

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

Director of Services Order No: 183/2023

Reference Number: EX 70/2022

Name of Applicant: Travellers Family Care CLG C/O Patricia Dowling

Nature of Application: Section 5 Referral as to whether "Change of use from home to Children's residential home at Derralosary House, Roundwood, Bray, Co Wicklow" is or is not exempted development.

Location of Subject Site: Derralosary House, Roundwood, Bray, Co Wicklow

Report from Solomon Aroboto EP & Edel Bermingham SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "Change of use from home to Children's residential home at Derralosary House, Roundwood, Bray, Co Wicklow" is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details submitted under Section 5 Declaration on 02/11/22 and 30/01/23
- An Bord Pleanala Decision Reference PL27/5/62364 (PRR 8500/82) which permitted the change of use of Derralossary House from a hotel/restaurant to use as a residential home.
- Sections 2(1) and 3(1), of the Planning and Development Act 2000 (as amended)
- Site inspection carried out on 21/11/22

Main Reasons with respect to Section 5 Declaration:

Having regard to An Bord Pleanala Decision Reference PL27/5/62364 (PRR 8500/82) which permits the use of the building on site as a residential care home, the current usage as a residential care home for children seeking International Protection in Ireland would accord with this permission, would not constitute development as set out under Section 3(1), of the Planning and Development Act 2000 (as amended).

Recommendation

The Planning Authority considers that "Change of use from home to Children's residential home at Derralosary House, Roundwood, Bray, Co Wicklow" is not development as recommended in the planning reports.

Signed  Dated 10th day of February 2023

ORDER:

That a declaration to issue stating:

That "Change of use from home to Children's residential home at Derralosary House, Roundwood, Bray, Co Wicklow" is not development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
Director of Services
Planning Development & Environment

Dated 10 day of February 2023



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco
Suíomh / Website: www.wicklow.ie

Traveller Families Care CLG
C/O Patricia Dowling

10th February 2023

**RE: Declaration in accordance with Section 5
of the Planning & Development Acts 2000 (As Amended)**

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the
Planning & Development Act 2000 in respect of the following:

Exemption Ref No: EX 70/2022

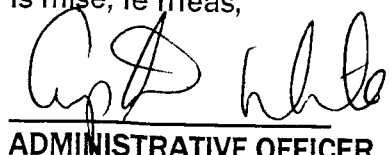
Applicant: Travellers Family Care CLG C/O Patricia Dowling

Nature of Application: "Change of use from home to Children's residential
home at Derralosary House, Roundwood, Bray, Co
Wicklow"

Location: Derralosary House, Roundwood, Bray, Co Wicklow

Where a Declaration is used under this Section any person issued with a
Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of
such fee as may be prescribed, refer a declaration for review by the Board within
four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,


PP

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.**

**DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING &
DEVELOPMENT ACT 2000 AS AMENDED**

Applicant: Traveller Families Care CLG C/O Patricia Dowling

Location: Derralosary House, Roundwood, Bray, Co Wicklow

DIRECTOR OF SERVICES ORDER NO 183/2023

A question has arisen as to whether is or is not exempted development.

Having regard to:

- The details submitted under Section 5 Declaration on 02/11/22 and 30/01/23
- An Bord Pleanala Decision Reference PL27/5/62364 (PRR 8500/82) which permitted the change of use of Derralossary House from a hotel/restaurant to use as a residential home.
- Sections 2(1) and 3(1), of the Planning and Development Act 2000 (as amended)
- Site inspection carried out on 21/11/22

Main Reasons with respect to Section 5 Declaration:

Having regard to An Bord Pleanala Decision Reference PL27/5/62364 (PRR 8500/82) which permits the use of the building on site as a residential care home, the current usage as a residential care home for children seeking International Protection in Ireland would accord with this permission, would not constitute development as set out under Section 3(1), of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that "Change of use from home to Children's residential home at Derralosary House, Roundwood, Bray, Co Wicklow" is not development.

Signed: 

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT


Dated 10 February 2023

Report for – Section 5 declaration

File Reference: EX 70/2022

Applicant's Name: Traveller's Family Care (Patricia Dowling)

Address: - -

Description: Change of use of house to children's residential home

Date of site visit 21/11/22

Section 5 Referral

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether,

Change of use of house to a children's residential home

At Derralosary House, Roundwood, Co. Wicklow, is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended)

Please read this report in conjunction with the previous report. Further information was sought on 29/11/22 and response was received on 30/01/23. The further information request, response and assessment are as follow,

Further information

1. In accordance with Section 5(2)(b) of the Planning and Development Act 2000 (as amended) the following details should be submitted to fully assess the question i.e.

- (a) Please clarify the use of Derralosary House prior to the commencement of use as a Traveller Families Care House, and whether such use commenced prior to the 1st of October 1964.
- (b) Where the usage of the house as a Care House began after the 1st of October 1963 please confirm if permission was granted for such a use or whether such a use was exempted development.
- (c) Notwithstanding the answers to Part (a) or (b) the use for the care of children may come within the provisions of Class 14 of Schedule of the Planning and Development Regulations 2001 (as amended) i.e.

Development consisting of a change of use from a house to a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

This exemption is subject to the restriction that the number of persons with an intellectual or physical disability or mental illness living in any such residences shall not exceed 6 and the number of resident carers shall not exceed 2.

Therefore, you should confirm that the future residents given that they are separated children who have suffered trauma would therefore come within the description of persons with an intellectual, physical or mental illness, and that the max number of carers would be 2.

Response

It is stated that prior to 1984 when the applicant began to use the Derralossary House as a care home, the building was a private dwelling in part with a French Restaurant use established on the ground floor.

The use of the care home began in 1984 and there is no record of permission granted for such use. It is stated that the number of children in the care home would never exceed 6 at any time and the number of carers would never exceed 2 at any one time. It is stated that due to the experience of the children in the care home, which include, trauma, physical, psychological and emotional, the use of the building comes within the provisions of Class 14 of Schedule of the Planning and Development Regulations 2001 (as amended).

Assessment

From carrying out further search, the following is noted as the planning history of the site,

82/8500 (PL27/5/62364) – Permission was granted for change of use from a hotel/restaurant to a residential home.

77/1284 (PL27/5/39106) – Permission was granted for extension to and change of use of a house to use as a guest house/restaurant and shop.

From examining the planning history of the site PRR82/8500 (PL27/5/62364), it is noted that permission was granted to the Eastern Health Board for the use of the development on site a residential home. It is stated that the development has operated as children's residential home for traveller's children since 1984. It is also stated that since 2016, the development has been used as residential care home for children seeking asylum. This implied that the permitted development on site was a residential care facility.

In light of the above, it is considered that the query should be reworded as follow,

whether the change use of a building as children's residential home for traveller's children to residential care home for children seeking asylum is or is not exempted development within the meaning of the Planning and Development Acts, 2000 as amended.

The first question is whether the change use of the building as children's residential home for traveller's children to residential care home for children seeking asylum is or is not development.

Having regard to the definition of development in Section 3 of the Planning and Development Act 2000 (as Amended), the existing permission for the use of the building as a residential care facility and the

current use of the building as residential care facility, it is considered that the use of the dwelling, does not constitute a material change of use and therefore not development.

On the basis of the above, it is considered that the change use of the building as children's residential home for traveller's children to residential care home for children seeking asylum is not development.

Conclusion

On basis on the above assessment, it is considered that,

The use of the building for care and accommodation for separated children seeking International Protection in Ireland at Derralossary House, Roundwood, Co. Wicklow, is not development.

Recommendation

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether,

The use of the building (Derralossary House) as a centre providing care and accommodation for separated children seeking International Protection in Ireland at Derralossary House, Roundwood, Co. Wicklow, is or is not development, and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended)

The Planning Authority considers that:

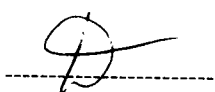
The use of the building (Derralossary House) as a centre providing care and accommodation for separated children seeking International Protection in Ireland is not development.

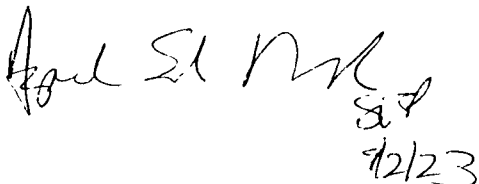
Main Considerations with respect to Section 5 Declaration:

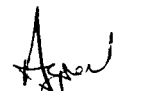
- The details submitted under Section 5 Declaration on 02/11/23 and 30/01/22
- An Bord Pleanala Decision Reference PL27/5/62364 (PRR 8500/82) which permitted the change of use of Derralossary House from a hotel/restaurant to use as a residential home.
- Sections 2(1) and 3(1), of the Planning and Development Act 2000 (as amended)
- Site inspection carried out on 21/11/22

Main Reasons with respect to Section 5 Declaration:

Having regard to An Bord Pleanala Decision Reference PL27/5/62364 (PRR 8500/82) which permits the use of the building on site as a residential care home, the current usage as a residential care home for children seeking International Protection in Ireland would accord with this permission, would not constitute development as set out under Section 3(1), of the Planning and Development Act 2000 (as amended).


Solomon Aroboto E/P
07/02/23


7/2/23


BE
DS
10/2/23

Report for – Section 5 declaration

File Reference: EX 70/2022

Applicant's Name: Traveller's Family Care (Patricia Dowling)

Address: , 000 000000

Description: Change of use of house to children's residential home

Date of site visit 21/11/22

Section 5 Referral

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether,

Change of use of house to a children's residential home

At Derralosary House, Roundwood, Co. Wicklow, is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended)

Planning History

14/2167 – Traveller's Family Care – Permission was granted for up-grading works to the existing sewage system to replace the existing septic tank with a new waste water treatment system and to provide a new raised percolation polishing filter and associated site works.

Relevant Legislation

Planning and Development Act 2000 as amended Section 2(1)

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

"Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal

"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,

Section 3(1) of the Planning and Development Act 2000 as amended defined a development as follows: -

"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 Act 2000- 2010 Section 4(1)(h) as amended - defined an Exempted development as follows: -

Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

The Planning and Development Regulation 2001 as amended

Article 6

(3) 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.

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 development would-

(i) Contravene a condition attached to a permission under 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,

(viii) Consist of or compromise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use

Planning and Development Regulations 2001 as amended: Schedule 2, Pt.1 Class 14(f), states that the following constitutes exempted development:

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.

Conditions and limitations; 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 issue is to determine whether the construction of,

Change of use of house to children's residential home

is or is not exempted development within the meaning of the Planning and Development Acts, 2000 as amended.

Site description

The subject site is located in the townland of Derralosary is accessed by a driveway off the R755. The site has on it is a 2 storey dwelling, shed and large garden area. The site is set back from the public road and has planting around the boundaries.

Assessment

The first question is whether the change of use of house to children's residential home is or is not development.

Under PRR 14/2167, it is stated that the existing house on site ^{was in} ~~is~~ use~~d~~ as a care home for a max. 4 children and has~~d~~ been operating for 30 years. The current proposal would increase the number to 6.

Having regard to the definition of development in Section 3 of the Planning and Development Act 2000 (as Amended), and in light of the current use of the house as a care home for children, it is considered that ^{the existing house} ~~the house~~ as children's residential home is not a material change and in effect not considered development as the historic use of the house has not changed.

The next question is whether the change of use of the house to children's residential home is or is not exempted development. The existing house is use as a care home for a max. 4 and the current proposal would increase the number to 6. It is therefore considered that the proposed works is exempted development.

Conclusion

On basis on the above assessment, it is considered that the change of use of house to children's residential home is or is not development.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether,

Change of use of house to a children's residential home

At Derralosary House, Roundwood, Co. Wicklow, is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended)

The Planning Authority considers that, the:

Change of use of ~~house~~ ^{existing care facility} to a children's residential home is not development ~~but is exempted development.~~

Main Considerations with respect to Section 5 Declaration:

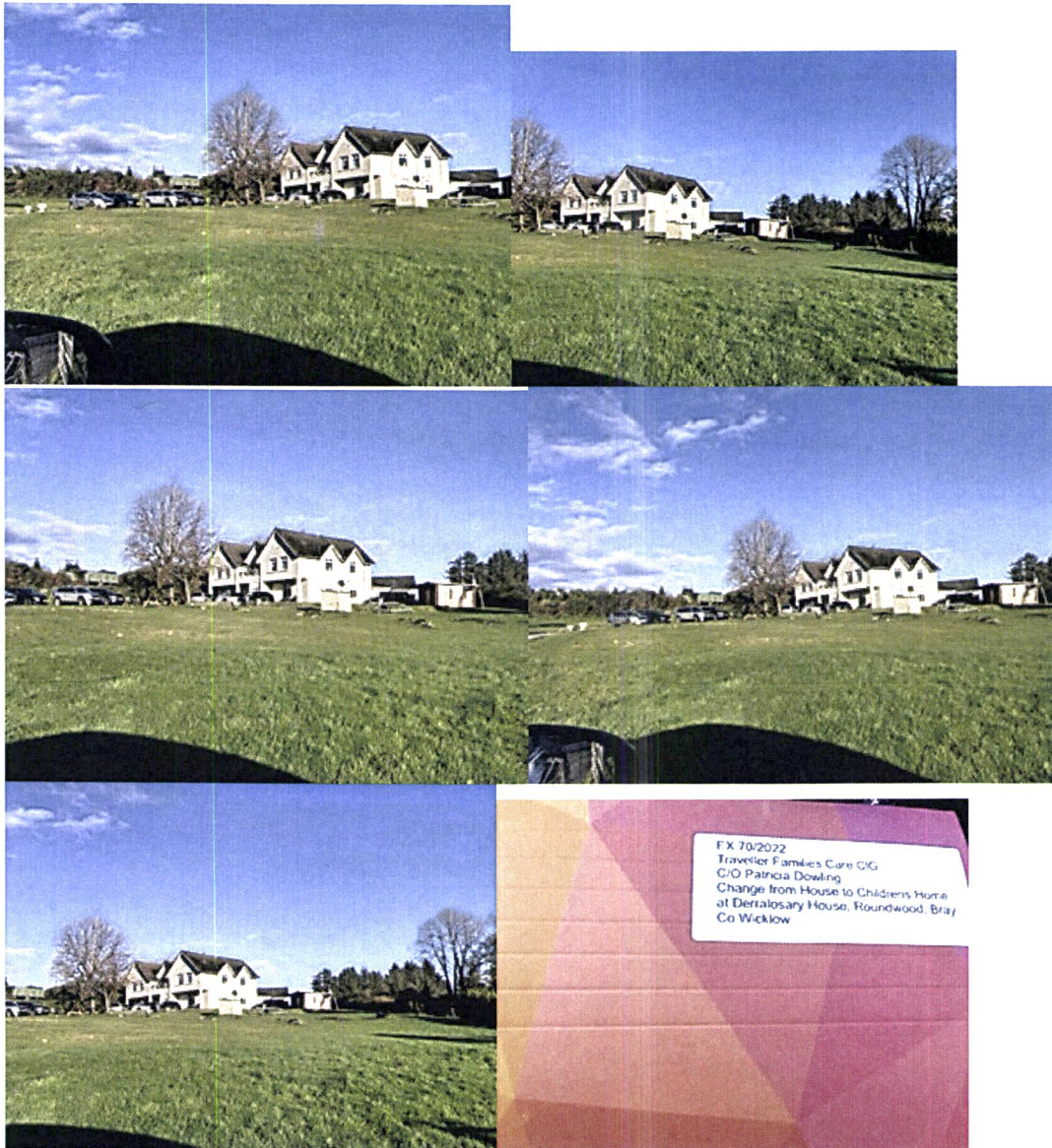
- The details submitted under Section 5 Declaration on 02/1/22
- Sections 2(1) and 3(1), of the Planning and Development Act 2000 (as amended)
- Articles 5(2), 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended
- Schedule 2, Pt.1 Class 14(f) of the Planning and Development Regulations 2001(as amended)
- ~~The Planning History of the site~~ ^{PER 2}
- Site inspection carried out on 21/11/22

Main Reasons with respect to Section 5 Declaration:

- Given use of the existing dwelling on site is use as a care home for children, and the proposed use is for children's residential home, it is considered that both uses are effectively the same and therefore the proposal is not development and the increase in number of children living in the house from 4 -6 is exempted development provided for under Schedule 2, Pt.1 Class 14(f) of the Planning and Development Regulations 2001(as amended)

(Solomon Aroboto E/P
28/11/22

Report noted however it is considered on various the care home use appears to have commenced in advance of any permission, although it is not clear from the evidence submitted where structure was used prior to 1968 as children's home. Then the increase would not be development. Otherwise it may come within the exemptions set out under Class 14 F1 to issue. As attached note recent referral to the Board. Aroboto is 28/11/2021 JI R. 2022. confirms that such a change of use would be acceptable.



Further Information :


In accordance with Section 5(2)(b) of the Planning and Development Act 2000(as amended) the following details should be submitted to fully assess the question i.e.

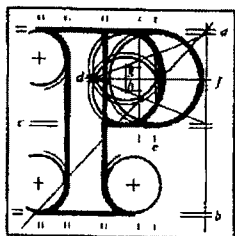
- (a) Please clarify the use of Derralossary House prior to the commencement of use as a Traveller Families Care House, and whether such use commenced prior to the 1st of October 1964.
- (b) Where the usage of the house as a Care House began after the 1st of October 1963 please confirm if permission was granted for such a use or whether such a use was exempted development.
- (c) Notwithstanding the answers to Part (a) or (b) the use for the care of children may come within the provisions of Class 14 of Schedule of the Planning and Development Regulations 2001 (as amended) ie.

Development consisting of a change of use from a house to a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

This exemption is subject to the restriction that the number of persons with an intellectually or physical disability or mental illness living in any such residences shall not exceed 6 and the number of resident carers shall not exceed 2.

Therefore, you should confirm that the future residents given that they are separated children who have suffered trauma would therefore come within the description of persons with an intellectual , physical or mental illness, and that the max number of carers would be 2.


27/11/22



An
Bord
Pleanála

Board Order
ABP-309565-21

Planning and Development Acts 2000 to 2020

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX 03/2021

WHEREAS a question has arisen as to whether the change of use of a dwelling house to a registered children's residential home at Knockadreet, Roundwood, County Wicklow is or is not development or is or is not exempted development;

AND WHEREAS Elaine Currie Director of Attuned Programmes Ireland Limited trading as FutureScape care of William Doran of 7 Saint Mary's Road, Ballsbridge, Dublin requested a declaration on this said question from Wicklow County Council and the said Council issued a declaration on the 5th day of February, 2021 stating that the said matter is development and is not exempted development;

AND WHEREAS Elaine Currie Director of Attuned Programmes Ireland Limited trading as FutureScape referred the declaration for review to An Bord Pleanála on the 1st day of March, 2021;

AND WHEREAS An Bord Pleanála,  this referred, has regard particularly to:

- (a) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2 Part 1 Class 14(f) of the Planning and Development Regulations, 2001, as amended,
- (d) the nature and scale of the proposed use as a registered Children's Residential Home,
- (e) the submissions on file, and
- (f) the report of the Inspector;

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the change of use of the existing dwelling from use as a private residence to use as a registered Children's Residential Home constitutes a material change of use, and is, therefore, development, as defined in Section 3 of the Planning and Development Act, 2000, as amended,
- (b) the change of use comes within the scope of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and would, therefore, constitute exempted development, and
- (c) none of the restrictions on exemption set out in Article 9(1) of these Regulations apply in this instance;

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the development comprising the use of a dwelling house to provide residential care at Knockadreet, Roundwood, County Wicklow is development and is exempted development.

Matters Considered

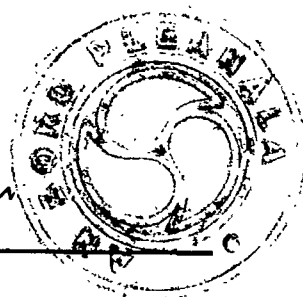
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Terry Prendergast

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *28th* day of *July* 2021

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1982

County Wicklow

Planning Register Reference Number: 8500/82

APPEAL by Denis and Nora Byrne, of Raheen, Roundwood, Bray, County Wicklow, and others against the decision made on the 10th day of January, 1983, by the Council of the County of Wicklow to grant subject to conditions a permission to the Eastern Health Board, of 1, James's Street, Dublin, for the change of use of Derralossary House, Roundwood, County Wicklow, from a hotel/restaurant to a residential home in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1982, it is hereby decided, for the reason set out in the Schedule hereto, to grant permission for the said change of use in accordance with the said plans and particulars and the said permission is hereby granted.

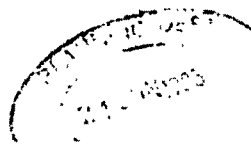
SCHEDULE

It is considered that the proposed change of use is consistent with the proper planning and development of the area and with the preservation of the amenities thereof.

R. Bringer

Member of An Bord Pleanála duly
authorised to authenticate the
seal of the Board.

Dated this 13th day of June 1983.



LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1963

NOTIFICATION OF DECISION TO GRANT PERMISSION / ~~APPROVAL~~
(SUBJECT TO CONDITIONS) UNDER SECTION 26 OF THE ACT

COUNCIL OF THE COUNTY OF WICKLOW

TO: Eastern Health Board, Ref. No. In Planning Reg. 8500/82
1 James's Street, Application Recd. 6th December, 1982.
Dublin 8. F.I.R.R. _____

In pursuance of the powers conferred upon them by the above mentioned Act, Wicklow County Council have by Order dated 10 January, 1983 decided to grant a permission / ~~approval~~ for the development of land namely:-

Change of use of Barrington House, Roundwood, from hotel/restaurant to residential home

SUBJECT TO THE CONDITIONS SET OUT IN THE SCHEDULE ATTACHED HERETO.

If there is no appeal against the said decision a grant of permission / ~~approval~~ in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See footnote).

It should be noted that until a grant of permission / ~~approval~~ has been issued the development in question is NOT AUTHORISED.

Signed on behalf of Wicklow County Council:


COUNTY SECRETARY

DATE: 10 January, 1983.

NOTE: An appeal against a decision of a Planning Authority under Section 26 of the Act of 1963 may be made to An Bord Pleanala. The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal to An Bord Pleanala within three weeks beginning on the date of the decision.

Appeals should be addressed to An Bord Pleanala, Floor 3, Blocks VI and VII, Irish Life Centre, Lower Abbey Street, Dublin 1. An appeal by the applicant for permission should be accompanied by this form. An appeal to An Bord Pleanala will be invalid unless it is accompanied by a deposit of £10.00. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.

PL 27/5/39106

AN BORD PLEANALA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 AND 1976

County Wicklow

Planning Register Reference Number: 1234/77

APPEAL by Sean Brady of Garden Cafe, Roundwood, County Wicklow, against the decision made on the 27th day of May, 1977, by the Council of the County of Wicklow, deciding to grant subject to conditions a permission to Vincenzo Mastrogiacomo, of Derralossary House, Roundwood, County Wicklow for development comprising extension to and change of use of a house to use as a guest house, restaurant and shop in accordance with plans and particulars lodged with the said Council.

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the condition specified in column 1 of the Second Schedule hereto, the reason for the imposition of the said condition being as set out in column 2 of the said Second Schedule and the said permission is hereby granted subject to the said condition.

FIRST SCHEDULE

It is considered that the proposed development is in accordance with the proper planning and development of the area.

SECOND SCHEDULE

<u>Column 1 - Condition</u>	<u>Column 2 - Reason for Condition</u>
The proposed advertising signs to be erected on the east side of the adjoining public road shall be omitted from the development.	To protect the visual amenities along this important tourist route.

JOHN S. CONWAY



Member of An Bord Pleanala duly
authorised to authenticate the
seal of the Board.

Dated this 18th day of September 1977.

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1963

Reference Number in Register: 8500/82

S C H E D U L E

1. Doors on ground floor between hall and sitting room, lounge, dining room and kitchen shall achieve a minimum of $\frac{1}{2}$ hour fire resisting rating 30/30 and shall be fitted with a suitable self-closing device.

REASON: Fire safety precaution.

2. An F.O.C. approved fire alarm system shall be installed to BS Code 5839, having a zoned control panel, heat detectors in kitchen, dining room, lounge, sitting room and a smoke detector over the first floor landing. A manual station shall be provided on each floor and suitable alarm sounders.

REASON: Fire safety precaution.

3. Secondary lighting with 3 hr. duration of supply shall be provided in stairway and kitchen and corridor serving bedrooms nos. 3 - 6.

REASON: Fire safety precaution.

4. Flammable linings shall be removed from walls and ceilings and replaced with Class 1 surfaces.

REASON: Fire safety precaution.

5. Suitable first aid fire fighting equipment shall be provided.

REASON: Fire safety precaution.

6. A tanked water supply shall be provided for fire fighting purposes as there is no ready supply of water available. Prior to the commencement of the proposed use details of proposals for the purpose of complying with this condition shall be submitted to and agreed by the Council.

REASON: Fire safety precaution.

From: Patricia <Patricia@tfcare.org>
Sent: Monday 30 January 2023 09:40
To: Planning - Planning and Development Secretariat
Subject: Re FX70/2022
Attachments: Wicklow Co Council Response.pdf; Lletter to Wicklow Co Council.docx

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern

Good morning , please see attached response in respect of an application for a declaration in respect of Section 5 for Derrallossary House, Roundwood Co Wicklow. I am attaching the additional information as requested. Please do not hesitate to contact me if you need any further information please do not hesitate to contact me.

Kind Regards,
Patricia Dowling
Director of Services
Traveller Families Care
01 623 5735
085 800 7449



Ballyowen Meadows



Planning Dept:

Wicklow County Council,

County Buildings,

Wicklow

30/01/2023

Re: EX 70/2022 "Change of Use from Home to Children's Home at Derralossary House, Roundwood, Bray, County Wicklow."

Dear Sir / Madam,

We wish to provide the requested additional information regarding the above application.

- (a) Derralossary House has been in the ownership of Traveller Families Care since 1984 when it began its life as a care home for Traveller children. Before then, to the best of our knowledge, the building was a private dwelling in part with a French Restaurant use established on the ground floor.
- (b) We have no record of a Planning Application or Planning Grant being in place at that time for its current use. However, this use of Derralossary House as a care home by T.F.C. has gone on over the intervening 38 years uninterrupted, and has not attracted any controversy or attention, either from the Local Authority or from the neighbouring property owners

Traveller Families' Care

Community and Residential Resources for Traveller Families

BALLYOWEN MEADOWS, FAMILY SUPPORT UNIT, FONTHILL ROAD, CLONDALKIN, DUBLIN 22



Phone: 01 6235735 **Fax:** 01 6235736 **Email:** ballyowen@tfcare.org



(c) The building contains 7 bedrooms on the first floor one of which is dedicated for a career. In times past there have been periods when some of the 6 children's bedrooms would have contained more than one child, particularly when they were siblings and used to company. However nowadays the rooms are all exclusively used singly, (as is current best practice), so that the dwelling will never have more than 6 children in care at any one time. The number of overnight / resident careers is never more than two with sleeping facilities for both i.e. one dedicated bedroom and one of the first floor offices having a bed also.

During the day the numbers of adults in the building varies with both carers and management. Social Workers and visitors attend at different times. As the children being provided care are there due to their experiences which include trauma, be it physical, emotional or psychological, we suggest and understand that the use of Derralossary House as a Care Home comes within the provisions of Class 14 (f) of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

In this context we hope that the above information will be helpful in our application. Thanks for your time and attention.

Kind regards,

Patricia Dowling

Patricia Dowling,

Director of Services

Traveller Families Care

Traveller Families' Care

Community and Residential Resources for Traveller Families

BALLYOWEN MEADOWS, FAMILY SUPPORT UNIT, FONTHILL ROAD, CLONDALKIN, DUBLIN 22





Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

29/11/2022

Travellers Families Care
C/O Patricia Dowling
Derralosary House
Roundwood
Bray
Co Wicklow
A98 DY05

RE: EX 70/2022

'Change of use from Home to Children's Home at Derralosary House, Roundwood, Bray, Co Wicklow.'

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 2nd November 2022.

Further Information :

In accordance with Section 5(2)(b) of the Planning and Development Act 2000(as amended) the following details should be submitted to fully assess the question i.e.

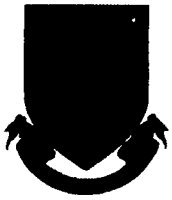
- (a) Please clarify the use of Derralossary House prior to the commencement of use as a Traveller Families Care House, and whether such use commenced prior to the 1st of October 1964.
- (b) Where the usage of the house as a Care House began after the 1st of October 1963 please confirm if permission was granted for such a use or whether such a use was exempted development.
- (c) Notwithstanding the answers to Part (a) or (b) the use for the care of children may come within the provisions of Class 14 of Schedule of the Planning and Development Regulations 2001 (as amended) ie.

Development consisting of a change of use from a house to a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

This exemption is subject to the restriction that the number of persons with an intellectually or physical disability or mental illness living in any such residences shall not exceed 6 and the number of resident carers shall not exceed 2.

Therefore, you should confirm that the future residents given that they are separated children who have suffered trauma would therefore come within the description of persons with an intellectual , physical or mental illness, and that the max number of carers would be 2.





Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
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Mise, le meas



SENIOR STAFF OFFICER

PLANNING DEVELOPMENT AND ENVIRONMENT



MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Solomon Aroboto
Executive Planner

FROM: Crystal White
Assistant Staff Officer

**RE:- EX 70/2022 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Change from house to Children's home at Derralosary House, Roundwood,
Bray, Co Wicklow A98 DY05**

I enclose herewith for your attention application for Section 5 Declaration
received 2nd of November 2022.

The due date on this declaration is the 29th November 2022.



Senior Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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15/11/2022

**Travellers Families Care
C/O Patricia Dowling
Derralosary House
Roundwood
Bray
Co Wicklow**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 70/2022
Change from house to Children's Home at Derralosary House, Roundwood, Bray, Co Wicklow**

A Chara

I wish to acknowledge receipt on the 2nd of November 2022 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 29/11/2022.

Mise, le meas

**SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**





To Whom it may Concern

Derralossary House was established in 1984 and has operated as a children's residential home to date. We worked predominantly with Traveller children until the end of 2015. In 2016 our purpose and function changed, and we now work with separated children Seeking asylum (13-17years) , for 6 young people . Derralossary House (premises) is owned by Tusla Child and Family Agency and our Service Traveller Families Care Clg , established in 1975 is a voluntary organisation are fully funded 100 per cent by Tusla.

We have to register every three years to operate as a children's , we are inspected by Registration and Inspection Services and when found to be in compliance we are registered for a further three-year cycle with unscheduled inspections within the same period in relation to the National Standards for Children in residential Care.

To be in compliance, for the first time, I have been asked to provide a section 5 planning exemption from Wicklow County Council. I would appreciate any help or advice on this matter and am attaching the application form a copy of plans of Derralossary House and a piece on the purpose and function of the residential unit. I hope that I have provided enough information to meet the requirements of the section 5 planning exemption.

Should you require any further information please do not hesitate to contact @ 0872891375 or patricia@tfcare.org. on this matter

Yours Sincerely

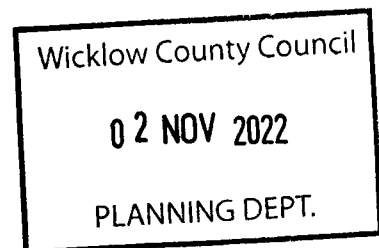
Patricia Dowling
Patricia Dowling

Patricia Dowling

Derralossary House

Roundwood Bray

Co Wicklow A98 DY05



Traveller Families' Care

Community and Residential Resources for Traveller Families

BALLYOWEN MEADOWS, FAMILY SUPPORT UNIT, Fonthill Road, Clondalkin, Dublin 22



Wicklow County Council
County Buildings
Wicklow
0404 20100

02/11/2022 15 02 11

Receipt No L 1/0/303950
***** REPRINT *****

PATRICIA DOWLING
DERRYLOSARY HOUSE
ROUNDWOOD BRAYCO WICKLOW

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Credit Card	80 00

Change	0 00
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Issued By Jessica McDonald
From Customer Service Hub
Vat reg No 0015233H



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT

1. Applicant Details

- (a) Name of applicant: TRAVELLER FAMILIES CARE CLG (PATRICIA DOWLING)
Address of applicant: DERALOSSARY HOUSE, ROUNDWOOD
CO. WICKLOW.

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) _____
Address of Agent : _____

Note Phone number and email to be filled in on separate page.

3. Declaration Details

i. Location of Development subject of Declaration Derraclosary House,
Roundwood, Bray, Co. Wicklow.

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes/ (No)

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier The house and land are owned by (HSE)
TUSLA, CHILD AND FAMILY AGENCY, Estate
Management, Heuston Station Quarter, St John Rd W, 2-5
Kilmainham Dublin. Ph 771-8500.

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration I have been requested
by Registration and Inspection Services as part of
our registration for Derraclosary House children
residence unit to have exemption for planning
from Wicklow County Council in order to be
registered as a children home
Additional details may be submitted by way of separate submission. I am attaching a
copy of our purpose of function

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? No, not that I am aware of

vii. List of Plans, Drawings submitted with this Declaration Application Please find attached Plans + Drawings of Derrillossey House.

viii. Fee of € 80 Attached ? _____

Signed : Patricia Dowling Dated : 01/11/2022

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

Purpose and Function Derralossary House

Derralossary House is a short-term centre catering for 13- to 17-year-olds on admission, it is a mixed gender centre providing care and accommodation for separated children seeking international protection in Ireland. In an emergency special consideration will be given to young people under 13 years if they form part of a sibling group.

Derralossary House recognises that separated children seeking internal protection come with varied and complex needs. We aim to ensure that the service provided understands the cross cultural differences and language barriers that occur between the carers and the young people. Derralossary House recognises that common to all these young people is the need for a welcoming, safe, secure, warm and nurturing environment.

Our aim is to provide the highest possible standard of professional care to the young people in Derralossary House. We are committed in our efforts to support and encourage the young people to reach their full potential by ensuring their primary needs are met as guided by Maslow's Hierarchy of needs which is our Model of Care. We will continue to work in partnership with Tusla and all significant others involved in the care of the young people with a view to achieve the best possible outcomes for the young people.



PETER CASSIDY
Architect M.R.I.A.I.
78 Patrick Street
Dun Laoghaire.
Tel: 230 0318
Fax: 284 1913

Ms. Judy Doyle.,
Manager T.F.C. Derralossary House,
Roundwood,
Co. Wicklow.
17-4-00.

Re: Derralossary Drawings.

Dear Judy,

Further to your telephone call last week please find enclosed 2 copies of 1:100 Scale plans of Derralossary House as requested.

With regard to the alteration works carried out in 1994 to the house please find enclosed 2 copies of the Fire Safety Certificate received prior to the commencement of the works. The related building works were inspected by me through the course of the alterations and were completed in Substantial Compliance with the Building Regulations.

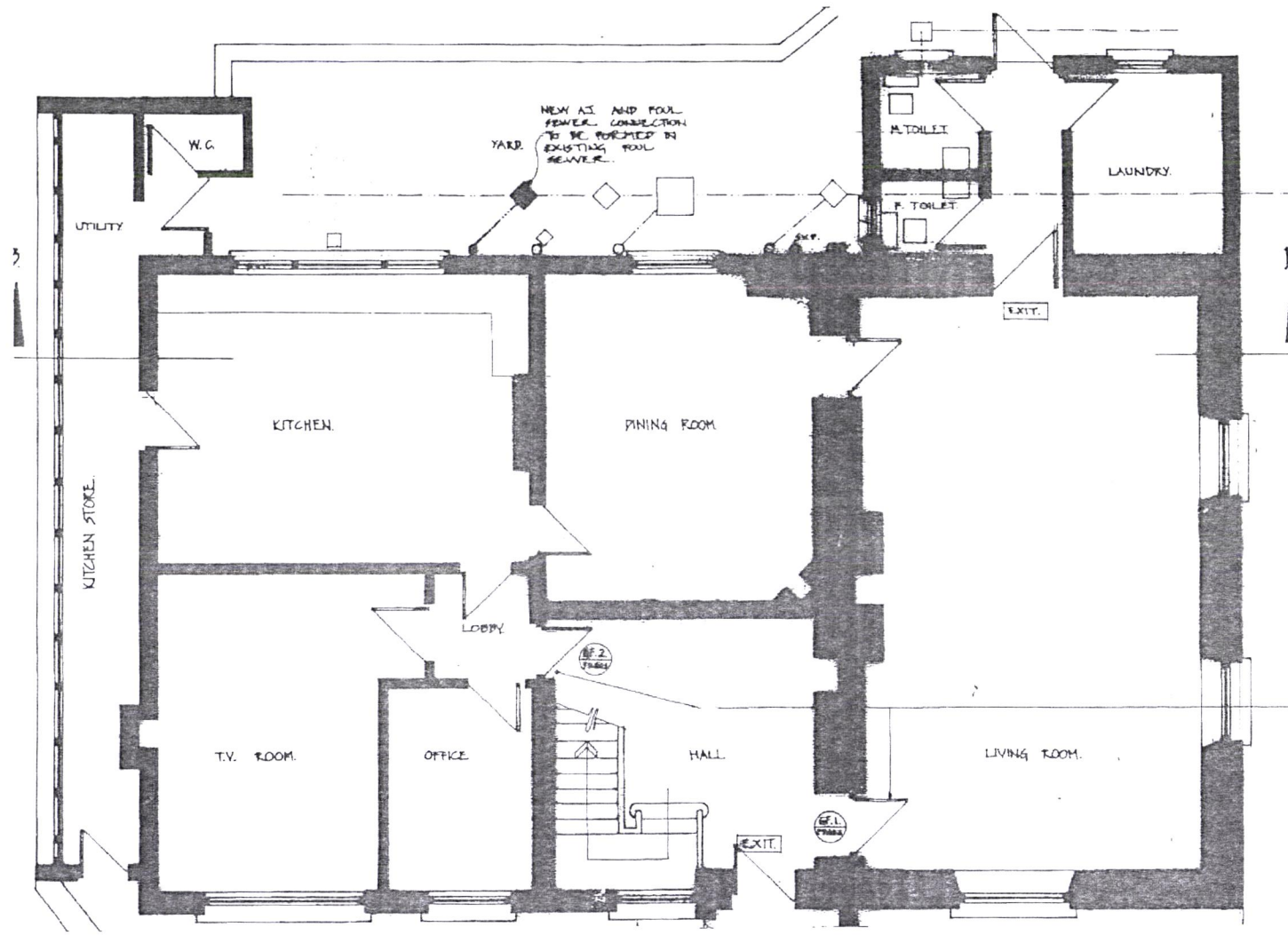
I trust that the enclosed is satisfactory,

yours sincerely,

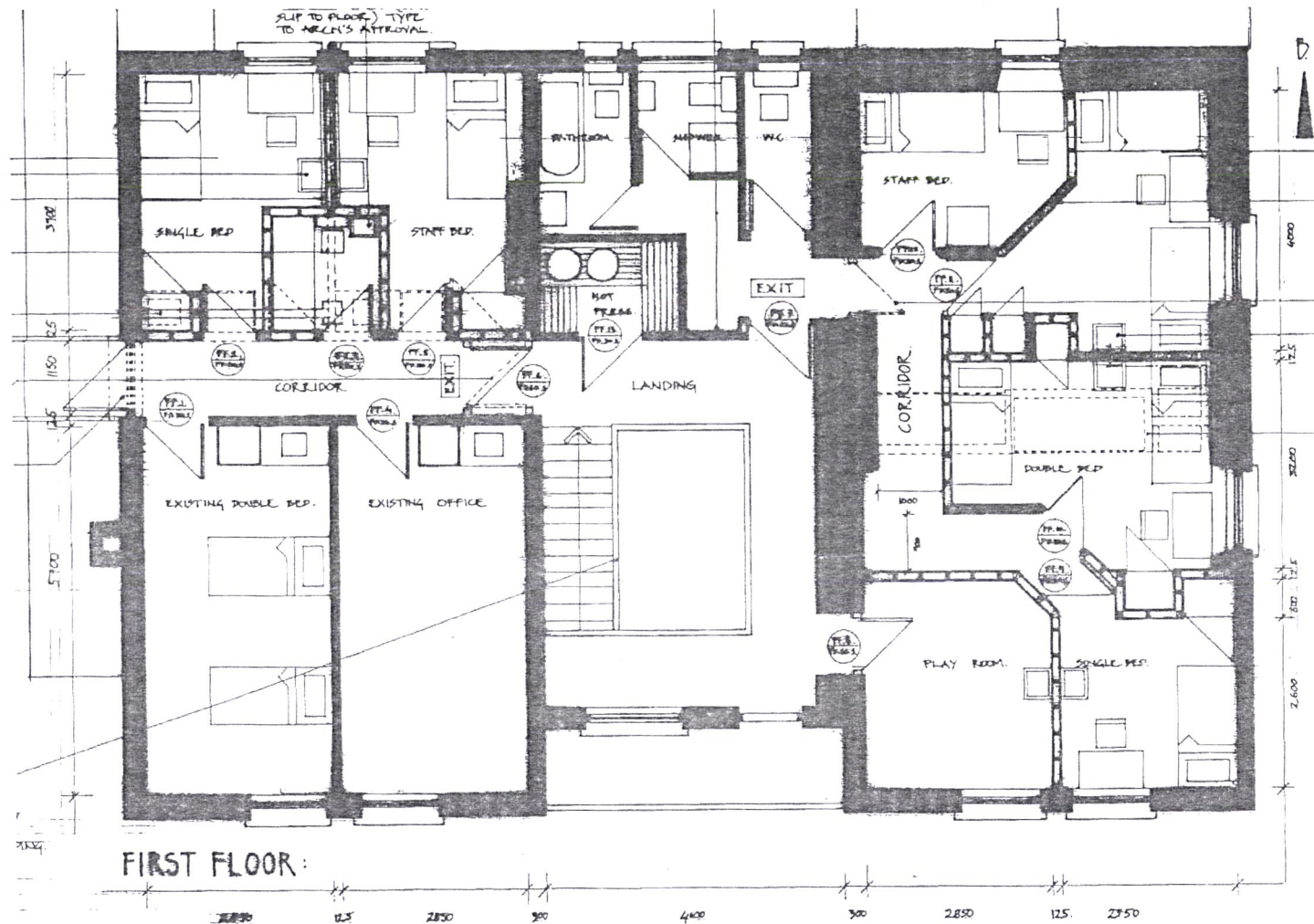
Peter Cassidy M.R.I.A.I.



Peter Cassidy B.Arch. Sc. Dip. Arch.



GROUND FLOOR. SCALE 1:100



FIRST FLOOR . SCALE 1:100