

 **Mary Dolan**

From: Planning Department
Sent: Friday 28 April 2023 16:49
To: [REDACTED]
Subject: DED 546 Notification of Decision on Section 5 Declaration.
Attachments: DED 546 Section 5 Declaration Notification of Decision..pdf

A Chara,

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 546 Section 5 Declaration.

Mise le meas,

Mary Dolan, Administrative Officer, Planning,
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.
☎ (090) 6637176 ✉ marydolan@roscommoncoco.ie
Please address all e-mail correspondence to planning@roscommoncoco.ie
🌐 www.roscommoncoco.ie



Cornhairie Contae
Ros Comáin
Roscommon
County Council



Correspondence issuing from the Planning Section in Roscommon County Council will generally be in electronic form only, except in instances where an e-mail address has not been provided.

ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DECISION

Ciara Nicastle,



Reference Number: DED 546

Application Received: 7th March, 2023

Location: Brideswell, Ballyullavill, Co Roscommon, N37 W0X6.

WHEREAS a question has arisen as to whether the following works: The change of use from a family home into Children's Residential Centre at Ballymullhavill, Co. Roscommon, is or is not development or is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 14, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended;
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000 (as amended);

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations;
- (b) The proposed development is exempted development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of of **the change of use from a family home into Children's Residential Centre at Ballymullhavill, Co. Roscommon constitutes development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the said Council



**Administrative Officer,
Planning.**

Date: 27th April 2023.

**Planner's Report on application under
Section 5 of the Planning and Development Act 2000 (as amended)**

Reference Number:	DED 546
Re:	Application for a Declaration under Section 5 of the Planning and Development Act 2000, regarding Exempted Development for a change of use from family home into Children's Residential Centre.
Name and Address of Applicant:	Ciara Nicastle, [REDACTED]
Location of Development:	Ballymullavill, Co Roscommon

1.0 Introduction

NOTE: This report has been prepared following receipt of a response to the Planning Authority's request for further information. This report should be read in conjunction with the planning officers' original report of 4th April 2023 which amongst other matters details and considers:

- Development proposal and site assessment
- Relevant statutory provisions

Further information requested: 4th April 2023

Further information response received: 12th April 2023

2.0 Planning Assessment following receipt of Further Information

Summary of issues on which further information was sought:

Item 1:

- Clarification on the nature of the care facilities that will be provided.

Assessment of further information received:

The applicant has responded by stating that the family home subject of this application will be used as a 'Children's Residential Centre' that works on behalf of Tulsa and it will provide care for children who have mental illness and intellectual disabilities. Having regard to the response to further information received it can be determined that the proposed development is within the limitations set out in Class 14, Part 1, Schedule 2 of the Planning and Development Regulations 2001 as amended.

WHEREAS a question has arisen as to whether the following works; *'the change of use from family home into Children's Residential Centre'* at Ballymullavill, Co Roscommon, is or is not development and is or is not exempted development:

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000 (as amended);
- (b) Article 9 of the Planning and Development Regulations 2001 as amended.
- (c) Class 14, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.

- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended);

I have concluded that *'the change of use from family home into Children's Residential Centre'* at Ballymullavill, Co Roscommon is development and is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Recommendation

I have concluded that the *'change of use from family home into Children's Residential Centre'* at Ballymullavill, Co Roscommon is development and is exempted development and I recommend that a declaration to that effect should be issued to the applicant.



Signed _____
Roscommon South Planner

Date:



Comhairle Contae
Ros Comáin
Roscommon
County Council



BY EMAIL

Ciara Nicastle,



Date: 4th April, 2023
Reference No: DED 546

Re: Request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Whereas a question has arisen as to whether the following works: The change of use from family home to use as a Children's Residential Centre is or is not development, or is or is not exempted development.

A Chara,

Further to your Section 5 Request application received on the 7th March, 2023 and in order for the Planning Authority to determine as to whether the change of use from family home into use as a Children's Residential Centre at Brideswell, Ballymullavill, Co. Roscommon is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. In order to fully inform the assessment of this Section V application you are requested to clarify if the children that will be attend the residential centre have an intellectual or physical disability or mental illness and submit information on the nature of the care facilities that will be provided at the residential centre.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 546**.

Note: Replies to this communication must be by way of original documents.

Mise le meas,

**Administrative Officer,
Planning.**

From: Planning Department
Sent: Tuesday 4 April 2023 16:28
To: [REDACTED]
Subject: FW: RCC Planning Ref. No. DED 546 - Request for Further Information
Attachments: DED 546 Request for Submission of Further Information.pdf

A Chara,

Please find attached, letter dated 4th April 2023 requesting the submission of Further Information in respect of Planning Application Reference No. DED 546.

Mise le meas,

Mary Dolan, Administrative Officer, Planning,
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.
☎ (090) 6637176 ✉ marydolan@roscommoncoco.ie
Please address all e-mail correspondence to planning@roscommoncoco.ie
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Comhairle Contae
Ros Comáin
Roscommon
County Council



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**Planner's Report on application under
Section 5 of the Planning and Development Act 2000 (as amended)**

Reference Number:	DED 546
Re:	Application for a Declaration under Section 5 of the Planning and Development Act 2000, regarding Exempted Development for a change of use from family home into Children's Residential Centre.
Name and Address of Applicant:	Ciara Nicastle, [REDACTED]
Location of Development:	Ballymullavill, Co Roscommon

WHEREAS a question has arisen as to whether the following works; 'a change of use from family home into Children's Residential Centre' is or is not development, and is or is not exempted development:

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000 (as amended);
- (b) Article 9 of the planning and Development Regulations 2001 as amended.
- (c) Class 14, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended);

Site Location & Development Description

The proposed development is located on a Brideswell to Athlone Regional Road R363 and consists of a dwelling. The applicant is proposing to change the use of the dwelling to operate as a Children's Residential Centre. The applicant is not proposing any structural changes to the dwelling. The centre will accommodate children under 18 and 2 children accompanied by two staff members will reside in the centre at any one time.

Planning History

02/1140: Permission refused to erect offices and store all ancillary works associated with this development and also construct a septic tank with percolation area

00/1505: Approval permission granted for the erection of dwelling house and septic tank

00/622 Outline permission granted to erect a dwelling house and construct a septic tank

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2(1)

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

Section 3.-(1)

In this Act, "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.

Planning and Development Regulations 2001 (as amended)

Article 9: Restrictions on Development

Development to which article relate shall not be exempted development for the purposes of the Act

(a) if the carrying out of such development would—

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Part 1, Schedule 2

Class 14

Column 1 Description of Development	Column 2 Conditions and limitations
Change of use: CLASS 14 Development consisting of a change of use	
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 question to be determined in this Section 5 referral is whether a 'change of use from family home into Children's Residential Centre' is or is not development, and is or is not exempted development. Having considered the definition of both "use" and "development" outlined above, I would deem that change of use from a family home to a Residential Centre would constitute a 'change of use' and is therefore development.

Having established that the 'use' amount to 'development', the issue to be considered is whether the development is exempted development or not.

In order to determine if the proposed use is exempt under Class 14, Part 1, Schedule, of the Planning and Development Regulations 2001 as amended and to fully inform the assessment of this Section V application the applicant will be requested to provide information on the nature of the care facilities proposed.

Environmental Considerations :

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended.

The site is located c 1.3km away from Ballynamona Bog and Corkip Lough SAC. Having regard to the limited nature and scale of the proposed development and the distance from any sensitive location, there is no real likelihood of significant effects on European sites arising from the proposed development. In light of this, I am of the opinion, having due regard to the provisions of the Planning & Development Act, 2000 as amended and associated Regulations, the development works would not be constrained by the restrictions on exempted development detailed in Article 9(1) of the Planning & Development Regulations 2001 as amended, and therefore, the works do constitute exempted development.

Recommendation: Request further information

1. In order to fully inform the assessment of this Section V application you are requested to clarify if the children that will be attend the residential centre have an intellectual or physical disability or mental illness and submit information on the nature of the care facilities that will be provided at the residential centre



Signed

Roscommon South Planner

Date:

4th April 2023



Mary Dolan

From: Planning Department
Sent: Wednesday 22 March 2023 14:27
To: [REDACTED]
Subject: RCC Planning Ref. No. DED 546 - Acknowledgement of Request for Declaration under Section 5 of the Planning & Development Act.
Attachments: DED 546 Acknowledge Applic..pdf; DED 546 Receipt.pdf

A Chara,

Please find attached, letter of acknowledgement in respect of your request for a declaration under Section 5 of the Planning & Development Act 2000 (as amended), reference no. DED 546.

Mise le meas,

Mary Dolan, Administrative Officer, Planning,
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.
☎ (090) 6637176 ✉ marydolan@roscommoncoco.ie

🌐 www.roscommoncoco.ie



Comhairle Contae
Ros Comáin
Roscommon
County Council



Please address all e-mail correspondence to planning@roscommoncoco.ie

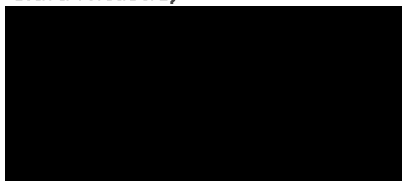
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Comhairle Contae
Ros Comáin
Roscommon
County Council



Ciara Nicastle,



Date: 8th March, 2023.
Planning Reference: DED 546

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

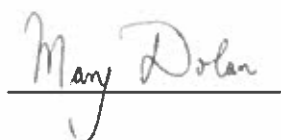
Development: Change of use from family home into a Children's Residential Centre at Brideswell, Ballymullavill, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 7th March, 2023, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00 Receipt No. L01/0/221625 dated 7th March, 2023 refers, scanned copy of receipt attached herewith.

Note: Please note your Planning Reference No. is **DED 546**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,



Administrative Officer,
Planning.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

07/03/2023 15:04:22

Receipt No : L01/0/221625

CIARA NICASTLE

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED546

Total : 80.00 EUR

Tendered *
Credit/Debit Card 80.00
4606

Change : 0.00

Issued By : Claire Conlon
From : Central Cash Office

Sharon Kelly

DEO 546

From: Ciara Nicastle [REDACTED]
Sent: Tuesday 7 March 2023 12:00
To: Planning Department
Subject: RE: Application for Section 5
Attachments: Roscommon section-5-application-form.docx

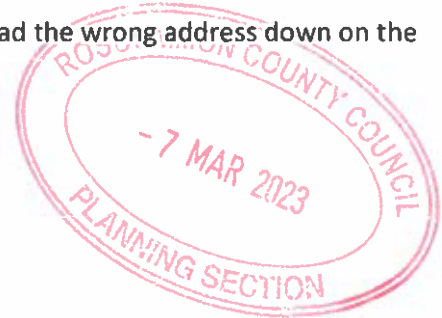
Importance: High

Hi,

Please find attached an updated copy of the application form please. I had the wrong address down on the application form. Apologies for any inconvenience caused.

Many thanks,
Ciara.

From: Ciara Nicastle [REDACTED]
Sent: Monday, March 6, 2023 4:23 PM
To: 'planning@roscommoncoco.ie' <planning@roscommoncoco.ie>
Subject: Application for Section 5



To whom it may concern,

I am applying for an exemption under Section 5. We are turning a family home into a Children's Residential Centre. There are no structural changes to the house from its original planning permission grant and no extensions being applied to the house. We are seeking approval for change of use from a private dwelling to a business premises.

I have attached the application form as well as the site maps and the floor plans for the house.

Please don't hesitate to contact me should you have any questions. If you can please contact me on 086 3200255 for process of the application fee I would appreciate it.

Many thanks,
Ciara.

Ciara Nicastle
Director of Services





Comhairle Contae
Ros Comáin
Roscommon
County Council

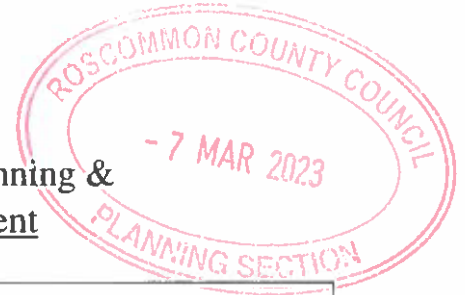
Áras an Chontae,
Roscommon, Co.
Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

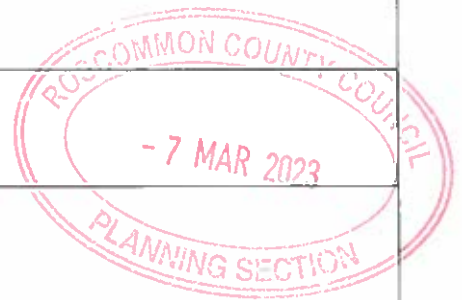
Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development



Name:	Ciara Nicastle
Address:	[REDACTED]
Name & Address of Agent:	Clover Care Services Unit 204 Birr Technology Centre, Birr, Co. Offaly.
Nature of Proposed Works	<p>The current dwelling was a family home. The proposed plan is to use the property as a centre for Children's Residential Centre, where it will accommodate children (under the age of 18) to live in the centre. There will be two children residing in the house as well as a daily staff team, in which two employees will also sleep over in the house.</p> <p>The house will be registered and inspected by Tusla, Child & Family Agency on a yearly basis. The house is fully compliant with fire regulations, ensuring that there are compliant fire doors, emergency exits, emergency lighting, fire alarm and carbon monoxide alarm systems and firefighting equipment within the centre. The house will also be certified by an engineer.</p>
Location (Townland & O.S No.)	Ballymulla Roscommon.
Floor Area	N/A

Height above ground level	N/A
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	N/A
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	N/A



Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development

Has an application been made previously for this site	
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	
Proposed use of land or structure	
Distance of proposed building line from edge of roadway	
Does the proposed development involve the provision of a piped water supply	
Does the proposed development involve the provision of sanitary facilities	

Signature: _____

Date: _____

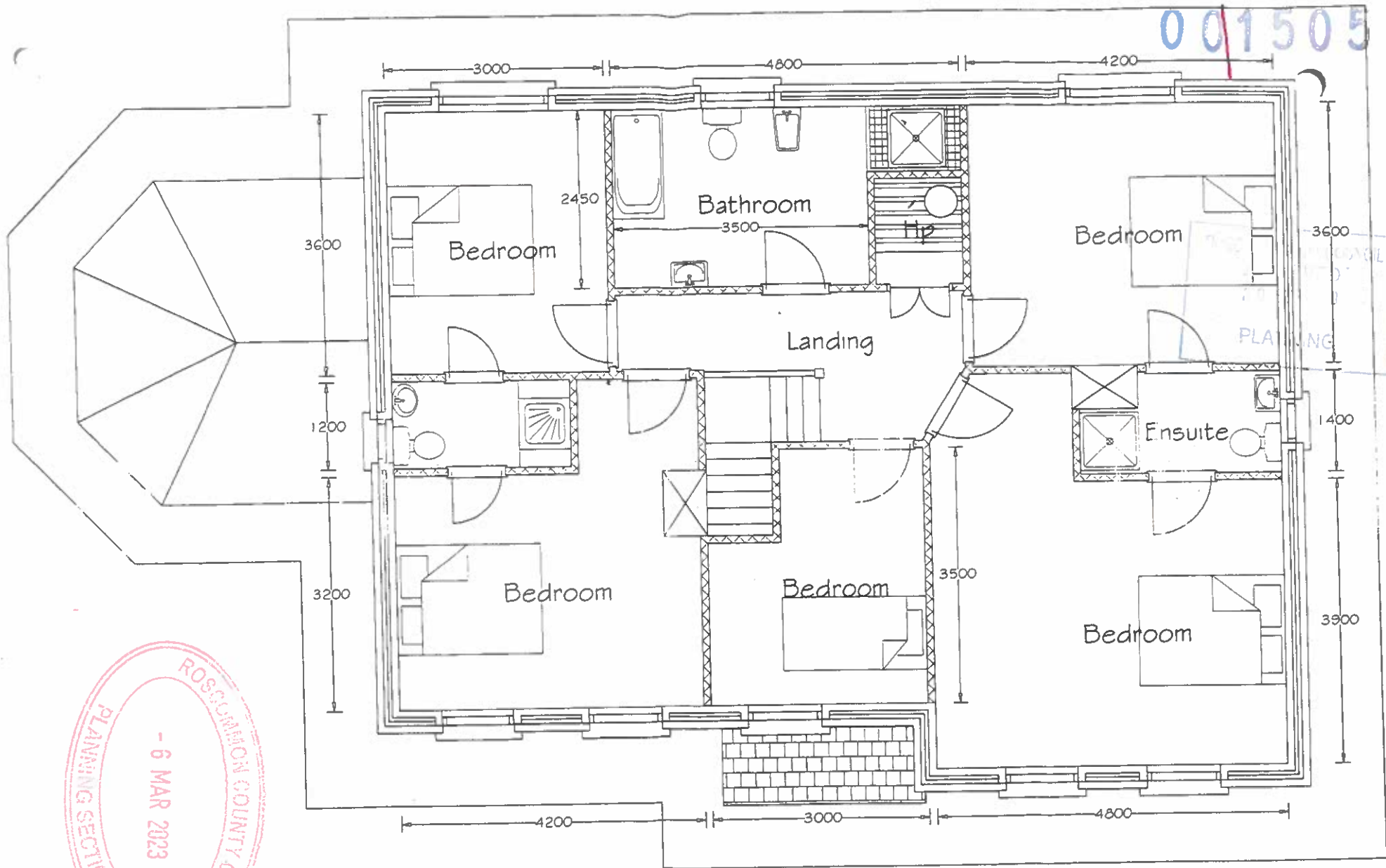
Note: This application must be accompanied by:-

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location

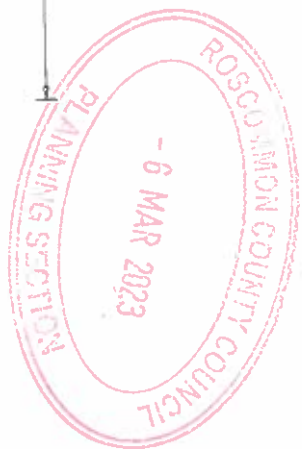
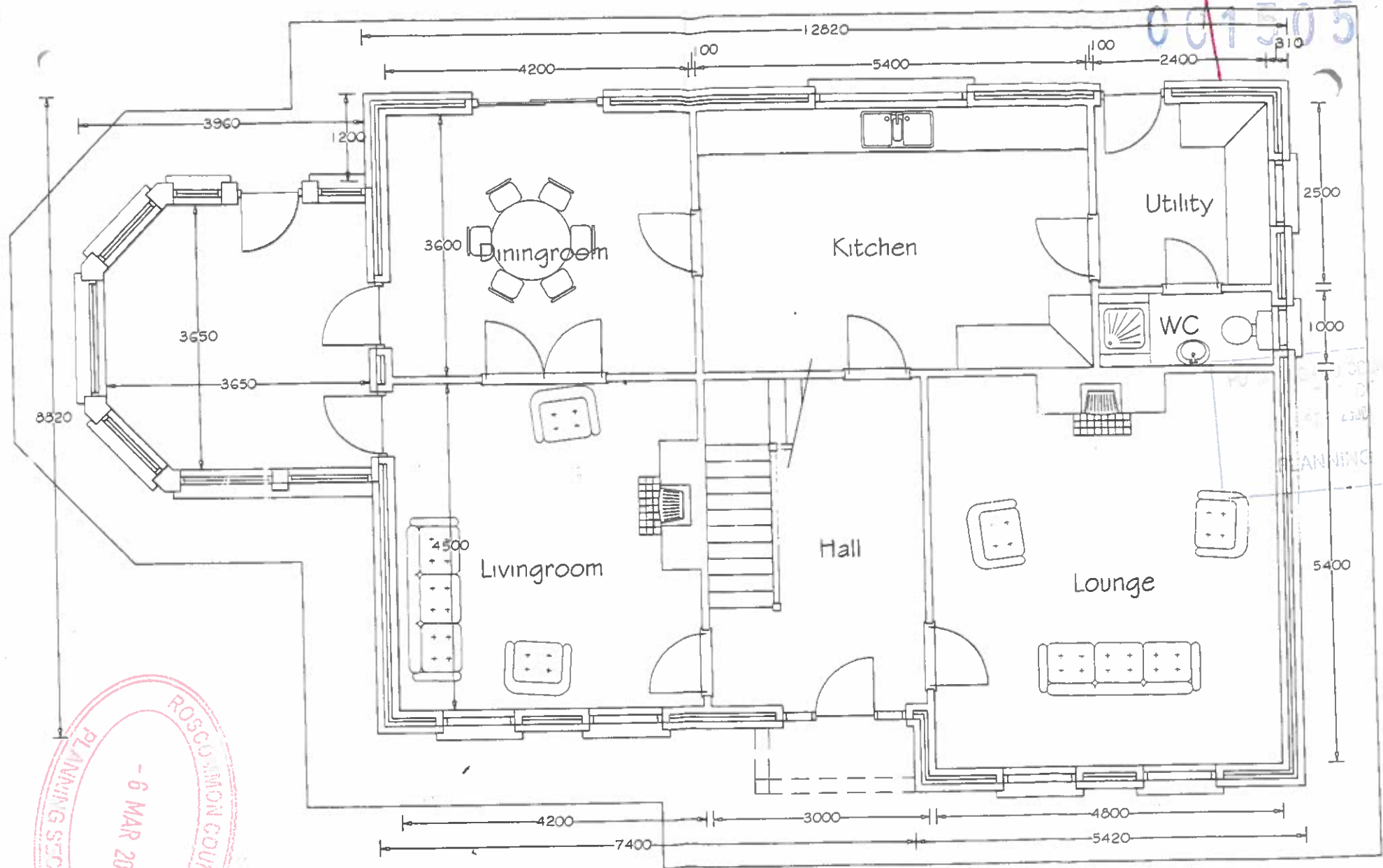
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



001505

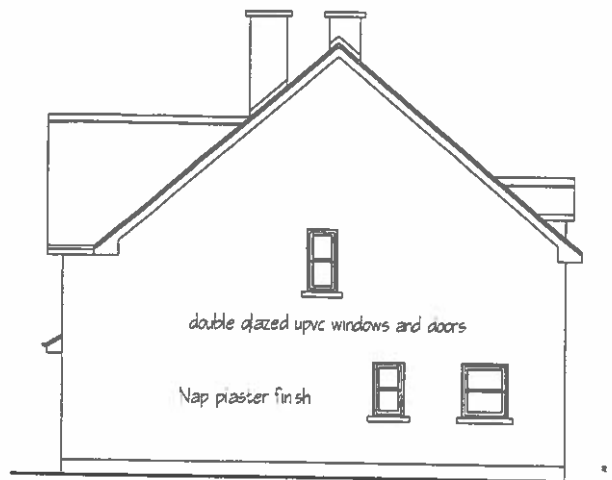


First Floor Plan scale 1:50.

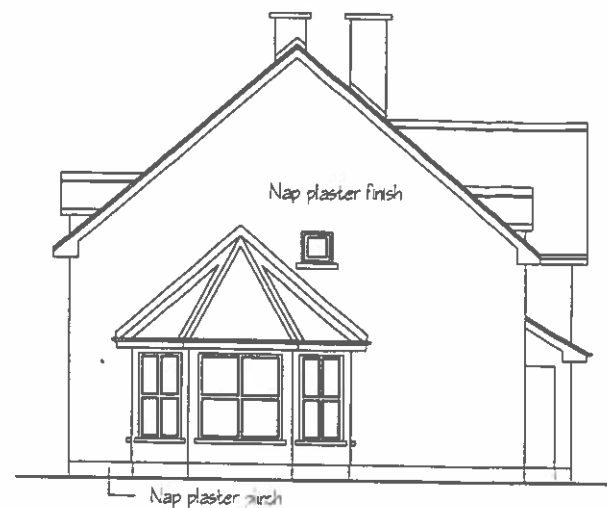


Ground Floor Plan scale 1:50

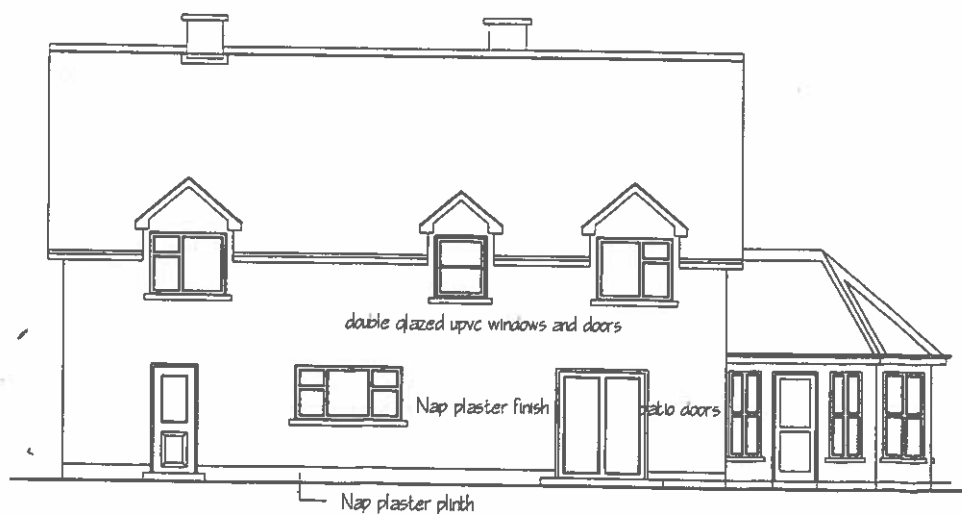
001505



Side Elevation scale 1:100



Side Elevation scale 1:100



Rear Elevation scale 1:100

00/1505

ROOF TIMBERS

175 X 25 RIDGE BOARD
125 X 50 RAFTERS AT 400 C/C
125 X 50 CEILING JOISTS AT 400 C/C
125 X 50 COLLARS AT EVERY FOURTH RAFTER
225 X 75 PURLINS
100 X 75 STRUTS MAX 2400 APART
75 X 50 HANGERS
75 X 50 RUNNERS
100 X 75 WALL PLATE
25 FASCIA
19 SOFFIT

50 X 25 BATTENS ON
UNTEARABLE FELT

50 FIBRE GLASS INSULATION
LAIN BETWEEN JOISTS

thru-tone slates

stud partition

2500

Bed

Bed

UPVC FASCIA & SOFFIT

310 INSULATED CONC BLOCK
CAVITY WALL

225X50 floor joist

2650

Diningroom

Livingroom

D.P.C 150 ABOVE G.L

900 X 300 REINFORCED
CONC FOUNDATIONS

PROVIDE RADON BARRIER UNDER CONCRETE FLOORS
IN ACCORDANCE WITH MANUFACTURERS
INSTRUCTIONS AND VENT TO EXTERNAL AIR

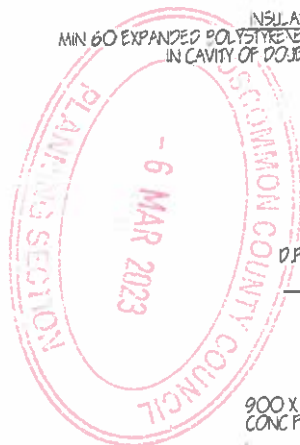
CONC FLOORS

50 CONCRETE SCREED ON
100 CONCRETE SLAB ON
50 INSULATION ON
1000 GAUGE VISQUEEN ON
BLINDING SAND ON
225 HARD CORE

FOUNDATIONS TO BE CHECKED AFTER
EXCAVATION & BE TO DESIGN ENGINEERS
DETAIL

INSULATION TO WALLS
MIN 60 EXPANDED POLYSTYRENE (K=0.035)
IN CAVITY OF DOUBLE LEAF WALL

MIN 55mm EXPANDED POLYSTYRENE (K=0.028)
UNDER ENTIRE SLAB & TURN UP AT EDGES OF SLAB



Section A-A scale 1:50.

