



4 Herbert Place  
Dublin 2  
Phone: 6620944  
Fax: 6789560  
E-mail: [info@kla.ie](mailto:info@kla.ie)  
Web: [www.kla.ie](http://www.kla.ie)

AN BORD PLEANÁLA  
LDG- 031960 - 20  
ABP-  
27 OCT 2020  
Fee: € 220 Type: cheque  
Time: 15.22 By: Hand

Att: The Secretary,  
An Bord Pleanála,  
64 Marlborough Street  
Dublin 1.

By Hand.

Our Ref: **AF35-02**

Your Ref:

Date: **27<sup>th</sup> OCTOBER 2020**

**Re: Referral of Declaration by Dublin City Council under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) in respect of the change of use from residential to hostel at 15/17 Drumcondra Road Lower, Dublin 9.**

**Dublin City Council Ref.: 0313/20**

**Location: 15/17 Lower Drumcondra Road**

**Decision Date: 29<sup>th</sup> September 2020**

Dear Sir/Madam,

This Referral had been prepared by Keenan Lynch Architects, 4 Herbert Place, Dublin 2 on instruction of the Residents of Lower Drumcondra Road c/o Anthony Corbett, 21 Lower Drumcondra Road in Respect of Dublin City Council's Section 5 Declaration of 29<sup>th</sup> September in respect of the change of use from residential accommodation to a hostel (for homeless persons) at 15-17 Lower Drumcondra Road, Dublin 9 in the ownership of Brimwood Ltd.

Dublin City Council's Declaration under Reference **0313/20** states:

- **The Planning Authority is satisfied that the works undertaken to the property are exempted development in accordance with Section 4(1)(h) of the Planning and Development Act 2000 (as amended).**
- **The Planning Authority is satisfied that based on Section 4(1)(f) of the Planning and Development Act 2000 (as amended), the change of use is exempted development.**

An Bord Pleanála is invited to find that Dublin City Council's Decision is erroneous in its second finding. Dublin City Council (DCC) has a clear conflict of interest in making this declaration, relying on their interest in the development to find it exempt under Section 4(1)(f). As requested in our Referral letter, DCC should have referred the case to An Bord Pleanála immediately under Section 5(4) of the Planning and Development Act 2000-2020 ('The Act').

It is respectfully submitted that the An Bord Pleanála should overturn DCC's Declaration on the basis that the change of use that occurred in March and April of this year is development and is not exempt development on the basis that there has been a material change in planning use of the premises from residential to a hostel where care is provided. DCC has presented no rationale or explanation for its decision in its planning report. It is requested that An Bord Pleanála consider;

- (i) *Whether the change of use from Residential use to a Hostel for homeless Accommodation is or is not development and is or is not exempted development*

This submission sets out relevant legislation, legal cases, Dublin City Development Plan policy and information on the hostel operation.

In accordance with the requirements of Section 5(3)(a) of the Planning and Development Acts 2000-2020, this submission is accompanied by the following drawings and documentation:

- (a) Dublin City Council Declaration
- (b) €220 appeal fee
- (c) 2 no. copies of the following drawings:
  - (1) Site Location Plan with the site clearly outlined in red.

## 1. Context

This Referral refers to 15-17 Drumcondra Road Lower, Dublin 9, which was in operation as multi-unit residential accommodation up until approx. February of this year (2020). Figure 1 below provides an image of the front elevation and Figure 2 indicates the location of the site.

The subject site includes 2 properties which are internally connected with only one front entrance door. Figure 1 below identifies the property in blue teal colour.



Figure 1: View of 15-17 Drumcondra Road Lower from opposite side of road (property in blue teal colour)

## 2. Planning History

We have reviewed the Dublin City Council planning register and can find no planning applications, permissions or Section 5 Referral cases relating to the site.

## 3. Background to case

The residents of Drumcondra Road Lower have been in communication with Dublin City Council since April regarding the works and change of use at this property. This has included correspondence with John Downey, A/Planning Enforcement Manager, Ms Eileen Gleeson, Director Dublin Region Homeless Executive, Mr. John Durkan, DCC Housing, and Mr. Owen Keegan, Chief Executive. The case is best summarised in the following statement from Mr. Keegan in an email dated 11<sup>th</sup> May.

- “1. Dublin City Council has entered into a contract (5 years) with the owner of 15/17 Lower Drumcondra Road to use the property as emergency accommodation for homeless single persons. A maximum of 40 individuals will be accommodated here.
2. A ‘change of use’ Planning Application is not required because the property was previously used for residential purposes. As part of the contract agreement the owner will continue to manage the property under the supervision of the Dublin Region Homeless Executive (DRHE).
3. The Council is satisfied that the property is in full compliance with Building Standards and Fire Regulations
4. It was necessary to acquire a significant number of properties for homeless persons in order to be able to comply with COVID-19 Guidance from the HSE on Social Distancing in emergency accommodation. In light of this Guidance a number of existing hostels had to be closed and most others had to have their capacity reduced, which put a lot of pressure on the system. The Council had no choice but to urgently source new emergency accommodation throughout the Dublin area including this facility on Drumcondra Road.

Following further correspondence from Mr. Anthony Corbett of the Residents of Lower Drumcondra Road, Mr Keegan wrote in a subsequent email dated 19<sup>th</sup> May:

“The advice available to the City Council is that the development of a residential hostel in this property, which was previously in residential use did not require planning permission. If you are not happy with this determination you have the option of referring the matter to the City Council for a formal determination. Any decision by the City Council on the need for planning permission can be appealed to An Bord Pleanála.

I should advise you however, that in the event of a decision by An Bord Pleanála that planning permission is required, the City Council would still have the option of invoking its emergency planning powers to grant permission for the development”.

This Referral will highlight that Mr. Keegan was incorrect in his advice on planning matters and as held in the Carmen Hall case, the use of Emergency Powers is *Ultra Vires* DCC's powers to materially contravene their own development plan.

## 4. Enforcement File: E0270/20

Upon receipt of complaint from the Residents of Drumcondra Road Lower, Dublin City Council opened an Enforcement File under Ref. **E0270/20**.

In correspondence dated 30<sup>th</sup> June 2020 DCC reported that they undertook an investigation on this matter (presumably on foot of a Warning Letter). They report they received drawings from the Developer's Planning Consultant which detailed alterations from 17 bedrooms to 21 bedrooms with 40 bed spaces. The Council's letter noted "the facility is managed onsite 24 hours a day".

The letter considered the 'works' to exempt under 4(1)(h) of the Planning Act.

Of particular interest and of fundamental importance is that Dublin City Council Housing Department reportedly issued correspondence to Planning Enforcement, which reportedly stated that the Council had entered a contract to provide accommodation at this location. The wording used is particularly important:

*"Correspondence has been forwarded to Planning Enforcement from Dublin City Council Housing Department confirming that a contract has been entered into with the DHRE/DCC, to provide accommodation at this location. Thus the service being provided at 15-17 Drumcondra Road Lower is on behalf of Dublin City Council as part of the delivery of its housing function."*

The Planning Enforcement letter concluded:

*"The Planning Enforcement Section are satisfied that development has taken place as both works and a material change of use has occurred however the works are considered exempt development pursuant to Section 4.1.h of the Planning and Development Act 2000 (as amended) and the material change of use which as occurred comes within the scope of Section 4.1.f of the Planning and Development Act 2000 (as amended)."*

We quote section 4(1)(f) as follows:

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

In fact, DCC/DHRE has taken out a lease on the property, reflecting the wording of the above letter which notes the property owner is providing "a service" to its tenant (DCC). It cannot be said that the works or change of use were undertaken on behalf of, jointly or in partnership with DCC. The local authority did not engage directly or indirectly in development. If a public authority is not willing to be the developer and take on the associated costs and risks with that, they do not avail of exemptions which are designed to protect communities from certain types of development.

Whether the change of use is made "pursuant to a contract entered into by the local authority concerned" does not give a public authority to do whatsoever it pleases. Clearly, section 4 of the Planning Act is subject to a significant number of limitations provided for under the Planning Regulations (Part 8) (not least section 80(1)(k)) and other statutory enactments such as the Roads Acts and Regulations. The Courts have not accepted DCC's rationale in recent cases brought against Dublin City Council referred to below.

It must be highlighted that the property is in the private ownership of Brimwood Ltd. It is far from clear that Dublin City Council as a tenant can rely on its Emergency Powers to allow Brimwood to avoid its statutory planning obligations.

## 5. Statutory Context

The statutory provisions relevant to this referral case under the *Planning and Development Act 2000-2020* and the *Planning and Development Regulations 2001-2020* are set out below.

### Definition of Hostel

The planning acts and regulations do not define 'hostel'. The planning regulations (2001-2019) only distinguish between two types of hostel; 'a hostel' and a 'hostel where care is provided' (i.e. a DHRE facility). They are considered different uses in planning terms. This is set out in detail below.

### Definition of Development

Section 2 (1) of the Act states as follows: -

*"In this Act, except where the context otherwise requires –*

*"development" has the meaning assigned to it by section 3.*

Section 3 (1) of the 2000 Planning and Development Act states as follows: -

*"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."*

Section 4 (1) sets out various forms and circumstances in which development is exempted development for the purposes of the Act.

### Definition of Exempt Development

4. — (1) *The following shall be exempted developments for the purposes of this Act—*

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighboring structures;*

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

### Definition of Exempted Development by Regulations

Section 4(2) of the Act sets out the Minister's power to make regulations for exempted development.

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of

development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(b) Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.  
[our emphasis]

#### **Planning and Development Regulations, 2001-2020**

Part 8 of the Regulations refers to '**Requirements in respect of Specified Development by, on behalf of, or in partnership with Local Authorities**' cited in 4(1)(f) above and prescribed under Section 4 of the Act.

Article 80(1)(k) alone (notwithstanding other provisions) effectively eliminates the development here under consideration as exempt as it states:

***any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.***

Therefore, where the lease of the property exceeds €126,000, DCC cannot rely on rely of 4(1)(f) of the act as an exemption.

Article 10 (1) of the Regulations states as follows:

- *Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2 shall be exempted development for the purposes of the Act, provided that the development, if carried out would not-*

- (a) Involve the carrying out of any works other than works which are exempted development,*
- (b) Contravene a condition attached to a permission under the Act,*
- (c) Be consistent with any use specified or included in such a permission, or*
- (d) Be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is no unauthorised and which has not been abandoned.*

Article 10 (5) deals with pre-1963 developments.

Part 4 of the Second Schedule to the Regulations deals with exempted development and classes of use under article 10. As noted above, planning legislation only identifies two types of hostel under Class 6 and Class 9 as follows:

**CLASS 6**

*Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).*

**CLASS 9**

*Use—*

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),*
- (b) as a hospital or nursing home,*
- (c) as a residential school, residential college or residential training centre.*

It is submitted that the use here under consideration falls under Class 9; a hostel for the care of people, which may require facilities for supervision. This type of facility is typically operated by the Health Service Executive (HSE), DHRE or private health organisation. As noted above, the facility at 15/17 has 24 supervision and is therefore best understood as a facility under Class 9.

In the interest of completeness, we also refer to Exempt Development under article 6 of the regulations

*Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1*

PART 1 of the Second Schedule to the Regulations addresses Exempted Development – General, under article 6, with Change of Use under Class 14.

There are several notable Exempt Changes of Use under the Regulations under Class 14 (g) (h) and (i) ie. from use as a hotel, to use as a hostel; and from hostel to use as accommodation for protected persons (for example refugees).

**CLASS 14**

*Development consisting of a change of use—*

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

It is clear that this class of exemption (introduced in 2015) is not relevant, as it refers to changes from a hotel to a class 6 Hostel; or from a Class 6 Hostel to accommodation or emergency reception and orientation centre for protected persons.

## 6. Development Plan

### Dublin City Development Plan

The site is zoned **Z2** which is **'To protect and/or improve the amenities of residential conservation areas'**.  
'Permissible Uses' are listed as follows:

*Buildings for the health, safety and welfare of the public, childcare facility, embassy residential, home-based economic activity, medical and related consultants, open space, public service installation, residential.*

Open for Consideration Uses are listed as follows:

*Bed and breakfast, community facility, cultural/ recreational building and uses, education, live-work units, place of public worship, restaurant, veterinary surgery.*

Therefore, while residential is permissible, **'Hostel' is neither 'Permissible' or 'Open for Consideration'** under the zoning objective. It is notable that under the Z1 objective 'To protect, provide and improve residential amenities', hostel use is considered 'Open for Consideration'.

The Development Plan states at page 238 that *Uses not listed under the 'permissible' or 'open for consideration' categories will be deemed not to be permissible uses in principle in zones Z1, Z2, Z8, Z9, Z11 and Z15.*

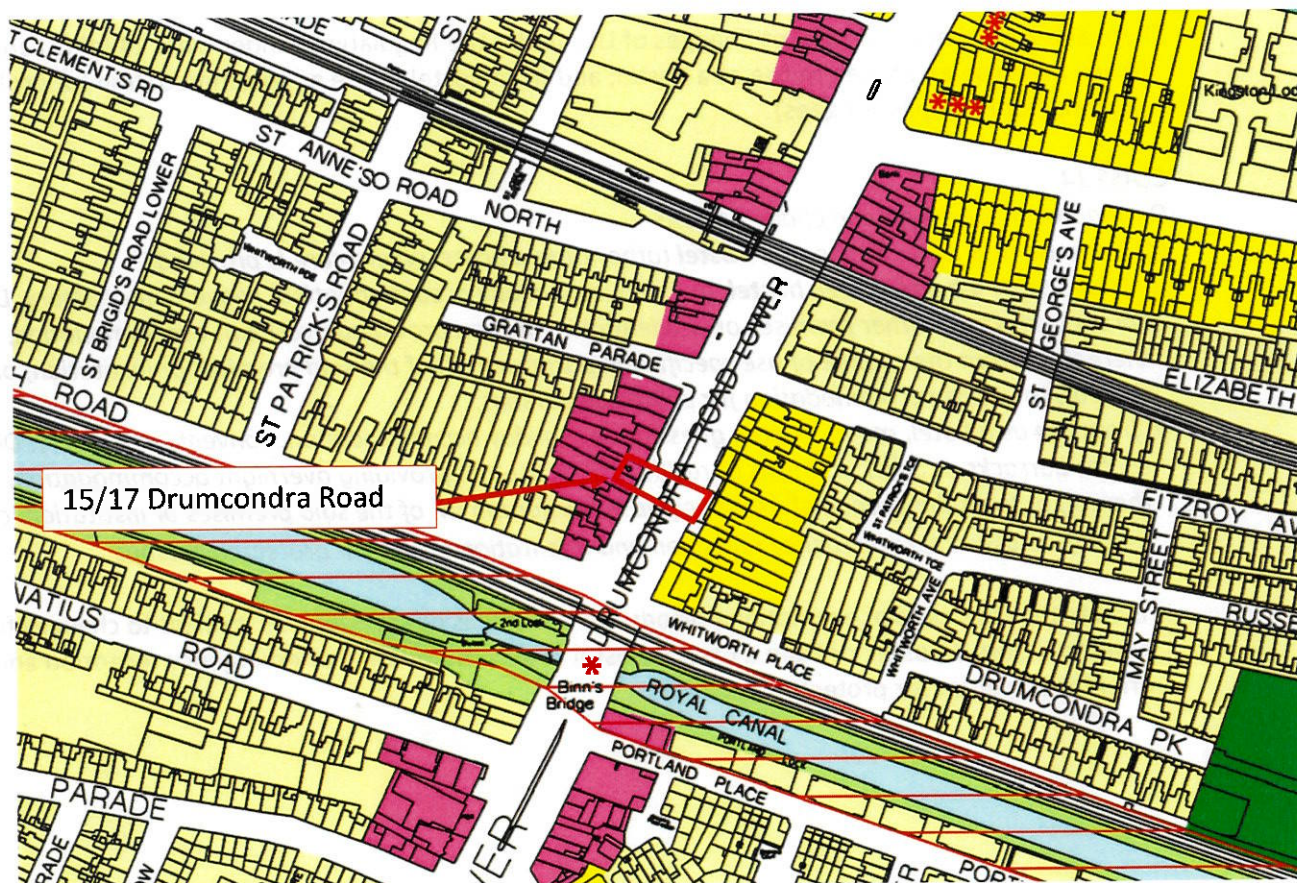




Figure 2: Extract from Dublin City Council Development Plan 2016-22, Zoning Map E with site outlined in red

The Development Plan does not specifically define 'hostel', but a word-search reveals that the plan does refer to 'hostel' in several different contexts including:

- Institutional hostel accommodation
- Homeless accommodation
- Apart hostels
- Youth hostel
- Student hostel
- Residential Hostel; and
- Hostel where care is provided

The only policy that refers to Hostels is **16.12 Standards – Institutions/Hostels and Social Support Services**. This policy addresses the context of homeless accommodation (Class 9). It states: *An over-concentration of institutional hostel accommodation, homeless accommodation and social support institutions can potentially undermine the sustainability of a neighbourhood and so there must be an appropriate balance in the further provision of new developments and/or expansion of such existing uses in electoral wards which already accommodate a disproportionate quantum ....*

## 7. Assessment

### (a) "Is or is not development"

In the case of the items that are the subject of this referral, it is quite evident that the 'Hostel' at the property has entailed the *making of any material change in the use of any structures or other land.*"

Internal changes have been implemented which have increased the number of bedrooms (or units) from 17 to 21 units and the provision of 40 bedspaces. There has also been an increase in the number of shower rooms and therefore an overall increase intensification of use at the property.

Having regard to Section 4(1)(h) of the Act, it is apparent that the works affect only the interior of the structure and which do not materially affect the external appearance of the structure.

### (b) "Is or is not exempted development"

The established use of the premises is residential and the new use is a Hostel under Class 9 (a) *for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),*

Part 4 of the Second Schedule of the Regulations deals with exempted development and classes of use under article 10.

### **An Bord Pleanála assessment of change of use**

In 2010, under Referral Reference RL2685, the Board considered how to define change of use and intensity of use. The Inspector noted:

*"Case law has determined that a change of use is material if the character of the first use is substantially different, in planning terms, from the proposed use and if the proposed use would impact on the proper planning and sustainable development of the area. I make reference to 'The Council of the County of Galway- Applicant- Vs. Lackagh Rock Limited' (Ref. 1984 No. 21 MCA).*

*The same case considered intensification occurs and whether "such use may impose burdens on the local authority or otherwise infringe in a materially different manner upon the proper planning for the area" and that "what should be looked at are the matters which the planning authority would take into account in the event of a planning application being made for the use on the appointed day or for the present use. If these matters are materially different, then the nature of the use must be equally materially different".*

#### **Referral Case at Mount Argus, (DCC Ref. 0369/19)**

It is useful to note a recent Referral decision by Dublin City Council (September 2019) in respect of Class 9 development at the accommodation wing of Mount Argus Monastery, Kimmage Road Lower. This Declaration considered the category of hostel; where care is provided.

DCC considered the change of use from a seminary residential college use (Class 9c) to use described as *'for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose) (Class 9 (a))'* as exempt.

Having regard to article 10, DCC considered whether the exemption for the change of use was restricted. DCC found that the development would not— (a) involve the carrying out of any works other than works which are exempted development, (b) contravene a condition attached to a permission under the Act, (c) be inconsistent with any use specified or included in such a permission, or (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

It was concluded therefore, that the works required internally for the change of use were not of material nature in terms of impact on the character of the structures and are exempt under 4(1)h.

The planning officer's report also considered the potential for intensification of the use of accommodation and found that there would be no increase in bedrooms or capacity in the remedial works, so it did not apply.

This case highlights that change of use within a class (9) and without increase in intensity (i.e. additional bedrooms) is exempt. This clearly does not apply here.

#### **Referral Case at Westbrook House, Gort Road, Ennis, Co. Clare (PL03.307064)**

This highly pertinent precedent decision was made on 25<sup>th</sup> September 2020 in respect of a Declaration by Clare County Council on the following question:

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.

An Bord Pleanála's Declaration found that that the Change of Use "is development and is not exempted development". With similarities to the current case, it is noted that the property was purchased by Clare County Council and under management of Mid-West Simon.

We note that the Board over-ruled its Inspector's Recommendation and found that a material change of use had occurred. The following extract from the Board's Direction is particularly instructive:

*(d) the current use does not therefore come within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely use as a hostel (other than a hostel where care is provided) as the current use includes the provision of care to residents and instead*

*falls within the scope of Class 9 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely the provision of residential accommodation and care to people in need of care;*

*(e) the current use therefore constitutes a change of use from the permitted use and which is a material change of use by reason of providing a different service to a different user group;*

*(f) this material change of use would not come within the scope of article 10(1) of the Planning and Development Regulations 2001, as amended, as it does not constitute a change of use within any one class;*

*(g) there are no other exemptions available for this material change of use within existing legislation.*

### **Legal Cases**

The Courts have dealt with hostels in reference to Homeless accommodation under Dublin City Council's 'Emergency' planning powers under section 178 of the Planning Act.

The High Court in *Byrnes v Dublin City Council* [2017] IEHC 19 held that the provision of a **hostel** for use by homeless people did not constitute a material contravention of the relevant development plan. Under the development plan use as a "residential hostel" was normally permitted, whereas " **hostel** where care is provided" was only "open for consideration". The court held that—for the purposes of s.178 of the PDA 2000—both uses were permissible under the relevant zoning objective and did not therefore represent a material contravention.

By contrast, the High Court in *Carman S Hall Community Interest Group v Dublin City Council* [2017] IEHC 544 found that the development proposed in that case did involve **a material contravention** as it was a policy under the development plan that all proposals to provide or extend temporary homeless accommodation or support services shall be supported by information demonstrating that the proposal would not result in an undue concentration of such uses nor undermine the existing local economy, resident community or regeneration of an area.



## 8. Conclusion

An Bord Pleanála is invited to overturn Dublin City Council's Declaration of 29<sup>th</sup> September 2020 and confirm that the proposed hostel use at 15/17 Drumcondra Road Lower is development and is not exempt development on the basis that a material change of use has occurred at the premises.

The use implemented at 15/17 Drumcondra Road Lower is a hostel for homeless accommodation defined under Class 9 of the planning regulations. Fundamentally, the Planning Regulations accept the planning consequences of change of use from residential to *a hostel where care is provided is a material change of use*. An Bord Pleanála's Declaration under Ref. PL03.307064 unequivocally confirms this finding.

**The use is not permissible under the Z2 zoning objective.** It materially contravenes both the zoning objective and DCC's policy to prevent over-concentration of institutional hostel accommodation, homeless accommodation and social support institutions.

In this case, it is also clear that an intensification of use has occurred, as internal changes have been implemented which have increased the number of bedrooms (or units) from 17 to 21 units and the provision of 40 bed spaces.


Finally, we highlight that the pursuant to *Carman S Hall Community Interest Group v Dublin City Council* [2017] IEHC 544, the developer (Brimwood Ltd) or the leasee Dublin City Council is not entitled to rely on section 179(6)(b) of the Act as the change of use materially contravenes the Dublin City Development Plan 2016-22.

Similarly, the developer (Brimwood Ltd) or the leasee Dublin City Council is not entitled to rely on section 4(1)(f) of the Act by reference to Part 8, article 80(k) of the Planning and Development Regulations, 'Requirements in respect of specified development by, on behalf of, or in partnership with local authorities'.

Furthermore, DCC cannot rely on 4(1)(f) as an exemption, as it is *ultra vires* the power of the planning authority to materially contravene the Dublin City Development Plan 2016-22 without observing due process (including public consultation).

We trust all is in order and look forward to a receipt of a Declaration in due course.

Yours faithfully,



**BERNARD LYNCH**

Keenan Lynch Architects,  
4 Herbert Place,  
Dublin 2.

[www.kla.ie](http://www.kla.ie)

M: 087 2547013

T: 01-6620944



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na  
Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department, Block 4, Floor 3,  
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T: (01) 222 2288

E. [planning@dublincity.ie](mailto:planning@dublincity.ie)

30-Sep-2020

Bernard Lynch  
Keenan Lynch Architects  
4, Herbert Place  
Dublin  
2

Application Number	0313/20
Application Type	Section 5
Registration Date	02-Sep-2020
Decision Date	29-Sep-2020
Decision Order No.	P4442
Location	15/17, Lower Drumcondra Road, Dublin, 9
Proposal	EXPP:Changes of use from residential(class 1) to hostel (class 9 hostel where care is provided) ( Or accommodation for homeless persons)
Applicant	Anthony Corbett, Residents of Lower Drumcondra Road

- **If you have any queries regarding this Decision, please contact the number shown above**

**Note:**

Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by A Bord Pleanála within four weeks of the date of the issuing of the declaration.

### **NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

In pursuance of its functions under the Planning & Development Acts 2000 (as amended), Dublin City Council has by order dated 29-Sep-2020 decided to issue a Declaration that the above proposed development is EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Acts 2000 (as amended).

#### **Reasons & Considerations:**

In response to the query on whether the development and change of use is or is not exempt development, I am satisfied, having examined the proposal that the following conclusions apply:

The Planning Authority is satisfied that the works undertaken to the property are exempted development in accordance with Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Ceannoifig, Oifigi na Cathrach, An Ché Adhmaid, Bhaile Átha Cliath 8, Éire  
Head Office, Civic Offices, Wood Quay, Dublin 3, Ireland



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

The Planning Authority is satisfied that based on Section 4(1)(f) of the Planning and Development Act 2000 (as amended), the change of use is exempted development.

Signed on behalf of Dublin City Council

  
for Assistant Chief Executive

**Note:**

Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by An Bord Pleanála within four weeks of the date of the issuing of the declaration.



An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na  
Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department, Block 4, Floor 3,  
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T: (01) 222 2288

E. [planning@dublincity.ie](mailto:planning@dublincity.ie)

30-Sep-2020

Bernard Lynch  
Keenan Lynch Architects  
4, Herbert Place  
Dublin  
2

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In response to the query on whether the development and change of use is or is not exempt development, I am satisfied, having examined the proposal that the following conclusions apply:

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Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

The Planning Authority is satisfied that based on Section 4(1)(f) of the Planning and Development Act 2000 (as amended), the change of use is exempted development.

Signed on behalf of Dublin City Council

  
for Assistant Chief Executive

**Note:**

Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by An Bord Pleanála within four weeks of the date of the issuing of the declaration.





# Planning Pack Map



**CENTRE COORDINATES:**  
 ITM: 715906, 736078  
**PUBLISHED:** ORDER NO.:  
 01/09/2020 50138365\_1  
**MAP SERIES:** MAP SHEETS:  
 1:1,000 3187-20  
 1:1,000 3198-18

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 section 'Large Scale Legend'

AN BORD PLEANALA  
 27 OCT 2020  
 PROJECT REFERENCE  
 PROJECT  
 20 . 308540  
 OUTPUT SCALE: 1:1,000

Drawn By	Drawn Date	Checked By	Checked Date

<b>Drawn By</b>	Martin Tynan
<b>Project</b>	15-17 Drumcondra road lower, Dublin 9
<b>Title</b>	Site Layout Plan
<b>Date</b>	15 September, 2020
<b>Drawn</b>	H. Quinn
<b>Scale</b>	1:1000 @ A3
<b>Drawing No.</b>	AF35
<b>Rev. Number</b>	AF35
<b>Revision</b>	-

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**KEENAN LYNCH ARCHITECTS**  
 7 Herbert Place  
 D 0 B 1 L N 2  
 Phone: 6620344  
 Fax: 6758950  
 Email: info@kll.ie

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# Planning Pack Map



**CENTRE COORDINATES:**  
ITM 715908.738078

**ORDER NO.:**  
50138395\_1

**MAP SHEETS:**  
3187-20  
1:1,000  
3186-16

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**OUTPUT SCALE:** 1:1,000



**LEGEND:**  
<http://www.osi.ie>;  
search 'Large Scale Legend'

**AN BORD PLEANÁLA**

LTR DATED **27 OCT 2020**

LDG. FROM **1ST PARTY REFERRED**

ABP. **20.308540**



Rev	Date	Description	Drawn By

Client:	Martin Tynan
Project:	15-17 Drumcondra road lower, Dublin 9
Title:	Site Layout Plan
Date:	1st September 2020
Drawn:	J. O'Hara
Scale:	1:1000 @ A3
Drawn By:	J. O'Hara
Checked By:	J. O'Hara
Project No.:	AF35
File Location:	AF35
Revision:	-

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