



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

Planning Services

RECEIVED DATE: 28/01/2025

## SECTION 5 APPLICATION


FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

**Completed application form & supporting documentation to be returned to the Planning Authority by email to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)**

<b>Name of Applicant(s):</b>	Michael McGettigan
<b>Agent Name:</b> (if applicable)	Michael Friel
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	High Road, Letterkenny, Co. Donegal, F92 A446.
<b>Description of Proposed Development including details of works (where applicable):</b> (Only works listed below will be assessed under <u>this</u> section 5 application)	
<p>Proposed change of use of approved hostel accommodation (Planning Reference 24/61093) to provide accommodation for protected persons as provided for S.I. No. 582/2015 Planning and Development Regulations 2015 - Class 14(H).</p>	



<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
		X
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
		X
<b>Applicant(s) Interest in the site:</b>	Owner	
<b>If not the Owner of the site, please provide the name of the Landowner:</b>	N/A	
<b>Please list types of plans, drawings etc. submitted with this application:</b>	General Arrangement Drawings, Site Layout & Site Location	
<b>Planning History</b> - list any relevant planning application reference numbers:	24/61093	
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>	None - All Resolved.	

<b>I hereby certify that the information provided is true and accurate</b>	
<b>Signature of Applicant/Agent:</b>	
<b>Date:</b>	28th January 2025



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

## Additional Contact Information

**NOT TO BE MADE AVAILABLE WITH APPLICATION**

[REDACTED]

[REDACTED]

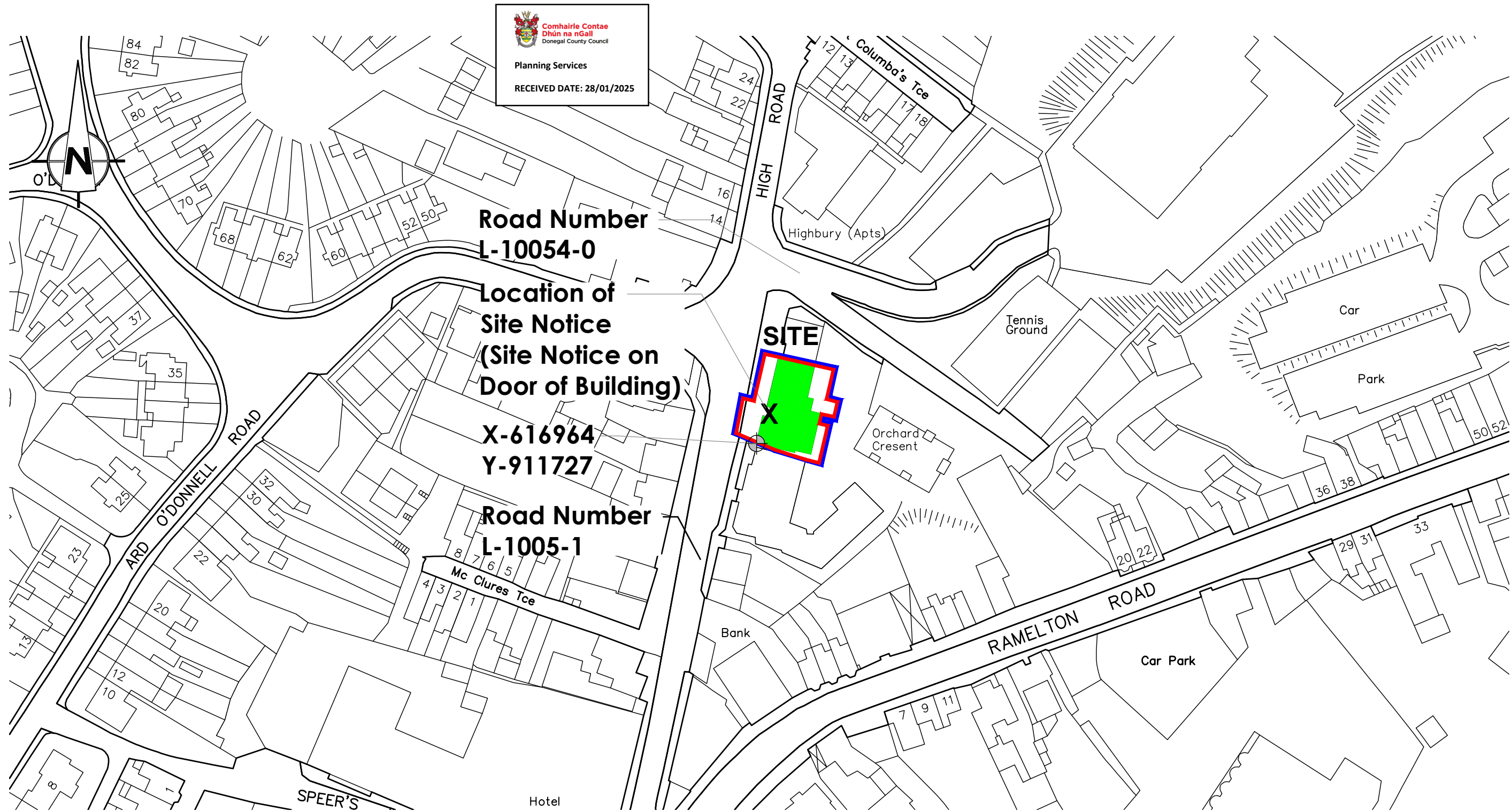
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[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED] No:	
Email Address:	

### **Advice to Applicant**

- (a) **Prescribed Fee** - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
- **Site location map** with site clearly outlined in red (to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas).
  - **Site layout plan** (Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red).
  - **Elevations** (if applicable) – (plans, elevations and sections drawn to a scale of not less than **1:200**).
  - **Other details** (e.g. landowner consent (if applicable), photographs as appropriate).
- (c) Completed application form & supporting documentation to be returned to the Planning Authority **by email** to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)
- (d) More information on exempted development can be found on the OPR planning leaflets available at <https://www.opr.ie/planning-leaflets/>


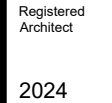
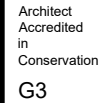
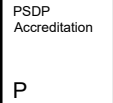



# OSI SITE LOCATION MAP

SCALE = 1 : 1000

SITE OUTLINED IN RED BOUNDARY  
OVERALL LAND OWNERSHIP  
OUTLINED IN BLUE BOUNDARY

OSI MAP REF: 0283-02

Notes	Job Title VACANT COMMERCIAL BUILDING TO HOSTEL ACCOMODATION AT HIGH ROAD, LETTERKENNY, CO. DONEGAL	Drawing Title: SITE LOCATION MAP		    	Michael Friel Architects & Surveyors Ltd Creeslough, Co. Donegal. Tel - 074 91 38814 Mob - 087 2869658 E-mail: michael@mfrichelarchitects.ie
	Client: Michael McGettigan	Scale AS INDICATED	Date: JULY 2024		
		Job Number: 24215	Drg. Number: 01		

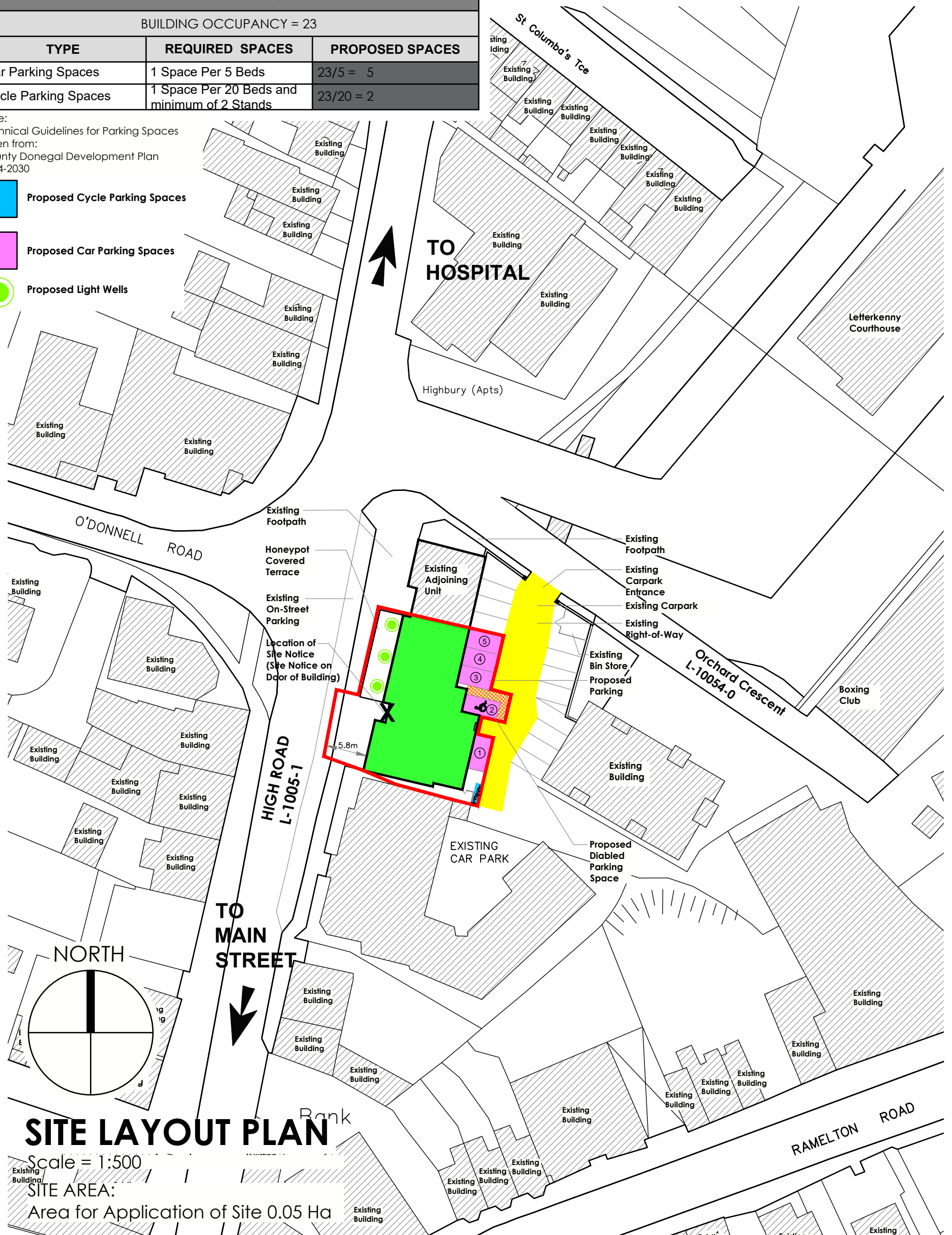
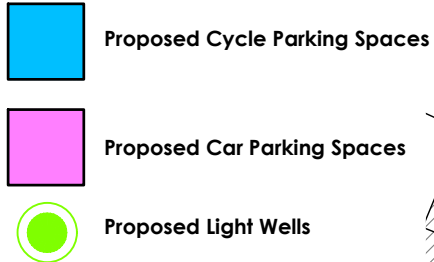


## HOSTEL PARKING REQUIREMENTS

BUILDING OCCUPANCY = 23

TYPE	REQUIRED SPACES	PROPOSED SPACES
Car Parking Spaces	1 Space Per 5 Beds	$23/5 = 5$
Cycle Parking Spaces	1 Space Per 20 Beds and minimum of 2 Stands	$23/20 = 2$

Note:  
Technical Guidelines for Parking Spaces  
taken from:  
County Donegal Development Plan  
2024-2030



SITE OUTLINED IN RED BOUNDARY

"X" Indicated Location of Site Notice



## Planning Services

RECEIVED DATE: 28/01/2025

Client:  
Michael McGettigan

Project:  
VACANT COMMERCIAL BUILDING TO  
HOSTEL ACCOMODATION AT HIGH  
ROAD, LETTERKENNY,  
CO. DONEGAL

Drawing Title:  
SITE LAYOUT

Scale:  
As Indicated:

Job No:  
24215

Date:  
JULY 2024

Drawing No.  
02

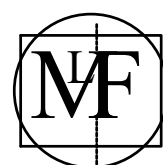
RIAI

Registered Architect

2024

Architect  
Accredited  
in  
Conservation  
**G3**

PSDP  
Accreditation

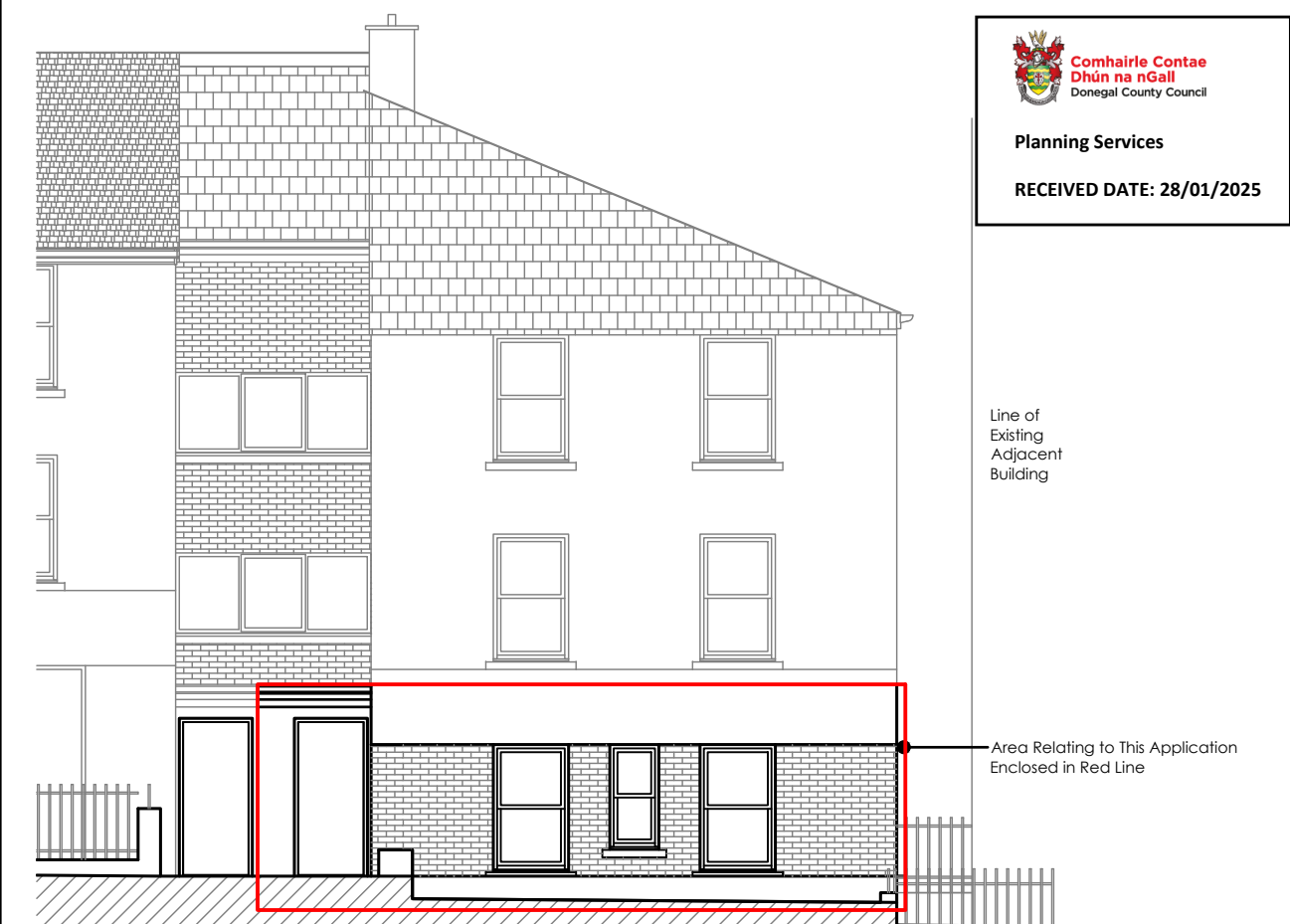


**Michael Friel**  
Architects & Surveyors Ltd  
Creeslough,  
Co. Donegal.  
Tel - 074 9138814  
Mob - 087 2869658  
Email:  
michael@mfrrielarchitects.ie

NOTE:

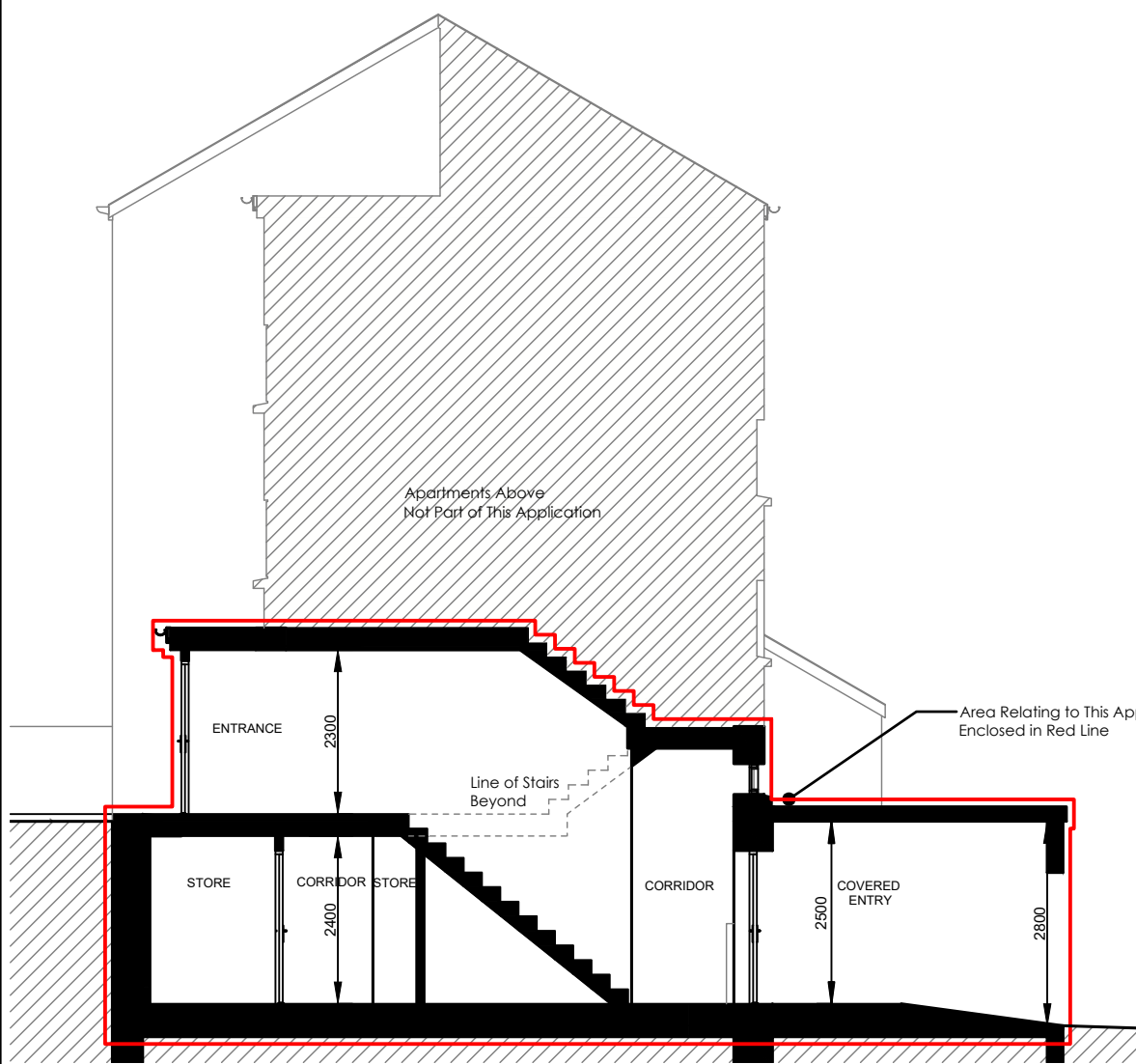
- Existing Foul & Surface Water Drainage Connections to Public Sewers.
- Existing Water Supply Connections to Public Water Supply





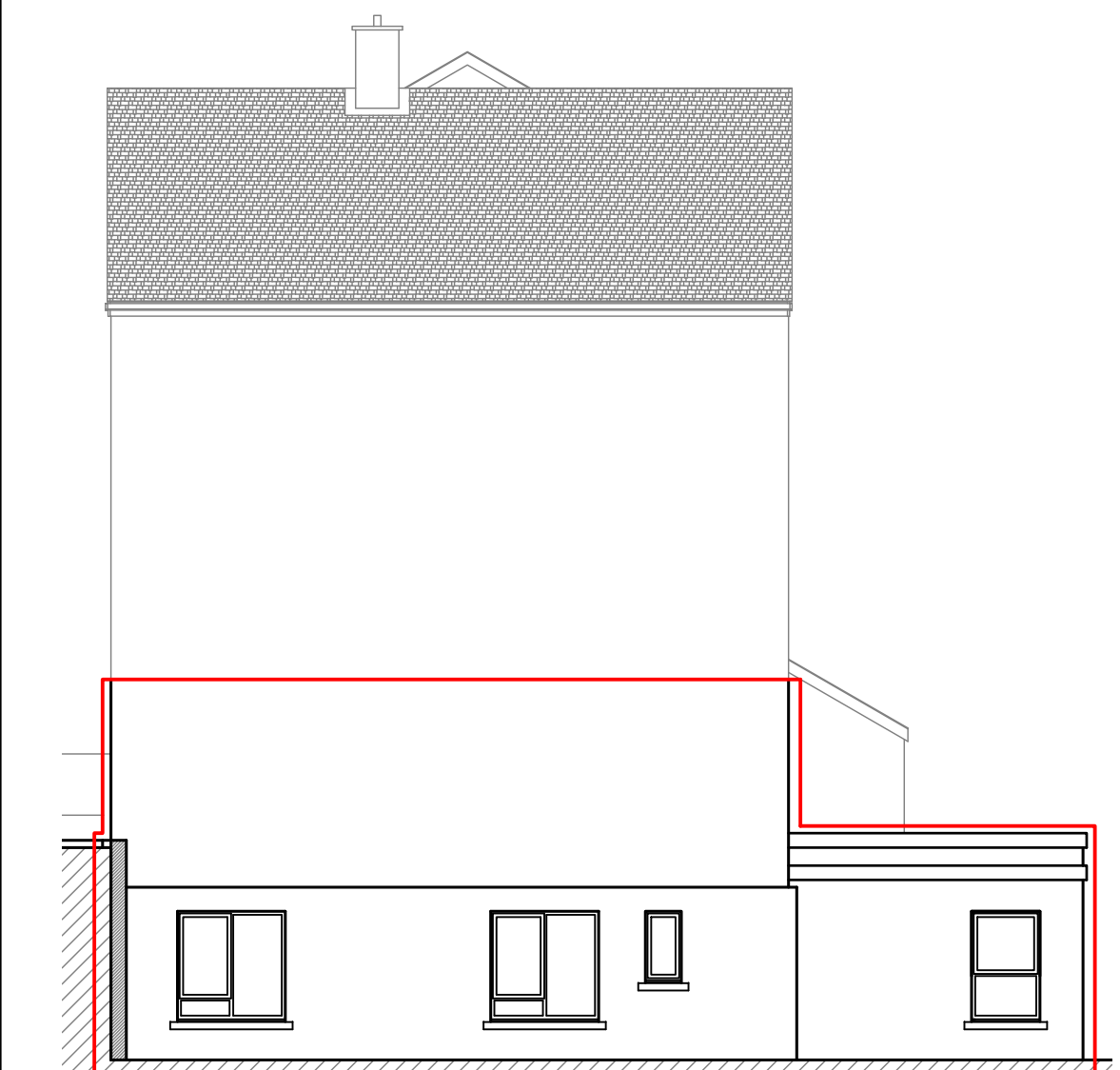
PROPOSED/ AS BUILT FRONT ELEVATION (West)

SCALE: 1 : 100



PROPOSED/ AS BUILT SECTION A-A

SCALE: 1 : 100

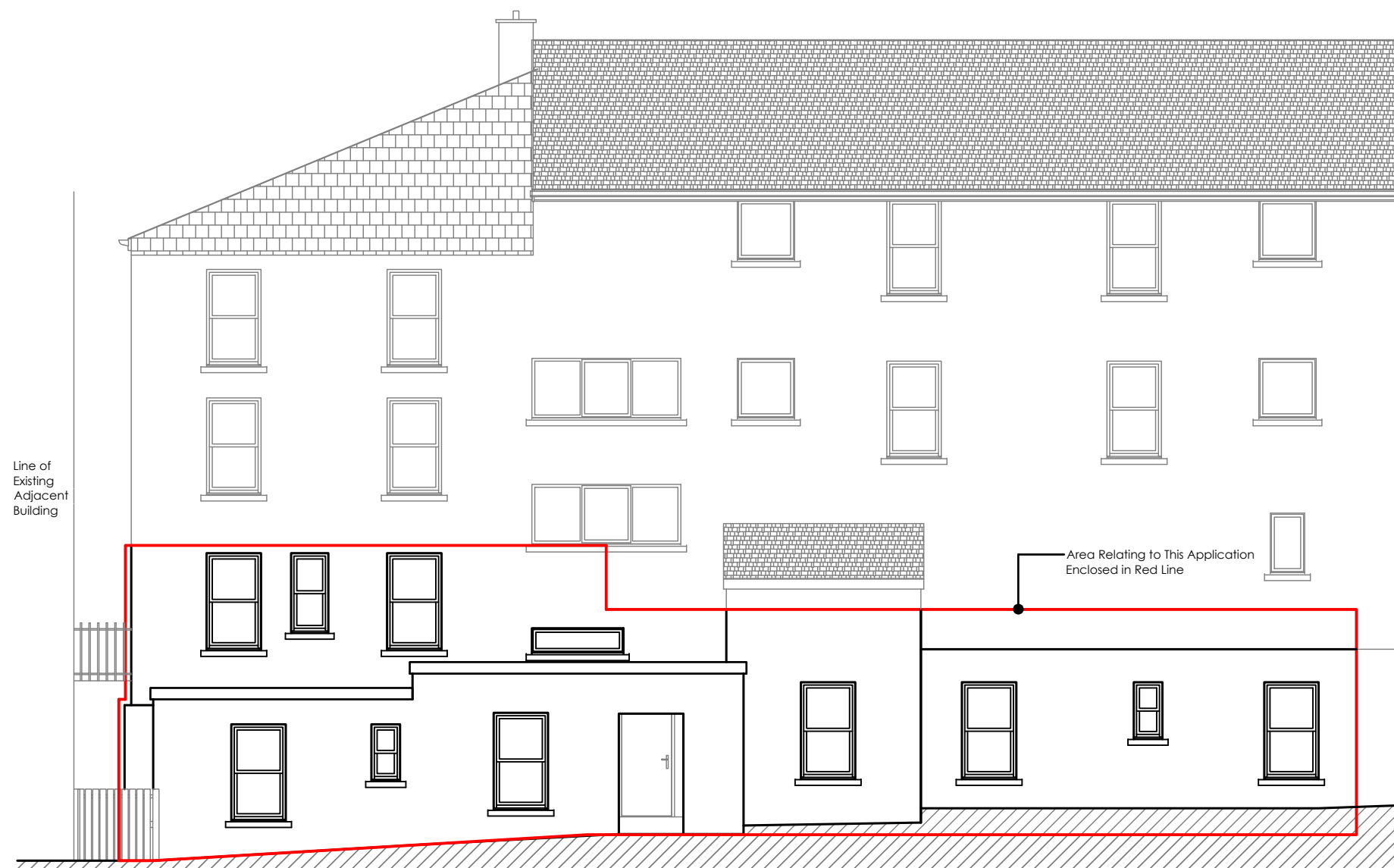


PROPOSED/ AS BUILT SIDE ELEVATION (South)

SCALE: 1 : 100

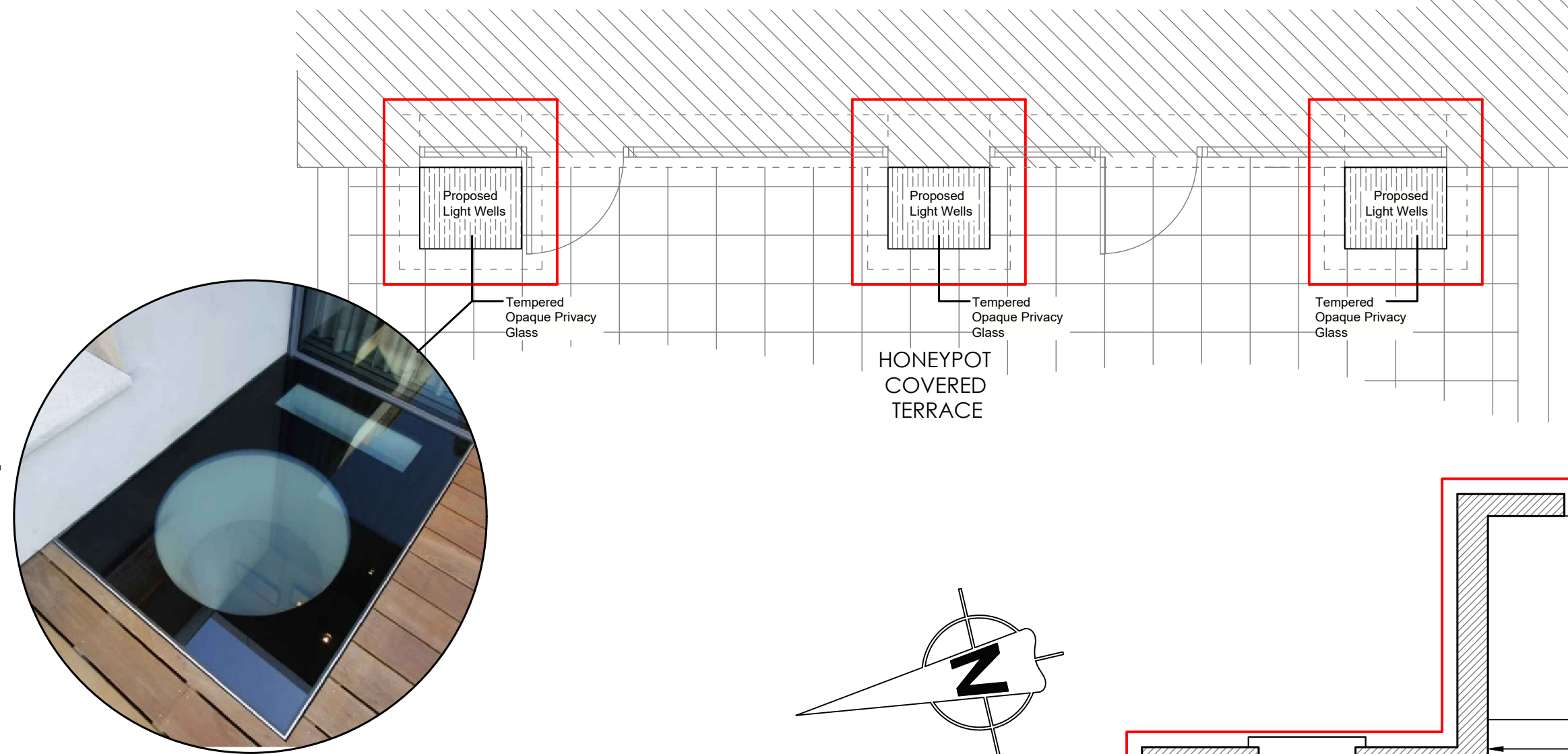
#### AREA

BASEMENT AREA: 215m<sup>2</sup>  
GROUND FLOOR AREA: 57m<sup>2</sup>  
TOTAL AREA: 272m<sup>2</sup>



PROPOSED/ AS BUILT REAR ELEVATION (East)

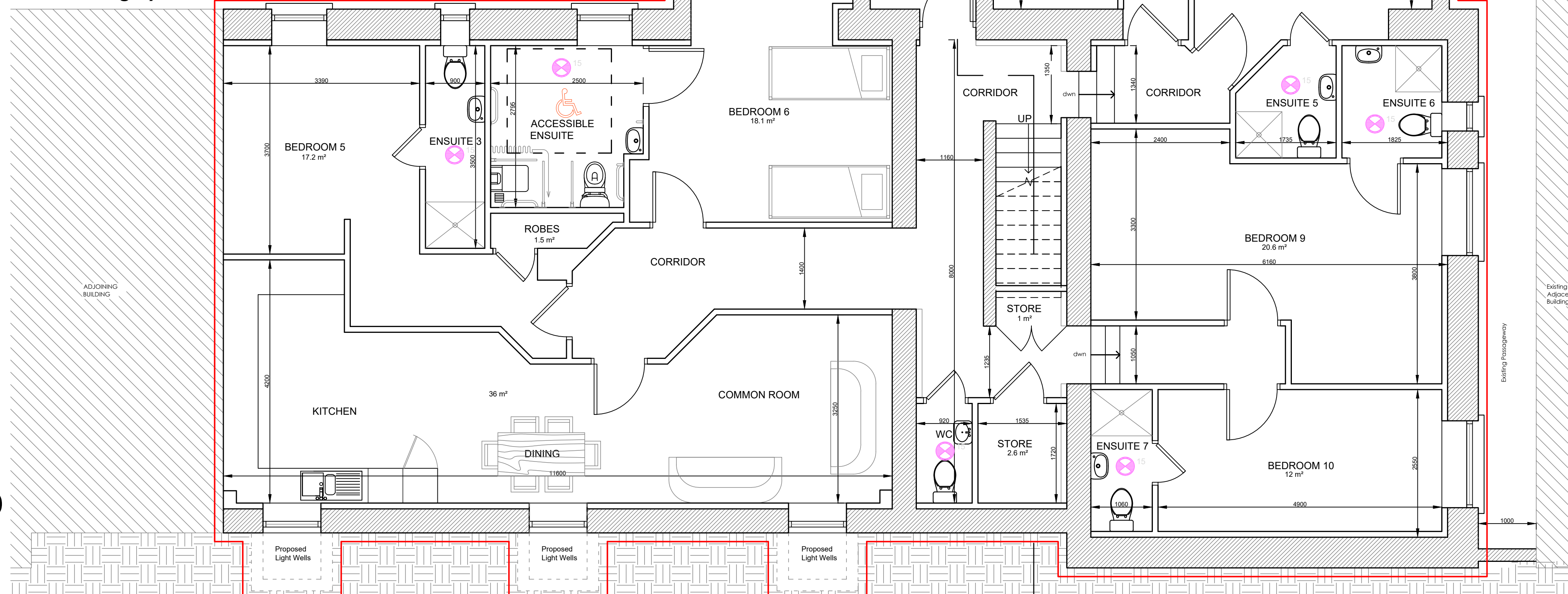
SCALE: 1 : 100



PROPOSED/ AS BUILT GROUND FLOOR PLAN

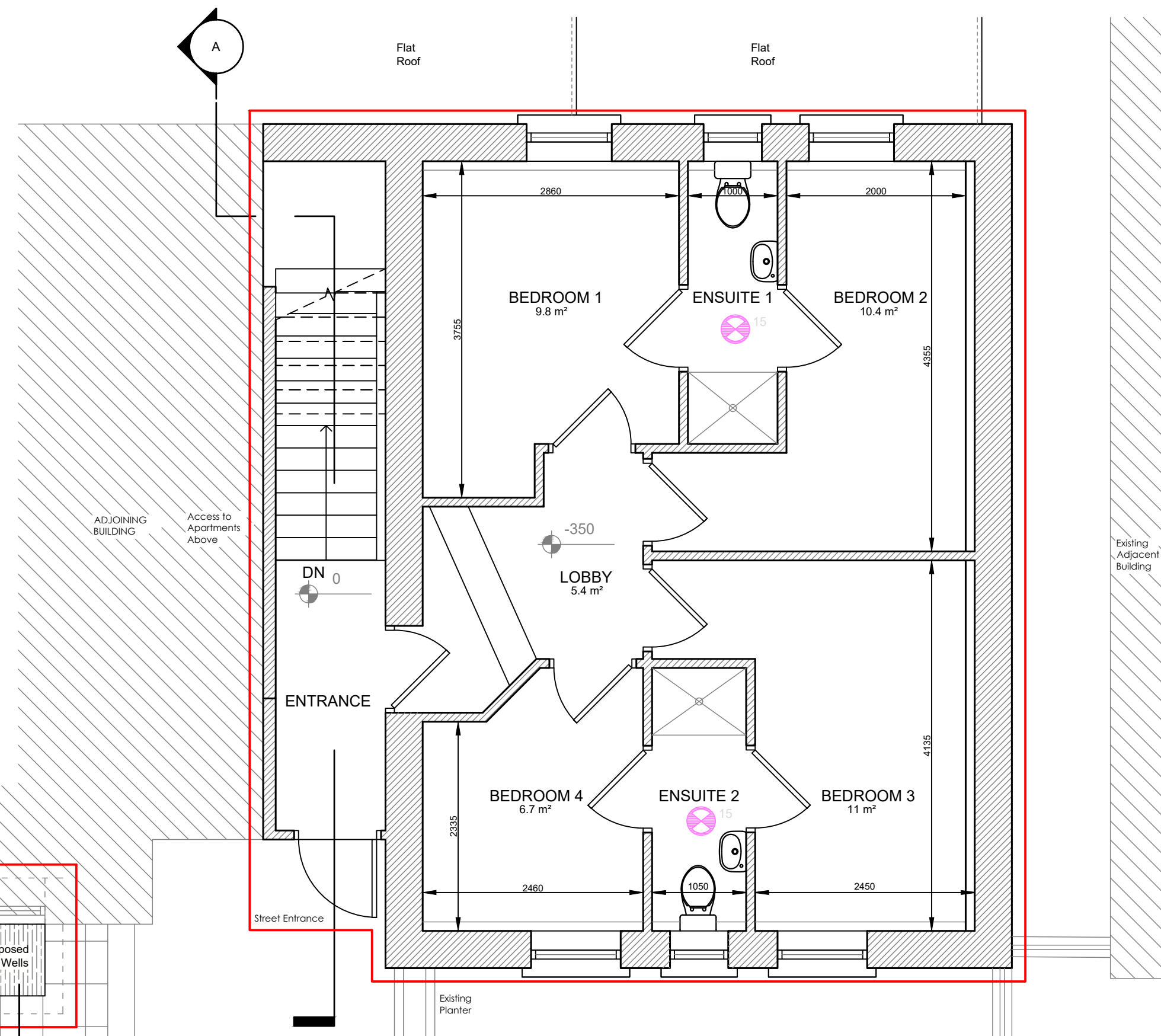
SCALE: 1 : 50

**IQ Glass Type Windows  
or Equivalent Approved  
Glazing System**



PROPOSED/ AS BUILT BASEMENT FLOOR PLAN

SCALE: 1 : 50



**\*Note:**  
Technical Requirements in accordance with  
**Faite Ireland Tourist Traffic Acts 1939-2003**  
**Registration and Renewal of Resistration**  
**Regulations for**  
(i) **Holiday Hostels 2007**  
(ii) **Youth Hostels 2007**

TECHNICAL REQUIREMENTS		
BEDROOM OCCUPANCY		
ROOM	AREA	REQUIRED SPACES
GROUND FLOOR LEVEL		
Bedroom 1	9.8m <sup>2</sup>	2
Bedroom 2	10.4m <sup>2</sup>	2
Bedroom 3	11m <sup>2</sup>	2
Bedroom 4	6.7m <sup>2</sup>	1
BASEMENT FLOOR LEVEL		
Bedroom 5	17.2m <sup>2</sup>	2
Bedroom 6	18.1m <sup>2</sup>	2
Bedroom 7	12.7m <sup>2</sup>	3
Bedroom 8	15m <sup>2</sup>	3
Bedroom 9	20.6m <sup>2</sup>	4
Bedroom 10	12.8m <sup>2</sup>	2
TOTAL PROPOSED		23

**\*Note:**  
8. BEDROOMS/ DORMITORIES  
8.2 A minimum of 20 guests shall be accommodated on the premises.  
8.3 (a) floor area of not less than 5 square metres in rooms accommodating no more than one person, 3.5 square metres per person in rooms accommodating no more than two people and 3 square metres per person in rooms accommodating more than two people;  
(b.) a floor to ceiling height of not less than 2.4 metres;  
(c.) at least one window to provide adequate natural light and ventilation, windows at first floor level or higher must have child proof locks;

TECHNICAL REQUIREMENTS			
SHOWER ROOM/ TOILET/ WHBs			
ROOM	No. of Showers	No. of WC	No. of WHB
GROUND FLOOR LEVEL			
Ensuite 1	1	1	1
Ensuite 2	1	1	1
BASEMENT FLOOR LEVEL			
Ensuite 3	1	1	1
Ensuite 4	1	1	1
Ensuite 5	1	1	1
Ensuite 6	1	1	1
Ensuite 7	1	1	1
Accessible Ensuite	1	1	1
WC	0	1	1
TOTAL PROPOSED	8	9	9
Occupancy	23		
Total Showers Required	4		
Total WC Required	4		
Total WHB Required	5		

**\*Note:**  
7. SHOWER ROOM/ TOILET/ WHBs  
7.1 Each premises shall contain a minimum of one shower or bath for the first ten persons and thereafter, one shower or bath for every additional ten persons.  
7.2 The premises shall contain two WCs for the first ten persons, thereafter one WC for every additional ten persons. Toilet facilities and showers should be designed so as to give complete privacy to the individual user.  
7.6 The premises shall contain one WHB for the first five persons and thereafter, one WHB for every additional five persons.



Michael Friel  
Architects & Surveyors Ltd  
Creeshlough,  
Co. Donegal.  
Tel - 074 91 38814  
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E-mail:  
michael@mfrichelarchitects.ie

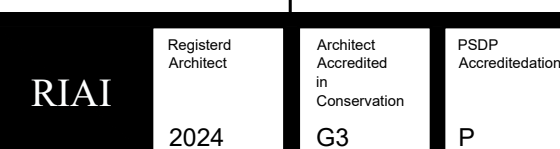
Client: Michael McGettigan

Project: VACANT COMMERCIAL  
BUILDING TO HOSTEL  
ACCOMMODATION AT HIGH  
ROAD, LETTERKENNY,  
CO. DONEGAL

Drawing: AS BUILT / PROPOSED  
GENERAL ARRANGEMENT

Scale: As Indicated @ A1  
Job No: 24215

Date: JULY 2024  
Dwg Number:  
03





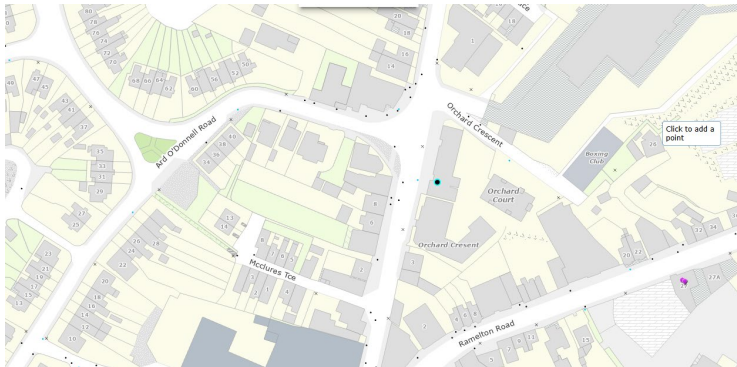
## **Donegal County Council**

### **SECTION 5 REFERRAL REPORT – Ref. No: S5 25/10**

#### **1.0 BACKGROUND**

##### **1.1 Location:**

The subject site is located in High Road, Letterkenny, Co. Donegal. F92 A446.



##### **1.2 Site Description:**

The site is located within the settlement framework of Letterkenny on land zoned as 'town centre'. An existing 3 storey building is located on the subject site.

##### **1.3 Planning History**

24/61093 – Conditional - (1) retention of change of use and completion of vacant commercial premises to hostel residential accommodation, (2) retention of all elevational changes that have been carried out, (3) construction of 3 no. New light wells to provide natural light to part of the building and (4) all other associated site development works

21/50643 – Conditional - construction of an extension to the front of existing café premises and all associated site works

#### **2.0. THE QUESTION**

The agent, Michael Friel Architects, on behalf of the applicant, Michael McGettigan, have made a submission to Donegal County Council seeking a Declaration of Exemption under Schedule 2, Part 1 Class 14(h) of the Planning and Development Regulations 2001 (as amended) as to whether or not the following is exempt from planning permission:

Whether the change of use of approved hostel accommodation (granted under planning reference 24/61093) to provide accommodation for protected persons as provided for S.I. No. 582/2015 Planning and Development Regulations 2015 - Class 14(H) constitutes exempted development or does not constitute exempt development.

#### **3.0 EVALUATION**



### 3.1 Planning and Development Act, 2000 (as amended)

#### Section 2(1)

In this Act, except where the context otherwise requires –

**"structure"** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and

(a) where the context so admits, includes the land on, in or under which the structure is situate ...

**"works"** includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...

#### Section 3(1)

**"Development"** in this Act 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.

#### Section 177U(9)

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct screening for appropriate assessment in accordance with the provisions of this section".

#### **Class 14(H) of Schedule 2, Part 1:**

- Permits a change of use "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... to use as accommodation for protected persons."
- Protected persons are defined under the International Protection Act 2015.
- Conditions of exemption include:
  - Compliance with the definition and purpose of "protected persons."
  - No contravention of planning conditions or zoning regulations.

---

### 3.0 ASSESSMENT

### **3.1 Consideration of Proposed Development**

**1. Existing Use:**

- The property currently consists of an existing building within the town centre of Letterkenny. A change of use from vacant commercial to hostel residential accommodation was granted under planning reference 24/61093.

**2. Proposed Use:**

- The change of use is proposed to accommodate protected persons under Class 14(h).
- Protected persons are defined in Section 2(1) of the International Protection Act 2015.

**3. Analysis of Development:**

- The proposed change constitutes a material change of use, as it involves altering the nature of occupancy from hostel accommodation to accommodation for protected persons, fulfilling the statutory definition of "development" under Section 3(1) of the Act.
- However, such a change is explicitly exempted under Class 14(h) provided it meets the prescribed conditions.
- Permission was granted under application ref. no. 24/61093 for the change of use of the basement floor and ground floor of an existing vacant commercial building to a hostel accommodation providing for 10 no. bedrooms.

**4. Compliance with Class 14(h) Conditions:**

- The proposal aligns with Class 14(h), as the site is already a permitted residential building for use as hostel accommodation.
  - The use as accommodation for protected persons does not conflict with local zoning or planning policy.
- 

### **3.2 Appropriate Assessment**

- As the development constitutes a change of use without physical works, there is no requirement for an Appropriate Assessment under Section 177U(9) of the Planning and Development Act 2000 (as amended).
- 

### **3.3 Environmental Impact Assessment (EIA)**

- No significant environmental impacts arise from this proposed change of use, and the development is not within a class of projects requiring EIA under Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001 (as amended).
- 

### **4.0 CONCLUSION**

It is considered that:

1. The proposed use of the short stay accommodation building for accommodation for protected persons constitutes development under Section 3(1) of the Planning and Development Act 2000 (as amended).
2. The proposed development is not exempted development under Class 14(h) of the Planning and Development Regulations 2001 (as amended), as it does satisfy the prescribed conditions for exemption.

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## 5.0 RECOMMENDATION

It is hereby recommended that a declaration be made that the subject matter of the request as above –

IS Development

&

IS Exempted Development within the meaning of the above act.

The proposal to:

(i) Use the short stay accommodation building as accommodation for protected persons as provided for under Schedule 2, Part 1 Class 14(h) of the Planning & Development Regulations 2001 (as amended).

---

The Planning Authority, in considering this referral, had regard particularly to:

- Sections 2, 3, 4, and 177U of the Planning and Development Act, 2000 (as amended).
- Articles 6(3), 9(1), and Class 14(H) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).
- The planning history, current use of the subject site, and Section 5 declarations by An Bord Pleanála.

And concluded that:

The proposal IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT, as the development falls within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



**Assistant Planner**

19/02/2025





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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
21/02/2025

**Chief Executive's Order No: 2025PH0506**

**Planning and Development Acts 2000 (as amended)**

**SECTION 5:-**

Request received 28<sup>th</sup> January 2025 from Michael McGettigan C/o Michael Friel Architects & Surveyors Ltd, Creeslough, Letterkenny, Co. Donegal F92 TF60 in relation to the change of use of approved hostel to provide accommodation of protected persons at High Road, Letterkenny, Co. Donegal F92A446

**SUBMITTED:-**

Written request received 28<sup>th</sup> January 2025 as above and report dated 19<sup>th</sup> February 2025 from the Assistant Planner (Ref. No: S5 25/10 refers).

**ORDER:-**

Having considered the said request, the report of the Assistant Planner, and the record forwarded to the Council by An Bord Pleanála in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.

  
**SENIOR EX. PLANNER**

DATED THIS 21<sup>st</sup> DAY OF FEBRUARY 2025

1/1/25

**Chief Executive's Order No: 2025PH0506**

**Ref.No: S5 25/10**

**SCHEDULE**

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Sections 2, 3, 4, and 177U of the Planning and Development Act, 2000 (as amended).
- Articles 6(3), 9(1), and Class 14(H) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

**And concluded that:**

The proposal **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**, as the development falls within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

*JB 21/02*



***Planning and Development Acts, 2000 (as amended)***  
***(Declaration and Referral on Development and Exempted Development)***

**DECLARATION**

**Chief Executive's Order No:** 2025PH0506

**Reference No:** S5 25/10

**Name of Requester:** Michael McGettigan  
C/o Michael Friel Architects & Surveyors Ltd  
Creeslough  
Letterkenny  
Co. Donegal

**Summarised Description of development the subject matter of request:**

Change of use of approved hostel to provide accommodation of protected persons

**Location:** High Road, Letterkenny, Co. Donegal

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Sections 2, 3, 4, and 177U of the Planning and Development Act, 2000 (as amended).
- Articles 6(3), 9(1), and Class 14(H) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

The proposal **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**, as the development falls within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



**For Senior Ex. Planner**  
**Planning Services**

**Dated this 21<sup>st</sup> day of February 2025**



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

Áras an Chontae,  
Leifear,  
Contae Dhún na nGall, F93 Y622

County House,  
Lifford,  
County Donegal, F93 Y622

**T:** 074 91 53900  
**E:** [info@donegalcoco.ie](mailto:info@donegalcoco.ie)  
**W:** [www.donegalcoco.ie](http://www.donegalcoco.ie)  
**W:** [www.ccdhunnangall.ie](http://www.ccdhunnangall.ie)

**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

Ref. No: S525/10

21<sup>st</sup> February 2025

Michael McGettigan  
C/o Michael Friel Architects & Surveyors Ltd  
Creeshlough  
Letterkenny  
Co. Donegal

**Re: Change of use of approved hostel to provide accommodation of protected persons  
at High Road, Letterkenny, Co. Donegal.**

A Chara,

I refer to your request received on 28<sup>th</sup> January 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner  
Planning Services**

/jmmcc