### ROSCOMMON COUNTY COUNCIL

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

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

### **NOTIFICATION OF DECISION**





Reference Number:	DED 813
Application Received:	5 <sup>th</sup> December 2024
Name of Applicant:	John & Dolores Gacquin
Agent:	Collins Boyd Engineers & Architects

WHEREAS a question has arisen as to whether the renovation of an existing residential section of premises at Thomas Street Stores, Dysart, Ballinasloe, Co. Roscommon, 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 and 9 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.
- (d) The planning history of the site

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

- (a) The proposal constitutes "works", which comes within the scope of section 2(1) of the Planning & Development Act 2000 (as amended).
- (b) The proposal constitutes "development" which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- (c) The proposal is exempted development in accordance with the provisions set out under Sections 4(1)(h) of the Planning & Development Act 2000 (as amended).
- (d) The proposed works and development, fall under a class of development listed in Schedule 2 of Part 1; Class 1 of Article 6.
- (e) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

### **NOW THEREFORE:**

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to renovate an existing residential section of premises at Thomas Street Stores, Dysart, Ballinasloe, Co. Roscommon., is development that is <u>exempted development</u> as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O Connell, Senior Executive Planner, Planning.

Date: 4<sup>th</sup> February 2025

cc agent via email:

Collins Boyd Engineers & Architects agacquin@collinsboydeng.com

### ADVICE NOTE

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

# **Carmel Curley**

From: Sent: To: Subject: Attachments: Carmel Curley Wednesday 5 February 2025 10:26 agacquin@collinsboydeng.com DED813 - Notification of Decision DED813 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 813 submitted on behalf of John & Dolores Gacquin. Please note that a hard copy will be issued to the applicant via registered post.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 2 (090) 6637100 3 : planning@roscommoncoco.ie | @ www.roscommoncoco.ie MAP LOCATION



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

Reference Number:	DED 813
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	John & Dolores Gacquin
Location of Development:	Thomas Street Stores, Dysart, Ballinasloe, Co. Roscommon.
Site Visit:	23/01/2025

WHEREAS a question has arisen as to whether the following works; "permission to renovate existing residential section of premises under the Planning & Development Act (Exempted Development) Regulations 2018" at the above address is or is not development and is or is not exempted development.

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

- (a) Sections 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.

1. Site Location & Description of Development & Nature of Proposed Development

### Site Location:

The subject site is situated in the Planning South area of County Roscommon and is flanked by the R357 to the western extent of the site, and the R363, which borders the south extent of the site.

### **Development Description:**

- 1. Access: The subject site is positioned north-eastern quadrant of the R357/R363 crossroads from which vehicular access is by way of dropped kerb between the road and the premises.
- 2. **Boundaries:** The public-facing portion of the premises is easily accessible from the roadside. Access to the rear/private residential portion of the premises is by way of purpose-built pedestrian entry-way to the eastern extent of the subject site, which precludes unsolicited access; vehicular access to the western extent of the site boundary is via the R357.
- 3. **Structure:** As per Roscommon County Council's GIS portal, the structure to which this application forms part, is categorised as a commercial/residential building type. The proposed development works concern the first-floor element of the public-facing portion of the structure and the rear (eastern portion) of the structure.

### **Nature of Proposed Works:**

The application states the nature of the proposed development/works comprise the conversion of "permission to renovate existing residential section of premises under the Planning & Development Act (Exempted Development) Regulations 2018" at Thomas Street Stores, Dysart, Ballinasloe, Co. Roscommon.

The application includes a "Works Specification" brief, detailing the following:

- 1. Substructure works; includes works to foundations; rising walls; bed-slabs; damp-proofing; underpinning.
- 2. Superstructure works: includes works to internal/external walls; chimneys; upper floors; stairs; roof structure; other structural timbers, to remediate structural issues with no alterations to external finishes or character.
- 3. Completions; includes works associated with external doors and windows; internal doors and associated frames; architraves and ironmongery; balustrades; skirting's; roof lights; fascia/soffits; rainwater goods (etc.).

- 4. Finishes; includes finishes to external / internal walls; ceiling finishes; tiling/waterproof finishes to wet areas; roof finishes (etc.).
- 5. Services (etc.).
- 6. Fittings (etc.).
- 7. External works: includes necessary external/site works carries out within the curtilage of the site, including paths and garden for private open space/garden.

2. Geographic Information Systems [GIS]

### **European Sites:**

As per a review of Roscommon County Council's Geographic Information Systems, the subject site is located in proximity to the following European Sites.

Appropriate Assessment

The closest designated sites include; "River Suck Callows" SPA (Site Code: 004097) located ca. 1.6km south-west of the subject site; "Lough Croan Turlough" SAC (Site Code: 000610) which is located ca. 4m north-east of the subject site and "Four Roads Turlough" SPA (Site Code: 004140) and SAC (Site Code: 001637) which is located 5km north-west of the subject site.

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

### Architectural / Archaeological Heritage

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

Assessment of Architectural & Archaeological Heritage

The property is not a protected structure; further, the closest structures listed by the National Monuments Service include: a children's burial ground (SMR: RO047-102) which is located 0.5km north-east of the subject site; a ringfort (SMR: RO047-041001-) located 0.7km south-west of the subject site; a ringfort-cashel (SMR1 RO047-039) located 0.5km south-east of the subject site and a field system (SMR: RO047-038001-) located 0.3km north-west of the subject site. In all instances the subject site and structures thereon are outside the relative zones of influence.

### 3. Planning History

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

•	Established status	A structure in keeping with the residential portion of the subject site is evident on the historic maps 25-inch (1897-1913) 6-inch (1829-1841).
•	PD/97/331:	Permission for an extension to shop/store and ancillary services. Permission granted 13/08/1997.
•	PD/00/1281:	Permission to demolish existing stores (2no.) and construct a new goods store including associated site work. Permission granted 22/11/2000.
	PD/04/940:	Permission for the erection of a shelter canopy over existing fuel pumps and associated site works. Permission granted 11/10/2010.

### 4. Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

### Section 2 (1)

In this Act, "works" include any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

### Section 3 (1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

### Section 4 (1)

Defines certain types of development as being 'exempted development'. Of 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)

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

### Planning and Development Regulations, 2001 as amended

### Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

### Article 9 (1)

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

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

- (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
- (viiB) Comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

### 5. Planning Assessment

Hereunder, details the statutory provisions pertinent to this section 5 referral have been set out, they are as follows;

In accordance with the Planning and Development Act, 2000, section 2(1) "works" include "any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure (...)". It is considered that said proposed works constitute "works", as defined in section 2 of the said Act.

In accordance with the Planning and Development Act, 2000, section 3(1) "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 that said works constitute development, as defined in section 3 of the said Act.

These works have been considered in the context of Section 4(1)(h) of the Act, 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". Regard is had to

- A site visit on the 23/01/2025 confirmed that the plans and particulars submitted under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development, are substantially reflective of the existing on-site conditions.
- A review of the Roscommon GIS Portal confirmed the 'Building Use' as being both 'Commercial & Residential'.
- Upon review of the submission particulars, and having regard to the provisions of Sections 4(1)(h) of the Planning and Development Act 2000 (as amended), it is considered that the proposed works comprising "permission to renovate existing residential section of premises under the Planning & Development Act (Exempted Development) Regulations 2018" concern works which primarily pertain to the maintenance and improvement of the building interior and that works proposed to the external are proportionate remediation works that are unlikely to adversely affect the architectural character of the building or adjoining structures. Accordingly, the works are deemed to fall within the scope of exempted development under Section 4(1)(h) of the Act.

With regard to Article 6, the proposed works (as set out under '*Nature of Proposed Works*'), falling under a class of development listed in *Schedule 2, Part 1, Class 1* of Article 6, are considered in principle to constitute 'exempted development', subject to compliance with the relevant conditions and limitations specified for this Class of development in column 2 of the said Part 1 [1-7]. Further, on review of the plans and particulars submitted as part of this section 5 referral and having regard to the provisions of Article 9(1)(a)(viii), and the planning history of the subject site, the existing structures on site and the proposed development works, are not considered to comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

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

### 6. Recommendation

WHEREAS a question has arisen as to whether a proposed development; "permission to renovate existing residential section of premises under the Planning & Development Act (Exempted Development) Regulations 2018" at the site located in Thomas Street Stores, Dysart, Ballinasloe, Co. Roscommon, H53EE08" 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 and 9 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.
- (d) The planning history of the site

### AND WHEREAS I have concluded that

- The proposal constitutes "works", which comes within the scope of section 2(1) of the Planning & Development Act 2000 (as amended).
- The proposal constitutes "development" which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- The proposal is exempted development in accordance with the provisions set out under Sections 4(1)(h) of the Planning & Development Act 2000 (as amended).
- The proposed works and development, fall under a class of development listed in Schedule 2 of Part 1; Class 1 of Article 6.
- 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 concerning "permission to renovate existing residential section of premises under the Planning & Development Act (Exempted Development) Regulations 2018" at the site located in "Thomas Street Stores, Dysart, Ballinasloe, Co. Roscommon" is considered to constitute 'exempted development' and that a declaration to that effect should be issued to the applicant.

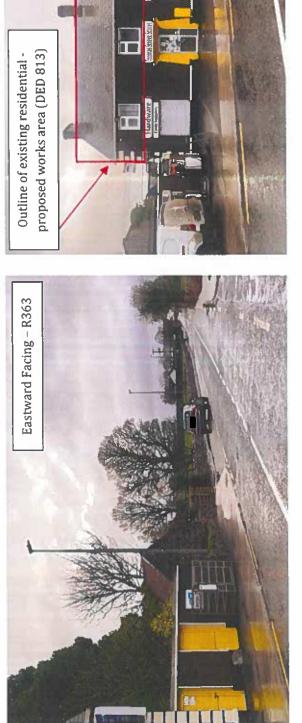
Signed:

Blaithín Kinsella Assistant Planner Date: 23/01/2025

Signed:

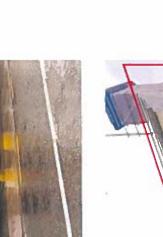
Alan O'Connell Senior Executive Planner Date: 23/01/2025

# Site Photos: 20/01/2025











(

ENDS



**Comhairle Contae Ros Comáin** Roscommon County Council



### John & Dolores Gacquin,



Date:9th December 2024Planning Reference:DED 813

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

Development: Permission to renovate existing residential section of premises under the Planning & Development Act (Exempt Development) Regulations 2018 at Thomas Street Stores, Dysart, Ballinasloe, Co. Roscommon.

\*\*\*\*\*\*\*\*\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 5<sup>th</sup> December 2024, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00, Receipt No. L01/0/231961 dated 9<sup>th</sup> December 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 813** This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell Senior Executive Planner, Planning Department.

cc agent via email:

Collins Boyd Engineers & Architects agacquin@collinsboydeng.com





Roscommon County Council Aras an Chontae Roscommon 09066 37100

09/12/2024 09:51:26

Receipt No. : L01/0/231961

JOHN & DOLORES GACQUIN C/O COLLINS BOYD ENG. & ARCHITECTS GALWAY ROAD ROSCOMMON F42 V344

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED 813 80.00 EUR

Total

.

Tendered Cheque 003241

0 00

.

80.00

Change

Issued By Bernadine Duignan From : Central Cash Office

# **Carmel Curley**

From: Sent: To: Subject: Attachments: Carmel Curley Monday 9 December 2024 12:31 agacquin@collinsboydeng.com DED813 - John & Dolores Gacquin DED813 - Ack letter & receipt.pdf

A Chara,

Please find attached Acknowledgement Letter & Receipt for DED Application 813 for John & Dolores Gacquin. A hard copy will be issued to the applicants today.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 Constant Constan





# **Roscommon County Council**

# Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	JOHN + DOLORES GALQUIN
Name of Agent	COLUNS BOYD ENGTARCH
Nature of Proposed Works	RENOVATIONS TO EXISTING RESIDENTIAL SECTION OF BUILDING. (NO CHANGE OF USE REQUESTED)
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	THOMAS STREET STOPES DYSART, BALLINASLOE, CO. ROSCOMMON TOWNLAND: CARROWNADURLY TD OS NO 047. ITM 5855951 746073
Floor Area: a) Existing Structure RETAIL 197 b) Proposed Structure RESIDENCE 126 AS EXISTING. RETAIL 197 Unich The Proposed Structure RESIDENCE 126 RETAIL 197	a) $\frac{126+197}{126+197} = 323$ No b) $\frac{126+197}{126+197} = 323$ CHANGE
Height above ground level: Total area of private open space remaining after completion of this development	RIPGE = 7.1m (AS EXISTING) 1365QM TO BE PROVIDED.
Roofing Material (Slates, Tiles, other) (Specify)	SLATES (AS EXISTING)

# **Roscommon County Council**

### Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	
Is proposed works located at front/rear/side of existing house.	WORKS TO REAR (GROUND FLOOR ENTIRE FIRST FLOOR
Has an application been made previously for this site	YES (PLANNING REFS BELON)
If yes give ref. number (include full details of existing extension, if any)	041940 + 00/1281
Existing use of land or structure	SHOP USE AND RESIDENTIAL
Proposed use of land or structure	CONTINUED SHOP USE + RESIDENTIAL
Distance of proposed building line from edge of roadway (NO BUILDING LINE PROPOSED) AS EXISTING.	
Does the proposed development involve the provision of a piped water supply	EXISTING SUPPLY IN FLACE
Does the proposed development involve the provision of sanitary facilities	EXISTING IN PLACE

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

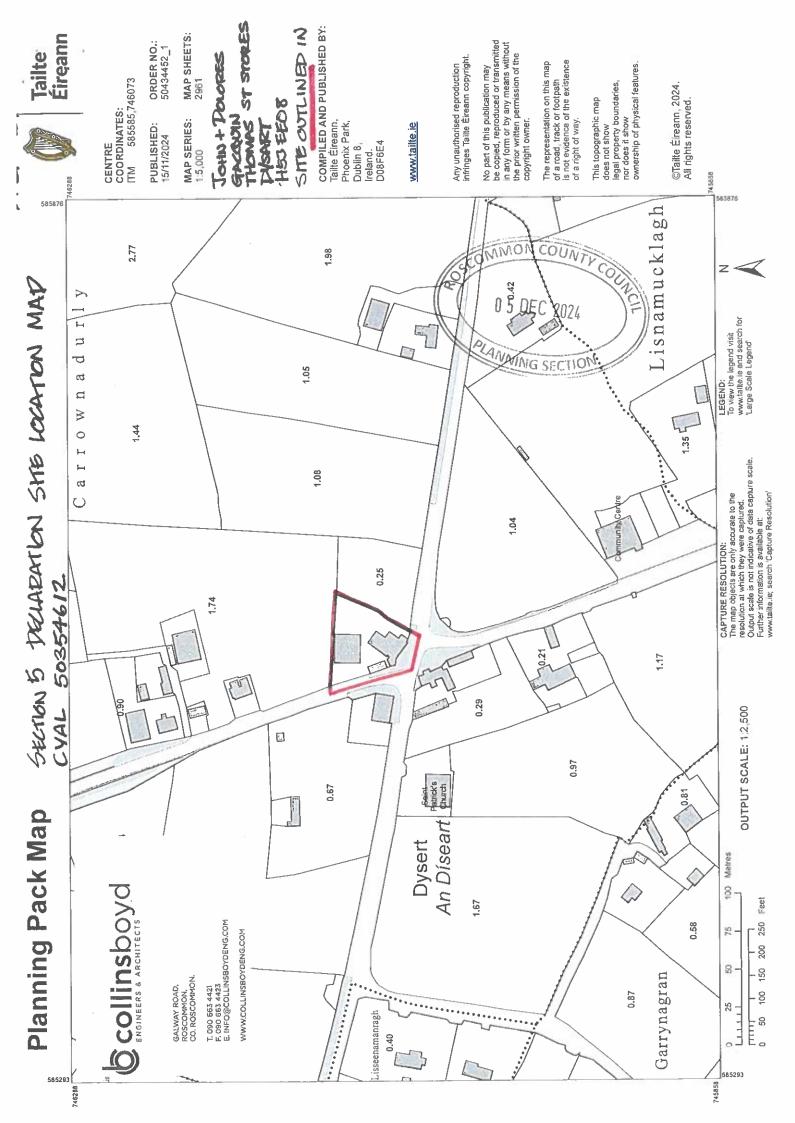
Signature:

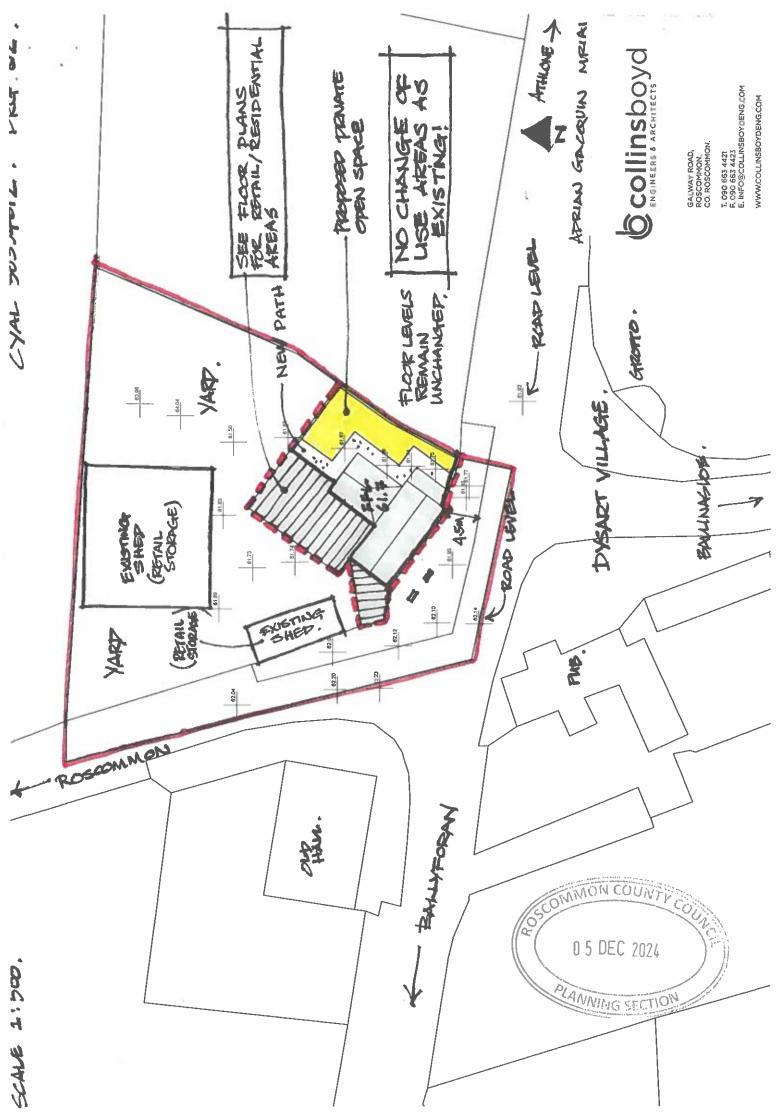
Date:

Note: This application must be accompanied by: -

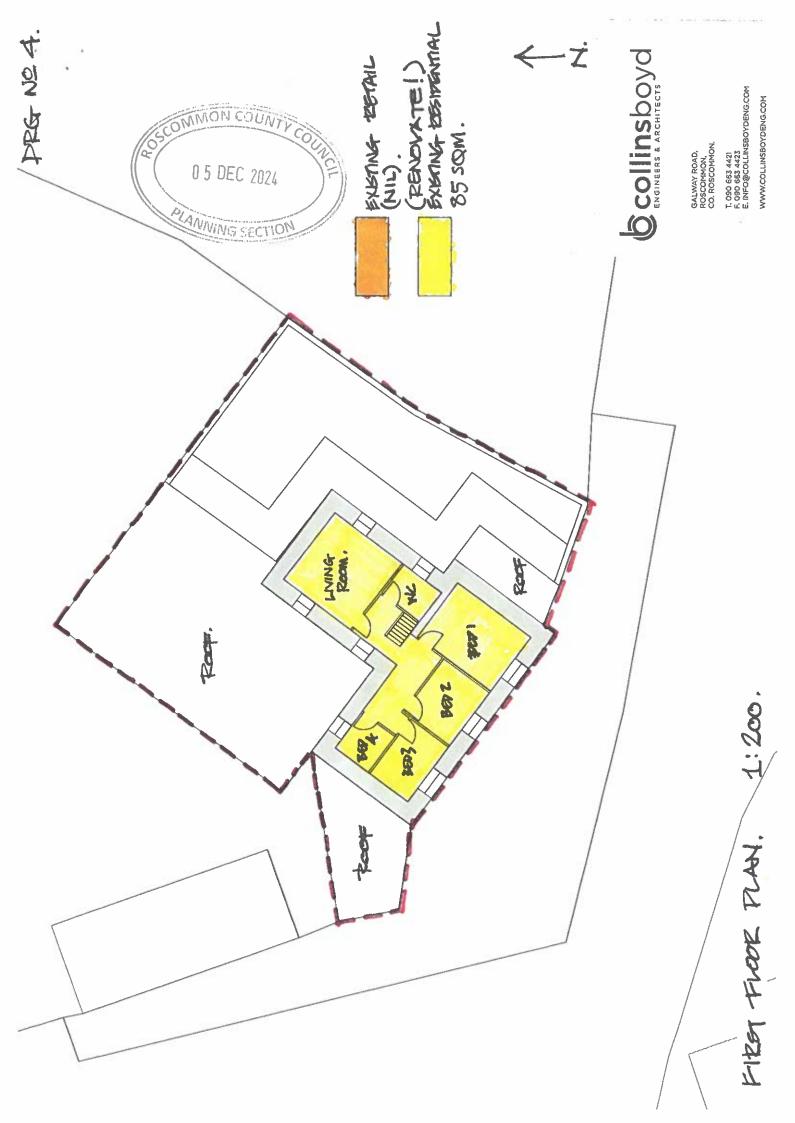
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development 🖌
- (d) Detailed specification of development proposed











REPAIR AND MAKE GOOD CHIMNEYS - KLERS TO - replace rear (slare finish) 0 THEH FINISH 7-3-Japara (Grocery) nomas Surer Stores ند الانتداد الانتداد الانتداد FEPLACE WINDOWS Hardware OMMON COUNTY COUNTY 1 E.S. 0 5 DEC 2024 ANNING SECTION

# RENOVATION WORKS AT RESIDENTIAL AREAS OF THOMAS STREET STORES DYSART, BALLINASLOE, CO.ROSCOMMON

Works Specification:

**Substructure works** shall include works to foundations; rising walls; beds / slabs; damp-proofing; underpinning.

**Superstructure works** includes works to internal / external walls; chimneys; upper floors; stairs; roof structure; other structural timbers., to remediate structural issues with no alterations to external finishes or character.

**Completions** includes works associated with external doors and windows; internal doors and associated frames, architraves and ironmongery; balustrades; skirtings; rooflights; fascias / soffits; rainwater goods.

New PVC doors, windows to be installed.

Internal completions/replacements (incl. doors, frames, architraves, ironmongery)

New timber skirtings.

虚 .

New fascias, soffits, rainwater goods.

Roof completions (incl. flashings, fascias, soffits, gutters, downpipes)

**Finishes** (including finishes to external / internal walls; ceiling finishes; tiling / waterproof finishes to wet areas; roof finishes)

tiling / waterproof finishes to wet areas

painting and decorating

roof finishes

**Services** (including plumbing; heating; ventilation; power; lighting; telecommunications; smoke / CO2 detection)

Fittings (including kitchen units; sanitary / bathroom fittings)

kitchen units

sanitary ware / bathroom fittings

**External Works** (necessary external / site works carried out within the curtilage of the site), including paths and garden for private open space/garden

