

PLANNING REPORT

(RFI Response – Updated Report)

Section 5 Application – Declaration of Exempted Development

The accommodation of persons seeking international protection at Clifton Court Hotel, 10-11 Eden Quay, Dublin 1, D01 V6F4 (A Protected Structure)

Dublin City Council

SUBMITTED IN JUNE 2025 ON BEHALF OF:
Forbairt Orga Teoranta Ltd.

85 Merrion Square, Dublin 2, D02 FX60
+353 (0)1 539 0710 info@hpd.c.ie www.hpd.c.ie

HUGHES
PLANNING
& DEVELOPMENT CONSULTANTS

1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have prepared this report to accompany an application for a Section 5 Declaration of Exempted Development, on behalf of Forbairt Orga Teoranta Ltd., in respect of the use of Clifton Court Hotel, 10-11 Eden Quay, Dublin 1. The proposed use, which is the subject of this Section 5 application is the temporary use of the property on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate persons seeking international protection. It is important to note from the outset that no works are being sought as part of this declaration, and this section 5 application relates to the use of the building only.

The question before the planning authority is:

“Whether the use of Clifton Court Hotel, Dublin 1, to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt development?”

We note that the definition of ‘international protection’ is as follows:

1. ‘International protection’, for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

Consequently, ‘International Protection’ is defined under the 2015 Act as:

- a) as a refugee, on the basis of a refugee declaration, or
- b) as a person eligible for subsidiary protection, on the basis of a subsidiary protection declaration;

Thereafter, for the purposes of this exemption, people under international protection shall be defined based on the above.

2.0 Site Description

The subject site, the Clifton Court Hotel, is located in Dublin City Centre, on the northern side of Eden Quay on the River Liffey.

The site is occupied by two buildings, one of which is four-storeys and one of which is five-storeys. The buildings comprise a pub and a Japanese restaurant on the ground floor units with the hotel rooms serving the Clifton Hotel in the upper floors. The site is bounded to the east by a school, to the west by a casino, to the south by Eden Quay, and to the north by Harbour Court. The building is a protected structure under RPS. 2483-2484 and the site is located within an Architectural Conservation Area and a Conservation Area.

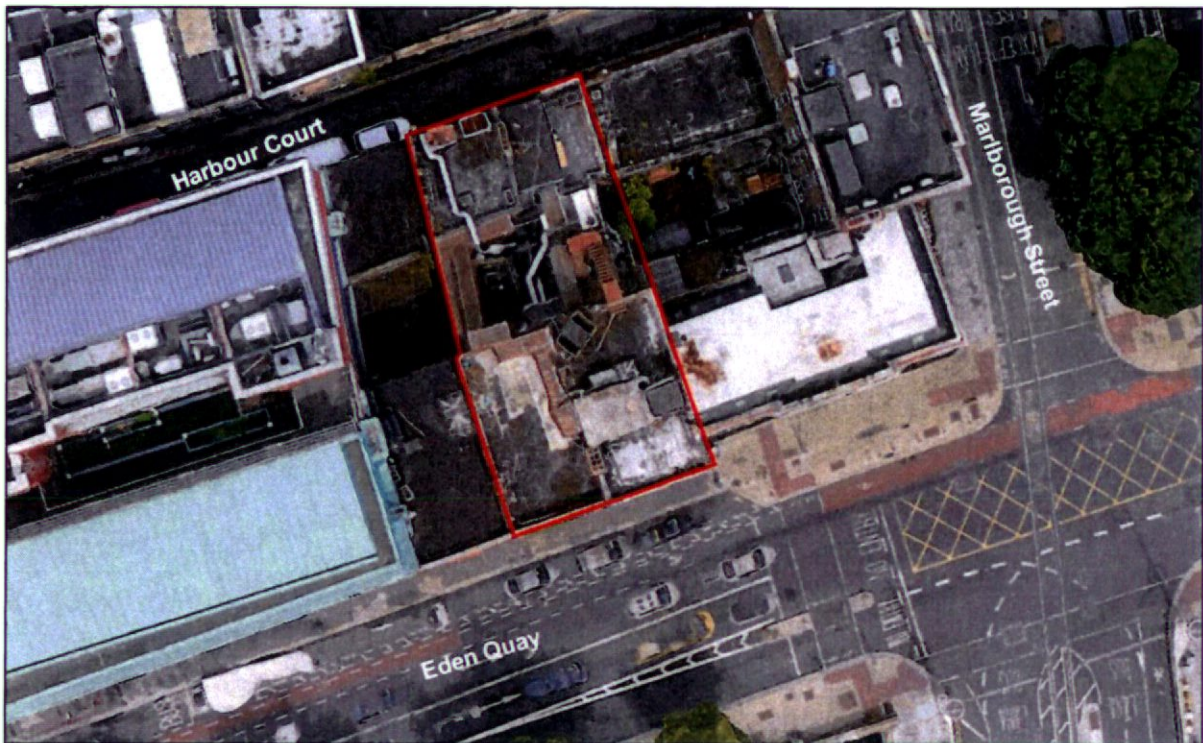


Figure 1.0 Aerial image showing the subject site (outlined in red).

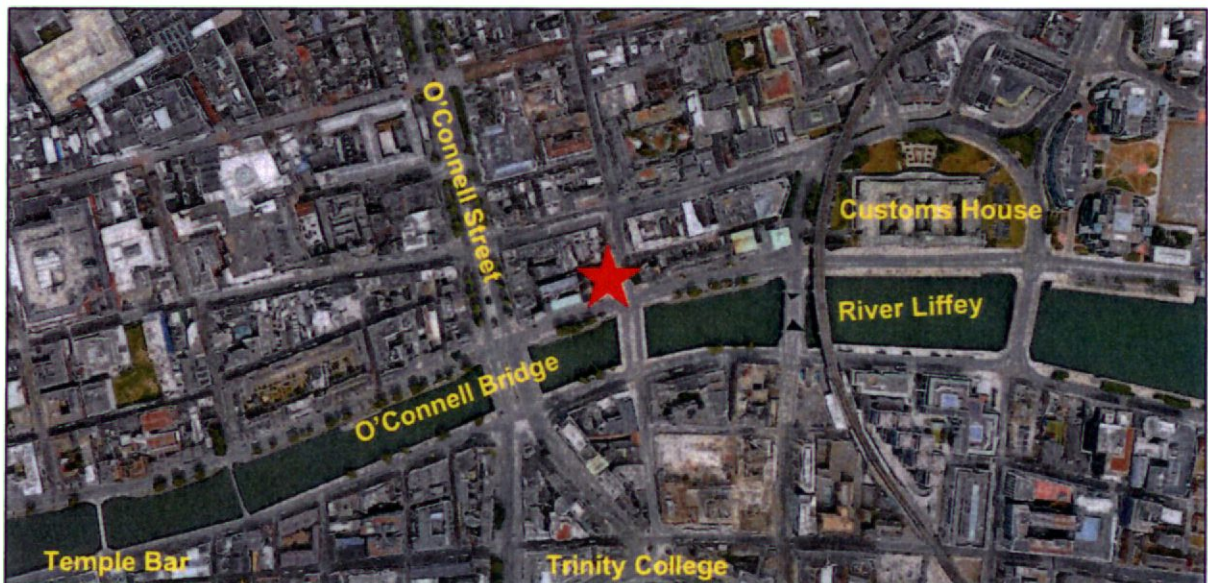


Figure 2.0 Aerial image showing the wider locational context of the subject site (red star).



Figure 3.0 Street view image of the subject site.

3.0 Planning History

A review of the Dublin City Council planning register revealed various historical planning application relating to the subject site which we note as follows.

3.1 Subject Site

Reg. Ref. 1681/93 Planning Permission was refused by Dublin City Council on 24th November 1993 for a 4th floor extension to provide additional 4 bedrooms forming extension to existing hotel.

ABP Ref. 29.N.092629 The refusal under DCC Ref. Ref. 1681/93 was subsequently appealed by the applicant where An Bord Pleanála upheld the decision of the planning authority and also refused permission on 20th April 1994.

- Reg. Ref. 0725/92** Planning Permission was granted by Dublin City Council on 28th May 1992 for Alterations comprising replacement of existing roof top fire escape and alterations to the rear elevation of no. 14 Harbour Lane.
- Reg. Ref. 1674/93** Planning Permission was granted by Dublin City Council on 30th November 1993 for A) Conversion of existing vacant accommodation at second and third floors to provide 14 additional bedrooms. B) Provision of escape enclosure over roof at no. 10 Eden Quay forming extension to existing hotel; C) Provision of link at first floor level. D) Provision of awnings to front elevation.
- Reg Ref. 2243/01** Planning Permission was granted by Dublin City Council on 19th September 2001 for (a) Internal alternations/refurbishment of existing basement/ground and first floor licensed bar/function/ restaurant areas (b) Alterations to front elevation and removal of existing shop front and restoration/ remedial work to existing original stonework (c) New signage and external lighting all located at The Clifton Court Hotel(Protected Structures) and associated buildings to the rear at Harbour Court.
- Reg. Ref. 2517/17** Retention Permission was refused by Dublin City Council on 12th May 2017 for retention of development consisting of 9 Nr. wall-mounted flag poles.
- Reg. Ref. 3610/22** Planning Permission was refused by Dublin City Council on 19th May 2022 for the erection of 4 no. wall mounted flag poles at first floor level to the front elevation of the existing Clifton Court Hotel, the removal of all existing wall mounted flagpole fixings and all ancillary site works to facilitate the development.

4.0 Proposed Development

The proposal seeks the change of use from a hotel to use as accommodation for persons seeking international protection. No works are being sought with regard to this declaration and the determination of the planning authority is only sought in respect of a change of use as set above under Class 14(h) of the Planning and Development Regulations 2001 (as amended).

5.0 Legislative Provisions

It is submitted that the site corresponds with the provisions of, Class 14(h) contained within the Planning and Development Regulations 2001 – 2024 Schedule 2, Article 6, Part 1.

We note that Class 14(h) is contained within of S.I. No. 582 of 2015 of the Planning And Development (Amendment) (No. 4) Regulations 2015. We refer to the provisions of exempted development Class 14(h) which states that;

Development consisting of a change of use:

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

Class 14(h) is inserted by Article 4 of S.I. No. 582/2015 Planning and Development (Amendment)(No. 4) Regulations 2015.

Article 4 of these Regulations inserts 4 new classes of exempted development into the Planning and Development Regulations 2001 ("the Principal Regulations"), which has the effect that the changes of use specified in the new classes are exempted from the requirement to obtain planning permission. The new classes of exempted development are as follows:

'Class 14(h): Change of use of various forms of premises providing residential or overnight accommodation to specific use as accommodation for refugees and asylum seekers, as defined in legislation. This class of exempted development will assist in implementing the

Government's Irish Refugee Protection Programme (IRPP), which was established on 10 September 2015 in response to the migration crisis in central and southern Europe.'

As per Class 14(h) as noted above, a variety of premises providing residential or overnight accommodation can be used for the purpose of accommodating refugees and asylum seekers, we confirm that the property to which this Section 5 application relates is a hostel. It is considered the definition of a 'hostel' falls under the umbrella of '*premises providing residential or overnight accommodation*'. On this basis, it is submitted that the subject site can avail of the exemption afforded under Class 14(h).

6.0 Planning Context

6.1 Dublin City Development Plan 2022-2028

The Dublin City Development Plan 2022-2028 is the relevant statutory policy document for the appraisal site. This plan sets out the inter-related essential elements for a sustainable approach to the future development of the city centre. The appraisal site is subject to the land use designation identified in the Dublin City Development Plan 2022-2028. The subject site is zoned Z5 'City Centre', the objective of such lands being:

'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.'

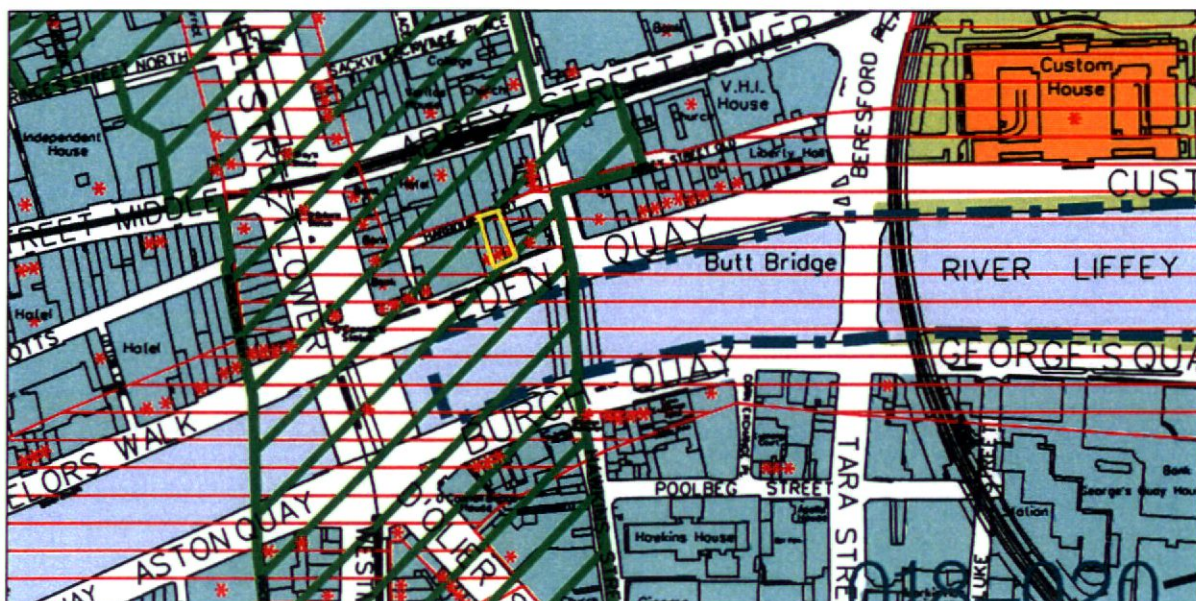


Figure 4.0 Extract from Mapset E of the Dublin City Development Plan 2022-2028 showing the subject site (yellow outline) situated within lands subject to the Z5 'City Centre' zoning objective.

It is noted that the site is a protected structure (red star) and is located within an Architectural Conservation Area (green hatching) and a Conservation Area (red hatching), however, the building itself will remain unchanged as no works are proposed.

Permitted in Principle

Land uses which are classified as 'Permitted in Principle' will normally be permitted, subject to compliance with relevant policies, standards and requirements contained in the Plan. According to the Development Plan, uses which are 'Permitted in Principle' on land zoned 'Z5' are as follows:

'Amusement/leisure complex, beauty/ grooming services, bed and breakfast, buildings for the health, safety and welfare of the public, café/tearoom, childcare facility, civic offices, community facility, conference centre, craft centre/ craft shop, creative, artistic, recreational building and

uses, cultural/recreational building and uses, cultural, delicatessen, education, embassy office, enterprise centre, financial institution, funeral home, guesthouse, home-based economic activity, hostel (tourist), **hotel**, industry (light), internet café/call centre, live-work units, media-associated uses, medical and related consultants, mobility hub, nightclub, office, off-licence, off-licence (part), open space, place of public worship, primary health care centre, public house, public service installation, recycling facility, residential, restaurant, science and technology-based industry, shop (district), shop (local), shop (major comparison), shop (neighbourhood), sports facility and recreational uses, student accommodation, take-away, training centre, veterinary surgery, warehousing (retail/non-food)/retail park'.

Given that this application specifically focuses on providing accommodation for refugees and asylum seekers within the Dublin City Council administrative boundaries, we submit that the reuse of the Clifton Court Hotel for accommodation of *protected persons* addresses urgent housing needs in a manner consistent with the objective of providing a wide range of housing solutions. The proposal seeks to use the existing hotel development to provide accommodation for refugees and asylum seekers. We would consider that the exempted use is consistent with the zoning objective and overall housing policies of Dublin City Council, and it is therefore submitted that the proposed use is appropriate for the subject site.

7.0 Conclusion

The subject site at Clifton Hotel is intended to provide accommodation for persons seeking international protection. This facility will not provide care to residents.

Therefore, the question before the planning authority is:

"Whether the use of the Clifton Hotel, 10-11 Eden Quay, Dublin 1, to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

As such, we would ask Dublin City Council to make a declaration as to whether the proposed use of the building as outlined in the body of this report is exempt development or does not constitute exempt development at Clifton Hotel, 10-11 Eden Quay, Dublin 1. It is noted that no works are being sought as part of this declaration.

Accordingly, we request a declaration to this effect from Dublin City Council under Section 5 of the Planning and Development Act 2000 (as amended). Should you have any queries or require any further information including access to the building, please do not hesitate to contact the undersigned.



Kevin Hughes MIPI MRTPI
Director for HPDC