

EIA Pre-screening – EIAR Not Submitted

An Bord Pleanála Case Reference	ABP- 315535 - 23		
Development Summary	Whether change of use from dwelling to homeless hostel accommodation is or is not development or is or is not exempted development		
Development Address	The Quay, Killybegs Road, Faldahilly D. 24		
1. Does the proposed development constitute an EIA project? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	
2. If YES, does the proposed development, or any part of it, fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations?			
Tick		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		If YES, tick one of the following:	
		Exceeds / Is equal to / No Threshold	EIAR required
		Sub threshold	Preliminary Examination required (Issue letter to EPA if IED/ IPC/ Waste licence)
3. If Preliminary Examination is required, has Schedule 7A information been submitted?			Yes No N/A

EO/ SEO



Date:

16/2/22

11 January 2023

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
11 JAN 2023	
Fee: €	220
Type:	cheque
Time:	17.16
By:	hand

BY HAND

Dear Sir/Madam,

Re: Section 5 Referral – The Priory, Kiltipper Road, Dublin 24
SDCC Planning Reg. Ref. ED22/0038

On behalf of our client, the Kiltipper Kiltalown Residents' Association, please find enclosed a Referral of a Section 5 Declaration issued by South Dublin County Council under planning reg. ref. ED22/0038, regarding the change of use of a property known as 'The Priory', Kiltipper Road, Dublin 24.

SDCC declared the change of use to be Exempt Development by Order dated 6 December 2022. A copy of the Council's Declaration is appended to the enclosed Statement.

We consider that the development concerned *does not* constitute exempt development, and set out our rationale within the enclosed Statement.

A cheque for the applicable fee of €220 is attached (Referral Fee R1).

Please do not hesitate to contact the undersigned in the event of any queries.

Yours faithfully,



Emma-Lisa Knudsen

Gravis Planning

eknudsen@gravisplanning.com

The Kiltipper Kiltalown Residents' Association

**Referral to An Bord Pleanála under Section 5
of the Planning and Development Act**

**RE: Change of use at 'The Priory',
Kiltipper Road, Dublin 24**

SDCC Planning Reg. Ref. ED22/0038

January 2023

Prepared By:

Gravis Planning
Baggot Hall,
41 Baggot Street Lr.,
Dublin 2,
Ireland

T: 01 6599445

www.gravisplanning.com



1.0 Introduction

Purpose of Report

- 1.1 We, Gravis Planning¹, act on behalf of 'Kiltipper Kiltalown Residents Association'² (Referred to hereafter as 'the Association'), and hereby refer to An Bord Pleanála ('ABP') a Section 5 Declaration issued by South Dublin County Council ('SDCC') under planning reg. ref. ED22/0039.
- 1.2 The Declaration issued under ED22/0039 relates to the use of a dwelling house known as 'The Priory' on Kiltipper Road, on the outskirts of Tallaght, as a homeless hostel facility.
- 1.3 Planning permission for the change of use from dwelling house to homeless hostel accommodation, which occurred c. 2019, has never been secured.
- 1.4 It is agreed by both the Association and SDCC that the change of use which has occurred is a 'material change of use'.
- 1.5 SDCC is of the opinion that this material change of use is exempt from the need for planning permission by virtue of it being development which *"has taken place on behalf of SDCC pursuant to a contract entered into by the local authority (and a service provider) acting in its capacity as a housing authority"*, i.e. they consider Section 4 (1) (f) of the Planning and Development Act ('the Act') to apply.
- 1.6 Section 4 (1) (f) of the Act cannot - clearly - be relied upon to exempt all such local authority development exempt from planning permission. It is subject to a range of limitations under the Planning and Development Act and Regulations. We do not, with reference to these limitations, consider Section 4 (1) (f) to be applicable in this case, and refer the matter to ABP for consideration accordingly.

SDCC Declaration

- 1.7 SDCC issued a Declaration in December 2022, under planning reg. ref. ED22/0038, that it considered the change of use to exempt development which would not require planning permission³.
- 1.8 The accompanying planner's report⁴ outlined the authority's considerations on the matter, concluding that the change of use was exempt by virtue of Section 4 (1) (f) of the Act. It acknowledges that change of use to homeless hostel accommodation is a 'material change of use', and also that Class 14 (f) of Part 1 of Schedule 2 of the Planning and

¹ Baggot Hall, 41 Baggot Street Lower, Dublin 2

² c/o Mark Kennedy, Ballymana Lane, Ballymana, Kiltipper, Dublin 24

³ Copy attached at Appendix A

⁴ Copy attached at Appendix B

poorly serviced area. In addition, the reliance of the facility on an ageing domestic septic tank raises serious concerns regarding its compliance with the Development Plan's wastewater objectives.

- 1.14 We do not consider that SDCC has given due consideration to these matters.

provided. No copy of the 'contract' - redacted or otherwise – has been included or referenced in the Council's assessment under ED22/0039.

- 2.7 A review of published financial statements¹¹ indicates the Department of Justice and, in particular, 'International Protection Accommodation Services' (IPAS), as the relevant agency that has a contract in place with the Trust.
- 2.8 The contractual arrangement would appear to be quite complex, including 'restrictions on use'. It is not clear to us that Section 4 (1) (f), which specifies "*a contract entered into by the local authority concerned*", applies.

Part 8 of the Regulations

- 2.9 Notwithstanding the lack of clarity regarding the contractual arrangement in this case, it should be noted that Section 4 of the Act is subject to a number of limitations. Section 4 (1) (f) cannot simply be cited to exempt all development undertaken on behalf of a local authority.
- 2.10 It should be noted in particular that, under Part 8 of the Regulations, Article 80 (1) (k) provides that development "*the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus*" is prescribed for the purposes of Section 179 of the Act. As such, notice of the proposed development should be published, with and particulars available for inspection, and the opportunity being available to make submissions or observations within a prescribed period. The planning authority should then give due consideration to the proposal, including any submissions or observations, in advance of issuing a notice of its decision as to whether it should proceed.
- 2.11 The running costs of the Priory (i.e. the cost of the 'use', which is the 'development' in question) far exceed €126,000. The change of use which has taken place should, therefore, have been subject to local authority consenting procedures under Part 8.

Section 178 of the Act

- 2.12 Notwithstanding the above considerations, the application of Section 4 (1) (f) is limited by Section 178 of the Act. Section 178 (1) of the Act states that "*The corporation of a county or other borough shall not effect any development in the borough which contravenes materially the development plan*".
- 2.13 SDCC has not provided an in-depth assessment of the development's compliance with the Development Plan. It simply lists a (limited) selection the relevant policies and objectives of the Development Plan and notes that they support the delivery of homeless accommodation, "but do not require information to be provided in a prescriptive manner".

¹¹ Attached at Appendix F

3.0 Conclusion

- 3.1 We do not consider the development that has taken place the Priory to be exempt, and believe that retention permission should be required to enable a comprehensive planning assessment to be undertaken, with the benefit of submissions and observations by the local community.
- 3.2 We refer the question of exemption to ABP accordingly, and look forward to its assessment in due course.

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department

Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

Emma-Lisa Knudsen,
Gravis Planning
Denshaw House
121, Baggot Street Lower
Dublin 2

07-Dec-2022

Dear Sir/ Madam,

Our Ref: ED22/0038
Re: The Priory, Kiltipper Road, Tallaght, Dublin 24

I wish to inform you that the proposed development of Change of use from dwelling to homeless hostel accommodation at the above address is, by Chief Executive's Order PR/1541 dated 06-Dec-2022, DECLARED EXEMPT and therefore **WILL NOT** require planning permission.

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

Yours faithfully,

Pamela Hughes
for Senior Planner

Comhairle Chontae Atha Cliath Theas

PR/1541/22

Record of Executive Business and Chief Executive's Order

Register Reference: ED22/0038
Correspondence Name & Address: Emma-Lisa Knudsen, Gravis Planning Denshaw House, 121, Baggot Street Lower, Dublin 2
Development: Change of use from dwelling to homeless hostel accommodation
Location: The Priory, Kiltipper Road, Tallaght, Dublin 24
Applicant: Mark Kennedy, Kiltipper Kiltalown Resident's Association

(AOCM)

Description of Site and Surroundings

The site comprises a detached house with a rear outbuilding, located in a residential area on the boundary of urban South Dublin. The surrounding area is characterised by modern residential development, with rural lands located to the south of the site.

Description of Proposed Development

This is an application requesting a Section 5 Declaration on whether the proposed development is or is not exempted development. The development consists of the **change of use from dwelling to homeless hostel accommodation**. In the Planning Statement, the question is put more clearly as *'whether the change of use which has occurred is development and, if it is, whether it can be considered exempted development.'*

The Section 5 Declaration application includes:

- Cover Letter
- Application Form
- Planning Statement
- Site location Map

Recent Relevant Planning History

SD21A/0290: Demolition of Leabeg, the existing single storey detached dwelling with single storey extensions to the rear including the single storey rear ancillary shed, boiler house shelter and removal of septic tank; existing the Priory building not affected by this application, as per previously granted planning permission SD15A/0202; demolition of ancillary buildings on the Priory site, including the single storey detached rear building, gas boiler enclosure, boundary palisade/timber fences that connect both sites and the removal of septic tank; construction of 10 one bedroom, single storey houses in three blocks consisting of Block A (Gross floor area: 204sq.m), Unit No.1, Unit No.2, Unit No.3, Unit No.4. - Block B (Gross floor area 205sq.m), Unit No.5, Unit No.6, Unit No.7, Unit No.8. Block C (Gross floor area 104sq.m), Unit No.9, Unit No.10; demolition of existing boundary fence and entrance walls along Kiltipper road to both properties; establish a new site entrance with new boundary fences, piers and automatic gates; new pedestrian entrance route with a proposed pathway from entrance to the housing units; construct a new boundary with

Comhairle Chontae Atha Cliath Theas

PR/1541/22

Record of Executive Business and Chief Executive's Order

Is the proposal development?

Planning and Development Act 2000 as amended (emphasis added):

Section 3(1) defines 'development' as *'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'*.

Section 2(1) in this Act, except where the context otherwise requires –

'structure' as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

- (a) Where the context so admits, includes the land on, in or under which the structure is situated.

'use' in relation to land, does not include the use of the land by the carrying out of any works thereon.

It is considered that the development is a change of use from dwelling to homeless hostel accommodation. Furthermore, it is considered that this change of use is material as the character of the use has changed from a dwelling house to use as a homeless hostel. Thus, the change of use is considered to be 'development'.

Assessment - Is the proposal exempted development?

Planning and Development Regulations 2001 (as amended)

Article 10(1) exempts 'development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2', subject to certain limitations.

Part 4 of Schedule 2 specifies exempted development classes of use. Class 6 'Use as a residential club, guest house or a hostel (other than a hostel where care is provided).'

It is noted that 'house' and 'hostel' are not defined anywhere within the Regulations, and house is not included within the classes of use, per Part 4 of Schedule 2. In this regard, the development **is not considered to be exempt** under of Section 10(1).

Article 10(4) states 'Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.' It is noted that the applicant has stated a Freedom of Information request, it was established that 15 people can be accommodated at the property. This information was provided by the Dublin Region Homeless Executive in the form of a letter, and this has been confirmed by South Dublin County Council (SDCC) Homeless Services. The accommodation of up to 16 people could be considered exempt under Article 10(4) depending on the arrangement of accommodation and number of bedrooms in the house. In this regard, **there is insufficient information to determine whether the development is exempt** under of Article 10(4).

Comhairle Chontae Atha Cliath Theas

PR/1541/22

Record of Executive Business and Chief Executive's Order

It is agreed that the change of use is considered material, this has been established by a number of similar such declarations '*by reason of providing a different service to a different user group*'. However, the applicant has overlooked the reasons why the development was not considered exempt in ABP-308540-20. For the avoidance of doubt, it is considered important to highlight the differences between the current declaration application and ABP-308540-20. Critically, in ABP-308540-20, it was determined that the change of use from residential accommodation to homeless accommodation constituted a material contravention of the Dublin City Development Plan 2016 – 2022, specifically policies requiring certain information to be provided with applications for homeless accommodation. No such provisions are contained within the South Dublin Council Development Plan 2022 – 2028 and there is no material contravention of the Development Plan in concluding that this development is exempt.

For clarity, the relevant policies and objectives of the SDC Development Plan 2022 – 2028 are listed below:

- H1 Objective 3: To ensure that adequate and appropriate housing is available to meet the needs of people of all incomes and needs including traveller households, older persons, people with disabilities, and the homeless, through an appropriate mix of unit types and tenures provided in appropriate locations and in a manner appropriate to their specific needs.
- H1 Objective 16: To support the provision of homeless accommodation and / or support services which is inclusive and treats all persons with dignity and respect in a balanced way located throughout the County and not concentrated in any particular areas and to incorporate consultation with other homeless support services in supporting this service.
- H3 Objective 7: To ensure that those with specific housing needs, such as older persons, persons with disabilities, homeless persons, Travellers and people leaving Direct Provision, are accommodated in a manner appropriate to their specific needs and in a timely fashion.
- Policy H5: Other Housing Provision
Support and facilitate relevant agencies in the provision of specific emergency or other forms of housing need as such demand arises.
- H5 Objective 1: To facilitate and support relevant agencies in the development of emergency accommodation that is socially inclusive, including hostels for homeless individuals of all genders and families, in a balanced way located throughout the County so as to avoid an over-concentration in any particular area.

It is noted that these policies and objectives support the delivery of homeless accommodation, but do not require information to be provided in a prescriptive manner which was the issue in ABP-30840-20 and the wording of the requirements of the Dublin City Development Plan. It is noted that under SD21A/0290, SDCC granted permission for 10 no. one bedroom units with the intention of use for social housing by the Peter McVerry Trust. The assessment of this application noted the existing use

Comhairle Chontae Atha Cliath Theas

PR/1541/22

Record of Executive Business and Chief Executive's Order

Register Reference: ED22/0038

**Location: The Priory,
Kiltipper Road,
Tallaght, Dublin 24**

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

**Change of use from dwelling to homeless hostel accommodation at
The Priory, Kiltipper Road, Tallaght, Dublin 24**

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

Date: 06/12/22



**Gormla O'Corrain,
Senior Planner**

The Kiltipper Kiltalown Residents' Association

Planning Statement

**Request for a Declaration under Section 5 of
the Planning and Development Act**

**RE: Change of use at 'The Priory', Kiltipper Road,
Dublin 24**

November 2022

Prepared By:

Gravis Planning
Denshaw House,
121 Baggot Street,
Dublin 2,
Ireland

T: 01 6599445

www.gravisplanning.com



1.0 Introduction

Purpose of Report

- 1.1 We, Gravis Planning¹, act on behalf of 'Kiltipper Kiltalown Residents Association'² (Referred to hereafter as 'the Association'). This report is submitted to South Dublin County Council (SDCC) on behalf of the Association in support of a Request for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended), regarding the planning status of 'the Priory'³ which was originally developed and occupied as a single dwelling house and has been in use as a homeless hostel accommodation since 2019⁴. Planning Permission has never been obtained for the change of use from a dwelling to homeless hostel accommodation.

Background

- 1.2 A Planning Application was submitted to SDCC - Planning Reg. Ref. SD21A/0290 - by Peter McVerry Trust in October 2021 for 10no. individual homeless accommodation units to be located alongside an 'existing homeless hostel facility' at the Priory at Kiltipper Road on the rural outskirts of Tallaght.
- 1.3 The Planning Application was approved in June 2022⁵ and a third-party Appeal was lodged on behalf of the Association to An Bord Pleanála (ABP) ABP Appeal Ref. 314192-22 in July 2022. The Appeal Statement⁶ submitted with the Appeal sets out the Proposed Development, details of the Development Site and the Grounds of Appeal, including reference to the Existing Unauthorised Use of the Priory.
- 1.4 The Chief Executive's Order for the Planning Application⁷ notes that concerns have been raised by third parties relating to the hostel use in 'the Priory'. It states that the applicant should provide additional information to clarify⁸.
- 1.5 In reviewing this question in their 'Response to Further Information', the applicant noted that it would review the occupancy of the Priory with a view to aligning it with the requirements of Class 14(f) of Schedule 2 of the Planning and Development Regulations, i.e. use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons, limited to 6 residents and 2 resident

¹ Denshaw House, 121 Baggot Street Lower, Dublin 2

² c/o Mark Kennedy, Ballymana Lane, Ballymana, Kiltipper, Dublin 24

³ Kiltipper Road, Dublin 24

⁴ SDCC meeting minutes dated 08/07/2019 confirm the property as being in use at that time for 'homeless single persons'.

⁵ Decision Notice attached at Appendix A

⁶ Appeal Statement attached at Appendix B

⁷ SD21A/0290

⁸ Chief Executive's Order attached at Appendix C

November 2022

2.0 Planning Context

Planning History

- 2.1 The Planning History for the site is limited. It is set out below to confirm that planning permission has not been sought at any stage for the change of use from a dwelling house to homeless hostel accommodation.

Planning Reference	Proposal Description	Address	Decision and Decision Date
SD21A/0290	Demolition of Leabeg, the existing single storey detached dwelling with single storey extensions to the rear including the single storey rear ancillary shed, boiler house shelter and removal of septic tank; existing the Priory building not affected by this application, as per previously granted planning permission SD15B/0202; demolition of ancillary buildings on the Priory site, including the single storey detached rear building, gas boiler enclosure, boundary palisade/timber fences that connect both sites and the removal of septic tank; construction of 10 one bedroom, single storey houses in three blocks consisting of Block A (Gross floor area: 204sq.m), Unit No.1, Unit No.2, Unit No.3, Unit No.4. - Block B (Gross floor area 205sq.m), Unit No.5, Unit No.6, Unit No.7, Unit No.8. Block C (Gross floor area 104sq.m), Unit No.9, Unit No.10; demolition of existing boundary fence and entrance walls along Kiltipper road to both properties; establish a new site entrance with new boundary fences, piers and automatic gates; new pedestrian entrance route with a proposed pathway from entrance to the housing units; construct a new boundary with automatic gates to the current Leabeg site entrance; provision for	The Priory and Leabeg, Kiltipper Road	Permitted - 29 June 2022 (since appealed ⁹ to ABP)

⁹ ABP Appeal Ref. 314192-22

November 2022

3.0 Compliance with Exempted Development Provisions

Legislative Context

Relevant Definitions

- 3.1 'Development' is defined under Section 3(1) of the Planning and Development Act 2000 (as amended) as follows:

"development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land' (Gravis Planning emphasis).

Is the change of use from residential to a hostel 'development'?

- 3.2 The change of use is from a 'dwelling' (Class 1) to 'homeless hostel accommodation' (Class 9), which are within different use classes. Therefore the change of use is 'development'. This is supported by the An Bord Pleanála (ABP) decision under ABP-308540-20¹⁰ which asked the same question as this Request:

'Whether the change of use from residential use to a hostel for homeless accommodation is or is not development or is or is not exempted development'.

- 3.3 ABP concluded in that case that the change of use from a multi-unit residential accommodation¹¹ to accommodation for the homeless constituted a material change of use and could not be considered exempt development. The use was deemed to constitute "a material change of use by reason of providing a different service to a different user group". 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 (Gravis Planning emphasis).

- 3.4 The change of use which has occurred at the Priory reflects the change of use considered within the above-referenced case and, as such, we are of the view that the change of use that has occurred is development for which planning permission should have been sought.

Is the change of use from residential to a hostel 'exempted development'?

- 3.5 To qualify as 'exempted', a development must fall within one of the categories listed under Section 4 of the Act or Schedule 2 of the Planning and Development Regulations 2001 (as amended).

¹⁰ ABP Inspector's Report attached at Appendix D.

¹¹ This Request for Declaration related to a building that comprised more than one residential dwelling.

Appendix A

November 2022

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received:

16-Dec-2021 /02-Jun-2022

Clarification of Additional Information Requested/Received:

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 2nd June 2022, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Pedestrian Footpath.
Prior to commencement of development or as otherwise agreed in writing with the Planning Authority, the applicant shall agree in writing the final layout of a pedestrian footpath (of minimum width 1.8m, unless otherwise agreed in writing) to be provided to the front of the site and continuing to connect to the existing pedestrian crossing to the east of the site. The footpath to the front and connecting to the east shall be delivered prior to occupation of the independent living units.
REASON: In the interest of sustainable movement, traffic safety, pedestrian safety and the proper planning and sustainable development of the area.
3. Independent Living Units.
The independent living units shall not be separately sold and the site shall not be

the system will function following implementation.

Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposed
- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage/attenuation calculations for same.
- Natural SUDS measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
- A maintenance schedule for all proposed SUDS features including any attenuation tanks proposed.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

7. Tree Bond and Arboricultural Agreement.

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €50,000 with the Planning Authority.

The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: To ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

8. Tree Protection and method statement pre-commencement

No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning

10. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

REASON: In the interest of the proper planning and sustainable development of the area.

11. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

12. Access, Transport and Parking.

(a) Prior to commencement of development a developed Construction & Demolition Waste Management Plan shall be agreed in writing with the Planning Authority.

(b) Prior to commencement of development a Construction Traffic Management Plan shall be agreed in writing with the Planning Authority.

(c) All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

REASON: in the interest of traffic and pedestrian safety.

13. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

14. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

Pamela Hughes
for **Senior Planner**

01-Jul-2022

Appendix B

November 2022

Contents

1.0	Introduction	3
2.0	Proposed Development	5
3.0	Development Site	6
4.0	Grounds of Appeal	7
5.0	Summary	9

Appendices

- A. Planning Appeal Form
- B. Decision Notice
- C. Receipt of Submission

1.8 The appeal is set out as follows:

1. Introduction
2. Proposed Development
3. Development Site
4. Grounds of Appeal
5. Summary

3.0 Development Site

- 3.1 The development site comprises two individual properties – ‘the Priory’ and ‘Leabeg’. These are described by the applicant as two ‘rural housing sites’. ‘Leabeg’ is currently vacant, however ‘the Priory’ has been in use for an extended period as a homeless hostel. No planning permission has ever been secured for the change of use of ‘the Priory’ from a residential dwelling to a hostel for homeless accommodation. We note, in this regard, that An Bord Pleanála has determined, in recent precedent, that such a change of use is ‘material’ and requires planning permission¹⁰.
- 3.2 The site is adjoined by private residential properties to the east and west on Kiltipper Road, and to the south on Ballymana Lane. As noted previously however, a HSE care facility lies further to the west on Kiltipper Road, within a converted dwelling house.
- 3.3 With the expansion of the existing hostel facility that is being proposed in close proximity to this HSE facility, the residents of the area are concerned that there is a significant over-concentration of sheltered housing/care facilities emerging in a location – remote from local services and facilities and with poor transport and pedestrian infrastructure – that is ill-equipped to cater for it.
- 3.4 Under the recently adopted County Development Plan the site of the proposed development is zoned ‘RES’, ‘to protect and/or improve residential amenity’¹¹. The residents of the area have, unfortunately, experienced anti-social behaviour emanating from the existing hostel and do not consider that the concentration of homeless accommodation that is being proposed in the area will protect and/or improve their residential amenity.
- 3.5 It should also be noted that the section of Kiltipper Road along which the site is located is clearly dangerous, with no footpaths, a blind corner and inadequate sightlines. We note that the Council helpfully proposed - in its extensive Request for Further Information - a number of design solutions to enhance pedestrian safety. None of these have been provided by the development proposal, and the Council has gone on to accept sightlines well below the *reduced* standard of 65m that it previously stated to be acceptable here. It should be noted that the achievement of these reduced sightlines appears to require a significant amount of hedgerow loss. The Roads Department notes that the relaxation of sightline standards in this case is acceptable “*due to the fact that this part of the road is currently being upgraded*”. No detail of this upgrade, or of how the proposal integrates with it, has been set out, and the residents wish to re-state, in the strongest terms, their previously expressed concerns regarding pedestrian and traffic safety.

¹⁰ ABP-308540-20

¹¹ A change from the original Draft Plan ‘RU’ (‘Rural Amenity’) zoning

i.e. 'use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons', limited to 6 residents and 2 resident carers. No evidence has been provided that the occupancy of the building is in line with this, yet South Dublin County Council has simply accepted – with no further assessment or interrogation – that the *"use of the existing dwellinghouse is in line with Class 14(f)"*. This is not acceptable. Planning assessment and decision-making must be based on evidence. The applicant must, accordingly, provide *evidence* as to the ongoing occupancy and use of the Priory.

4.3 Operational Detail

4.3.1 There is very little detail provided in the submitted material as to the day-to-day operation and management of the expanded facility. It is clear that the Priory building will serve as the administrative hub for the site, and that the existing bus service for residents will be expanded (albeit no detail of this service is provided). Beyond this however, residents are left with no information as to how the facility will operate. Multiple questions arise, e.g.

- How many staff will be required?
- What will the maximum capacity of the new, expanded facility be?
- Will the facility be staffed on a 24-hour basis?
- What services will be provided on site?
- What traffic movements are projected, and at what times?
- How will the expanded private bus service operate?

4.3.2 Such questions are all relevant planning considerations for local residents but have not been addressed in the assessment of the application.

4.3.3 As noted previously, local residents have not been engaged with by the applicant at any stage and, as a consequence, have valid questions and concerns as to how the proposed facility would operate. These have not been addressed by the submitted application or the Council's assessment of same.

4.4 Traffic Safety

4.4.1 The Residents' Association, based on its own experience of this section of Kiltipper Road, has serious concerns regarding the pedestrian and traffic safety implications of the proposed development. The sightlines being proposed are an obvious concern, and there is no indication that the proposal has been designed to integrate with forthcoming road improvements for the area.

4.4.2 Furthermore, the footpath provision that is required by condition does not appear to be achievable, as the land required for it is not in the control of the applicant, and the road itself is – we understand – proposed to be widened in this section.

Appendix A

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)

South Dublin County Council

(b) Planning authority register reference number

(for example: 18/0123)

SD21A/0290

(c) Location of proposed development

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

Combined sites of 'The Priory' and 'Leabeg', Kiltipper Road, Old Bawn, Dublin 24

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 refer to Appeal Statement.

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

☒

NALA has awarded this document its Plain English Mark
Last updated: April 2019.



Fitzgerald Kavanagh & Partners
1 Mount Street Crescent
Dublin 2

**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order Number:	0826	Date of Decision:	29-Jun-2022
Register Reference:	SD21A/0290	Date:	02-Jun-2022

Applicant: Peter McVerry Trust

Development: Demolition of Leabeg, the existing single storey detached dwelling with single storey extensions to the rear including the single storey rear ancillary shed, boiler house shelter and removal of septic tank; existing the Priory building not affected by this application, as per previously granted planning permission SD15A/0202; demolition of ancillary buildings on the Priory site, including the single storey detached rear building, gas boiler enclosure, boundary palisade/timber fences that connect both sites and the removal of septic tank; construction of 10 one bedroom, single storey houses in three blocks consisting of Block A (Gross floor area: 204sq.m), Unit No.1, Unit No.2, Unit No.3, Unit No.4. - Block B (Gross floor area 205sq.m), Unit No.5, Unit No.6, Unit No.7, Unit No.8. Block C (Gross floor area 104sq.m), Unit No.9, Unit No.10; demolition of existing boundary fence and entrance walls along Kiltipper road to both properties; establish a new site entrance with new boundary fences, piers and automatic gates; new pedestrian entrance route with a proposed pathway from entrance to the housing units; construct a new boundary with automatic gates to the current Leabeg site entrance; provision for 10 car parking spaces, including 2 disabled car parking spaces and 2 electric car charging ports; new connected driveway layout, new bicycle stands, new enclosed bin stores, new landscaped gardens and paving areas, covered pergola areas and all ancillary site development works and site services; sites are covered under development plan housing strategy 2022-2028 H1 Objective 3 and housing strategy H1 objective 5 2016-2022.

Location: Combined sites of 'The Priory' and 'Leabeg', Kiltipper Road, Old Bawn, Dublin 24

subdivided for private use, nor used for a commercial purpose, subject to any future planning permissions. The units and site shall be managed by a registered Approved Housing Body or another Housing Authority as otherwise agreed in writing with the Planning Authority.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Public Lighting and Landscape Plan.

a). Prior to the commencement of development, the applicant shall agree in writing an integrated public lighting scheme and Landscape Plan with the Planning Authority. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.

b). The Public Lighting scheme, the footpath design and the Landscaping Plan shall be integrated and agreed with the Planning Authority.

c). The site shall be landscaped in accordance with a comprehensive landscape plan, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the following:

A. A Landscape Masterplan to scale of not less than 1:500 showing –

i. The species, variety, number, size and locations of all proposed planting

ii. Details of Hard landscape works, specifying surface material and furniture

iii. Details of natural SuDs features

iv. Details of proposed play provision

v. Detailed Sections and Elevations

B. Specifications for mounding, leveling, cultivation and other operation associated with plant and grass establishment

C. A timescale for implementation

D. Areas to be taken in Charge

REASON: In the interests of public safety, biodiversity, residential amenity and visual amenity.

5. Bats.

(a) All recommendations and proposed mitigation measures proposed within the submitted Bat Assessment Report shall be implemented by the applicant in full. In addition, where required the developer shall apply for, and obtain, a European Protected Species Licence before work commences. In addition, specific native planting design which can provide habitats which support the invertebrate prey of bats and therefore provide foraging opportunities for bat species shall be provided for within the landscape proposal.

(b) The recommendations of the Bat Survey Report, as restated in the Further Information cover letter and contained in the Further Information Site Layout Plan, shall be implemented in full on the site.

REASON: To ensure the protection of the natural Heritage of the site in accordance with policies IE7 Objective 5, G2 Objective, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

6. SUDs.

A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how

Authority and the protective fencing is erected as required by the AMS. The AMS shall include full details of the following: a) Timing and phasing of Arboricultural works in relation to the approved development. b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works. c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

9. Street Naming and Dwelling Numbering.

Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.

The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements.

The development name should:

1. Avoid any duplication within the county of existing names, and
2. Reflect the local and historical context of the approved development, and
3. Comply with;
 - (a) Development Plan policy, and
 - (b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and
 - (c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and
 - (d) Preferably make exclusive use of the Irish language.

Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site.

The applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Appendix C

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website. www.sdublincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, www.sdublincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named "**Notify me of changes**" and click on "**Subscribe**". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for Senior Planner

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0290

Application Date: 22-Oct-2021

Submission Type: Additional
Information

Registration Date: 02-Jun-2022

Correspondence Name and Address:

Fitzgerald Kavanagh & Partners 1 Mount Street
Crescent, Dublin 2

Proposed Development:

Demolition of Leabeg, the existing single storey detached dwelling with single storey extensions to the rear including the single storey rear ancillary shed, boiler house shelter and removal of septic tank; existing the Priory building not affected by this application, as per previously granted planning permission SD15A/0202; demolition of ancillary buildings on the Priory site, including the single storey detached rear building, gas boiler enclosure, boundary palisade/timber fences that connect both sites and the removal of septic tank; construction of 10 one bedroom, single storey houses in three blocks consisting of Block A (Gross floor area: 204sq.m), Unit No.1, Unit No.2, Unit No.3, Unit No.4. - Block B (Gross floor area 205sq.m), Unit No.5, Unit No.6, Unit No.7, Unit No.8. Block C (Gross floor area 104sq.m), Unit No.9, Unit No.10; demolition of existing boundary fence and entrance walls along Kiltipper road to both properties; establish a new site entrance with new boundary fences, piers and automatic gates; new pedestrian entrance route with a proposed pathway from entrance to the housing units; construct a new boundary with automatic gates to the current Leabeg site entrance; provision for 10 car parking spaces, including 2 disabled car parking spaces and 2 electric car charging ports; new connected driveway layout, new bicycle stands, new enclosed bin stores, new landscaped gardens and paving areas, covered pergola areas and all ancillary site development works and site services; sites are covered under development plan housing strategy 2022-2028 H1 Objective 3 and housing strategy H1 objective 5 2016-2022.

Location:

Combined sites of 'The Priory' and 'Leabeg',

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

- new connected driveway layout, new bicycle stands, new enclosed bin stores, new landscaped gardens and paving areas, covered pergola areas and all ancillary site development works and site services.

Consultations

Environmental Services:

- Surface Water Requests Additional Information.
- Flood Risk No objection, subject to conditions.

Irish Water

Requests Additional Information.

Housing

Not received.

Public Realm

No objection, subject to conditions.

Roads

Requests Additional Information.

Zoning

The site is split between two zoning objectives:

- The north and east of the site is zoned "RES-N" – "To provide for new residential communities in accordance with approved area plans"
- The west of the site is zoned "RU" – "To protect and improve rural amenity and to provide for the development of agriculture."

Submissions/Observations/Representations

The Kiltipper Kiltalown Residents Association has lodged an objection, stating the following:

- Admiration for the Peter McVerry Trust and the work they do.
- Increased traffic at the development site would make the road more dangerous at this blind bend. Previously permissions have been refused on this basis.
- Road has not been upgraded to take account of Tallaght Town AFC club-house or the new park.
- The single pedestrian path on the park side of the road is not adequate. Residents of the proposed development would have to cross the road on a blind bend to access it.
- Sightlines shown on the application cannot be achieved.
- SDCC Roads Department has previously expressed concern about this stretch of the road.
- SDCC should undertake an up-to-date Traffic Survey to establish how the road can accommodate a greenway, a bus route, and newer developments.
- Recommend access be provided via Elder Heath.

A number of individual objections were received. They note the following:

- Notices do not mention the use of the 'Priory' building as a hostel.
- Is use of the building as a hostel exempted development? No planning permission for it.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

The meeting was arranged at relatively short notice and was not attended by representatives of other sections. The advice from the planners present was therefore restricted to those issues they could reasonably give advice on.

Relevant Statutory Policy

South Dublin County Development Plan, 2016 – 2022

Section 1.11.0 Housing Strategy

Section 2.1.0 Housing Strategy

Policy H1 Housing Strategy

Objective 5 – Specific Housing Needs

Objective 6 – Balanced delivery of emergency accommodation throughout the county.

Objective 7 – Delivery of social housing provision through a range of mechanism.

Section 2.4.0 Residential Consolidation

Policy H17 Residential Consolidation

Section 2.5.0 Rural Housing

Chapter 11 Implementation

Schedule 3 – Interim Housing Strategy 2016

Section 6.2 – Homeless Accommodation

National Policy Documents of Relevance

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Regional Spatial & Economic Strategy 2019-2031, Eastern & Midland Regional Assembly (2019)

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2020).

Urban Development and Building Heights – Guidelines for Planning Authorities' (2019)

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, 2007.

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government (December 2008).

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order



Extract from Design Statement showing site on land use zoning

The proposed development provides for new housing in the part of the site zoned for new development, while retaining the existing house in the part of the site zoned for rural amenity. The subject site is located in a transitional area with open space zoning to the south, developed residential to the north and rural zoning with individual dwellings to the east and west.

Development in transitional areas should reflect the general transition of zoning across the lands and should also respect that transition. Section 11.1.1 (iv) of the County Development Plan states as follows:

Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.

The development of the site for residential purposes should therefore be considered subject to the impact on rural amenity. It is considered that the key factors to be considered in this regard are the visual impact, density and impact on infrastructure and services (including the road network) arising from the development.

Draft South Dublin County Council Development Plan 2022 – 2028

The Draft County Development Plan has been published and submissions have been received on the draft plan. The Draft Plan provided for the re-zoning of the lands to 'RU' zoning across the site (with 'RES-N' zoning north of the site redesignated as 'RES' to reflect the build out of the Elder Heath estate).

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

It is considered reasonable to reach a compromise regarding amenity standards given the type of housing proposed; however, individual units should at least be provided with defensible privacy strips, either landscaped or fenced amenity spaces, around the outside of the unit on each side. Furthermore, while it is recognised that secure private spaces might not be in the applicant's view the best solution, the provision of low-fenced areas for each block, providing a degree of segregation and a shared amenity space among neighbouring residents, may be a more equitable compromise than to simply provide open and undefined space on all sides of the development. The applicant should consider their approach in this regard and provide a response as **additional information**.

The applicant states that public amenity space is being provided in considerable quantity on the site. The space is communal or semi-private, as members of the public would not have access to it. The applicant is thus not providing 14% public amenity space as sought in the County Development Plan; this is considered acceptable on a site of this configuration and noting the infill nature of the proposal on an isolated remaining undeveloped area of residential zoning. It is noted that Section 11.3.2(i) Infill Sites of the Development Plan outlines that

'Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.'

In this context, the proximity of Kiltipper park to the south is noted. A reduction in standards for an infill scheme on the basis of the user being a specific group would require full details of the management and an agreement in relation to restricting the future use and individual sale of the units. It is noted that the applicant is a registered charity and an Approved Housing Body and outlines that units are for social housing. No further details are provided. Additional information required.

Waste

Waste collection has been identified as an issue by the Roads Department (see below). The location of the bin store within the site is considered to be detrimental to the residential amenity of unit No. 9. The applicant should attempt to improve this either by relocation of the bin store, relocation of the access doors to the store, or additional screening, or a combination of these measures. This should be addressed by **additional information**.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

The Public Realm Department proposes conditions in relation to agreement of a final detailed landscape plan, a tree bond and arboricultural agreement, a tree protection method statement and SUDs. Additionally, the report includes comments on bats and a proposed condition on bats – this is dealt with in the below section. The report is acceptable as are the proposed **conditions**.

Bats

The applicant has provided a Bats Survey and Assessment Report. Bats have been observed on the site, but no roosts have been observed. The report does note that there is low to medium roosting potential in some trees and in the existing structures. The proposed impacts on bats are:

- Potential loss of roosts. Provision of bat boxes will overcome this.
- Loss of feeding. With planting in accordance with the All-Ireland pollinator plan, this can be mitigated.
- Light pollution – This can be mitigated with very low light levels at night but is unlikely to be fully mitigated, and there will be a mild long-term negative effect on individual bats.

The recommendations of the report are as follows:

- Install 2 bat boxes with built-in timber panels.
- A Dark Skies area must be created within the plan lands to allow for the feeding and commuting of bats. Caps, cowls, sensor timers and bollard lights can be used to reduce light pollution, and lighting design should be in accordance with "Bats and Lighting – Guidance Notes for Planners, Engineers, Architects and Developers, Bat Conservation Ireland, 2019 –
- Some areas of the site must be managed for wildflowers, and species must be chosen from the All-Ireland Pollinator Plan. The provision of native trees, hedging or the installation of a small pond in the garden would also benefit the bat population.
- Removal of any tree to be preceded by a bat survey in the case that roosts may have been established.

The provision of a dark skies zone and friendly lighting should be illustrated on the plans accompanying the revised application as **additional information**, either in the form of a landscape plan or with public realm lighting specifications. In any event, the final public realm lighting plan shall need to adhere to the recommendations of the Bat Assessment Report, and agreement from SDCC Public Realm shall be required in the event of a grant of permission.

The Public Realm Department also suggests that the above mitigation measures be delivered as part of any development, and this is considered to be an appropriate matter to guarantee by **condition**.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

6. Fire Tender and Bin Collection Access:

SDCC Roads Department recommend the access road should be extended to the back of the site as part of the development for firefighting purposes, including a macadam and reinforced grass road. 1 turning area should be provided for fire tenders, and a swept path analysis should be submitted to demonstrate the turning ability of a fire tender in these areas prior to commencement of development

Roads recommends that additional information be requested from the applicant:

1. The applicant/developer is requested to submit a revised site layout which shows the following:
 - a. A 2.0-metre-wide footpath all along the frontage of the site boundary with Kiltipper Road.
2. The applicant shall submit a revised site layout plan of not less than 1:100 scale, showing the existing front boundary wall, piers and gate onto Kiltipper Road shall be removed, and any new boundary shall be set back three meters from the edge of the roadway.
3. The applicant shall submit a revised site layout plan of not less than 1:100 scale, showing accurate visibility splay with 2.4 meters set back from the edge of the road, at a 1.05-meter height from ground level and 90 meters sight lines in both directions from the entrance shown on a detailed topographical survey which identifies street furniture, services etc. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).
4. The applicant shall submit a revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Auto track or similar) demonstrating that fire tenders and large refuse vehicles can access/egress the site in forward gear.
5. The applicant shall submit a revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Auto track or similar) demonstrating that fire tenders can access and turn at the back of the proposed development.
6. The applicant is requested to submit rationale for 3 vehicular access onto Kiltipper Road at the proposed development.

It is noted that the speed limit on Kiltipper Road is subject to change, pending a survey process in the county that is due to begin in 2022, the key measure for any change being the number of units fronting onto a stretch of road. This section of Kiltipper Road contains ribbon development

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

- A pedestrian footpath on the site's edge to provide footpath here, which would extend eastwards if adjoining sites were developed;
- Pedestrian access from the rear of the site into Elder Heath; or
- A combination of the above.

The provision of a crossing has implications for traffic safety and, if this is the preferred option, the applicant should demonstrate forward visibility of 65m in each direction of a proposed crossing. It is also recommended that the applicant consult with the SDCC Traffic Department and Development Department about the possibility of including a pedestrian crossing within the planning application. A footpath within the site, as suggested in the Roads Department report, would only serve the intended function if the site to the east were redeveloped in the near future. This is a possibility pending the final zoning arrangements in the next County Development Plan, but it should also be noted that no development proposals on that site have been brought forward. The applicant should address the potential alternatives by way of **additional information**.

Fire and Refuse Vehicle Access

The applicant should comment on this aspect of the proposal, noting that a fire safety certificate will be required in the event of planning permission being granted. The applicant should show consideration of this by way of **additional information** and provide revised plans if necessary. If the applicant is of the view that the layout as proposed would receive a Fire Safety Certificate, no alteration to the plans is necessary.

The applicant should also provide an Operational Waste Management Plan to show where waste will be collected from the site, as **additional information**.

Water Services and Infrastructure

The Irish Water report notes that the following is needed:

- A pre-connection enquiry and letter of confirmation of feasibility (in respect of water supply and foul water);
- Watermain layouts for the site.
- Letter of consent to connect foul sewer through Elder Heath;

These have all been provided with the application, which is acceptable. A connection agreement shall be required as a **condition** of permission.

The Environmental Services Department has sought additional information on the basis of surface water attenuation. It is noted that permeable block paving and a natural swale have been included in the proposals for the development. The Water Services Report states:

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 AA is not required.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

The proposed development adheres to the current zoning on the site, but there are concerns with a number of issues such as:

- impact on the character and the road network of the area

Further information should be sought.

Recommendation

Request Further Information

Further Information

Further information sought on 16th December 2021 and received on 2nd June 2022.

Further Consultations

Roads	No objection, subject to conditions.
Environmental Services	No objection, subject to conditions.
Irish Water	Requests Further Information

Further Observations

None.

Assessment of Further Information

Item 1

(a) Regarding vehicular access on Kiltipper Road, it is considered that a proposal for a single access from the site, or retention of only the two existing accesses, would be appropriate. The applicant should provide a written rationale for the final proposal regarding vehicular access. The proposal should include sightlines which do not cross neighbouring properties or obstructions within the site. The Roads Department has sought the longer sightlines preferred by 'Transport Infrastructure Ireland.' However, noting that the character of this stretch of road is

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

- A pedestrian footpath inside the site at its southern boundary to provide footpath here, which would extend eastwards if adjoining sites were developed;
- Pedestrian access from the rear of the site into Elder Heath; or
- A combination of the above.

The applicant is requested to address the potential alternatives by way of additional information. The applicant is also requested to consult with the Roads and Economic Development regarding the feasibility of locating a pedestrian crossing here and legal consent to provide same as part of the proposed planning application.

Response

The applicant has proposed to provide a reservation to the front of their site for a public footpath to be built in the future.

Assessment

The Roads Department has made a recommendation in writing, and this has been supplemented by interdepartmental discussions.

The lands immediately to the east have recently been zoned for residential development in the new South Dublin County Development Plan 2022 - 2028, which will be effective from 2nd August 2022 and may come forward for redevelopment in the lifetime of the Plan.

In this context and noting the proximity of an existing crossing, the emerging change in the road and the pedestrian desire lines to the east, it is considered appropriate and in the interest of the proper planning of the area to require the delivery of the footpath to the front and a full footpath connection to the pedestrian crossing east of the site is provided and that this be a **condition** prior to occupation of the site in accordance with the permission. The proposed development is considered to require this pedestrian infrastructure to be in place.

Item 3

The Roads Department has sought design changes to ensure that a fire tender can access the rear of the site. In the event of permission being granted, a Fire Safety Certificate will be required. The applicant is requested to comment on this aspect of the proposal. The applicant should show consideration of this by way of additional information and provide revised plans if necessary. If the applicant is of the view that the layout as proposed would receive a fire safety certificate, no alteration to the plans is necessary.

Response

The applicant has provided swept path analysis showing fire tender access and a grasscrete turning circle to the rear.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Response

The applicant has provided revised engineers drawings and reports, and these have been assessed by the Environmental Services Department.

Assessment

The Environmental Services Department has stated no objection. This is acceptable.

Item 6

The Bat Assessment Report recommends some mitigation measures which may impact on the design of the scheme. The applicant is requested to illustrate or comment on the implications of the 'Dark Skies' area and lighting requirements recommended in the report.

Response

The applicant details some of the measures to be taken in accordance with the bat report:

- Inclusion of 2no 1FF Schwegler bat boxes, in locations noted on the FKP Site Plan P-100-C Set at a height of 3m above finished ground level minimum.
- Inclusion of lower lantern style lighting with a lux of 0.1lux above 3m. A lower colour temperature will be proposed in the construction in line with recommendations
- Areas of existing wilding and trees to be retained in the scheme and enhanced with species from the 'All-Ireland Pollinator Plan' list.

Assessment

The above measures as set out in the applicant's response and site layout plan are acceptable and should be **conditioned**.

Item 7

The Architect's Design Statement provides a number of CGI images in section 16. These images show the proposed development from inside the site. It would be useful to view similar images of the development as seen downhill from the Elder Heath estate. The removal of mature trees on the site will impact the landscape character at this site, which is in a transitional area between urban South Dublin and the Athgoe and Saggart Hills landscape areas. The applicant is requested to provide relevant images and commentary via additional information.

Response

The applicant has provided some 3D imagery on drawing no. 900.

Assessment

The images provided do not satisfactorily show the full effect of the development, but it is noted that significant tree cover is retained in the area. Response is acceptable.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

change of use would be exempted development or not. It should be noted that there is no obligation on the applicant to apply for a Section 5 declaration under the 2000 Planning Act regarding exempted development.

The applicant is requested to provide additional information to clarify. The submission should include information on the number of rooms, number of staff, and the capacity of the hostel to aid the assessment of the subject application.

Response

The applicant states that the use of the existing dwellinghouse is in line with Class 14(f) exempted development as set out in the second schedule of the Planning and Development Regulations 2001 as amended. Class 14(f) reads as follows:

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Assessment

The response is acceptable. This permission does not formalise the change of use (as permission for it has not been sought). The applicant has an option of an Exempted Declaration by way of a separate process.

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 AA is not required.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

plans, particulars and specifications lodged with the application, and as amended by Further Information received on 2nd June 2022, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Pedestrian Footpath.

Prior to commencement of development or as otherwise agreed in writing with the Planning Authority, the applicant shall agree in writing the final layout of a pedestrian footpath (of minimum width 1.8m, unless otherwise agreed in writing) to be provided to the front of the site and continuing to connect to the existing pedestrian crossing to the east of the site. The footpath to the front and connecting to the east shall be delivered prior to occupation of the independent living units.

REASON: In the interest of sustainable movement, traffic safety, pedestrian safety and the proper planning and sustainable development of the area.

3. Independent Living Units.

The independent living units shall not be separately sold and the site shall not be subdivided for private use, nor used for a commercial purpose, subject to any future planning permissions. The units and site shall be managed by a registered Approved Housing Body or another Housing Authority as otherwise agreed in writing with the Planning Authority.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Public Lighting and Landscape Plan.

a). Prior to the commencement of development, the applicant shall agree in writing an integrated public lighting scheme and Landscape Plan with the Planning Authority. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.

b). The Public Lighting scheme, the footpath design and the Landscaping Plan shall be integrated and agreed with the Planning Authority.

c). The site shall be landscaped in accordance with a comprehensive landscape plan, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the following:

A. A Landscape Masterplan to scale of not less than 1:500 showing –

- i. The species, variety, number, size and locations of all proposed planting
- ii. Details of Hard landscape works, specifying surface material and furniture
- iii. Details of natural SuDs features
- iv. Details of proposed play provision
- v. Detailed Sections and Elevations

B. Specifications for mounding, leveling, cultivation and other operation associated with plant and grass establishment

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €50,000 with the Planning Authority.

The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: To ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

8. Tree Protection and method statement pre-commencement

No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS. The AMS shall include full details of the following: a) Timing and phasing of Arboricultural works in relation to the approved development. b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works. c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 g) Details of the arrangements for the implementation, supervision and monitoring of

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

11. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

12. Access, Transport and Parking.

(a) Prior to commencement of development a developed Construction & Demolition Waste Management Plan shall be agreed in writing with the Planning Authority.

(b) Prior to commencement of development a Construction Traffic Management Plan shall be agreed in writing with the Planning Authority.

(c) All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

REASON: in the interest of traffic and pedestrian safety.

13. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

14. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0290

**LOCATION: Combined sites of 'The Priory' and 'Leabeg', Kiltipper Road, Old Bawn,
Dublin 24**



**Sarah Watson
Executive Planner**



Eoin Burke, Senior Planner

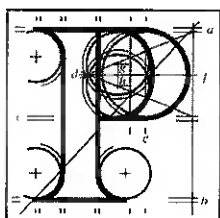
ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date:

29/6/22



**Mick Mulhern, Director of Land
Use, Planning & Transportation**



An
Bord
Pleanála

Inspector's Report ABP-308540-20

Question

Whether the change of use from residential use to a hostel for homeless accommodation, is or is not development or is or is not exempted development.

Location

15/17, Lower Drumcondra Road,
Dublin, 9

Declaration

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

0313/20

Applicant for Declaration

Anthony Corbett

Planning Authority Decision

Is exempted development

Referral

Referred by

Anthony Corbett

Owner

Brimwood Ltd.

Observer

None

Site Inspection

16th February 2021

Inspector

Máire Daly

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation within the report of the Executive Planner (September 2020), reflects the declaration issued by the planning authority and can be summarised as follows:

- The planning officer expands on the description of the question at hand, stating that the applicant seeks a declaration as to 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.
- The declaration request was split into two queries and was addressed as follows:

a) Is or is not development

The planning officer outlines the definition of 'development' under Section 3(1) of the Planning and Development Act 2000 as:

"The carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land".

Based on the information provided the planning officer was satisfied that works had occurred which involved altering the property to increase the number of bedrooms from 17 to 21 bedrooms, with 40 bedspaces together with an increase in the number of shower rooms for the facility.

The planning authority was satisfied that the works undertaken to the property would constitute development insofar as the carrying out of works on the land has occurred. The report went on to further state, that the planning authority was further satisfied that a material change of use of the land had occurred such that a change of use from residential (Class 1) to hostel (Class 9 - hostel where care is provided) had occurred.

Carmelite Monastery, Firhouse Road, Dublin 24, is development and is exempted development.

- ABP Ref. 301688 – in February 2019 the Board decided that the conversion of the premises at Nos.57, 59 & 61 Cabra Road (Protected Structure) which was in use as a nursing home, to a supported homeless accommodation facility is development and is exempted development.
- ABP Ref. PL86.RL3032 – in March 2013 the Board decided that the amalgamation of Nos.5 & 6 Kilmantin Hill, Wicklow Town, into one unit and their change of use to a temporary accommodation centre for homeless persons is development and is not exempted development;
- ABP Ref. PL68.RL2685 – in May 2010 the Board decided that the change of use of the first and second floors of a hotel at Nos.58 & 59 Main Street, Longford, to a hostel to accommodate refugees is development and is not exempted development;
- ABP Ref. PL79.RL2503 – in August 2008 the Board decided that the refurbishment and change of use of a residential unit at 56 Mitchel Street, Thurles, County Tipperary, for use as emergency accommodation for not more than six persons deemed to be homeless is development and is exempted development;

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is zoned Z2 Residential Neighbourhoods (Conservation Area) with a stated objective '*to protect and/or improve the amenities of residential conservation areas.*'
- 5.1.2. Permissible Uses include '*Buildings for the health, safety and welfare of the public*' and '*residential*' among others, but do not specifically include '*hostel*', however '*hostel*' is referred to under the '*land-use definitions*' outlined under Appendix 21 below.
- 5.1.3. **Appendix 21, Section 21.1** provides Land-Use Definitions and outlines the uses of *Buildings for the Health, Safety or Welfare of the Public* as follows:

concentration of such uses, nor undermine the existing local economy, the resident community, the residential amenity, or the regeneration of the area.

All such applications for such uses shall include the following:

- A map of all homeless and other social support services within a 500 m radius of application site*
- A statement on catchment area, i.e. whether proposal is to serve local or regional demand*
- A statement regarding management of the service/facility.*

5.2. Natural Heritage Designations

5.2.1. None relevant.

6.0 The Referral

6.1. Referrer's Case

6.1.1. A submission was made by the referrer (seeking a review by the Board of the planning authority declaration) dated 27th October 2020, and can be summarised as follows:

- The planning authority 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). The case should have been referred to An Bord Pleanála (ABP) under Section 5(4) of the P&D Act 2000-2020.
- ABP should overturn DCC's Declaration on the basis that the change of use that occurred in April and May 2020 is development and is not exempt development on the basis that there was a material change in the planning use on the premises from residential use to a hostel where care is provided.
- DCC has presented no rationale or explanation for its decision in its planning report.
- The properties at 15-17 Drumcondra Road Lower were in operation as multi-unit residential accommodation up until approx. Feb 2020.

zoning objective and also DCC's policy to prevent over concentration of institutional hostel accommodation, homeless accommodation and social support institutions.

- Internal changes have been implemented which have increased the number of bedrooms (or units) from 17 to 21 bedrooms and the provision of 40 bedspaces – having regard to Section 4(1)(h) it is apparent that the works affect only the interior of the structure and do not materially affect the external appearance of the structure.
- The referrer states that the established use of the premises is residential and the new use is Hostel under Class 9(a) and highlights that Part 4 of the Second Schedule of the regulations deals with exempted development and classes of use under Article 10. The referrer then goes on to reference a number of recent cases relating to change of use:
 - Referral Case at Mount Argus (DCC Ref. 0369/19) - This case highlights the change of use within Class 9 and without increase in intensity (i.e. additional bedrooms) is exempt. The referrer states that this clearly does not apply in the current case as there is an increase in bedrooms provided.
 - Referral Case at Westbrook House, Gort Road, Ennis Co Clare (ABP Ref. PL03.307064) - The Board in this case overruled its inspector's recommendation and found that a material change of use had occurred. The referrer draws similarities between this case and the current case and notes that the property was purchased by Clare County Council and was under management of Midwest Simon.

The referrer states that the Board's direction is particularly instructive stating *'the current use does not therefore come within the scope of Class 6 of Part 4 of the Second Schedule of 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, namely the provision of residential accommodation and care to people in need of care'*. The Board stated that *'the current use therefore constitutes a change of use*

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 - 2022 without observing due process (including public consultation).
- The referrer also states that they believe that intensification of use has occurred, as internal changes have been implemented which have increased the number of bedroom units from 17 to 21 units and the provision of 40 bed spaces.
- The referrer invites ABP to overturn DCC's declaration and confirm that the proposed hostel use 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 Rd Lower is a hostel for homeless accommodation defined under Class 9 of the Planning Regulations and fundamentally the Regulations accept the planning consequences of change of use from residential to a 'hostel where care is provided is a material change of use' and ABP's declaration under PL-03.307064 unequivocally confirms this finding.

6.2. Planning Authority Response

- The planning authority did not respond to the referrer's submission.

6.3. Owner/ occupier's response

6.3.1. A response to the referral was received on 30th November 2020 from the agent for the property owner. The owner sought to address the issues raised and provided background information on the subject site and evidence of a contract with DCC and the DRHE. The following salient points are made:

- The subject site was previously used as a long-term multiple unit residential building before being converted to a 21-bedroom house with kitchen, dining room and bathroom facilities. (Reference to drawings is made, however none

a period of 5 years under a commercial agreement between the DRHE and the property owners Brimwood Limited has been agreed. The property is to be managed directly by the owners under a commercial arrangement whereby the property is made available to accommodate 40 single adults requiring accommodation, who are experiencing homelessness, until alternative longer term housing solutions via social housing or HAP are available for them. The property is to be managed by staff on site 24/7. The average length of time an individual will reside there is envisaged to be between three and six months. This letter also states that the property is not a hostel and that there will be no NGO involved in the management.

- This letter also states that management have met with the owner of the neighboring house on the 14th of May 2020 and further meetings with a wider group of residents was being arranged at the time. The letter states that it was not practical or prudent to initiate local consultation on such projects prior to acquiring or leasing such properties because without doubt it would quickly become a very controversial and divisive issue and put such projects in jeopardy.
- The owner states that the works to the property were carried out as a prerequisite for the contract agreed between DHRE and Brimwood Ltd. and it is clearly in line with Section 4(1)(f) and also the Act does not state that a local authority cannot avail of the exemption unless they act as the developer (as the referrer suggests).
- The owner notes the referrer's argument that the development cannot avail of Article 80(1)(k) of the P&D Regulations 2001, as amended, as the lease of the property exceeds €126,000. The owner states that in a legal opinion prepared by Kevin Bell B.L it was noted that the Regulations are secondary legislation and are therefore limited in their powers over the Act. The Barristers opinion regarding this case has been attached to Appendix B of the submission. The case of Carman's Hall Community Interest Group v. DCC [2017] IEHC 544 was examined in this case.
- In addition it is submitted that the proposed use of the entirety of No.15/17 Drumcondra Road Lower in long term residential use is considered to be

the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structure's; and

- 7.1.4. **Section 4(2)** of the Act provides that *'the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001, as amended'*.

7.2. **Planning and Development Regulations, 2001 (as amended)**

- 7.3. **Article 5** states "care" means personal care, including help with physical, intellectual or social needs;

- 7.4. **Article 6 (1)** states:

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.

- 7.5. **Article 10 (1)** states:

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 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.

- 7.6. **Part 1 of Schedule 2** sets out exempted development class for exempted development general to which Art 6(1) refers:

Change of use

8.2.2. Section 3 (1) of the Planning and Development Act, 2000 (as amended) states that 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 over land*”. Based on the information provided works have occurred internally to increase the number of bedrooms from 17 to 21 bedrooms and this includes for an associated increase in the number of shower rooms for the facility. In addition it can be seen that since the most recent available Street View imagery (dated September 2019, source: Google Maps) improvement works have been carried out to the front of the building and the windows have been replaced on the front elevation and painting of the building has also occurred. In the case of the items that are the subject of this referral, it is quite evident that they involve the carrying out of works and hence constitute development insofar as the carrying out of works on the land has occurred within the meaning of the Act.

8.2.3. The subject site was until recently used as a long-term multi-unit residential building. Following an examination of the information submitted by the agent acting on behalf of the property owner (received by the Board on 30th November 2020) I note that a contract was agreed between the property's owner (Brimwood Ltd.) and the Dublin Region Homeless Executive (DRHE) for a period of 5 years and that under this agreement the building would be used for the provision of emergency accommodation for single homeless adults (40 individuals in total). It is also confirmed that the property has been used as such since the 1st May 2020.

8.2.4. Section 3 of the Planning and Development Act, 2000, requires that in order for change of use to constitute development, it must be a material change of use. There is no statutory definition of ‘material change of use’; however, it is linked to the degree of a change and the associated impacts which are determined on the individual merits of a case. I note the test proffered by Barron, J in *The County of Galway v Lackagh Rock Ltd* [1984 21 MCA] in the determining of whether or not a material change of use has occurred. In this case, Barron, J considered that ‘*in determining whether or not a present use was materially different from a use being made on the appointed day one must look at matters which the planning authority would take into consideration if a planning application were made on both dates and if these matters were materially different then the present use must be equally materially different.*’

DRHE/DCC and the property owner Brimwood Ltd., however details of the contract are not publicly available for commercial sensitivity reasons.

8.3.3. The planning officer in their report makes reference to a change of use from Class 1 (residential) to Class 9 (hostel where care is provided)(or accommodation for homeless person) but provides no examination of these classes or the change of use between same.

8.3.4. The referrer argues that the development (material change of use) does not fall within the scope of any exemptions on development provided for under the Planning Act or the Regulations. He states that the previous use on site was residential use in the form of a multi-unit residential building and that this has now changed. The property owner contests this however stating that under the contract between the owner and the DRHE the building continues to be used as a long-term residential building and that as the use of the building has not changed, planning permission for change of use is not required in this instance.

8.3.5. Article 10(1) of the Regulations states that development, which consists of a change of use within one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act. Therefore, the change from one use to another within the same use class does not require planning permission. In terms of the exemption claimed, I have examined the use in terms of the provisions set out under of Articles 5, 6, 9 and 10 the Regulations, including Parts 1 and 4 of Schedule 2 to the Regulations. The only exemption under Part 1 of Schedule 2 in relation to 'Change of use' which may be of relevance is listed under Class 14 (e) *'from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons'* with listed conditions and limitations *'The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2'*. I note under Article 5 (1) *"care" means personal care, including help with physical, intellectual or social needs'*. However, having examined this exemption in light of the current case this is not considered relevant, as the current residence/accommodation for the homeless is not limited to 6 persons (40 residents has been detailed in the submission received) and therefore this class has been ruled out from further consideration.

- 8.4.2. In my opinion the interpretation of Section 4(1)(f) in this case requires an examination of the zoning on site, as well as an examination of any other policies within the Dublin City Development Plan 2016-2022, that may restrict the nature of the development on site. This is further investigated in the sections below.
- 8.4.3. The submission made on behalf of the property owner states that the current use on site, remains as 'residential' use and is therefore within the parameters of Z2 zoned lands and is listed as a 'permissible' use. The referrer raises issues regarding the Z2 zoning on the subject site and argues as part of his submission that while residential use is permissible, a 'hostel' use is not listed under either 'permissible' or 'open for consideration' under the zoning objective.
- 8.4.4. I do not share the referrer's conclusion on the above and also note the use of the word 'hostel' in this case. In my opinion the use on site should be referred to as a hostel for the provision of homeless accommodation or as Dublin City Council describe it within Appendix A of the property owner's response submission 'the provision of emergency accommodation for single homeless adults', in any case this can be classified as a use where care is provided. I would refer the Board to the list of 'permissible' uses stated under Z2 which includes '*Buildings for the health, safety and welfare of the public*'. Appendix 21, Section 21.1 of the Development Plan provides Land-Use Definitions and outlines the uses of Buildings for the Health, Safety or Welfare of the Public as follows:

Use of a building as a health centre or clinic or for the provision of any medical or health services (but not the use of a house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose), hospital, hostel (where care is provided), retirement home, nursing home, day centre and any other building for:

- *The provision of residential accommodation and care to people in need of care (but not the use of a dwelling house for that purpose).*

Therefore, in my opinion the use as a '*hostel (where care is provided)*' '*for the provision of residential accommodation and care to people in need of care*' is covered under this use and therefore acceptable under this land-use zoning objective Z2.

the local authority to undertake development in contravention of its own development plan. Therefore Section 4(1)(f) is limited by the operation of Section 178 of the Act. While I note that some consultation has occurred with surrounding landowner regarding the development (accommodation for the homeless) and some details in relation to the management of the facility has been outlined in the property owner's submission, this is not considered sufficient to address the requirements outlined under Policy QH30 or Section 16.12 of the current Dublin City Development Plan 2016-2022. While the property owner's submission makes reference to the previous determination made by the Board under ABP. Ref. 303392-19, I note that this determination was made under a different local authority and therefore a different development plan and its associated policy. The current case and the High Court judgement above in the case of Carman's Hall have many similarities most notably that they both query the same use in connection with the provision of homeless accommodation and both fall under the jurisdiction of Dublin City Council and the current Development Plan 2016-2022.

8.5. Conclusion

- 8.5.1. In conclusion what has been determined under this referral is that the current use as accommodation for the homeless, which falls under Class 9 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, constitutes a change of use from the former exclusively residential use, and in my opinion this constitutes a material change of use by reason of providing a different service, to a different user group and 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. In view of the foregoing, I am of the opinion that the works carried out constitute development, that is not exempted development and no restrictions can be reasonably applied.

8.6. Restrictions on exempted development

- 8.6.1. There are no other exemptions available for this material change of use within existing legislation.

8.7. Environmental Impact Assessment

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1), 3(1), 4(1)(f), 4(1)(h) and 178 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended
- (c) Class 14 (e) of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended,
- (d) Class 9, of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended,
- (e) The definition of 'care' as set out in Article 5 of the Planning and Development Regulations 2001, as amended
- (f) the provisions of the Dublin City Development Plan 2016-2022,
- (g) the submissions on file, and
- (h) the planning history of the site, the nature of the uses previously and currently on site and the pattern of development in the area.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the change of use from a multi-unit residential accommodation use on site comprising 17 bedrooms to the current use on site as accommodation for the homeless comprising of 21 bedrooms with 40 bed spaces constitutes development;
- (b) the current use constitutes a change of use from residential use to a use for the provision of residential accommodation and care to people in need of care as defined under Class 9 (a) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which is a material change of use by reason of providing a different service to a different user group;

Appendix E

November 2022

Appendix D

Contents

1.0	Introduction	3
2.0	Proposed Development	5
3.0	Development Site	6
4.0	Grounds of Appeal	7
5.0	Summary	9

Appendices

- A. Planning Appeal Form
- B. Decision Notice
- C. Receipt of Submission

1.8 The appeal is set out as follows:

1. Introduction
2. Proposed Development
3. Development Site
4. Grounds of Appeal
5. Summary

3.0 Development Site

- 3.1 The development site comprises two individual properties – ‘the Priory’ and ‘Leabeg’. These are described by the applicant as two ‘rural housing sites’. ‘Leabeg’ is currently vacant, however ‘the Priory’ has been in use for an extended period as a homeless hostel. No planning permission has ever been secured for the change of use of ‘the Priory’ from a residential dwelling to a hostel for homeless accommodation. We note, in this regard, that An Bord Pleanála has determined, in recent precedent, that such a change of use is ‘material’ and requires planning permission¹⁰.
- 3.2 The site is adjoined by private residential properties to the east and west on Kiltipper Road, and to the south on Ballymana Lane. As noted previously however, a HSE care facility lies further to the west on Kiltipper Road, within a converted dwelling house.
- 3.3 With the expansion of the existing hostel facility that is being proposed in close proximity to this HSE facility, the residents of the area are concerned that there is a significant over-concentration of sheltered housing/care facilities emerging in a location – remote from local services and facilities and with poor transport and pedestrian infrastructure – that is ill-equipped to cater for it.
- 3.4 Under the recently adopted County Development Plan the site of the proposed development is zoned ‘RES’, ‘to protect and/or improve residential amenity’¹¹. The residents of the area have, unfortunately, experienced anti-social behaviour emanating from the existing hostel and do not consider that the concentration of homeless accommodation that is being proposed in the area will protect and/or improve their residential amenity.
- 3.5 It should also be noted that the section of Kiltipper Road along which the site is located is clearly dangerous, with no footpaths, a blind corner and inadequate sightlines. We note that the Council helpfully proposed - in its extensive Request for Further Information - a number of design solutions to enhance pedestrian safety. None of these have been provided by the development proposal, and the Council has gone on to accept sightlines well below the *reduced* standard of 65m that it previously stated to be acceptable here. It should be noted that the achievement of these reduced sightlines appears to require a significant amount of hedgerow loss. The Roads Department notes that the relaxation of sightline standards in this case is acceptable “*due to the fact that this part of the road is currently being upgraded*”. No detail of this upgrade, or of how the proposal integrates with it, has been set out, and the residents wish to re-state, in the strongest terms, their previously expressed concerns regarding pedestrian and traffic safety.

¹⁰ ABP-308540-20

¹¹ A change from the original Draft Plan ‘RU’ (‘Rural Amenity’) zoning

i.e. 'use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons', limited to 6 residents and 2 resident carers. No evidence has been provided that the occupancy of the building is in line with this, yet South Dublin County Council has simply accepted – with no further assessment or interrogation – that the *"use of the existing dwellinghouse is in line with Class 14(f)"*. This is not acceptable. Planning assessment and decision-making must be based on evidence. The applicant must, accordingly, provide *evidence* as to the ongoing occupancy and use of the Priory.

4.3 Operational Detail

4.3.1 There is very little detail provided in the submitted material as to the day-to-day operation and management of the expanded facility. It is clear that the Priory building will serve as the administrative hub for the site, and that the existing bus service for residents will be expanded (albeit no detail of this service is provided). Beyond this however, residents are left with no information as to how the facility will operate. Multiple questions arise, e.g.

- How many staff will be required?
- What will the maximum capacity of the new, expanded facility be?
- Will the facility be staffed on a 24-hour basis?
- What services will be provided on site?
- What traffic movements are projected, and at what times?
- How will the expanded private bus service operate?

4.3.2 Such questions are all relevant planning considerations for local residents but have not been addressed in the assessment of the application.

4.3.3 As noted previously, local residents have not been engaged with by the applicant at any stage and, as a consequence, have valid questions and concerns as to how the proposed facility would operate. These have not been addressed by the submitted application or the Council's assessment of same.

4.4 Traffic Safety

4.4.1 The Residents' Association, based on its own experience of this section of Kiltipper Road, has serious concerns regarding the pedestrian and traffic safety implications of the proposed development. The sightlines being proposed are an obvious concern, and there is no indication that the proposal has been designed to integrate with forthcoming road improvements for the area.

4.4.2 Furthermore, the footpath provision that is required by condition does not appear to be achievable, as the land required for it is not in the control of the applicant, and the road itself is – we understand – proposed to be widened in this section.

Appendix E

Local Authority	Project Name	Service Provider	Initial 2019 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
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Category 3 - Long-Term Supported Accommodation

Local Authority	Project Name	Service Provider	Initial 2019 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DCC	Talbot House, AIDS Fund	AIDS Fund	€151,523		€148,552
DCC	Cork St	Sophia Housing	€440,285		€604,030
DCC	Stanhope Green	Focus Ireland	€224,506		€226,256
DCC	Back Lane	DePaul Trust	€785,763		€815,314
DCC	Sundial House	DePaul Trust	€804,860		€803,059
DCC	Chester House	Dublin Simon	€365,625		€382,808
DCC	Riversdale	Dublin Simon	€428,564		€442,044
DCC	Sophia, Sean McDermott Street	Sophia Housing	€359,432		€355,456
SDCC	Fortunestown	Sophia Housing	€115,941		€137,112
DCC	York House	Salvation Army	€960,601		€995,226
DCC	Dorset St	Dublin Simon	€259,248		€291,453
DCC	Canal Rd	Dublin Simon	€211,324		€206,257
DCC	Georges Hill	Focus Ireland	€504,257		€605,224
DCC	Oak House	Dublin Simon	€318,838		€392,091
SUB TOTALS			€6,611,926	€0	€7,155,080

Category 4 - Day Services

Local Authority	Project Name	Service Provider	Initial 2019 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DCC	Housing, Information, Welfare & VRC	Crosscare	€475,443		€727,690
DCC	Capuchin Day Centre	Capuchin Day Centre	€368,658		€360,641
DCC	Merchants Quay	MOI	€882,413		€1,100,200
DCC	Merchants Quay, Nite Café	MOI	€1,300,272		€1,558,858
DCC	Open Access Coffee Shop	Focus Ireland	€853,540		€1,115,473
DCC	Focus Ireland, South Dublin Information	Focus Ireland	€157,810		€163,380
DCC	Ana Liffey	Ana Liffey	€307,762		€74,764
SUB TOTALS			€6,372,298	€0	€5,100,207

Category 5 - Housing Authority Homeless Services Provision Including Administration

Housing Authority Provided Preventative Homeless Services

Local Authority	Project Name	Service Provider	Initial 2019 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DLRD	Placefinder Officer	DLRD	€50,000		€76,410
DCC	Park Gate Hall - Prevention Officers/Place Finders	DCC	€389,359		€339,678
SUB TOTALS			€439,359	€0	€416,088

Other Housing Authority Services Including Administration

Local Authority	Project Name	Service Provider	Initial 2019 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DCC	National PASS Office	DCC	€610,147		€626,555
DCC	Dublin Region Homeless Executive	DCC	€3,149,657		€3,910,261
DCC	DCC Placement	DCC	€1,783,472		€1,729,485
DLRD	DLRD Placement	DLRD	€253,102		€239,934
FCC	Fingal Placement	FCC	€283,758		€293,349
SDCC	SDCC Placement	SDCC	€340,079		€358,619
DCC	Inspections (Night Bus Service)	DCC	€121,716		€11,528
DCC	Freephone Helpline	DCC	€801,357		€639,897
DCC	NAG Project	Peter McVeery Trust	€52,220		€59,742
DCC	Parkgate Hall - Homeless Services	DCC	€919,611		€1,503,683
SUB TOTALS			€8,919,119	€0	€7,772,914

TOTALS	€164,191,797	€22,109,850	€176,334,592
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I hereby certify that this statement of expenditure relates to the homeless services programme for the Dublin Region and that the delegated 'Section 10' Exchequer funding allocation is used for the sole purpose of expenditure incurred on this homeless services programme:

Director of Finance p.p. Baker

Date 06/02/20

A/ Director of Housing Mary Flynn

Date 7/2/20

DCC	16 North Richmond Street	Peter McVerry Trust	€90,000	€62,500	€82,500
SDCC	Prospect House	Peter McVerry Trust	€95,000	€128,000	€130,173
SUB TOTALS			€41,927,296	€37,020,685	€37,129,650

Category 2 - Unscheduled Emergency Accommodation including Commercial Hotels and B&Bs

Local Authority	Project Name	Service Provider	Initial 2020 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DCC	Private Emergency Accommodation - Families	DCC	€11,365,409	€11,428,335	€11,419,283
DCC	Private Emergency Accommodation	DCC	€17,005,869	€18,706,882	€19,292,349
DCC	Hotels	Hotels	€55,076,597	€36,384,299	€35,115,033
DCC	Adverse Weather Responses	DCC	€2,300,000	€1,791,949	€568,087
SUB TOTALS			€85,749,875	€68,311,165	€66,438,752

Category 3 - Long-Term Supported Accommodation

Local Authority	Project Name	Service Provider	Initial 2020 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
SDCC	Fortinstown	Sophie Housing	€137,112	€137,112	€137,112
DCC	Bru na Bhiann	Bru na Bhiann	€350,368	€279,829	€279,829
DCC	Granby Centre	Salvation Army	€1,289,869	€1,189,868	€1,289,869
DCC	Talbot House, AIDS Fund	Aids Fund	€100,000	€55,598	€55,598
DCC	Cork St	Sophie Housing	€527,000	€567,252	€567,250
DCC	Stannhope Green	Focus Ireland	€225,756	€226,756	€225,756
DCC	Back Lane	DePaul Trust	€874,324	€871,312	€871,315
DCC	Sungate House	DePaul Trust	€889,169	€880,334	€872,541
DCC	Chesnut House	Dublin Simon	€392,808	€352,808	€332,808
DCC	Riversdale	Dublin Simon	€442,044	€502,787	€502,787
DCC	Sophie, Sean McDermott Street	Sophie Housing	€355,456	€375,000	€375,001
DCC	York House	Salvation Army	€984,315	€988,220	€988,221
DCC	Donnet St	Dublin Simon	€780,560	€232,399	€226,204
DCC	Canal Rd	Dublin Simon	€205,140	€205,057	€198,856
DCC	Georges Hill	Focus Ireland	€555,840	€602,981	€602,981
DCC	Oak House	Dublin Simon	€1,195,216	€716,119	€654,944
DCC	Maple House	Dublin Simon	€854,269	€790,380	€955,300
SUB TOTALS			€9,469,147	€9,013,817	€9,208,471

Category 4 - Day Services

Local Authority	Project Name	Service Provider	Initial 2020 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DCC	Housing, Information, Welfare & VRC	Crosscare	€477,722	€432,134	€455,735
DCC	Capuchin Day Centre	Capuchin Day Centre	€360,841	€348,556	€348,555
DCC	Merchants Quay	MOI	€1,100,000	€1,097,416	€1,097,416
DCC	Merchants Quay, Nita Café	MOI	€1,527,955	€474,651	€474,651
DCC	Open Access Coffee Shop	Focus Ireland	€934,395	€881,020	€876,421
DCC	Focus Ireland, South Dublin Information	Focus Ireland	€163,380	€163,380	€163,380
DCC	Anna Liffey	Anna Liffey	€80,700	€83,038	€80,457
DCC	Light House Drop In Service	Tiglin	€34,008	€34,000	€36,833
SUB TOTALS			€4,679,052	€3,419,355	€3,533,559

Category 5 - Housing Authority Homeless Services Provision including Administration

Category 5A Housing Authority Prevention Services

Local Authority	Project Name	Service Provider	Initial 2020 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DLRD	Placefinder Officer	DLRD	€100,000	€94,319	€65,711
DCC	Park Gate Hall - Prevention Officers/Place Finders	DCC	€316,842	€275,101	€253,465
SUB TOTALS			€416,842	€369,500	€325,676

Category 5B Other Housing Authority Services including Administration

Local Authority	Project Name	Service Provider	Initial 2020 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DCC	National PASS Office	DCC	€686,386	€665,341	€666,770
DCC	Dublin Region Homeless Executive	DCC	€3,488,705	€3,195,878	€3,165,909
DCC	DCC Placement	DCC	€1,497,723	€1,439,064	€1,239,172
DLRD	DLRD Placement	DLRD	€244,301	€440,340	€483,806
DCC	Findel Placement	DCC	€300,530	€394,282	€395,006
SDCC	SDCC Placement	SDCC	€205,074	€342,354	€368,806
DCC	Inspections (Night Bus Service)	DCC	€40,000	€8,000	€7,700
DCC	Freephone Helpline	DCC	€941,393	€346,495	€573,530
DCC	MAG Project	DCC	€65,570	€54,576	€54,576
DCC	Parkgate Hall - Homeless Services	DCC	€1,385,886	€1,430,805	€1,530,880
SUB TOTALS			€8,561,191	€8,518,145	€8,387,559

TOTALS	€185,936,053	€160,666,903	€158,765,284
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I hereby certify that this statement of expenditure relates to the homeless services programme for the Dublin Region and that the delegated 'Section 10' Exchequer funding allocation is used for the sole purpose of expenditure incurred on this homeless services programme:

Director of Finance pp. Ede Liffey

Date 05/02/21

A | Director of Housing Mary Flynn

Date 8/2/21

	Cabra Road	Peter McVerry Trust	€1,130,542	€1,130,542	€1,130,542
DCC	57 North Circular Road	Peter McVerry Trust	€370,274	€370,274	€370,274
DCC	5 Clonsilla Road	Dublin Simon	€317,556	€317,556	€317,556
DCC	77a St Stephens Green, STA	Peter McVerry Trust	€2,612,328	€2,612,477	€2,612,478
DCC	Longfields - STA	Dublin Simon	€420,071	€420,259	€420,864
DCC	The Spire	DePaul Trust	€2,978,025	€2,893,505	€2,917,942
DCC	Killdeer Road	Peter McVerry Trust	€420,000	€420,000	€420,000
DCC	Aldborough House	Peter McVerry Trust	€780,480	€780,480	€780,480
DCC	Crosswhite Park	Crosscare	€192,776	€178,309	€178,309
DCC	Whitestown, Castleknock	NOVAS	€522,520	€579,725	€604,145
DCC	Carrickbarnan, Dunedin	Peter McVerry Trust	€136,478	€136,478	€136,478
DCC	Avalon House	Peter McVerry Trust	€2,364,628	€2,273,465	€2,305,651
DCC	16 North Richmond Street	Peter McVerry Trust	€90,000	€90,000	€90,000
SDCC	Prospect House	Peter McVerry Trust	€96,000	€96,000	€96,000
DCC	Rungler Street	Peter McVerry Trust	€195,000	€195,000	€195,000
DCC	Thavens House	Peter McVerry Trust	€240,363	€227,686	€253,744
SUB TOTALS			€37,781,908	€36,198,465	€36,633,834

€420,000

Category 2C - Unscheduled - Emergency Accommodation including Commercial Hotels and B&Bs					
Local Authority	Facility Type	Description of Service	Initial 2021 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DCC	Private Emergency Accommodation - Families	Private Emergency Accommodation	€11,745,408	€12,586,514	€12,418,805
DCC	Private Emergency Accommodation	Private Emergency Accommodation Singles	€20,680,123	€22,169,984	€22,107,231
DCC	Hotels	Hotel Accommodation	€31,500,000	€19,306,718	€16,510,128
DCC	Adverse Weather Responses	Accommodation for extreme weather	€2,300,000	€2,715,214	€1,535,756
SUB TOTALS			€66,225,531	€56,778,431	€52,571,920

Category 3 - Long-Term Supported Accommodation					
Local Authority	Name of Facility	Service Provider	Initial 2021 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
SDCC	Fortunestown	Sophia Housing	€137,112	€137,112	€137,112
DCC	Bru na Bhlann	Bru na Bhlann	€289,520	€289,818	€290,819
DCC	Granby Centre	Salvation Army	€1,189,058	€1,183,869	€1,190,004
DCC	Talbot House, AIDS Fund	AIDS Fund	€92,736	€101,573	€101,573
DCC	Cork St	Sophia Housing	€567,252	€609,743	€609,743
DCC	Stanhope Green	Focus Ireland	€226,756	€238,094	€238,094
DCC	Back Lane	DePaul Trust	€77,151	€90,332	€90,332
DCC	Sundial House	DePaul Trust	€880,334	€910,334	€910,335
DCC	Chester House	Dublin Simon	€392,808	€379,627	€366,935
DCC	Riverside	Dublin Simon	€502,787	€494,578	€494,578
DCC	Sophia, Sean McDermott Street	Sophia Housing	€375,000	€415,848	€415,848
DCC	York House	Salvation Army	€988,220	€939,896	€939,896
DCC	Dorset St	Dublin Simon	€232,390	€225,952	€235,260
DCC	Canal Rd	Dublin Simon	€205,857	€224,342	€219,582
DCC	Georges Hill	Focus Ireland	€550,506	€614,959	€621,080
DCC	Oak House	Dublin Simon	€716,119	€671,745	€676,912
DCC	Hopie House	Dublin Simon	€690,380	€743,985	€788,540
DCC	Mountjoy Family Centre	Focus Ireland	€262,000	€262,000	€262,000
SUB TOTALS			€9,416,105	€9,551,607	€9,798,642

Category 4 - Day Services					
Local Authority	Project Name	Service Provider	Initial 2021 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DCC	Housing, Information, Welfare & VRC	Crosscare	€407,651	€382,824	€620,035
DCC	Capuchin Day Centre	Capuchin Day Centre	€360,841	€350,841	€360,840
DCC	Merchants Quay	MQI	€1,097,416	€993,436	€1,097,416
DCC	Merchants Quay, Nita Café	MQI	€0	€0	€0
DCC	Coffee Shop	Focus Ireland	€881,020	€850,861	€630,861
DCC	Focus Ireland, South Dublin Information	Focus Ireland	€163,380	€171,549	€171,549
DCC	Ana Liffey	Ana Liffey	€83,038	€333,052	€333,156
DCC	Light House Drop In Service	Tilfin	€34,500	€34,000	€34,000
DCC	Berkley Street Day Services	Peter McVerry Trust	€122,500	€125,000	€122,500
SUB TOTALS			€3,149,846	€3,251,543	€3,376,328

Category 5 - Housing Authority Homeless Services Provision including Administration					
Category 5A - Housing Authority Prevention Services					
Local Authority	Project Name	Service Provider	Initial 2021 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DLRD	Placefinder Officer	DLRD	€84,319	€79,729	€78,897
DCC	Park Gate Hall - Prevention Officers/Place Finders	DCC	€275,181	€279,214	€271,709
SUB TOTALS			€369,500	€358,943	€350,606

Category 5B - Other Housing Authority Services including Administration					
Local Authority	Project Name	Service Provider	Initial 2021 Expenditure Estimate	Revised Expenditure Estimate (if applicable)	Total Annual Expenditure (to end of current reporting quarter)
DCC	National PASS Office	DCC	€721,192	€763,177	€780,755
DCC	Dublin Region Homeless Executive	DCC	€1,755,892	€3,413,688	€3,464,949
DCC	DCC Placement	DCC	€1,314,904	€1,231,941	€1,264,170
DLRD	DLRD Placement	DLRD	€395,536	€330,240	€322,992
FOC	Finpaf Placement	FOC	€376,963	€376,210	€367,068
SDCC	SDCC Placement	SDCC	€321,143	€394,088	€374,422
DCC	PSH Transport	DCC	€8,000	€10,000	€9,609
DCC	FreePhone Helpline	DCC	€547,967	€688,674	€616,734
DCC	MAG Project	DCC	€54,576	€56,209	€56,209
DCC	Parkgate Hall - Homeless Services	DCC	€1,346,253	€1,314,642	€1,495,342
SUB TOTALS			€8,843,448	€8,568,877	€8,746,280

TOTALS	€164,630,609	€151,271,817	€148,142,345
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I hereby certify that this statement of expenditure relates to the homeless services programme for the Dublin Region and that the delegated 'Section 10' Exchequer funding allocation is used for the sole purpose of expenditure incurred on this homeless services programme:

Director of Finance *PP. P. H.*
 Director of Housing *PP. Sheila Hennessy*

Date 09/02/21

Date 9/2/21

205,690,25
 1710,953
 €796,953

Peter McVerry Trust Company Limited By Guarantee
NOTES TO THE FINANCIAL STATEMENTS
for the financial year ended 31 December 2019

continued

Agency	Probation Service
Sponsoring Government Department	Department of Justice
Funding Programmes	Housing with Supports TRAIL
Term	Expires 31 December 2019
Total Funding received in the year	€90,000
Funding deferred	€16,250 b/f from 2018, €18,000 c/f to 2020
Total Funding in the year	€73,750
Expenditure in the year	€72,000
Received in the financial year	31 December 2019
Capital Funding	Nil
Restriction on use	Housing with Supports TRAIL
Agency	Ipas
Sponsoring Government Department	Department of Justice
Funding Programmes	JRS Ireland (PATHS)
Term	Expires 31 December 2019
Total Funding for services in the year	€48,137
Expenditure in the year	€48,137
Received in the financial year	31 December 2019
Capital Funding	Nil
Restriction on use	PATHS
Agency	Ipas
Sponsoring Government Department	Department of Justice
Funding Programme	Southern Region Resettlement Service
Term	Expires 31 December 2019
Total Funding received in the year	€380,625
Funding deferred for following year rec'd in advance	€65,625
Total Funding in the year	€315,000
Expenditure in the year	€315,000
Received in the financial year	31 December 2019
Capital Funding	Nil
Restriction on use	As per contract

2019

Appendix G

County Dublin

Part 1(B) - Property
Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares) :	Plan:	Folio No:
C						
C						

Land Registry

County Dublin

Folio 13263F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
001	<p>THE PROPERTY IS SUBJECT TO THE PROVISIONS PROHIBITING LETTING, SUBLETTING OR SUBDIVISION SPECIFIED IN SECTION 12 OF THE LAND ACT, 1965, AND TO THE PROVISIONS RESTRICTING THE VESTING OF INTEREST SPECIFIED IN SECTION 45 OF THE SAID ACT IN SO FAR AS THE SAID PROVISIONS AFFECT SAME.</p> <p>Cancelled D2016LR130182A 23-SEP-2016</p>
002	<p>THE PROPERTY IS SUBJECT TO THE SPORTING RIGHTS WITHIN THE MEANING OF THE IRISH LAND ACT, 1903 TO WHICH COLONELMERVYN CHALONER STEPHEN TYNTE WAS ENTITLED PREVIOUSLY TO THE SALE UNDER THE SAID ACT.</p>
003	<p>25 MAY 1979 R 4310/79 CHARGE FOR £8,000 AND SUCH OTHER SUMS AS MAY BECOME PAYABLE UNDER THE TERMS OF INSTRUMENT NO R.4310/79 REPAYABLE WITH INTEREST. THE IRISH PERMANENT BUILDING SOCIETY IS OWNER OF THIS CHARGE</p> <p>NOTE: CANCELLED 18/01/89, 89DN00918.</p>
004	<p>18 JAN 1989 89DN00918 CHARGE FOR THE PRINCIPAL SUMS STAMPED TO COVER £28,000 SPECIFIED IN INSTRUMENT NO 89DN00918 REPAYABLE WITH INTEREST. ICS BUILDING SOCIETY IS OWNER OF THIS CHARGE</p> <p>NOTE: CANCELLED 20/06/1994, 94DN12154</p>
005	<p>26 MAY 1994 94DN10333 CHARGE FOR PRESENT AND FUTURE ADVANCES STAMPED TO COVER £42,000 REPAYABLE WITH INTEREST. FIRST NATIONAL BUILDING SOCIETY IS OWNER OF THIS CHARGE.</p> <p>NOTE: SEE ENTRY NO. 6.</p> <p>NOTE: CERTIFICATE OF CHARGE ISSUED (RULE 156) 97CC4171</p> <p>NOTE: CERTIFICATE OF CHARGE RE ISSUED. INSTRUMENT NO. 97DN16143</p> <p>Cancelled D2002DN009886C 16-APR-2002</p>
006	<p>09 JUL 1997 97DN16143 THE CHARGE AT ENTRY NO 5 EXTENDS TO ADVANCES UP TO AND INCLUDING £67,000 BEING THE AMOUNT COVERED BY THE REVENUE DUTY IMPRESSED ON THE ORIGINAL DEED OF CHARGE DATED THE 20TH MAY 1994 A CERTIFIED COPY OF WHICH IS FILED ON INSTRUMENT NO. 97DN16143</p>