FROM _____
LDG- _____
ABP- _____



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Maria McCarthy
Aughanteeroe Residents Association
C/o 27 Aughanteeroe
Ennis
Co Clare

21st February 2020

Section 5 referral Reference R20-9 the name of Maria McCarthy
Whether the change of use of Westbrook House from a commercial Guesthouse to a Homeless Hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, is or is not development and is or is not exempted development.

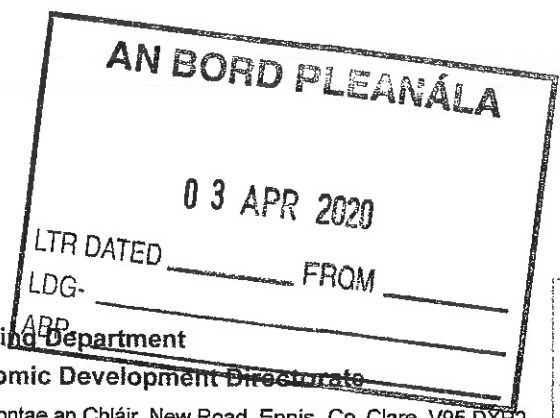
A Chara,

I refer to your application received on 21st February 2020 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Annette Ryan
Clerical Officer
Planning Department
Economic Development Directorate





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Maria McCarthy
Aughanteeroe Residents Association
C/o 27 Aughanteeroe
Ennis
Co Clare**

18th March 2020

**Section 5 referral Reference R20-9 the name of Maria McCarthy of Aughanteeroe Residents Association
Whether the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, is or is not development and is or is not exempted development.**

A Chara,

I acknowledge on behalf of Mr. Pat Dowling, Chief Executive Officer, correspondence received on the 7th February 2020 in relation to the above.

I refer to your application received on 21st February 2020 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

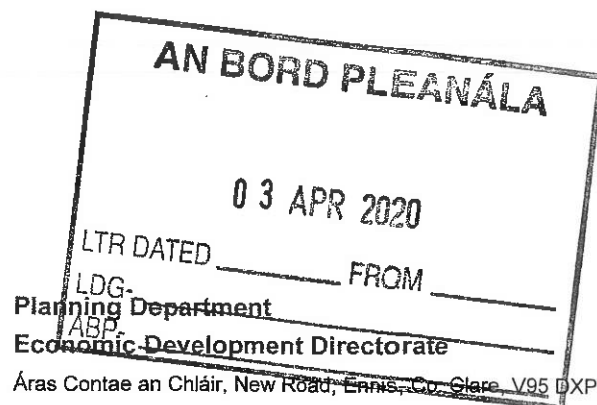
The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas

**Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate
An Stiúirthóireacht Forbairt Gheilleagrach**

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R20-9



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R20-9 the name of Maria McCarthy of Aughanteeroe Residents Association

Whether the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, is or is not development and is or is not exempted development.

AND WHEREAS, Maria McCarthy of Aughanteeroe Residents Association has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

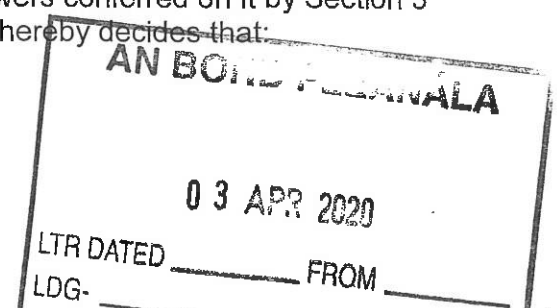
- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended;
- (b) Article 10(1) of the Planning and Development Regulations 2001, as amended;
- (c) Part 4 (Class 6) of the Second Schedule to these Regulations;
- (d) The planning history of the site;
- (e) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council (Planning Authority) has concluded:

(a) the permitted use on site is as a guesthouse and is, therefore, a class of use coming within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;

(b) the current use as a house remains as a guesthouse, used as accommodation for homeless persons, and is considered to fall within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

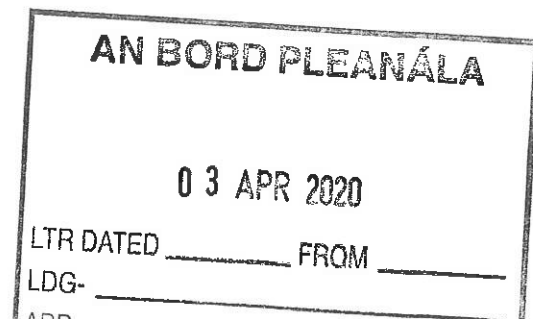


the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare, does not constitute a material change of use and thus constitutes **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate

18th March 2020





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

19th March 2020

Aughanteeroe Residents Association
c/o Maria McCarthy
27 Aughanteeroe
Ennis
Co Clare

AN CLERK	
03 APR 2020	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

Dear Ms. McCarthy,

I refer to your letter dated 7th February, 2020 addressed to Mr Pat Dowling, Chief Executive Officer, in relation to Westbrook House, Gort Road, Ennis, Co Clare.

I wish to advise that Westbrook House was purchased by Clare County Council in November 2019. At that time the facility was fully occupied by clients of Clare County Council's homeless services in a commercial arrangement with the previous owners. Westbrook House, as a privately run facility, formed part of the emergency accommodation provision for homeless services in County Clare since 2017. The decision to purchase the facility was instigated by the previous owner's indication to retire and their intention to sell the business as a going concern.

For the avoidance of doubt the facility is not and will not be run as a homeless hostel (e.g. low threshold service). Those residing at Westbrook House have undergone a comprehensive needs assessment by Clare HAT prior to placement. Westbrook will provide supported accommodation to adult males and females, the facility will not be used to accommodate families; family accommodation is available at Cusack Lodge.

As an interim arrangement Mid West Simon Community agreed to manage and operate the service from 22 November 2019. This arrangement remains in place until such time as this Council procures the permanent operator of the facility.

The service delivered by Mid West Simon and any future operator is a client centred supported service. The provision of 24 hour on-site staff support is to ensure the successful operation of the facility. The service provider is working with clients to support their progression from emergency accommodation to independent living. Transition from emergency accommodation to independent living is a fundamental requirement of this service. All clients in homeless services in Clare have an appointed case worker; the case worker supports the client at the most difficult time in their lives. This person centred approach is focused on developing the client's capacity to live independently.

(Cont/d.....)

In relation to your planning queries I note that a response has issue on the Section 5 declaration regarding the use of the facility. The Planning Authority has decided that the use is not a material change of use and thus exempted development.

Refurbishment works were planned on Westbrook House, however due to the national crisis these planned works are deferred. I can assure you items highlighted in your correspondence were intended to be addressed as part of this refurbishment contract. This project will be undertaken in the coming months.

Concerns with regard to the site cleanliness have been referred to the current operator for their immediate action, we appreciate you drawing these matters to our attention and I can assure you we have spoken to Mid West Simon to ensure daily checks and cleaning of these areas are undertaken.

Any concerns you have with regard to the management of Westbrook House are to be forwarded to the Homeless Action Team Coordinator, Damien McMahon who is based in the Housing Section and is contactable on 065 684 6291 or by email hat@clarecoco.ie

Given the current COVID-19 crisis we are not in a position to facilitate a meeting, however please feel free to contact me by email or phone if you wish to discuss the content of this letter. I can assure you it is our intention to work with your Residents Association to ensure Westbrook House does not negatively impact on your neighbourhood while providing necessary accommodation to those most in need.

Yours sincerely,



Siobhan McNulty

Senior Executive Officer

AN BORD PLEANÁLA	
03 APR 2020	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

