

**Appeal of Section 5 Declaration on Development and Exempted
Development Notification of Decision by Roscommon County Council**

Applicant Details

Noel Whelan
23 Joyce Road,
Drumcondra,
Dublin 9,
D09HT97

AN BORD PLEANÁLA
LDG- 079291-23
ABP- _____
14 APR 2025
Fee: € 270-00 Type: CAEW **A**
Time: 12-21 By: HAWN

Property Details

Academy House,
Goff Street,
Ballypheasan
Co. Roscommon
F42 XH51

All related post of the review by An Bord Pleanála to be sent to applicant Noel Whelan who has submitted the appeal of Section 5. Please see address as outlined above.

Kind Regards

Noel Whelan



Cover Letter

I would like to take this opportunity to provide a bit of background to the Section 5 applications for Academy House. DED793 was first submitted on November 4th 2024. There is a statutory requirement to respond within a 4 week timeframe of having submitted a Section 5. We did not receive correspondence within this timeframe, nor did the council request any extension of time. On 17th of January 2025 we received a further information request which we duly responded to on the same day January 17th. On February 14th we received a decision from the council which was 14 weeks and 4 days from the date the council first received the application. The decision was not in our favour but more frustrating was the long delay for a decision long outside the 4 week timeframe.

On speaking to a few engineers of the councils decision, they were shocked at the reason that was given so we decided to resubmit. We contacted the council so we could speak with the planner to try and get a better idea of his reasoning behind his observation. The office clerk said they would get him to ring us but this call was never returned by the planner. On receipt of the councils decision we decided to resubmit on February 18th a new Section 5 application and address an observation the council had made on the first application. The new application was submitted with a cover letter and also two reviews from two engineers which we have also attached to this email. The response from the council was received on 19th of March, 29 days after submission, again outside the statutory timeframe. Unfortunately, the decision wasn't in our favour but what was most frustrating was that both reviews provided by the engineers were given no consideration.

In brief the property meets the criteria as set out in the 20F exemption. Its last usage prior to accommodation was an office space used by different local businesses and over 20 years ago it was used as a college/residential building where students were accommodated while completing courses hence the name 'Academy House'. The building itself is an existing building with no material alteration proposed to the building, it is 'a material change of use by itself' with no changes to the structure inside or outside. The building has been brought up to full compliance with a new Fire Safety Cert FRG2407816RN granted by Roscommon County Council on 21st November 2024 to use the property as a guesthouse to provide accommodation to International Protection Applicants. It has been contracted with DCEDIY to accommodate BOTP. There is an abundance of social infrastructure and amenities to support residential use at this property, unlimited availability of essential services including medical and educational facilities. There are no environmental issues related to this property and the council referred to this in both their decisions; DED 793 and 845.

Yours sincerely, Noel Whelan (Applicant)



8/4/25

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,
23 Joyce Road,
Drumcondra,
Dublin 9,
D09 HT97.

Reference Number: DED 845
Application Received: 18th February, 2025
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,
A/Senior Planner,
Planning.

Date: 19th March, 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.

17 Feb 2025
3042/ER

NRB Consulting Engineers Ltd
5th Floor
40 Mespill Road
Dublin 4
D04 C2N4

+353 1 292 1941
info@nrb.ie
www.nrb.ie

**Planning Dept.,
Roscommon County Council,**

*Sent By Soft Copy Email Only to
Mr Noel Whelan for onward transmission*

Dear All,

REVIEW OF SECTION 5 APPLICATION, ACADEMY HOUSE, ROSCOMMON

NRB Consulting Engineers are specialist in the area of Roads/Traffic/Transportation in terms of Assessment, Design and Road Safety, and we do not offer advice in other areas of Consulting Engineering. This review of the Section 5 Planning Documentation and particulars was undertaken by Eoin Reynolds, a Chartered Engineer and founding Director of NRB Consulting Engineers Ltd.

Eoin specialises in the field of Traffic & Transportation and Roads Design / Safety, generally assessing the infrastructure needs of developments. With over 35 years of experience, Eoin is expert in the provision of advice to both private sector and public sector clients on all aspects of roads, traffic and transportation, and mobility management. Eoin has given expert evidence at planning appeals, oral hearings, and public enquiries, and has given Papers at Engineers Ireland on related traffic/roads topics

The subject development / building within the centre of Roscommon Town has a pedestrian access to both the R366 Goff Street to the west, directly onto a wide pedestrian footpath, and also a pedestrian access route to/from Chapel Lane to the north. We understand that the primary pedestrian access route to serve the building will be via Chapel Lane.

We note that Roscommon County Council have published planned public realm project improvement works on Goff Street and locally, which will further enhance traffic safety conditions for pedestrians and road users in the vicinity of Academy House.

We understand that the proposal is for the use of Academy House as a guesthouse for people seeking international protection, and under these plans there is a contractual requirement to have a duty manager and 24/7 security on the property at all times. In these terms, all residents will be required to adhere to the rules regarding the entering / exiting of Academy House. All residents will be given a key card and they will be required to sign in and out of the property at the entrance via Chapel Lane to the rear of Academy House. There will also be an extensive CCTV system fitted throughout the property to assist management in the smooth running of the accommodation centre.

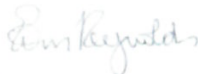
We understand that Academy House has been used as a guesthouse since early 2023 to accommodate Ukrainian Nationals. In October 2023, the local Fire Authority inspected Academy House. Following some upgrade works and a final inspection, a regularised fire cert was granted on 6th of November 2024 in line with guesthouse compliance for fire safety regulations.

Based on my review of the plans and the area, there is not and cannot be any adverse or unacceptable Pedestrian, Traffic or Road Safety issue associated with Academy House Residents using the pedestrian route to Chapel Lane or indeed the doorway to Goff Street. We are not aware of any historic traffic safety matters arising associated with the long established use of the building, or these pedestrian routes, and we expect that this will continue to be the case.



Please do not hesitate to contact me if you have any queries in relation to this submission or the content of the Note.

Yours sincerely,



Eoin Reynolds
Chartered Engineer
Director





Thomas P. English
& Associates.

Cover Letter for Academy House Section 5 application

Dear Mr. O'Connell

In response to the decision of the Section 5 application DED 793 that was submitted, we have resubmitted another Section 5 for Academy House on 18TH of February. There seems to be a misunderstanding regarding the entrance/exit that will be used by residents at the guesthouse. The door that has been used previously is the door at the rear of the property. The Goff Street side door will only be used as a means of escape from the building in the event of a fire/emergency and will be signed accordingly. This door is an emergency escape door. This was also outlined to Paul O Donoghue and Karen Noonan on February 11th who inspected the property on behalf of DCEDIY.

Also please note that in the DED 793 application there was a further information request seeking confirmation on how many residents we were proposing to accommodate. Based on room sizes the maximum would be 17 rather than 21 which was previously stated.

We have attached the upper ground floor plan which outlines the guesthouse residents entrance/exit at the rear of the property which is accessible from the eastern side of the property along Chapel lane via the town centre carpark. On the same floor plan the emergency escape door is also outlined which is located on the Goff Street side of the property.

Kind Regards

Thomas P. English. B.E., M.I.E., A.C.I.I., C.M.I.O.S.H., A.I.E.M.A. Chartered Engineer.
Chartered Safety & Health Practitioner. Chartered Insurance Practitioner.

165 Ballymun Road, Glasnevin, Dublin 9.

Mobile: 086 - 2425308.

Tel. 01 - 8379000.

E-mail: tpeng@connect.ie.

Submitted on 29-08-2024

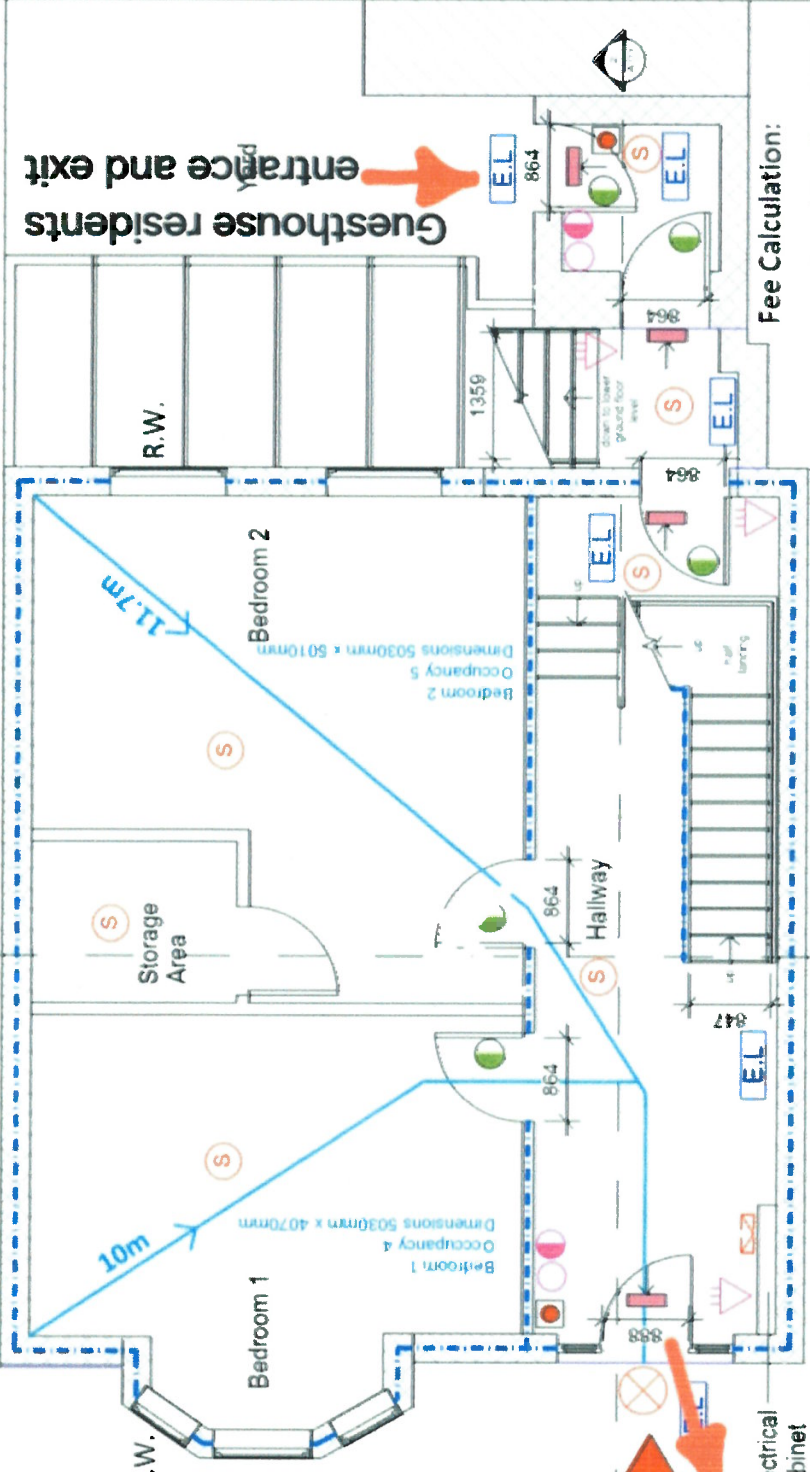


	CALL POINT / BREAK GLASS UNIT
	SMOKE DETECTOR
	HEAT DETECTOR
	CARBONMONOXIDE ALARM
	EMERGENCY LIGHT - BULKHEAD
	C.I.E - FIRE PANEL
	EXIT SIGN LIGHT (exit)
	SOUNDER
	FIRE EXTINGUISHER / BLANKET

Emergency escape door

	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 3.6m
	Rescue Window
	Access point
	Fire exits from building

Guesthouse residents entrance and exit



Fee Calculation:

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

Thomas F. English & Associates
 105 Ballymun Road, Glaninston,
 Dublin 9, D09 E3H1.



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 TFE. All drawings remain the property of TFE. Permission must be sought to copy any drawing or section of this drawing.

PROJECT		Academy House Fire Safety Certificate	
SHEET		UPPER GROUND FLOOR PLAN	
CLIENT	Noel Whelan		
Date	Project number	Scale (@ A3)	REV
01.03.24		1:50	
Drawn by	CHECKING NUMBER	Checked by	A
DR	A102	Checker	

AR Firebreak
 Protecting people & property