

ROSCOMMON COUNTY COUNCIL

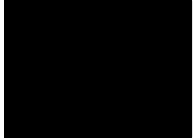
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Noel Whelan,



Reference Number: DED 793
Application Received: 4th November, 2024
Name of Applicant: Noel Whelan
Agent: N/A

WHEREAS a question has arisen as to whether the following works 'Permission to avail of Class 20F Exemption to accommodate people seeking International Protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, F42 XH51, is or is not development and is or is not exempted development:

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

- (a) Sections 3 and 4 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 20F of Part 1, 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.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposal constitutes "development" which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- (b) Under Article 9(1)(a)(iii) it is considered that the proposal has the potential to "*endanger public safety by reason of traffic hazard or obstruction of road users*".
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 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 development for permission to avail of Class 20F Exemption to accommodate people seeking International Protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, F42 XH51, is a development that is **not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 13th February, 2025

ADVICE NOTE

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.

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

Reference Number:	DED 793
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Noel Whelan
Location of Development:	Academy House, Goff Street, Ballypheasan, Roscommon Town, F42 XH51
Site Visit:	February 10 th 2025

WHEREAS a question has arisen as to whether the following works; "Permission to avail of Class 20F Exemption to accommodate people seeking International Protection" under the Planning & Development Act (Exempt Development) Regulations 2018 at the above address 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 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- c) Part 4 of Schedule 2 of the 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);
- e) The planning history on site.

1.0 Site Location & Description of Development & Nature of Proposed Development
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Site Location:

- The subject site encompasses a development is a 3-4 storey mid-terrace structure, which is situated in the townland of Ballypheasan. It is located to the eastern extent of Goff Street, which converges with Main Street to the north and the Circular road to the south.

Development Description:

- **Access:** Vehicular access arrangements are as per the conditions stated above with provision for on-street parking. Pedestrian access to the development is by way of stepped access to the western elevation of the property (front door is located here).
- **Boundaries:** This is a mid-terrace dwelling; public access to the rear is precluded.
- **Dwelling:** The dwelling is historic in nature - as evidenced by the 6-inch (1830-1930) historic maps.

Nature of Proposed Works:

The applicant has advised in their application that "no works to be carried out", in relation to the development.

2.0 Geographic Information Systems [GIS]

European Sites:

As per a review of Roscommon County Council's Geographic Information Systems, the following European Sites were noted:

- Appropriate Assessment

The closest designated sites include 'Lough Ree' SAC (Site Code: 000440) which is located ca. 3.7km east of the subject site; Corbo Bog SAC (Site Code: 002349) which is located 7.8km north-east of the subject site and Ballinturly Turlough SAC (Site Code: 000588) which is located ca. 5.2km south-west of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, can be excluded.

Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, there are architectural and/or archaeological heritage sites/structures in proximity to the subject site and property thereon.

- Assessment of Architectural & Archaeological Heritage

- The property is located within Archaeological Zones of Notification (Zone: R184453). Archaeological heritage is legally protected from unauthorised damage or interference through powers and functions under the National Monuments Acts 1930-2004.
- The subject site is located in proximity to Roscommon Town's Architectural Conservation Area (ACA). The building is not a protected structure.

Having regard to the foregoing, and the *Nature of the Proposed Works*, wherein the applicant states that there are "no works to be carried out" to the subject site, it is considered that the works proposed do not necessitate further examination as regards to architectural and/or archaeological assessment.

3.0 Planning History

As per Roscommon County Council's Planning Registry and GIS Planning database, a planning history assessment of the subject site and property thereon yielded the following results:

- **PD/04/891** Incomplete Application: **Invalidated 13/07/2004**
- **PD/04/2209** Pertains to development in proximity to, but outside the red-line boundary of the current application (DED 793).
- **PD/04/2310:** For **change of use** of one number habitable house to office accommodation having one office in the basement and two offices in the ground floor and three offices on the first floor and three offices on the second floor (total of nine offices) with provision of a toilet and kitchen for the ground floor and first and second floor at Academy House, (proposed protected structure). **Grant date: 05/09/2010**
- **PD/08/1414** Pertains to development in proximity to, but outside the red-line boundary of the current application (DED 793).
- **PD/24/60143** Pertains to development in proximity to, but outside the red-line boundary of the current application (DED 793).

Planning and Development Acts 2000 (as amended)

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.

Section 4 (2)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

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.

- Class 20F: Particular regard is had to Class 20F

Schedule 2, Part1

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>CLASS 20 F</p> <p>Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, <u>office</u>, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</p>	<ol style="list-style-type: none"> 1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection. 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001². 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028. 4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class. 5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development. 6. ‘displaced persons’, for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022. 7. ‘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). 8. ‘temporary protection’, for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act

- (a) If the carrying out of such work would-
 - (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
 - (iii) Endanger public safety by reason of traffic hazard or obstruction of road users
 - (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.
 - (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

5.0 Planning Assessment

The existing building on site has an established class of use as offices, as per the most recent planning file on the development/subject site (**PD/04/2310**). The applicant's proposal under this Section 5 application is to use this premises as a residence for International Protection Applicants. Whilst the Planning Authority is, in principle, supportive of the proposal, it was deemed necessary to request Further Information from the Applicant which demonstrated i) the existing and proposed floor plans of the subject premises, and ii) clarification regarding the number of individuals Academy House is proposed to accommodate under Class 20F of S.I. No. 376 of 2023, Planning and Development (Exempted Development) (No. 4) Regulations 2023.

5.1 FURTHER INFORMATION DOCUMENTATION:

The Applicant submitted the following information on foot of a request for Further Information:

- **Cover Letter / Email**
 - Received by the Planning Authority on the 17th of January 2025, this outlines the attachment of existing floor plans for Academy House (subject premises) and there are no changes proposed to the existing layout. Further, the cover email outlines that the Applicant is proposing to accommodate 21 individuals at Academy House.
- **Floor Plans**
 - There are four floor plans provided with the Further Information Response, respectively;
 - i. Lower Ground Floor Plan
 - ii. Upper Ground Floor Plan
 - iii. First Floor
 - iv. Second Floor

5.2 PLANNING HISTORY REVIEW:

The planning file referenced above establishes the use of the subject site as office accommodation. In accordance with Column 1 of Class 20F of S.I. No. 376 of 2023, Planning and Development (Exempted Development) (No. 4) Regulations 2023, the temporary use of such structures for the accommodation or support of displaced persons or persons seeking international protection is permissible, subject to the limitations and conditions outlined in Column 2 of the said Part 1.

5.3 OBSERVATIONS ON FURTHER INFORMATION RESPONSE:

- i. **Lower Ground Floor Plans:** This indicates a semi-open-plan Dining Area, with communal kitchen, fitted with a 60 minute Fire Resistant Door set, opening out into a lobby with a stairs ascending to the Upper Ground Floor.

- ii. **Upper Ground Floor Plans:** This indicates access from the exterior (front elevation of property) and from the Lower Ground Floor, both onto a communal hallway, off which there are two bedrooms (Bedroom 1 & Bedroom 2) and a stairs ascending to the First Floor.
 - a. **Bedroom 1 [ca. 5m x 4m]:** Occupancy indicated for 4 individuals.
 - b. **Bedroom 2 [ca. 5m x 5m]:** Occupancy indicated for 5 individuals.
- iii. **First Floor Plans:** This indicates access to the exterior with Emergency Lighting, which likely provides escape in the event of a fire. There are 3 bedrooms (Bedroom 3, Bedroom 4 & Bedroom 5), a Storage Area/Kitchenette, a bathroom with a sink, shower and toilet and a small WC/Shower on an ascending half-landing.
 - a. **Bedroom 3 [ca. 3.5m x 3.1m]:** Occupancy indicated for 2 individuals.
 - b. **Bedroom 4 [ca. 4.4m x 2.9m]:** Occupancy indicated for 2 individuals.
 - c. **Bedroom 5 [ca. 4.3m x 2.9m]:** Occupancy indicated for 2 individuals.
- iv. **Second Floor Plans:** This indicates access off a descending stairwell, off which there are 3 bedrooms (Bedroom 6, Bedroom 7 and Bedroom 8), a storage Area/ Kitchenette and a WC/Shower.
 - a. **Bedroom 6 [ca. 2.7 x 2.4m]:** Occupancy indicated for 1 individual.
 - b. **Bedroom 7 [ca. 4.2m x 3.2m]:** Occupancy indicated for 3 individuals.
 - c. **Bedroom 8 [ca. 3.3m x 3.1m]:** Occupancy indicated for 2 individuals.

5.3 ASSESMENT ON FURTHER INFORMATION RESPONSE:

Having regard to the foregoing, and in particular the potential accommodation of 21 individuals at the subject premises, the Planning Authority has serious concerns regarding the overdevelopment of the subject site and the likely increase in vehicular traffic volumes on the adjoining street - Goff Street, which converges with Main Street Roscommon Town, both of which lie perpendicular to Church Street, forming a 'T-Junction'. This street network is subject to significant congestion; in this regard, reference is made to Article 9(1) of the Planning and Development Regulations 2001 (as amended), which sets out limitations on the application of exempted development provisions under Article 6. Notably, Article 9(1)(a)(iii) which stipulates that development shall not be deemed exempted if the works would "endanger public safety by reason of traffic hazard or obstruction of road users". Given the existing traffic conditions and the potential intensification of use at the premises, the Planning Authority considers that the proposed development may give rise to a traffic hazard, thereby rendering it ineligible for exemption under the Regulations.

6.0 Recommendation

WHEREAS a question has arisen as to whether a proposed development; "*Permission to avail of Class 20F Exemption to accommodate people seeking International Protection*" under the Planning & Development Act (Exempt Development) Regulations 2018" at the site located at "*Academy House, Goff Street, Ballypheasan, Roscommon Town, F42 XH51*" 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 3 and 4 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 20F of Part 1, 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.
- (e) The planning history of the site.

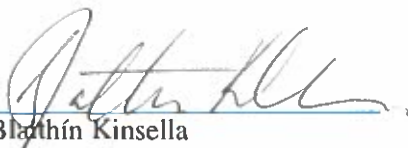
AND WHEREAS I have concluded that

- The proposal constitutes “development” which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- Under Article 9(1)(a)(iii) it is considered that the proposal has the potential to “*endanger public safety by reason of traffic hazard or obstruction of road users*”.
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

AND WHEREAS I have concluded that

- The said development, “*Permission to avail of Class 20F Exemption to accommodate people seeking International Protection*” under the Planning & Development Act (Exempt Development) Regulations 2018” at the site located at “*Academy House, Goff Street, Ballypheasan, Roscommon Town, F42 XH51*” is not exempted development and that a declaration to that effect should be issued to the Applicant.

Signed:



Bláthín Kinsella

Assistant Planner

Date: 10th February 2025

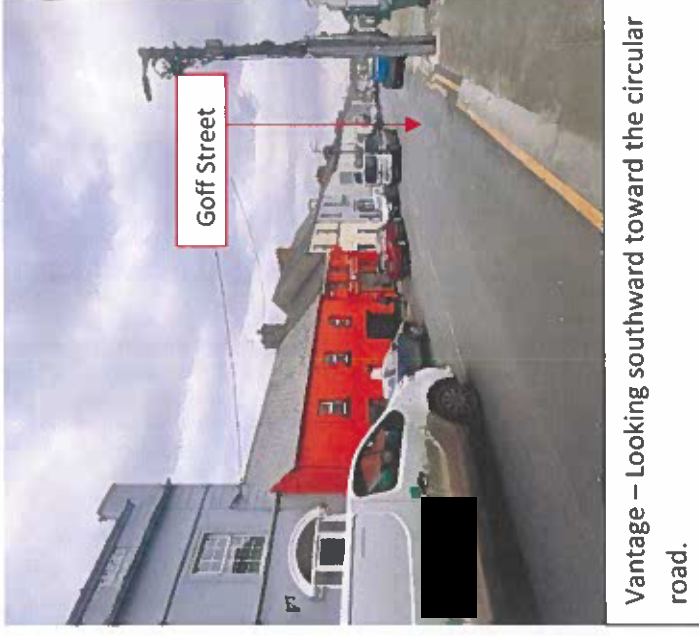
Signed:



Alan O'Connell

Senior Executive Planner

Date: 10th February 2025



Site Inspection Photos

Carmel Curley

From: [REDACTED]
Sent: Friday 17 January 2025 13:05
To: Carmel Curley
Subject: Re: DED793 - Further Information Request
Attachments: Academy house upper ground floor.pdf; Academy house lower ground floor.pdf; Academy house first floor.pdf; Academy house second floor.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hello Carmel,

Thanks for your email earlier regarding the further information request. Please find attached the existing floor plans for Academy House. The proposed floor plans were also requested but there is no difference as there will be no changes to the existing layout.

We are proposing to accommodate 21 individuals at Academy House.

Regards,
Noel

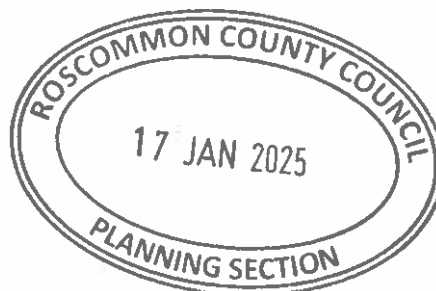
On Fri, 17 Jan 2025 at 11:11, Carmel Curley <CCurley@roscommoncoco.ie> wrote:

Hi Noel,

Please find attached Further Information Request Letter for your Section 5 Declaration of Exempted Development Application, DED793.

Regards,

Carmel



Carmel Curley, Assistant Staff Officer,

Planning Department, Roscommon County Council,

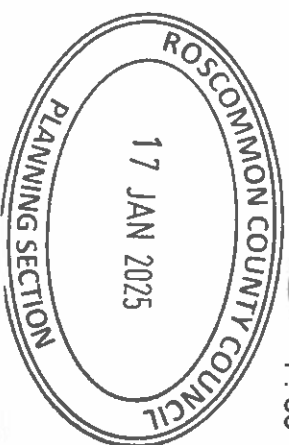
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

[MAP LOCATION](#)

OK
Aic
21-01-2025



Lower Ground Floor Area: 52.96sq/m
Ground Floor Area: 74.5sq/m
First Floor Area: 67.3sq/m
Second Floor Area: 59.7sq/m
Total Floor Area: 254.46 SQ/M
254.46 x €11.60 p/sq.m. = €2,951.74

Please Note
Do not scale from drawing.
All dimensions should be verified on site before construction or manufacture and any discrepancies found brought to the attention of TPE. All drawings remain the property of TPE, permission must be sought to copy any drawing or section of the drawing.

PROJECT

Academy House Fire Safety Certificate

SHEET

UPPER GROUND FLOOR PLAN

CLIENT

Noel Whelan

Date _____

Scale (@ A3)

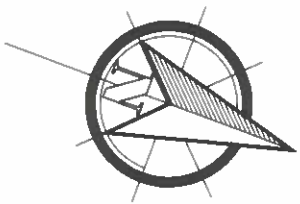
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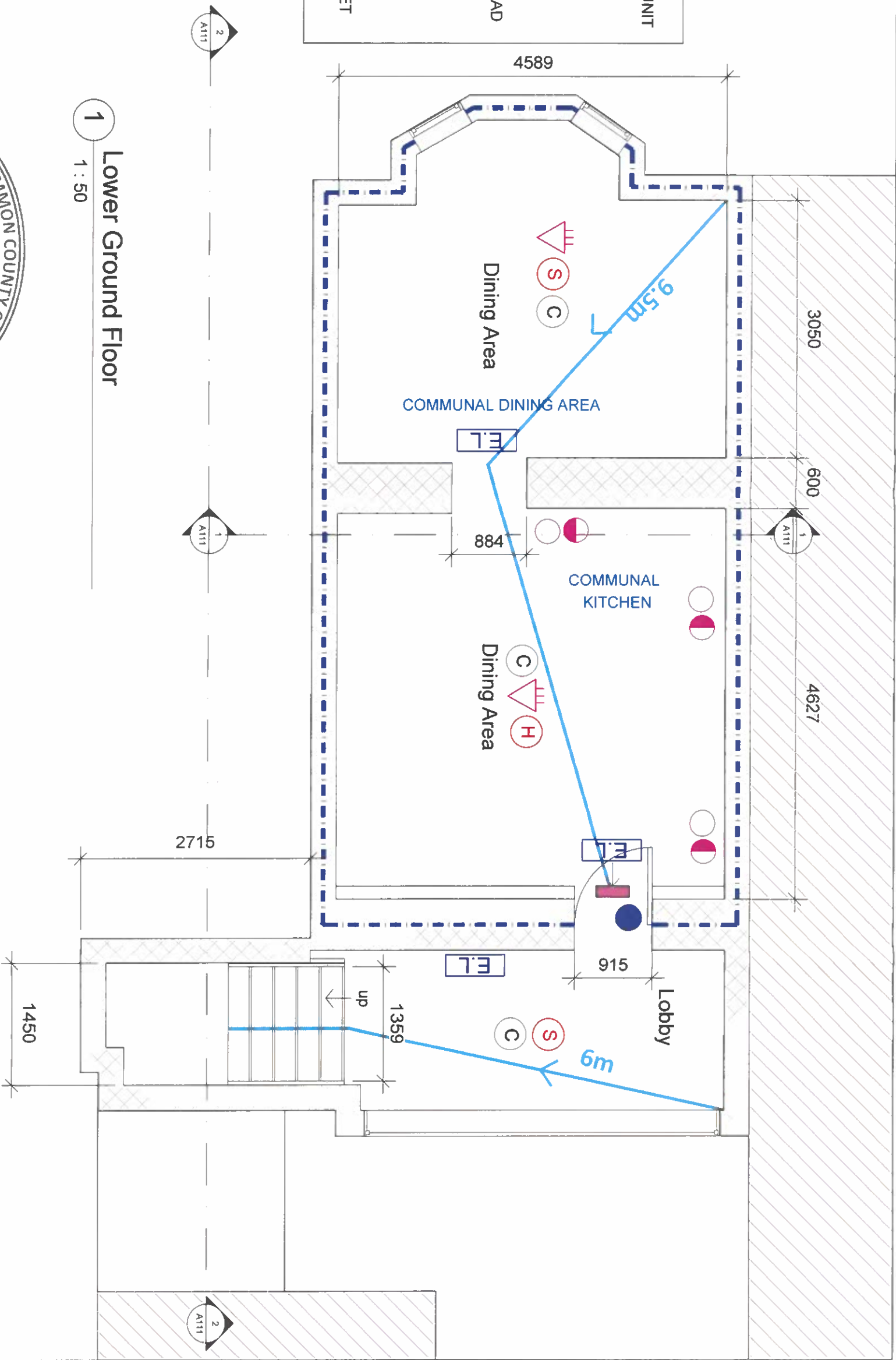


Submitted on 29-08-2024

	CALL POINT / BREAK GLASS UNIT
	SMOKE DETECTOR
	HEAT DETECTOR
	CARBONMONOXIDE ALARM
	EMERGENCY LIGHT - BULKHEAD
	C.I.E. - FIRE PANEL
	EXIT SIGN LIGHT (exit)
	SOUNDER
	FIRE EXTINGUISHER / BLANKET

Fire Legend:

	30 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals
	60 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals
	30 Minute Fire Rated Construction Compartment Wall
	60 Minute Fire Rated Construction Compartment Wall
	Fire Escape Route & Distance To Closest Fire Escape
	Rescue Window
	Access point
	Final exits from building

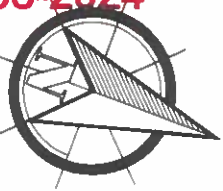


Thomas P. English & Associates
165 Ballymun Road, Glasnevin,
Dublin 9, D09 EH11.

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AR Firebreak Protecting people & property		PROJECT Academy House Fire Safety Certificate		CLIENT Noel Whelan	
SHEET LOWER GROUND FLOOR PLAN		Date 01/03/24	Project number /	Scale (@A3) 1 : 50	REV A
DRAWING NUMBER A101		Drawn by DR	Checked by Checker		

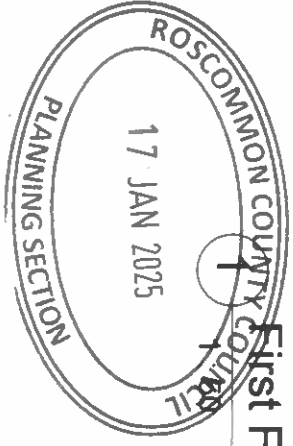


Submitted on 29-08-2024

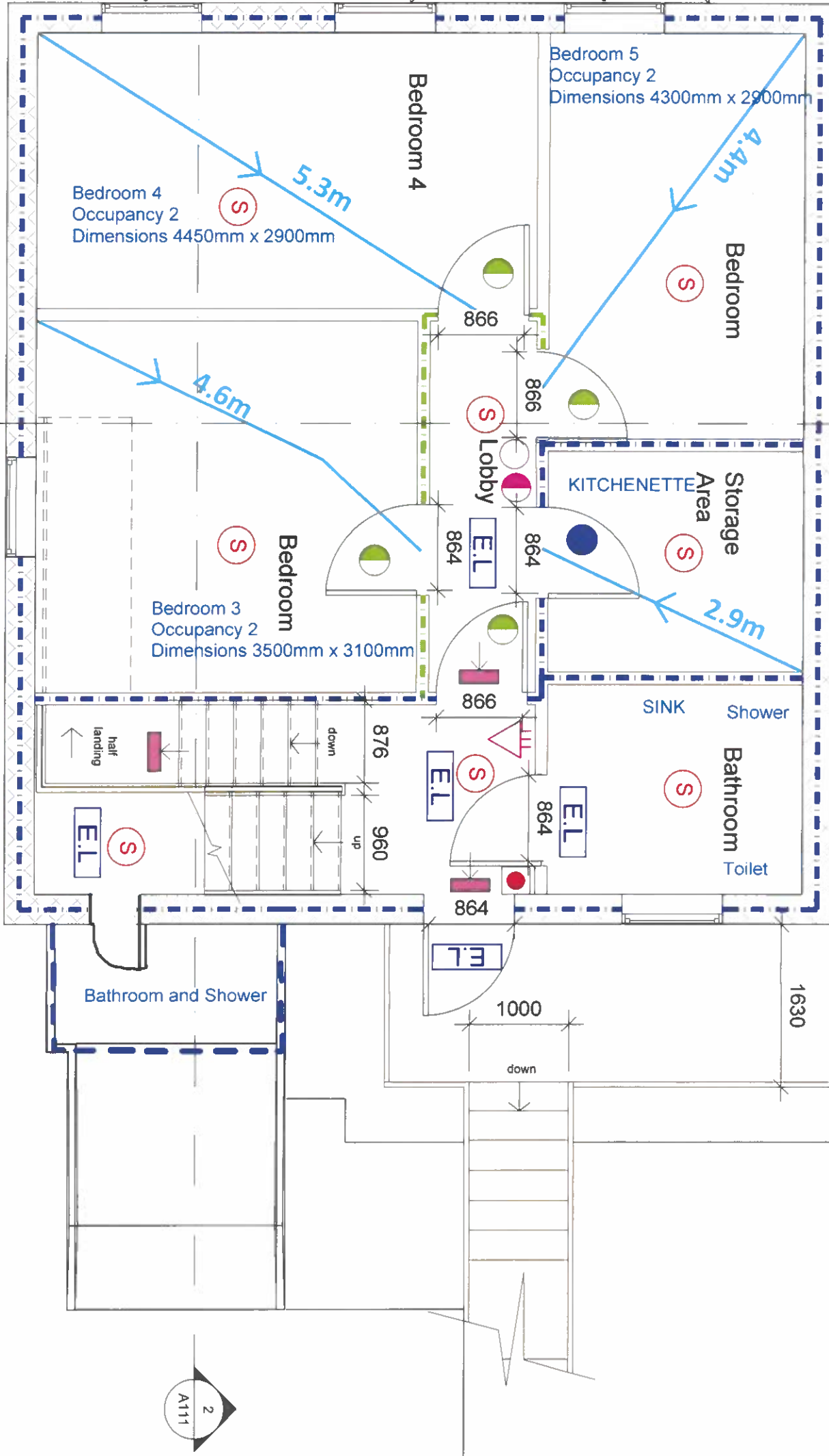
- CALL POINT / BREAK GLASS UNIT
- SMOKE DETECTOR
- HEAT DETECTOR
- CARBONMONOXIDE ALARM
- EMERGENCY LIGHT - BULKHEAD
- C.I.E. - FIRE PANEL
- EXIT SIGN LIGHT (exit)
- SOUNDER
- FIRE EXTINGUISHER / BLANKET

Fire Legend:

- 30 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals
- 60 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals
- 30 Minute Fire Rated Construction
- 60 Minute Fire Rated Construction
- Compartment Wall
- Fire Escape Route & Distance To Closest Fire Escape
- Rescue Window
- Access point
- Final exits from building



First Floor



Protecting people & property

PROJECT
Academy House Fire Safety Certificate

CLIENT
Noel Whelan

SHEET
FIRST FLOOR PLAN

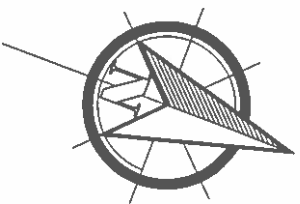
Date
01/03/24
Project number
/

Scale (@A3)
1 : 50
REV
A

Thomas P. English & Associates
165 Ballymun Road, Glasnevin,
Dublin 9, D09 EH11.



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of TPE. All drawings remain the property of TPE, permission
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Submitted on 29-08-2024

	CALL POINT / BREAK GLASS UNIT
	SMOKE DETECTOR
	HEAT DETECTOR
	CARBONMONOXIDE ALARM
	EMERGENCY LIGHT - BULKHEAD
	C.I.E. - FIRE PANEL
	EXIT SIGN LIGHT (exit)
	SOUNDER
	FIRE EXTINGUISHER / BLANKET

Fire Legend:

30 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals	
60 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals	
30 Minute Fire Rated Construction Compartment Wall	
60 Minute Fire Rated Construction Compartment Wall	
Fire Escape Route & Distance To Closest Fire Escape	
Rescue Window	
Access point	
Final exits from building	



AR Firebreak
Protecting people & property

PROJECT
Academy House Fire Safety Certificate

CLIENT
Noel Whelan

Thomas P. English & Associates
165 Ballymun Road, Glasnevin,
Dublin 9, D09 EH11.



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SHEET SECOND FLOOR PLAN	Date 01/03/24	Project number /	Scale (@ A3) 1 : 50	REV A
Checked by DR	Drawn by DR	DRAWING NUMBER A104		
Checker				

Carmel Curley

From: Carmel Curley
Sent: Friday 17 January 2025 11:11
To: [REDACTED]
Subject: DED793 - Further Information Request
Attachments: DED 793 - Further Information Request.pdf

Hi Noel,

Please find attached Further Information Request Letter for your Section 5 Declaration of Exempted Development Application, DED793.

Regards,

Carmel

**Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100**

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION

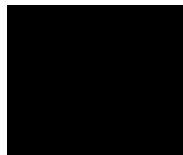




Comhairle Contae
Ros Comáin
Roscommon
County Council



Noel Whelan,



Date: 17th January 2025
Ref: DED 793

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: WHEREAS a question has arisen as to whether the permission for Class 20F Exemption to accommodate people seeking International Protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, is or is not development and is or is not exempted development.

A Chara,

Further to your application received on the 4th November 2024 and in order for the Planning Authority to determine as to whether the permission for Class 20F Exemption to accommodate people seeking International Protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, or is not development and is or is not exempted development, you are requested to submit the following further information:

1. Clarification is required regarding the existing internal configuration (floor plans) of Academy House (the subject site) and the proposed internal configuration (floor plans).
 - a. Please submit all *existing internal floor plans* for Academy House.
 - b. Please submit all *proposed internal floor plans* for Academy House
2. Clarification is sought regarding the number of individuals the subject site is intended to accommodate.
 - a. Please outline the number of individuals Academy House is proposed to accommodate under Class 20F of S.I. No. 376 of 2023, Planning and Development (Exempted Development) (No. 4) Regulations 2023.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 793**

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

Mise le meas,

Alan O'Connell,
Senior Executive Planner, Planning.

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

Reference Number:	DED 793
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Noel Whelan
Location of Development:	Academy House, Goff Street, Ballypheasan, Roscommon Town, F42 XH51
Site Visit:	January 14 th 2025

WHEREAS a question has arisen as to whether the following works; “Permission to avail of Class 20F Exemption to accommodate people seeking International Protection” under the Planning & Development Act (Exempt Development) Regulations 2018 at the above address 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 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 of the Planning and Development Regulations 2001 (as amended).
- c) Part 4 of Schedule 2 of the 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);
- e) ABP Rer.-307077-20 in December 2020 the Board decided that ‘the use of the premises at The Rockquarter, Cannaboe Street, Ballinamore, County Leitrim as apartments, including residential accommodation for protected persons’, is not development
- f) The planning history on site.

1.0 Site Location & Description of Development & Nature of Proposed Development
--

Site Location:

- The subject site encompasses a development is a 3-4 storey mid-terrace structure, which is situated in the townland of Ballypheasan. It is located to the eastern extent of Goff Street, which converges with Main Street to the north and the Circular road to the south.

Development Description:

- **Access:** Vehicular access arrangements are as per the conditions stated above with provision for on-street parking. Pedestrian access to the development is by way of stepped access to the western elevation of the property (front door is located here).
- **Boundaries:** This is a mid-terrace dwelling; public access to the rear is precluded.
- **Dwelling:** The dwelling is historic in nature - as evidenced by the 6-inch (1830-1930) historic maps.

Nature of Proposed Works:

The applicant has advised in their application that “no works to be carried out”, in relation to the development.

European Sites:

As per a review of Roscommon County Council's Geographic Information Systems, the following European Sites were noted:

- Appropriate Assessment

The closest designated sites include 'Lough Ree' SAC (Site Code: 000440) which is located ca. 3.7km east of the subject site; Corbo Bog SAC (Site Code: 002349) which is located 7.8km north-east of the subject site and Ballinturly Turlough SAC (Site Code: 000588) which is located ca. 5.2km south-west of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, can be excluded.

Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, there are architectural and/or archaeological heritage sites/structures in proximity to the subject site and property thereon.

- Assessment of Architectural & Archaeological Heritage

- The property is located within Archaeological Zones of Notification (Zone: R184453). Archaeological heritage is legally protected from unauthorised damage or interference through powers and functions under the National Monuments Acts 1930-2004.
- The subject site is located in proximity to Roscommon Town's Architectural Conservation Area (ACA). The building is not a protected structure.

Having regard to the foregoing, and the *Nature of the Proposed Works*, wherein the applicant states that there are "no works to be carried out" to the subject site, it is considered that the works proposed do not necessitate further examination as regards to architectural and/or archaeological assessment.

3.0 Planning History

As per Roscommon County Council's Planning Registry and GIS Planning database, a planning history assessment of the subject site and property thereon yielded the following results:

- **PD/04/891** Incomplete Application: **Invalidated 13/07/2004**
- **PD/04/2209** Pertains to development in proximity to, but outside the red-line boundary of the current application (DED 793).
- **PD/04/2310:** For **change of use** of one number habitable house to office accommodation having one office in the basement and two offices in the ground floor and three offices on the first floor and three offices on the second floor (total of nine offices) with provision of a toilet and kitchen for the ground floor and first and second floor at Academy House, (proposed protected structure). **Grant date: 05/09/2010**
- **PD/08/1414** Pertains to development in proximity to, but outside the red-line boundary of the current application (DED 793).

4.0 Relevant Statutory Provisions

Planning and Development Acts 2000 (as amended)

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.

Section 4 (2)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

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.

- Particular regard is had to Class 20F of column 1 and the associated Conditions and Limitations set out under Column 2.

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act

(a) If the carrying out of such work would-

- (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
- (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.
- (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

5.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether the use of the subject premises as a residence to accommodate people seeking International Protection at Academy House, Goff Street, Main Street, Roscommon Town, comprises a material change of use. The existing building on site has an established class of use as offices, as per the most recent planning file on the development/subject site (PD/04/2310). The applicant’s proposal under this Section 5 application is to use this premises as a residence for International Protection Applicants. Further to the foregoing, the following matters and observations have been taken into consideration in relation to this application.

APPLICATION DOCUMENTATION:

A schedule of works was not submitted as part of the application for a Declaration under Section 5 of the Planning & Development Act, 2000. The applicant states “No works carried out” in relation to the building.

- Site plans, including a Site Location Map and a Site Layout Map, the latter of which includes the provision of an existing floor-plan, were submitted as part of this application.

PLANNING HISTORY REVIEW:

A review of the planning history for this development yielded the following relevant results:

- **PD/04/2310 – Permission Granted: 05/09/2010**

Permission was granted for change of use of one number habitable house to office accommodation having one office in the basement and two offices in the ground floor and three offices on the first floor and three offices on the second floor (total of nine offices) with provision of a toilet and kitchen for the ground floor and first and second floor at Academy House.

OBSERVATIONS:

The planning file referenced above establishes the use of the subject site as office accommodation. In accordance with Column 1 of Class 20F of S.I. No. 376 of 2023, Planning and Development (Exempted Development) (No. 4) Regulations 2023, the temporary use of such structures for the accommodation or support of displaced persons or persons seeking international protection is permissible, subject to the limitations and conditions outlined in Column 2 of the said Part 1. The Planning Authority is, in principle, supportive of the proposal, contingent upon the provision of detailed floor plans and clarification regarding the number of individuals intended to be accommodated.

With Regard to Article 9(1)(a) of the Planning and Development Regulations, it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Article 9(1)(a)(viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

6.0 Recommendation

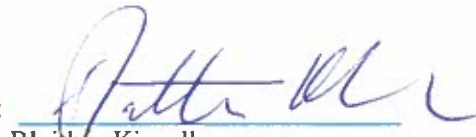
FURTHER INFORMATION

Further to your application processed by the Planning Authority on 4th November 2024, you are requested to submit the following further information. Upon receipt of this information, your application will receive further consideration.

1. Clarification is required regarding the existing internal configuration (floor plans) of Academy House (the subject site) and the proposed internal configuration (floor plans).
 - a. Please submit all *existing internal floor plans* for Academy House.
 - b. Please submit all *proposed internal floor plans* for Academy House

2. Clarification is sought regarding the number of individuals the subject site is intended to accommodate.
- a. Please outline the number of individuals Academy House is proposed to accommodate under Class 20F of S.I. No. 376 of 2023, Planning and Development (Exempted Development) (No. 4) Regulations 2023.

Signed:



Blaithin Kinsella

Assistant Planner

Date: 15th January 2025

Signed:



Alan O'Connell

Senior Executive Planner

Date: 15th January 2025



Vantage – Goff Street Looking Northward toward Main Street



Vantage – Looking at the west facing elevation of



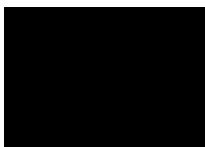
Vantage – Looking southward toward the circular road.



Comhairle Contae
Ros Comáin
Roscommon
County Council



Noel Whelan,



Date: 5th November 2024
Planning Reference: DED 793

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission for Class 20F Exemption to accommodate people seeking International Protection under the Planning & Development Act (Exempt Development) Regulations 2018 at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 4th November 2024, 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. **L01/0/231384** dated 5th November 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 793**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
A/Senior Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

05/11/2024 11:55:02

Receipt No. : L01/0/231384

NOEL WHELAN

EXEMPTED DEVELOPEMENT

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED 783

Total : 80.00 EUR

Tendered :
Cash 80.00

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



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 (as amended), regarding Exempted Development

Name of Applicant(s)	NOEL WHELAN
Name of Agent	NOE WHELAN
Nature of Proposed Works	NO WORKS TO BE CARRIED OUT WE WOULD LIKE TO AVAIL OF A 20% EXEMPTION TO ACCOMMODATE PEOPLE SEEKING INTERNATIONAL PROTECTION AT OUR PROPERTY
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	ACADEMY HOUSE GOFF STREET BALLYPHEASAN ROSCOMMON TOWN
Floor Area: a) Existing Structure b) Proposed Structure	a) 255 sq m b) —
Height above ground level:	11m
Total area of private open space remaining after completion of this development	—
Roofing Material (Slates, Tiles, other) (Specify)	—

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	—
Is proposed works located at front/rear/side of existing house.	—
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	—

Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature:

[Handwritten Signature]

Date:

24/10/24

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

N/A

N/A



Please Note:
Do not scale from drawing.
All dimensions should be verified on site before construction.
All dimensions and any discrepancies found in manufacture and any discrepancies found in the site of TPE. All drawings remain the property of TPE. Permission must be sought to copy any drawing or section of the drawing.

Fire Legend:

- 30 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals
- 60 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals
- 30 Minute Fire Rated Construction Compartment Wall
- 60 Minute Fire Rated Construction Compartment Wall
- Fire Escape Route & Distance To Closest Fire Escape 9.6m
- R.W. Rescue Window
- Access point
- Final exits from building

SITE BOUNDARY
AREA = 284.59 sq/m

Reference Index:

Map Series | Map Sheets
2550-05
2550-10

Rev	Date	Description
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

CLIENT: NOEL WHELAN
PROJECT: ACADEMY HOUSE, GOFF STREET
PROJECT NO.: 021-24
DRAWING NUMBER: A110
DRAWING NAME: SITE LAYOUT MAP

SCALE: 1:250 @ A3 DATE: MAY '24
DRAWN BY: SM APPROVED BY:

Thomas P. English & Associates
145 Ballymore Road, Clontarf,
Dublin 9, D09 X211.

