

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Marie Kenny,



**Reference Number:** DED 622

**Application Received:** 22<sup>nd</sup> September, 2023

**Name of Applicant:** Marie Kenny

**Agent:** James Lohan Consulting Engineer Ltd., Unit 5 Ballypheason House, Circular Road, Roscommon F42 C982.

**WHEREAS** a question has arisen as to whether the change of use of ground and first floor from un-used commercial to 2 no. apartments (1 no. 1 bed and 1 no. 2 bed) at Ballyforan Ballinasloe, Co Roscommon H53 VY43 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 2, 3, 4 and 5 of the Planning and Development Act, 2000 (as amended)
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 (as amended)
- (c) 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).

**AND WHEREAS** Roscommon County Council has concluded that:

- The works to change the use of the ground and first floor from un-used commercial to 2 no. apartments are development;
- The works are exempted development in accordance with the provisions of Article 10(6) of the Planning & Development Regulations 2001 (as amended);
- 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 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to change the use of the ground and first floor from un-used commercial to 2 no. apartments at Ballyforan Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon constitutes development that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

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

**ADVICE NOTE**

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

Signed on behalf of the Council:



Senior Staff Officer,  
Planning.

Date: 5<sup>th</sup> January, 2024

cc. James Lohan Consulting Engineer Ltd.,  
Unit 5 Ballypheason House,  
Circular Road,  
Roscommon F42 C982.

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

<b>Reference Number:</b>	DED 622
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended.
<b>Proposed Development:</b>	Whether the Change of Use of Ground and First Floor from un-used commercial to 2x2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon H53 K123 is or is not development and is or is not exempted development.
<b>Name of Applicant:</b>	Marie Kenny
<b>Location of Development:</b>	Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon

**Initial Assessment:**

The following Further Information request was made on October 18<sup>th</sup> 2023, and was replied to on December 8<sup>th</sup> 2023.

1. Please clarify the length of time the existing structure has been vacant and submit documentary evidence to substantiate the claim.
2. Please clarify the extent of works proposed to take place to the external façade of the existing structure, if any, and submit revised plans and particulars illustrating same.
3. The floor areas of each of the proposed apartments are noted, however compliance with the minimum aggregate floor areas as set out in Appendix 1 of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended has not been demonstrated. In unit 1 the floor areas of the single bedroom, double bedroom and storage areas are not compliant. In unit 2 the double bedroom area is not compliant, as scaled from the plans. Please provide revised plans and elevations to demonstrate compliance with these standards for unit 1 and 2.
4. Please clarify how the proposed development will cater for vehicular parking.

**Responses received and assessment of same:**

1. The applicant states that the building has been vacant for c.10 years. Supporting documentary evidence, in the form of a Roscommon County Council Rates Statement and correspondence from a utility provider, has been submitted in support of this claim which is satisfactory.
2. It is stated in response that no works are proposed to the building's façade. ~~This~~
3. In response it is stated that the unit on the ground floor will instead become a one-bedroom apartment in order to comply with the standards as mentioned, i.e. "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000, as amended. Revised plans illustrating this proposed change have been submitted as part of the response.
4. In response it is stated that sufficient on-street parking is available directly outside the building. The site appears constrained in terms of size and its ability to provide off-street parking. Given

the location of the building on Hawthorn Ave, which is off the main street/R363, I am satisfied that this is sufficient in order not to generate a traffic hazard.

### **Final Planning Assessment:**

What is being questioned in this case is whether the proposed change of use/conversion complies with the provisions of Article 10(6) of the Planning & Development Regulations 2001 as amended, which is as follows:

*(a) In this sub-article—*

*“habitable room” means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;*

*‘relevant period’ means the period from 8 February 2018 until 31 December 2025.*

*(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.*

*(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—*

*(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,*

*(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and*

*(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).*

*(d) (i) The development is commenced and completed during the relevant period.*

*(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.*

*(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.*

*(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.*

*(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.*

*(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.*

*(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.*

*(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.*

*(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.*

*(x) No development shall relate to any structure in any of the following areas:*

*(I) an area to which a special amenity area order relates;*

*(II) an area of special planning control;*

*(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.*

*(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.*

*(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection*

(e) (i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.

(ii) Details of each notification under subparagraph (i), which shall include information on—

(I) the location of the structure, and

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

(iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).

The previous commercial use falls under Class 2 (Financial Services) of Part 4 to Schedule 1, which is one of the allowable use classes to be changed under the Article 10(6) exemption. The proposed development consists of the change of use of the buildings last commercial use, to use as two separate dwelling units. Based on information submitted the works proposed are internal. I am satisfied that, based on existing and proposed drawings submitted, that Article 10 (6) (d)(ii) of the 2001 Planning & Development Regulations as amended would apply which provides as follows:

*Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.*

Therefore, I consider that there will be no material change to the building's external appearance. When converted, a 2 bedroom residential apartment with an overall stated floor area of 65.5m<sup>2</sup> and a separate one bedroom apartment with an overall stated floor area of 64m<sup>2</sup> will exist. Both will have sufficient storage requirements as per the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022)*.

Given the sites close proximity to the River Suck Callows SPA (Site Code 004097) the Planning Authority carried out an Appropriate Assessment screening exercise and has concluded that no impacts on any sites in the Natura network will be adversely impacted by the proposal. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS. The proposed change of use in this instance does not contravene a planning condition attached to any previous grants of permission on the site.

I am satisfied that all other aspects of Article 10(6) have been complied with in the current proposal.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- The works to change the use of the ground and first floor from un-used commercial to 2 no. apartments at Ballyforan Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon falls within the provisions of Article 10(6) of the Planning and Development Regulations 2001 as amended.
- The proposal constitutes exempted development.

#### Recommendation

WHEREAS a question has arisen as to whether a proposed development to change the use of the ground and first floor from un-used commercial to 2 no. apartments at Ballyforan Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon

is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) 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.

**AND WHEREAS I have concluded that:**

- The works to change the use of the ground and first floor from un-used commercial to 2 no. apartments at Ballyforan Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon *constitute development* ~~are~~ within the provisions of Article 10(6) of the Planning & Development Regulations 2001 as amended.
- 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 to change the use of the ground and first floor from un-used commercial to 2 no. apartments at Ballyforan Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.



Signed \_\_\_\_\_  
Executive Planner

Date: 4<sup>th</sup> January 2024

*Recommendation Agreed:*  
*MARY FRER,*  
*Senior Planner.*

**APPROPRIATE ASSESSMENT  
SCREENING REPORT  
For  
Declaration of Exempted Development (DED) 622**

**Question: Whether the Change of Use of Ground and First Floor from un-used commercial to 2x2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon H53 K123 is or is not development and is or is not exempted development.**



**Comhairle Contae  
Ros Comáin**  
Roscommon  
County Council

A handwritten signature in black ink, appearing to be 'H. H. H.' or similar, located below the Roscommon County Council logo.

**Screening for Appropriate Assessment: DED622****Table 1: Project Details**

<b>Development Consent Type</b>	Declaration of Exempted Development
<b>Development Location</b>	Ballyforan, Co Roscommon,
<b>File Reference Number</b>	DED 622
<b>Description of the Project</b>	Whether the Change of Use of Ground and First Floor from un-used commercial to 2x2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon H53 K123 is or is not development and is or is not exempted development.

**Table 2: Identification of Natura 2000 Sites (SACs and SPAs) which may be impacted by the proposed development**

Please answer the following questions in order to determine whether there are any Natura 2000 sites which could potentially be impacted by the proposed development.

**Special Areas of Conservation (SAC)****Impacts on habitats**

<b>1.</b>	<b>Impacts on Freshwater Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same?</p> <p><b>Sites to consider</b>  <b><u>Four Roads Turlough SAC</u></b> (Site Code: 001637)  Distance from Site: c.5 km  Designated features: Turloughs (#3180)</p> <p><b><u>Lough Croan Turlough SAC</u></b> (Site Code: 000610)  Distance from Site: c.6 km  Designated features: Turloughs (#3180)</p> <p><b><u>Lisduff Turlough SAC</u></b> (Site Code: 000609)  Distance from Site: c.9 km  Designated features: Turloughs (#3180)</p> <p><b><u>Lough Funshinagh SAC</u></b> (Site Code: 000611)  Distance from Site: c.11 km</p>	<p>No</p> <p>No significant impacts on these Natura sites are likely</p>



	<p>Designated features: Turloughs (#3180)</p> <p><b><u>Ballynamona Bog And Corkip Lough SAC</u></b> (Site Code: 002339) Distance from Site: c.11 km Designated features: Turloughs (#3180)</p> <p><b><u>Castlesampson Esker SAC</u></b> (Site Code: 001625) Distance from Site: c.12 km Designated features: Turloughs (#3180)</p> <p><b><u>Ballinturly Turlough SAC</u></b> (Site Code: 000588) Distance from Site: c.12 km Designated features: Turloughs (#3180)</p>	
<b>2.</b>	<b>Impacts on Bog Mires and Fens Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Bog Mires and Fens habitats, or within 1km of same?</p> <p><b>Sites to consider</b> <b><u>Ballynamona Bog And Corkip Lough SAC</u></b> (Site Code: 002339) Distance from Site: c.11 km Designated features: Depressions on peat substrates of the Rhynchosporion (#7150), Active raised bogs (#7110), Degraded raised bogs still capable of natural regeneration (#7120)</p> <p><b><u>Carrownagappul Bog SAC</u></b> (Site Code: 001242) Distance from Site: c.13 km Designated features: Active raised bogs (#7110), Degraded raised bogs still capable of natural regeneration (#7120), Depressions on peat substrates of the Rhynchosporion (#7150)</p> <p><b><u>Camderry Bog SAC</u></b> (Site Code: 002347)</p>	<p>No</p> <p>No significant impacts on these Natura sites are likely</p>

	<p>Distance from Site: c.14 km Designated features: Active raised bogs (#7110), Degraded raised bogs still capable of natural regeneration (#7120), Depressions on peat substrates of the Rhynchosporion (#7150)</p> <p><b>Curraghlahanagh Bog SAC</b> (Site Code: 002350) Distance from Site: c.14 km Designated features: Depressions on peat substrates of the Rhynchosporion (#7150), Degraded raised bogs still capable of natural regeneration (#7120), Active raised bogs (#7110)</p>	
<b>3.</b>	<b>Impacts on Forests Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Forests habitats, or within 1km of same?</p> <p><b>Sites to consider</b> <b>Ballynamona Bog And Corkip Lough SAC</b> (Site Code: 002339) Distance from Site: c.11 km Designated features: Bog woodland (#91D0)</p>	<p>No</p> <p>No significant impacts on this Natura site are likely</p>
<b>4.</b>	<b>Impacts on Grasslands Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Grasslands habitats, or within 1km of same?</p> <p><b>Sites to consider</b> <b>Killeglan Grassland SAC</b> (Site Code: 002214) Distance from Site: c.6 km</p>	<p>No</p> <p>No significant impacts on these Natura sites are likely</p>

	<p>Designated features: Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (#6210)</p> <p><b>Castlesampson Esker SAC</b> (Site Code: 001625)  Distance from Site: c.12 km  Designated features: Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (#6210)</p>	
<b>5.</b>	<b>Impacts on Heath and Scrub Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Heath and Scrub habitats, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A
<b>6.</b>	<b>Impacts on Rocky Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Rocky habitats, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A
<b>7.</b>	<b>Impacts on Dunes Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Dunes habitats, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A

<b>8.</b>	<b>Impacts on Coastal Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Coastal habitats, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A

#### Impacts on Species

<b>1.</b>	<b>Impacts on Amphibians</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Amphibians, or in the catchment of same?</p> <p><b>Sites to consider</b> None</p>	N/A
<b>2.</b>	<b>Impacts on Anthropods</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Anthropods or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A
<b>3.</b>	<b>Impacts on Fish</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Fish, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A

<b>4.</b>	<b>Impacts on Mammals</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Mammals, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A
<b>5.</b>	<b>Impacts on Mollucs</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Mollucs, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A
<b>6.</b>	<b>Impacts on Non-vascular Plants</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Non-vascular plants, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A
<b>7.</b>	<b>Impacts on Reptiles</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Reptiles, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A

<b>8.</b>	<b>Impacts on Vascular Plants</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Vascular Plants, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A

**Special Protection Areas (SPA):**

<b>1.</b>	<b>Impacts on Birds</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Protection Area, or within 1km of same?</p> <p><b>Sites to consider</b></p> <p><b><u>River Suck Callows SPA</u></b> (Site Code: 004097)  Distance from Site: 0.7 km  Designated features: Whooper Swan (<i>Cygnus cygnus</i>) (#A038), Wigeon (<i>Anas penelope</i>) (#A050), Golden Plover (<i>Pluvialis apricaria</i>) (#A140), Lapwing (<i>Vanellus vanellus</i>) (#A142), Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) (#A395), Wetland and Waterbirds (#A999)</p> <p><b><u>Four Roads Turlough SPA</u></b> (Site Code: 004140)  Distance from Site: C.5 km  Designated features: Golden Plover (<i>Pluvialis apricaria</i>) (#A140), Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) (#A395), Wetland and Waterbirds (#A999)</p>	<p>Yes</p> <p>No significant impacts on these Natura sites are likely</p>

	<p><b><u>Lough Croan Turlough SPA</u></b> (Site Code: 004139)  Distance from Site: c.6 km  Designated features: Shoveler (<i>Anas clypeata</i>) (#A056), Golden Plover (<i>Pluvialis apricaria</i>) (#A140), Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) (#A395), Wetland and Waterbirds (#A999)</p>	
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All designated sites within a 15km radius of the subject site have been considered in this screening for Appropriate Assessment.

**Conclusion Table 2:** If the answer to all of these questions is no, significant impacts can be ruled out for Natura 2000 sites. No further assessment is required; proceed to the Habitats Directive Conclusion Statement.

#### **Screening for Appropriate Assessment - Conclusion Statement**

<b>Development Type:</b> Declaration of Exempted Development
<b>Development Location:</b> Ballyforan, Co Roscommon.
<b>Natura 2000 sites within impact zone:</b> SAC:002350, SAC:002347, SAC:002339, SAC:002214, SAC:001637, SAC:001625, SAC:001242, SAC:000611, SAC:000610, SAC:000609, SAC:000588, SPA:004140, SPA:004139, SPA:004097
<b>Planning File Reference Number:</b> DED622
<p><b>Description of the Project:</b>  Whether the Change of Use of Ground and First Floor from un-used commercial to 2x2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan, Ballinasloe, Co. Roscommon H53 K123 is or is not development and is or is not exempted development.</p> <p><b>Describe how the project or plan (alone or in combination) could affect Natura 2000 sites(s):</b>  There is no likelihood of significant effects and no adverse impacts to site integrity are predicted, due to the nature of the works proposed and the separation distances between the site and Natura 2000 Sites.</p> <p><b>If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not:</b>  There is no likelihood of significant effects and no adverse impacts to site integrity are predicted, due to the nature of the works proposed.</p> <p>It is not considered that there will be any loss of habitat within any European Sites, nor any loss of any qualifying Annex 1 habitat outside designated sites.</p>

**Conclusion of Screening Assessment:**

Following an assessment of the proposed development and any potential relationships with European Sites, it is concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European Sites.

**Documentation reviewed for making this statement:**

Roscommon County Development Plan 2022.

National Parks & Wildlife Service website – npws.ie

**Completed by:**

Barry Freeman, Executive Planner

**Date:**

3<sup>rd</sup> January 2024



Signed: \_\_\_\_\_

Date: 3<sup>rd</sup> January 2024

Signed: MARY GRIER

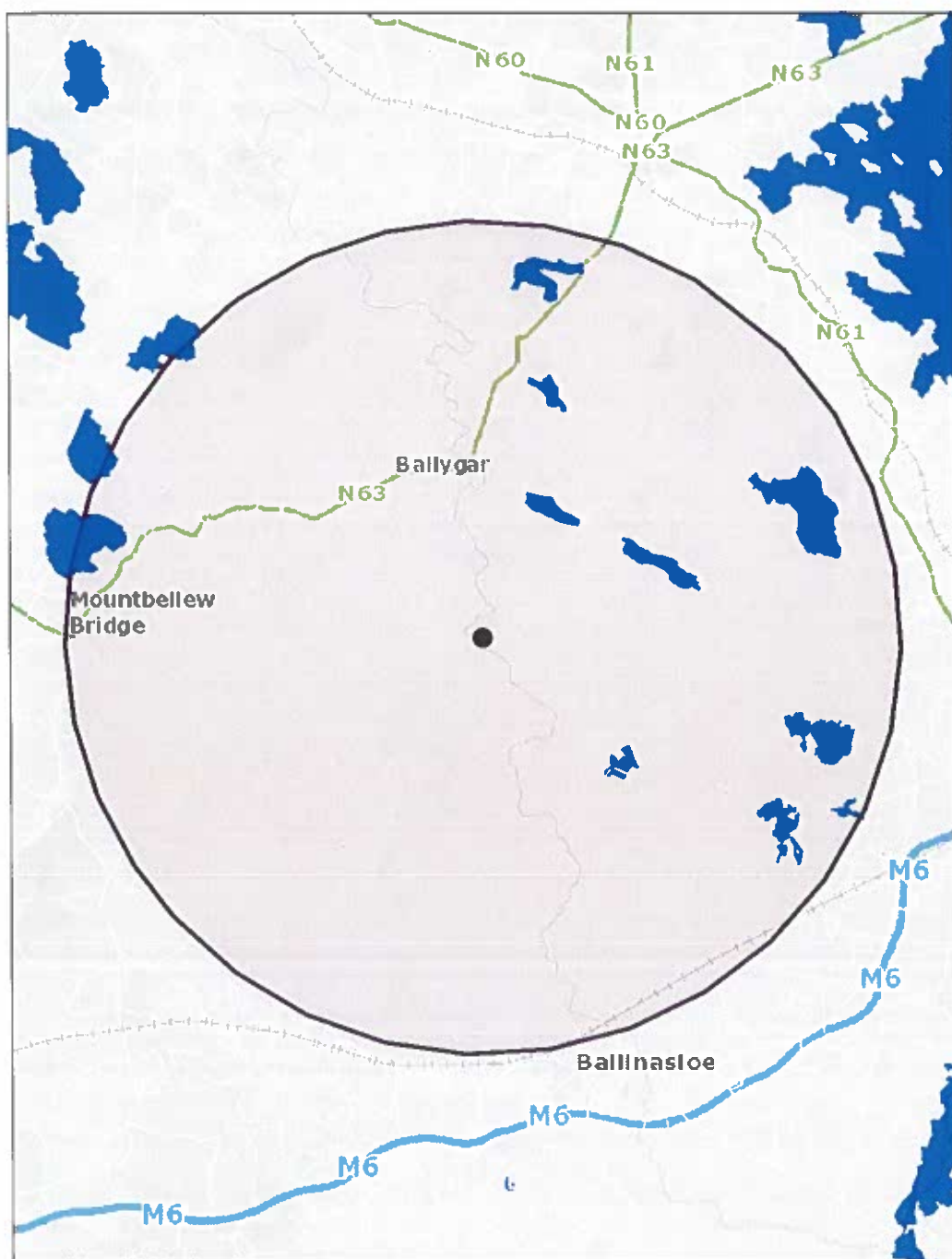
Mary Grier

Senior Planner

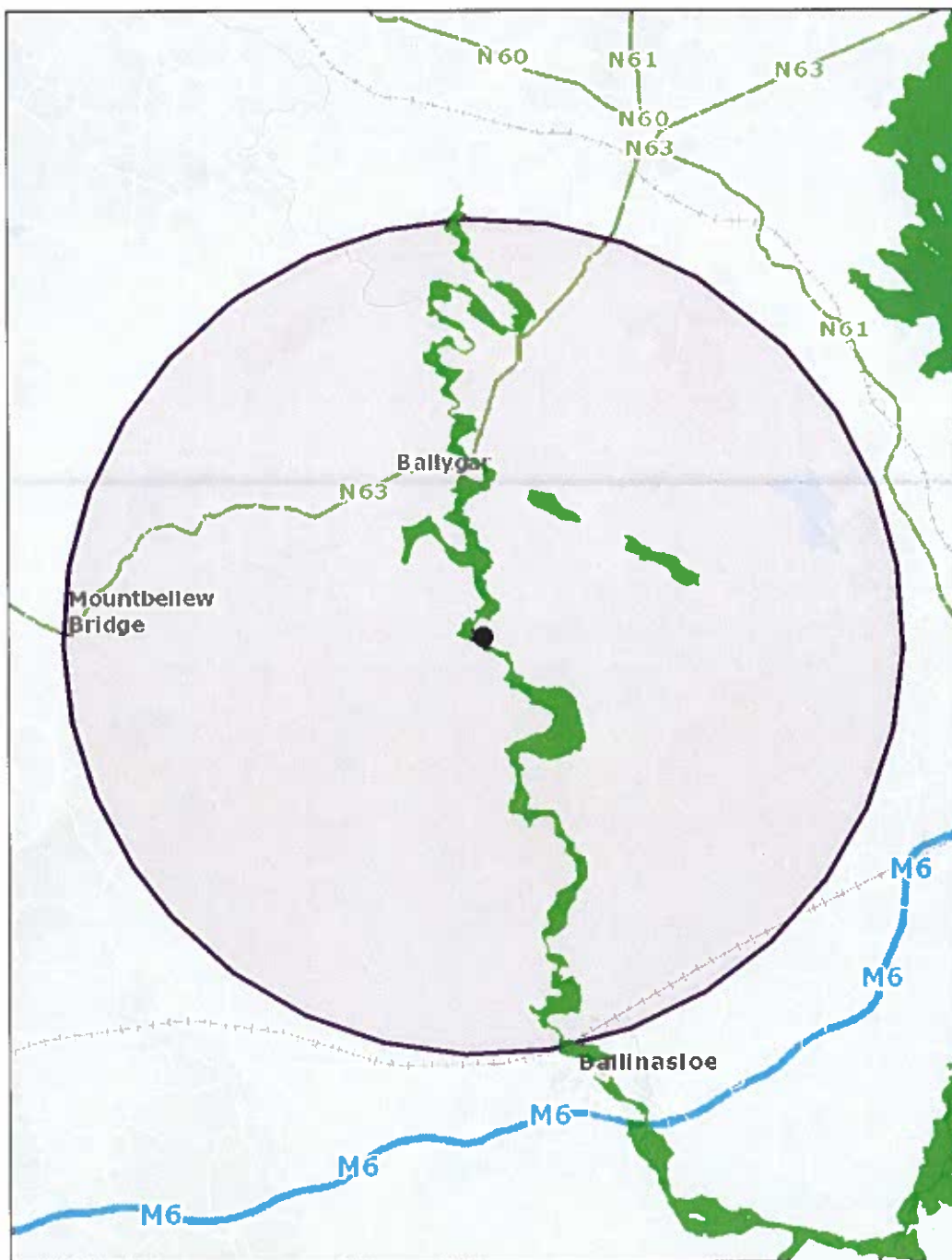
Date: 4th JANUARY 2024



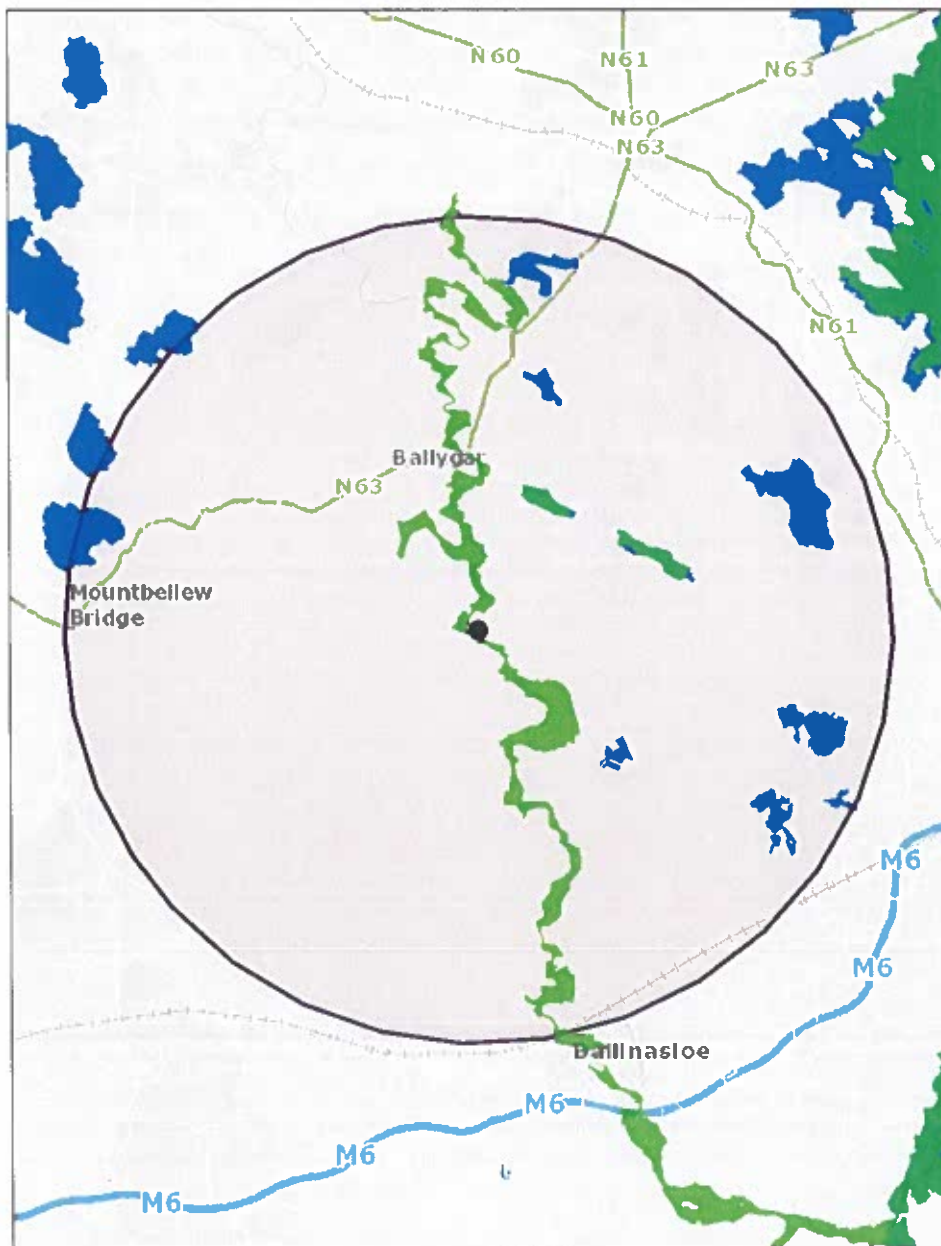




**SAC (blue) within 15km of Plan Ref. DED622**



**SPA (green) within 15km of Plan Ref. DED622**



**SAC & SPA within 15km of Plan Ref. DED622**

**Sharon Kelly**

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**From:** James Lohan <james@jlce.ie>  
**Sent:** Friday 8 December 2023 17:20  
**To:** Tracy Davis  
**Cc:** Planning Department  
**Subject:** DED 622  
**Attachments:** Rates.pdf; Front & Rear Elevations.pdf; Section.pdf; Side Elevations.pdf; GFP.pdf; CCF\_000028.pdf; CCF\_000029.pdf; CCF\_000030.pdf; CCF\_000031.pdf; DED 622 FI Reply.pdf; FI REQUEST.pdf; FFP.pdf

Tracey,  
Please find attached requested information in relation to DED 622.  
Kind Regards  
James

**James Lohan BEng MIEI C.Build E MCABE**  
**James Lohan Consulting Engineer Ltd,**  
Unit 5,  
Ballypheason House,  
Circular Road  
Roscommon F42 C982  
Ph: 0906634365 Mob: 0878228529

E: [james@jlce.ie](mailto:james@jlce.ie)  
Web: [www.jlce.ie](http://www.jlce.ie)



**CHRISTMAS HOLIDAYS**



***Christmas Holidays***

***We will be closing the Office from Thursday 21st of Dec until Thursday 4th Jan 2024. Wishing you a very happy Christmas & Peaceful New Year .***



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae, Roscommon, F42 VR98  
T 090 6637100 F 090 6625599  
E [ratesenquiries@roscommoncoco.ie](mailto:ratesenquiries@roscommoncoco.ie)  
W [roscommon.ie](http://roscommon.ie)



**BALLYFORAN CREDIT UNION (VACANT)**  
**BALLYFORAN**  
**CO. ROSCOMMON**

Statement Date: 23/10/2023

Our Ref: [REDACTED]

Contact Person: Marie Hester

Contact Number: 090 6637197

**Rates Customer Statement: 01 Jan 2013 - 31 Dec 2023**

### STATEMENT OF YOUR COMMERCIAL RATES ACCOUNT

Download our **Local Authority Customer App** from Google Play/App Store to view rates accounts online or use <https://customerportal.roscommoncoco.ie/> on your desktop.

Date	Details	Debit	Credit	Balance
Jan 01, 2013	Open Bal			
Jan 01, 2013	900000085			
Mar 31, 2013	Adj Write Off Vacant			
Jul 01, 2013	900000085			
Jan 01, 2014	900000085			
Apr 25, 2014	Adj Vacant 2014			
Jul 01, 2014	900000085			
Jan 01, 2015	900000085			
May 05, 2015	Adj Vacant 2015			
Jul 01, 2015	900000085			
Jan 01, 2016	900000085			
Apr 19, 2016	Adj Vacant 2016			
Jul 01, 2016	900000085			
Jan 01, 2017	900000085			
Mar 30, 2017	Adj Vacant - 2013/14/15/16 & 2017			
Jul 01, 2017	900000085			
Jan 01, 2018	900000085			
Jul 01, 2018	900000085			
Aug 31, 2018	Adj LT VACANT 2018			
Jan 01, 2019	146012002			
Jan 31, 2019	Adj Vacant 2019			
Jul 01, 2019	146012002			



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae, Roscommon, F42 VR98  
T 090 6637100 F 090 6625599  
E [ratesenquiries@roscommoncoco.ie](mailto:ratesenquiries@roscommoncoco.ie)  
W [roscommon.ie](http://roscommon.ie)



Date	Details	Debit	Credit	Balance
Jan 01, 2020	146012002			
May 31, 2020	Adj Vacant 2020			
Jul 01, 2020	146012002			
Jan 01, 2021	146012002			
Feb 28, 2021	Adj VACANT 2021			
Jul 01, 2021	146012002			
Jan 01, 2022	146012002			
Feb 28, 2022	Adj VACANT 2022			
Jul 01, 2022	146012002			
Jan 01, 2023	146012002			
Jul 01, 2023	146012002			
Sep 14, 2023	Adj Vacant 2023			
Closing Statement Balance				€0.00





Maureen Kenny [REDACTED]

## Yearly Usage

3 messages

Maureen Kenny [REDACTED]

Fri, Sep 15, 2023 at 2:31 PM

To: Jonathan De Bruijn [REDACTED]

Hi Jonathan

Would it be possible to get my bill usage for the period  
i am with flogas?

Regards Marie

business [REDACTED]

Mon, Sep 18, 2023 at 4:24 PM

To: [REDACTED]

Hi,

I hope you are keeping well,

Your consumption from 19/09/2022 – 18/09/2023 is 251.

This is your consumption for a year,

I hope this helps,

Please let me know if I can help with anything else.

Thank you!

Kind regards,



**Caitlin Harding**

Inside Sales Agent





Planning Dept,  
Roscommon Co.Co.  
Aras An Chontae,  
Roscommon.

Ref: DED for Property at Ballforan Credit Union Limited, Ballyforan, Ballinasloe, Co.  
Roscommon, H53 K123

- 1) Please clarify the length of time the existing structure has been vacant..  
**The unit has been vacant for circa 10years see attached Rates Statement and Utility providers usage.**
- 2) Please clarify the extent of works proposed to take place to the external façade of the existing structure if any, and submit revised plans and particulars illustrating same  
**No works are proposed to the external façade.**
- 3) The floor areas of each of the proposed apartments are noted....  
**Unit 1 on Ground Floor has been revised to be a one bedroom unit and complies fully with minimum standards. Unit 2 on First floor is a two bed unit and the current plans are compliant with minimum standards.**
- 4) Please clarify how the proposed development will cater for carparking.  
**Carparking is provided on street outside the building there is sufficient space for 3-4 cars see Fig 1 Below.**



**Fig 1 – Car Parking Space**



Kind Regards

---

James Lohan BEng MIEI





Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



REGISTERED POST

Date: 18/10/2023  
Ref: DED 622

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 change of use of ground and first floor from un-used commercial to 2 x 2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan Ballinasloe, Co. Roscommon H53 K123 is or is not development and is or is not exempted development.

A Chara,

Further to your application received on the 22<sup>nd</sup> September, 2023 and in order for the Planning Authority to determine as to whether the change of use of ground and first floor of an un-used commercial to 2 x 2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan Ballinasloe, Co. Roscommon H53 K123 is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Please clarify the length of time the existing structure has been vacant and submit documentary evidence to substantiate the claim.
2. Please clarify the extent of works proposed to take place to the external façade of the existing structure, if any, and submit revised plans and particulars illustrating same.
3. The floor areas of each of the proposed apartments are noted, however compliance with the minimum aggregate floor areas as set out in Appendix 1 of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended has not been demonstrated. In unit 1 the floor areas of the single bedroom, double bedroom and storage areas are not compliant. In unit 2 the double bedroom area is not compliant, as scaled from the plans. Please provide revised plans and elevations to demonstrate compliance with these standards for unit 1 and 2.
4. Please clarify how the proposed development will cater for vehicular parking.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number DED 622.

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

Mise le meas,

*Grace Daw3*

**Senior Executive Planner,  
Planning.**

cc. **James Lohan Consulting Engineers Ltd.,  
Unit 5,  
Ballypheason House,  
Circular Road,  
Roscommon.**



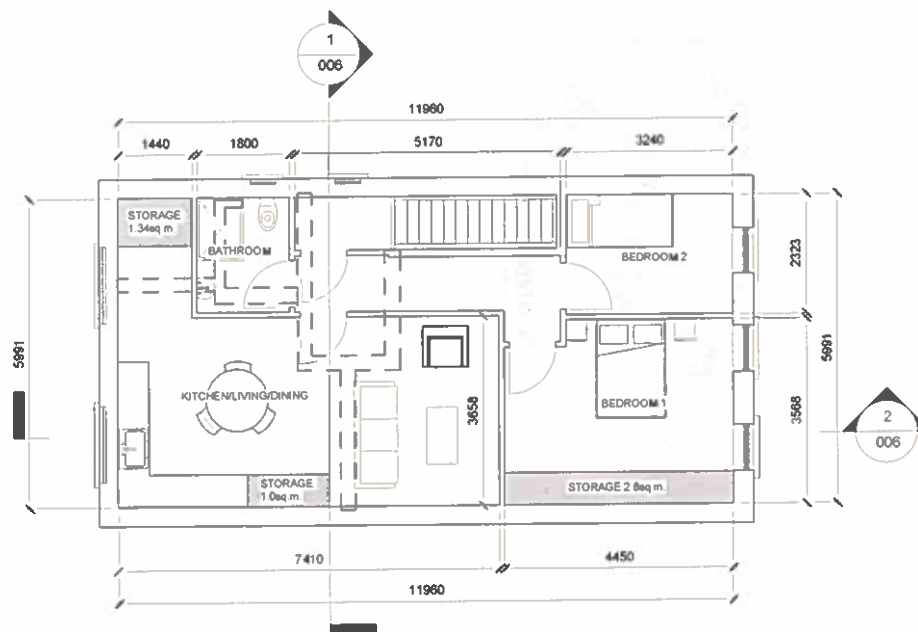
UNIT 2 TOTAL FLOOR AREA = 65.5m<sup>2</sup>

KITCHEN/LIVING/DINING AREA = 28.3m<sup>2</sup>

BEDROOM 1 AREA = 12.46m<sup>2</sup>

BEDROOM 2 AREA = 7.54m<sup>2</sup>

STORAGE AREA = 5.14m<sup>2</sup>

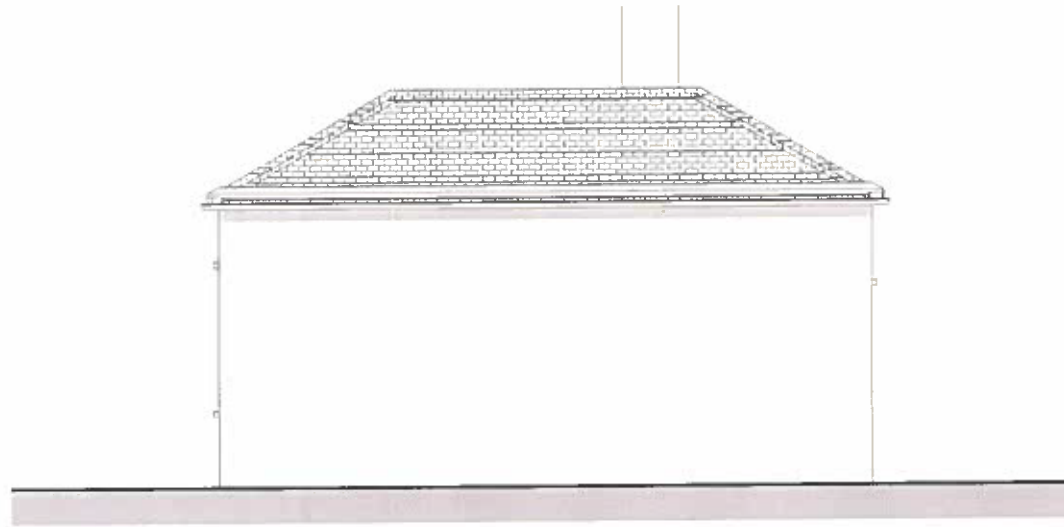


# 1 01- FIRST FLOOR PLAN

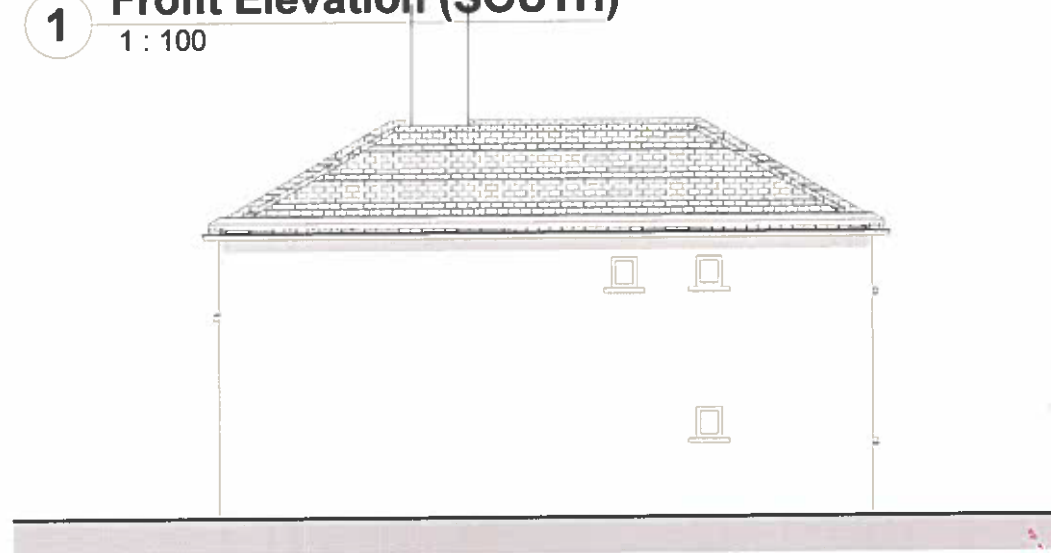
1 : 100

NO	DATE	REV	BY	CHK
1	23-08-23	1	JL	JL
2	23-08-23	2	JL	JL
3	23-08-23	3	JL	JL
4	23-08-23	4	JL	JL
5	23-08-23	5	JL	JL
6	23-08-23	6	JL	JL
7	23-08-23	7	JL	JL
8	23-08-23	8	JL	JL
9	23-08-23	9	JL	JL
10	23-08-23	10	JL	JL

<b>James Lohan</b> Planning & Design Consulting Engineers		23-08-23	23-08-23
CLIENT: MARIE KENNY	101 EXEMPTION CERT CHANGE OF USE	23-08-23	23-08-23
SITE: [REDACTED]	01.01000	23-08-23	23-08-23
FIRST FLOOR PLAN		23-08-23	23-08-23

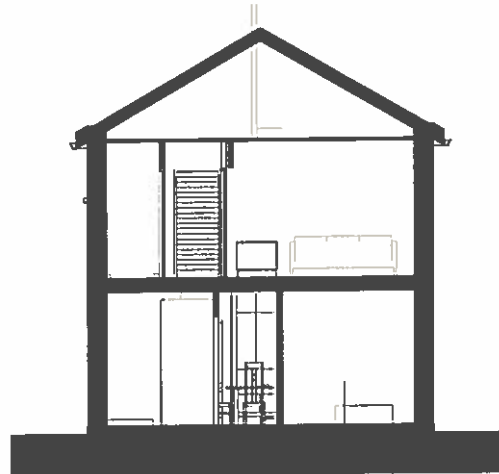


**1 Front Elevation (SOUTH)**  
1 : 100



**2 Rear Elevation (NORTH)**  
1 : 100





**1 Section 1**  
1 : 100



**2 Section 2**  
1 : 100









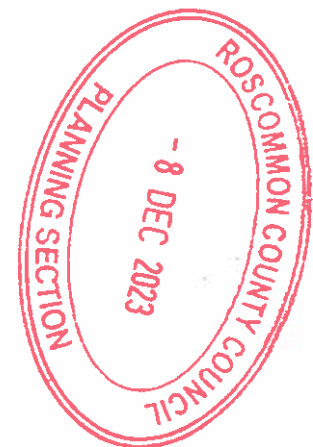
Account Num	MPRN	Address	Invoice Number	Invoice Period	Invoice Period	Bill Date	Due Date	MIC	Sub Total	Total	Bill Year
		MARIE KENNY		23-Jan-21	24-Mar-21	01-Apr-21	01-Apr-21	15			2021
		MARIE KENNY		25-Mar-21	26-May-21	31-May-21	31-May-21	15			2021
		MARIE KENNY		27-May-21	23-Jul-21	28-Jul-21	28-Jul-21	15			2021
		MARIE KENNY		24-Jul-21	22-Sep-21	24-Sep-21	08-Oct-21	15			2021
		MARIE KENNY		23-Sep-21	17-Nov-21	23-Nov-21	07-Dec-21	15			2021
		MARIE KENNY		18-Nov-21	24-Jan-22	25-Jan-22	08-Feb-22	15			2021



Account Num	MPRN	Address	Invoice Number	Invoice Period	Invoice Period	Bill Date	Due Date	MIC	Sub Total	Total	Bill Year
		MARIE KENNY		25-Jan-22	25-Mar-22	29-Mar-22	12-Apr-22	15			2022
		MARIE KENNY		26-Mar-22	25-May-22	27-May-22	10-Jun-22	15			2022
		MARIE KENNY		26-May-22	29-Jun-22	12-Jul-22	26-Jul-22	15			2022



Account Num	MPRN	Address	Invoice Number	Invoice Period	Invoice Period	Bill Date	Due Date	MIC	Sub Total	Total	Bill Year
		MARIE KENNY		23-Jan-20	23-Mar-20	26-Mar-20	25-Mar-20	15			2020
		MARIE KENNY		24-Mar-20	22-May-20	28-May-20	27-May-20	15			2020
		MARIE KENNY		23-May-20	22-Jul-20	09-Sep-20	08-Sep-20	15			2020
		MARIE KENNY		23-Jul-20	22-Sep-20	25-Sep-20	09-Oct-20	15			2020
		MARIE KENNY		23-Sep-20	18-Nov-20	24-Nov-20	24-Nov-20	15			2020
		MARIE KENNY		19-Nov-20	22-Jan-21	01-Feb-21	01-Feb-21	15			2020



**Yearly Usage**

3 messages

Maureen Kenny [REDACTED]

Fri, Sep 15, 2023 at 2:31

To: [REDACTED]

Hi Jonathan

Would it be possible to get my bill usage for the period  
i am with flogas?

Regards Marie

business [REDACTED]

Mon, Sep 18, 2023 at 4:24

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Thank you!

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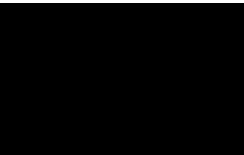
**Caitlin Harding**

Inside Sales Agent



**REGISTERED POST**

Marie Kenny,



**Date:** 18/10/2023

**Ref:** DED 622

**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 change of use of ground and first floor from un-used commercial to 2 x 2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan Ballinasloe, Co. Roscommon H53 K123 is or is not development and is or is not exempted development.

\*\*\*\*\*

A Chara,

Further to your application received on the 22<sup>nd</sup> September, 2023 and in order for the Planning Authority to determine as to whether the change of use of ground and first floor of an un-used commercial to 2 x 2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan Ballinasloe, Co. Roscommon H53 K123 is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Please clarify the length of time the existing structure has been vacant and submit documentary evidence to substantiate the claim.
2. Please clarify the extent of works proposed to take place to the external façade of the existing structure, if any, and submit revised plans and particulars illustrating same.
3. The floor areas of each of the proposed apartments are noted, however compliance with the minimum aggregate floor areas as set out in Appendix 1 of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended has not been demonstrated. In unit 1 the floor areas of the single bedroom, double bedroom and storage areas are not compliant. In unit 2 the double bedroom area is not compliant, as scaled from the plans. Please provide revised plans and elevations to demonstrate compliance with these standards for unit 1 and 2.
4. Please clarify how the proposed development will cater for vehicular parking.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 622**.

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

Mise le meas,

  
\_\_\_\_\_  
**Senior Executive Planner,  
Planning.**

cc. **James Lohan Consulting Engineers Ltd.,  
Unit 5,  
Ballypheason House,  
Circular Road,  
Roscommon.**

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

**Reference Number:** DED 622

**Development Description:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for change of use of ground and first floor of an un-used commercial to 2 x 2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan Ballinasloe, Co. Roscommon H53 K123.

**Name and Address of Applicant:** Marie Kenny, [REDACTED]  
[REDACTED]

**Date:** 17<sup>th</sup> October 2023

---

WHEREAS a question has arisen as to whether the change of use of ground and first floor of an un-used commercial to 2 x 2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan Ballinasloe, Co. Roscommon is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, (as amended)
- (b) Articles 6, 9 and 10 (6) of the Planning and Development Regulations, 2001, (as amended)
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000 (as amended)
- (d) The planning history of the site

**Site Location & Development Description**

The subject site is located within the settlement boundary of the village of Ballyforan, the existing structure is situated on the eastern side of the L2014 and a two storey building occupies the site. There are no environmental or archaeological designations attached to the subject site.

**Planning History**

98/793      Planning permission for a new 2-storey Credit Union offices- permission granted.

**Assessment**

In accordance with the Planning and Development Act 2000, (as amended) Section 3 (1) development is defined as the following:

“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”. It is considered a change of use of ground and first floor of an un-used commercial to 2 x 2 bed apartments at Ballyforan Credit Union Ltd constitutes development, as defined in Section 3 of the Planning and Development Act 2000 (as amended).

Works are defined in the Act as; “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....” The proposed development is considered to be the carrying out of works.

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

Section 4(1) of the Act defines certain types of development as being 'exempted development'. Of potential relevance is section 4(1) (h) which provides 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;*

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. 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 3 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 3 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;

Of particular relevance:

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

##### **Article 10 (6)**

*(a) In this sub-article—*

*"habitable room" means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;*

*"relevant period" means the period from the making of these Regulations until 31 December 2021.*

*(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.*

*(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—*

*(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,*

*(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and*

*(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).*

*(d) (i) The development is commenced and completed during the relevant period.*

*(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.*



(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

(e) (i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.

(ii) Details of each notification under subparagraph (i), which shall include information on—

(I) the location of the structure, and

*(ii) the number of residential units involved, including the unit sizes and number of bedrooms in each unit,  
shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.  
(iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).*

It is proposed for a change of use of ground and first floor of an un-used commercial to 2 x 2 bed apartments at Ballyforan Credit Union Ltd. Plans and particulars submitted with this application include site layout plan, floor plans and elevational drawings. The floor plans submitted illustrate that there will be one single bedroom and one double bedroom in each of the apartments (it is accepted that the proposed apartments are 2 bedroom to accommodate 3 persons, as the Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" also provides floor areas and dimensions for 2 bedroom to accommodate 4 persons apartments).

Article 10 (6) (c) of the Planning and Development Regulations, 2001, (as amended) requires the structure to be vacant for a period of 2 years or more. No details have been provided to clarify how long the structure has been vacant and what the ground floor and first floor of the existing structure were used for. Further information is required in respect to this matter.

The Conditions and Limitations set out in Article 10 (6) (d) of the Planning and Development Regulations, 2001, (as amended) require a number of points to be satisfied and details of compliance with each of the points has not been submitted which will be required to be clarified, including, timelines for the commencement or completion of the works. Furthermore, it is unclear as to the extent of works proposed from the plans and particulars submitted and it is unclear if any works are proposed to the external façade of the existing structure, further information is required in this regard.

The floor areas of each of the proposed apartments are noted, however compliance with the Minimum aggregate bedroom floor areas as set out in Appendix 1 of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended has not been provided.

No details of car parking details have been provided, clarification of this matter is required.

#### **Environmental Considerations:**

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 (as amended). The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination for EIAR is not required.

The site is located c.678m away from River Suck Callows SPA. Due to the proximity of the proposed development to Natura 2000 sites, it is considered that there is a requirement to screen for an Appropriate Assessment. A screening will be carried out upon receipt of further information which is required prior to a screening being completed.

#### **Recommendation**

#### ***Further information***

### **Request for Further Information**

1. Please clarify the length of time the existing structure has been vacant and submit documentary evidence to substantiate the claim.
2. Please clarify the extent of works proposed to take place to the external façade of the existing structure, if any, and submit revised plans and particulars illustrating same.
3. The floor areas of each of the proposed apartments are noted, however compliance with the minimum aggregate floor areas as set out in Appendix 1 of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended has not been demonstrated. In unit 1 the floor areas of the single bedroom, double bedroom and storage areas are not compliant. In unit 2 the double bedroom area is not compliant, as scaled from the plans. Please provide revised plans and elevations to demonstrate compliance with these standards for unit 1 and 2.
4. Please clarify how the proposed development will cater for vehicular parking.

Signed   
Assistant Planner

Date: 17<sup>th</sup> October 2023



Ms. Marie Kenny,

Date: 25<sup>th</sup> September, 2023.

Planning Reference: DED 622

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

Development: Permission for change of use of ground and first floor from un-used commercial to 2 x 2 bed apartments at Ballyforan Credit Union Ltd, Ballyforan Ballinasloe, Co. Roscommon H53 K123.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 22<sup>nd</sup> September, 2023, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00 Receipt No. **L01/0/224734** dated 22<sup>nd</sup> September, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 622**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

---

Tracy Davis,  
Senior Executive Planner,  
Planning Department.

James Lohan Consulting Engineer Ltd.,  
Unit 5 Ballypheason House,  
Circular Road,  
ROSCOMMON F42 C982.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100  
\*\*\*\*\*

22/09/2023 14:38.01

Receipt No L01/0/224734

JAMES LOHAN CONSULTING ENGINEERING  
UNIT 5 BALLYPHEASON HSE  
CIRCULAR ROAD ROSCOMMON  
RE: MARY KENNY  
[REDACTED]

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 622	

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
50034

Change : 0.00

Issued By Aine McDermott  
From Central Cash Office





Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6630100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

### Roscommon County Council

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

Name:	MARIE KENNY
Address:	[REDACTED]
Name & Address of Agent:	James Lohan Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Change of Use of Ground & First Floor from un-used commercial to 2x2 Bed Apartments
Location (Townland & O.S No.)	Ballforan Credit Union Limited, Ballyforan, Ballinasloe, Co. Roscommon, H53 K123
Floor Area	142.0 SQ.M.
Height above ground level	0.3
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	SLATES EXISTING
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	EXISTING NO CHANGE
Is proposed works located at front/rear/side of existing house.	ALL INTERNAL

## Roscommon County Council

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

Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	EXISTING OLD CREDIT UNION BUILDING
Proposed use of land or structure	2 X 2 BED APARTMENTS
Distance of proposed building line from edge of roadway	6.8M EXISTING
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	EXISTING SEWER CONNECTION

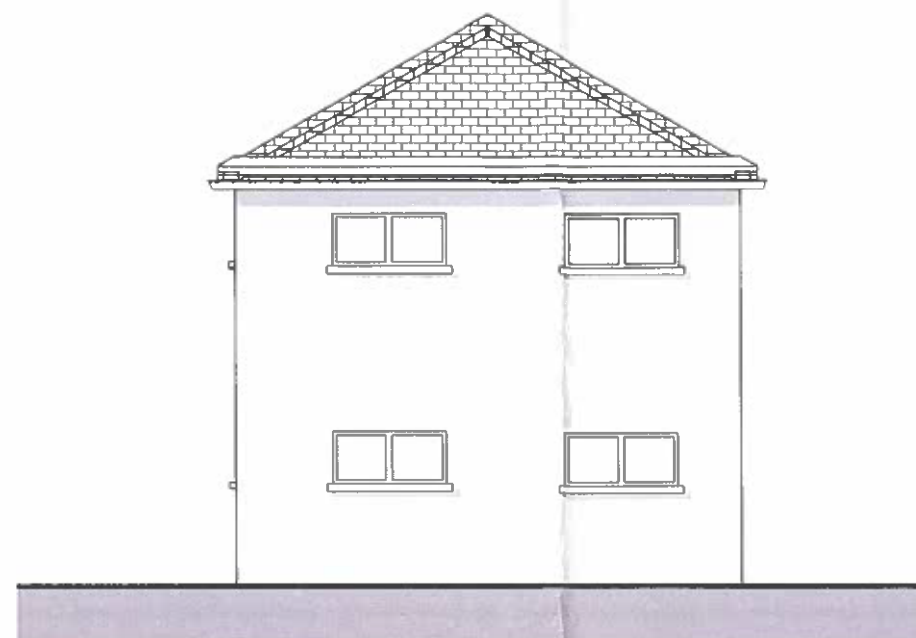
Signature: \_\_\_\_\_

Date: 07/09/2023

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

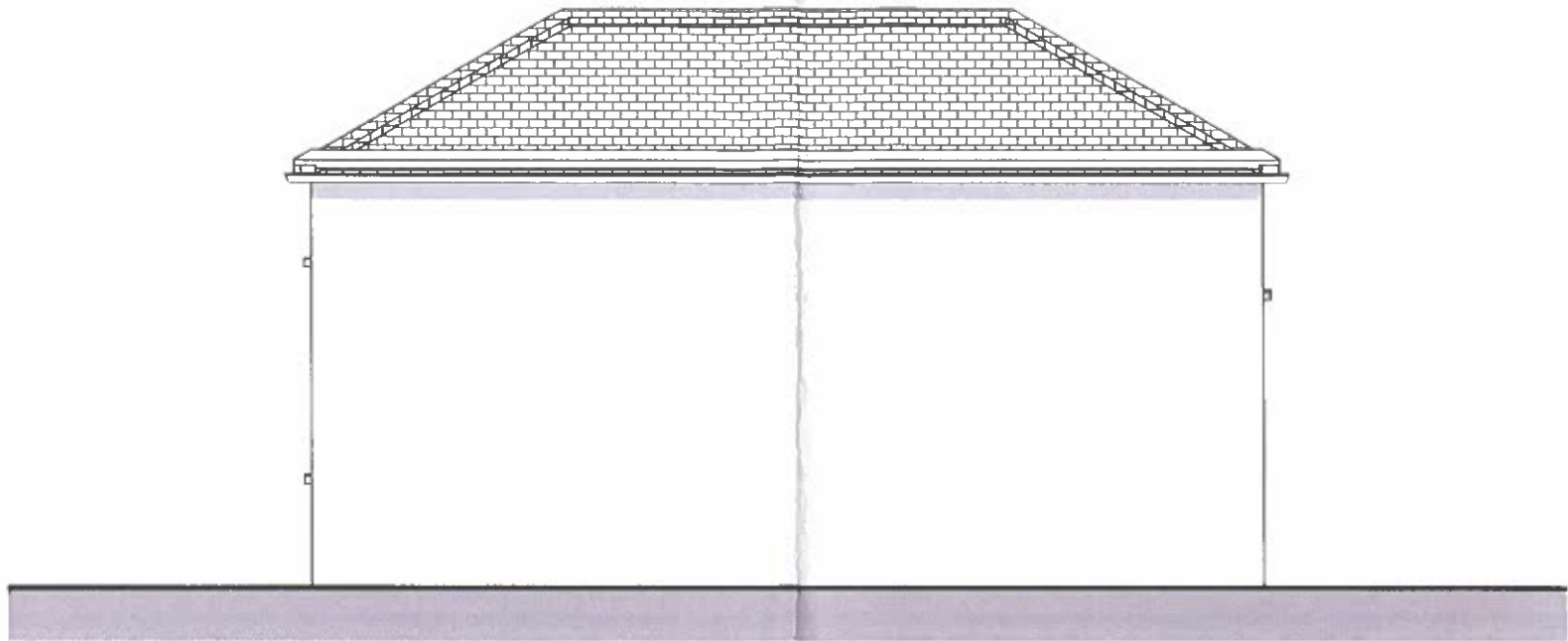




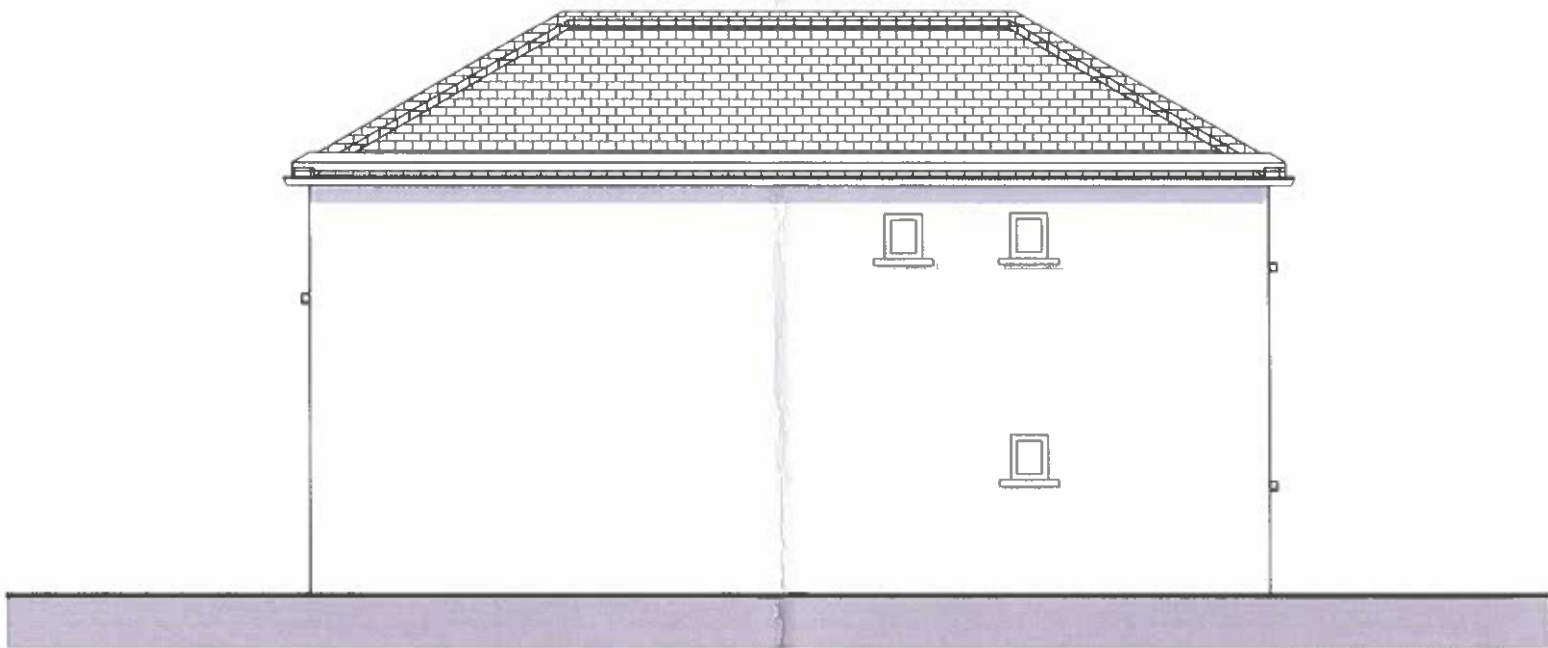
1 **Side Elevation (EAST)**  
1 : 100



2 **Side Elevation (WEST)**  
1 : 100



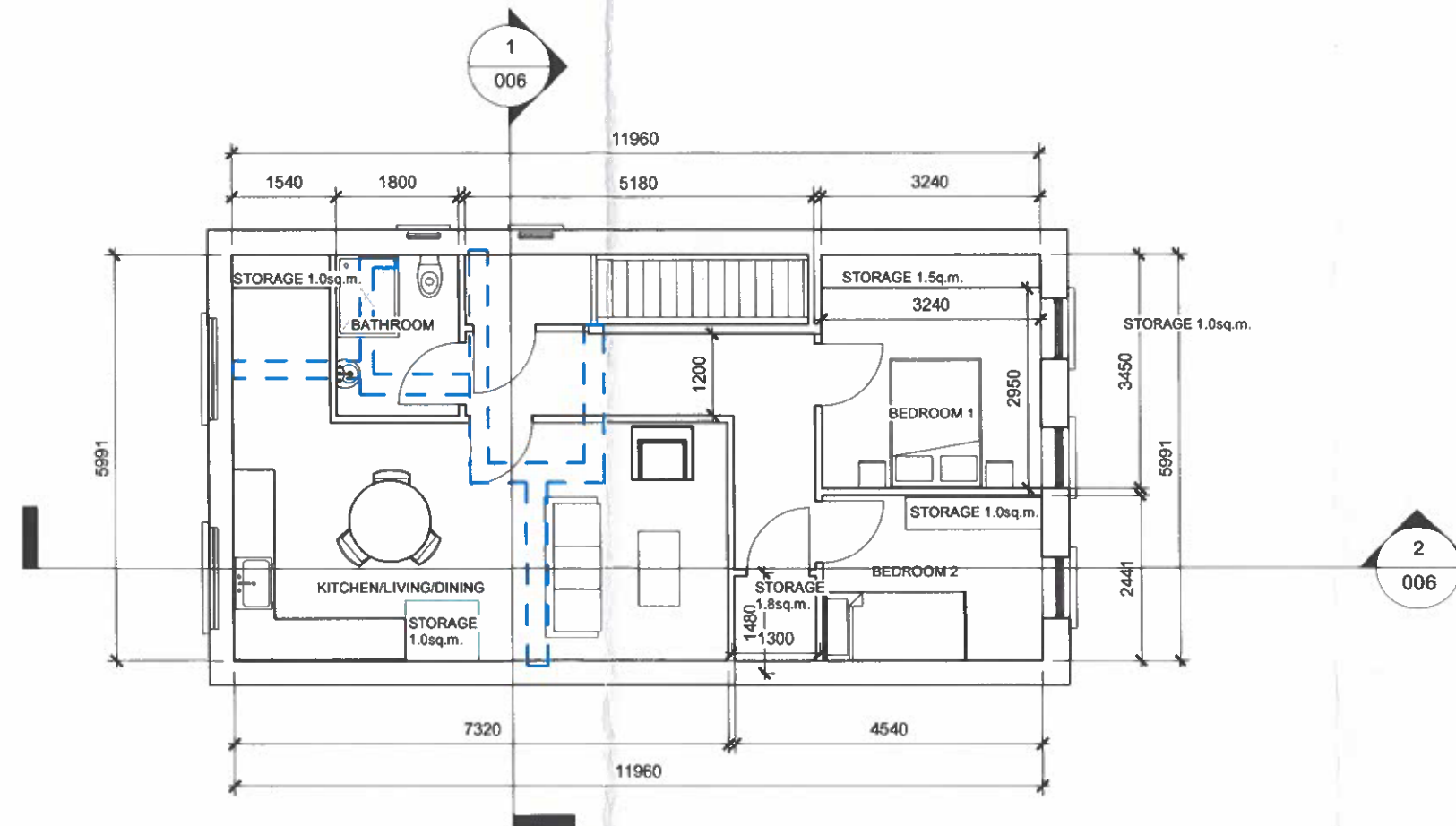
**1** Front Elevation (SOUTH)  
1 : 100



**2** Rear Elevation (NORTH)  
1 : 100

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		/	/	/	/B
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STA	DATE	REV			

STORGAE AREA = 5.3m<sup>2</sup>



# 01- FIRST FLOOR PLAN



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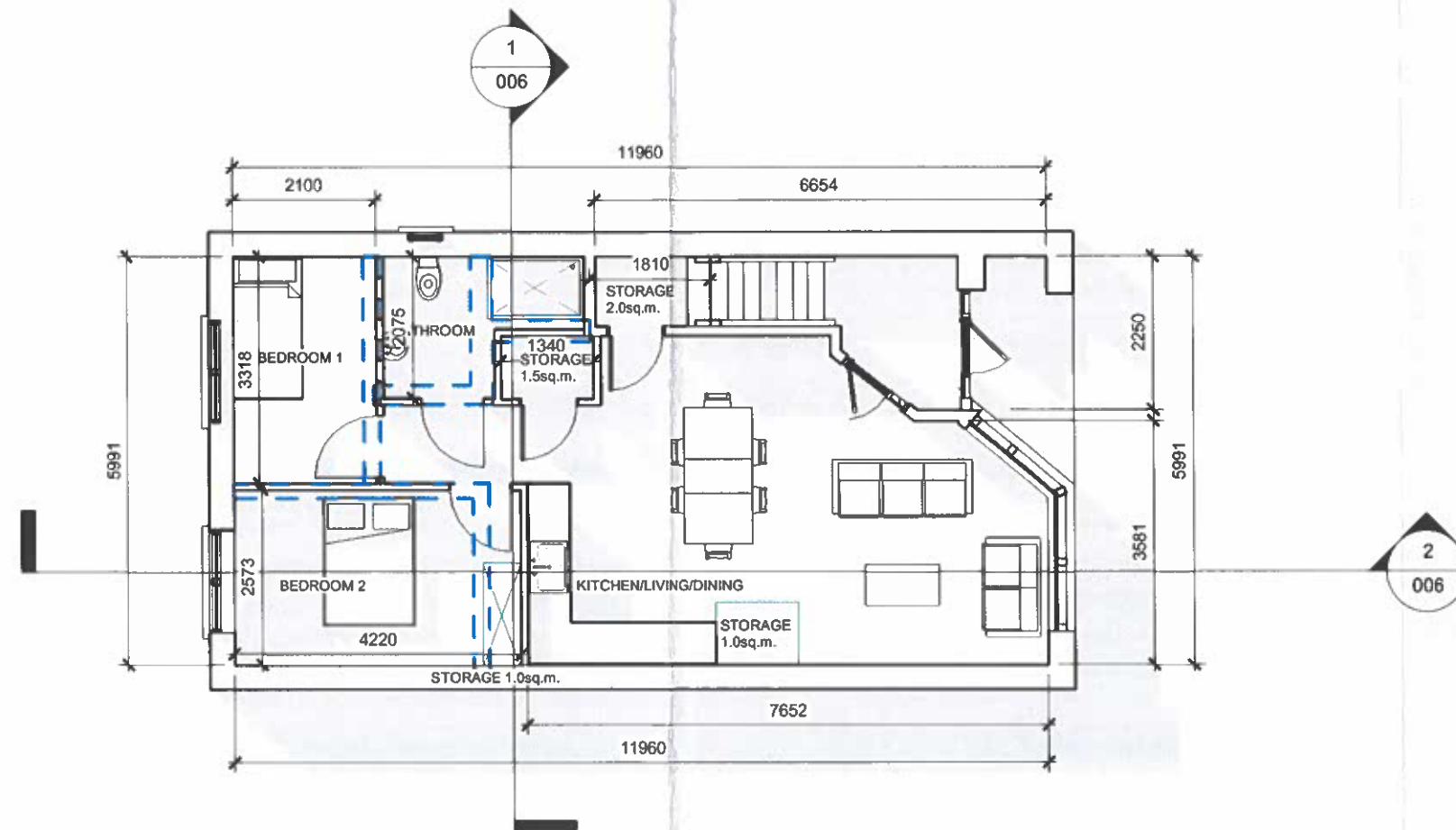
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	/	/	/A
STA.	DATE	REV	



712996 641045

CLIENT	MARIE KENNY	JOB	EXEMPTION CERT CHANGE OF USE	JOB No	23-350-SK	DATE	30-08-2023
SITE		DRAWING	FIRST FLOOR PLAN	DRG No	003	REV	
				SCALE	1:100	DRAWN BY:	ELIJAH

STORGAE 5.5SQ.M



# 1 00- GROUND FLOOR PLAN



\$5

[illegible]

E-mail: [joham@pca.in](mailto:joham@pca.in) / [arora@pca.in](mailto:arora@pca.in)  
 Ph: 017 6225579  
 Tel: 990 6643465

CLIENT	MARIE KENNY	JOB	EXEMPTION CERT CHANGE OF USE	JOB No	23-358-SK	DATE	30-08-2023
SITE		DRAWING	GROUND FLOOR PLAN	DWG No	002	REV	
				SCALE	1:100	DRAWN BY:	ELALTY





2574883, 2965201

**SITE ADDRESS:**

**BALLYFORAN  
BALLINASLOE  
CO. ROSCOMMON  
H53 K123**

### LEGEND

**SITE AREA OUTLINED IN RED**  
**= 0.0156 HECTARES**

**LAND HOLDING OUTLINED IN BLUE**

**OS MAPS: RN 2960**



## SITE LOCATION MAP

1:500

DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM FIGURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

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PAGE CODE	SEA	DATE	R	

Unit 5 Ballypheason House,  
Circular Road,  
Roscommon F42 C982.

**JAMES LOHAN CONSULTING ENGINEER**

Ph: 090 6634365 / 0878228529  
email: james@jice.ie / aaron@jice.  
web: www.jice.ie

CLIENT	MARIE KENNY	JOB	CERT OF EXAMINATION CHARGE OF USE	JOIN#	23-358	DATE	21/08/2023
SITE		DRAWING		ORG NO	REV		
		SITE LAYOUT MAP			23-358-PL-002		
				SCALE	1:2500		




DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM FIGURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
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Roscommon F42 C982.

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Ph: 090 6634365 / 0878228529  
email: james@jlce.ie / aaron@jlce.ie  
web: www.jlce.ie

KOSCOMMON P42 C96Z.		WEB: WWW.QCERS	
CLIENT <b>MAREKIDBY</b>	JOB CERT OF EXEMPTION CHINAGE OF USE	JOB No <b>23-358</b>	DATE 21/08/2023
SITE 	DRAWING SITE LAYOUT MAP	DRG No <b>23-358-PL-001</b>	REV
		SCALE 1:500	