ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST



Reference Number:	DED 822
Application Received:	20 th December, 2024
Name of Applicant:	Peter Hynes
Agent:	Turner Design Services

WHEREAS a question has arisen as to whether the following works to reinstate the rear living room area to the "Westbury" licenced premises to include partially demolished site at St. Patrick's Street, Castlerea, Co. Roscommon, F45DD76, 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 and 4 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) 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 does not fall under a class of development listed under Schedule 2 of Part 1 of Article 6 and is not considered exempted development under the provisions set out under Section 4(1) of the Planning & Development Act 2000, (as amended).
- (d) 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 reinstate the rear living room to the "Westbury" licenced premises to include partially demolished site at St. Patrick's Street, Castlerea, Co. Roscommon, F45DD76, is development that is <u>not 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.

Turner Design Services turnerdesign20@gmail.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 12 February 2025 09:57 turnerdesign20@gmail.com DED822 - Notification of Decision DED822 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 822 for Peter Hynes.

Regards,

Carmel

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



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

•	
eference Number:	DED 822
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Peter Hynes
Location of Development:	"The Westbury" licenced premises, St. Patrick's Street, Castlerea, Co. Roscommon, F45 DD76.
Site Visit:	28/01/2025

WHEREAS a question has arisen as to whether the following works; "to reinstate rear living area to the "Westbury" licenced premises to include partially demolished site", 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 to the west extent of St. Patrick's street in Castlerea, Co. Roscommon.

Development Description:

- 1. Access: The subject site forms part of a terraced row of commercial and residential developments to the western extent of St. Patrick's street; the property permits private residential access and separate public access from the Westbury licenced premises.
- 2. **Boundaries:** The public-facing portion of the premises and the private residential quarters to the first-floor are accommodated via separate access provisions from the public pathway. This is a terraced property, as such, access to the rear is via laneway, located to the north & west extent of the property.
- 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 partially demolished ground-floor structure to the rear of the property.

Nature of Proposed Works:

The application states the nature of the proposed development/works are to "reinstate rear living area to "The Westbury" Licenced Premises to include partially demolished site" under the Planning & Development Act (Exempted Development) Regulations 2018" at St. Patrick's Street, Castlerea, Co. Roscommon, F45 DD76

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; "Corliskea/Tien/Cloonfelliv Bog" SPA (Site Code: 002110) located 5.3km south of the subject site; "Cloonchambers Bog" SPA (Site Code: 000600) located 3.2km

west of the subject site and Bellanagare Bog SPA (Site Code: 004105) and SAC (Site Code: 000592) located 5.3km north-east 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; however, it is located within an Architectural Conservation Area (ACA) and is in proximity (0.1km) to Hanly Memorial Hall and National School (NIAH Reg No.: 31814044) and is less than 100m west of the Parochial House (NIAH Reg. No.: 02600462) on Saint Patrick's street.

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	The line of terraced houses on Saint Patrick's, of which the subject site forms part thereof, is evident on the historic 6-inch maps (1830-1930).
•	PD/22/430:	Permission to replace shopfront and provide separate new front entrance door to the Westbury public house, at Saint. Patrick's Street, Castlerea, Co.
		Roscommon. Permission granted: 09/11/2022.
•	PD/24/60208	Permission to demolish part of existing structure and construct a 1 bedroom apartment attached to rear of the "Westbury" public house at Saint Patrick's Street, Castlerea, Co. Roscommon. Permission Refused: 01/07/2024.

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 ind 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

- 1. A site visit on the 28/01/2025 confirmed that the plans and particulars submitted under Section 5 of the Planning & Development Act, 2000, as amended, regarding proposed development, is partially reflective of the existing on-site conditions; the ground floor is illustrated prior to demolition works to the west elevation of the property.
- 2. A review of the Roscommon GIS Portal confirmed the 'Building Use' as being both 'Commercial & Residential'.
- 3. The nature of the proposed works are to "*Reinstate Rear Living Area to* "*The Westbury Licensed Premises, to include partially demolished site*". The plans and particulars submitted as part of 'DED-822' indicate that the existing ground-floor area, including that which was demolished, formed part of what was originally a "Store, Dining Area and Kitchen". The Planning Authority consider that on the balance of probability, the Store, Dining Area and Kitchen, provided ancillary services and facilities that contributed to the operation of the commercial enterprise and that they did not form part of a 'self-contained' rear living area.

- 4. The proposal includes for the provision of a bedroom with an ensuite, comprised within the floor area that formerly accommodated the Store, Dining Area and Kitchen. The proposal also includes for new separate access to/from this bedroom from the residents laneway, with access to the commercial enterprise (licensed premises) precluded; creating a self-contained residential unit/studio-apartment. This constitutes a material change of use, falling outside the scope of exempted development under Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended). Consequently, the proposal constitutes "development" within the meaning of Section 3(1) of the Planning and Development Act 2000 (as amended); the exemption provided under Section 4(1)(h) of the Act is not applicable in this instance.
- 5. Furthermore the Planning Authority considers that the proposal forms part of lands zoned 'Town Core' in the Castlerea Settlement Plan in the Roscommon County Development Plan (2022-2028) (RCDP). Appropriate residential development on lands zoned 'Town Core' is considered acceptable in principle. In the urban context, back-land development will be given consideration where: 1) Access arrangements would not significantly increase noise and disturbance to existing dwellings; 2) there is adequate provision of off-street parking; 3) the scale and design of the dwelling is compatible with the character of the buildings in the surrounding area. It is considered that the proposal falls short of the aforementioned criteria, as set out in chapter 12 of the RCDP (12.11) and as such, would result in the overloading of infrastructure, amount to inappropriate and disorderly development and would have an adverse effect on the residential amenity of adjoining properties, and may preclude the continuance of an existing (commercial) use to the ground floor.

Further to the foregoing, 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; "to reinstate rear living area to the "Westbury" licenced premises to include partially demolished site", under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located at "The Westbury, Castlerea, Co. Roscommon, F45 DD76" 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 and 4 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) 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 does not fall under a class of development listed under Schedule 2 of Part 1 of Article 6 and is not considered exempted development under the provisions set out under Section 4(1) of the Planning & Development Act 2000, (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 reinstate rear living area to the "Westbury" licenced premises to include partially demolished site", under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located at "The Westbury, Castlerea, Co. Roscommon, F45 DD76" is not exempted development and that a declaration to that effect should be issued to the applicant.

Signed:

Blaithín Kinsella Assistant Planner Date: 03/02/2025

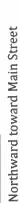
Signed:

Alan O'Connell Senior Executive Planner Date: 03/02/2025

Site Photos: 29/01/2025









Southward toward Roscommon



l

Access to residential laneway off Saint Patrick's street.





and proposed works area highlighted.

ENDS



Laneway toward Saint Patrick street

Rear of Subject Site/Property - demolition





Property north of subject site

Property south of subject site

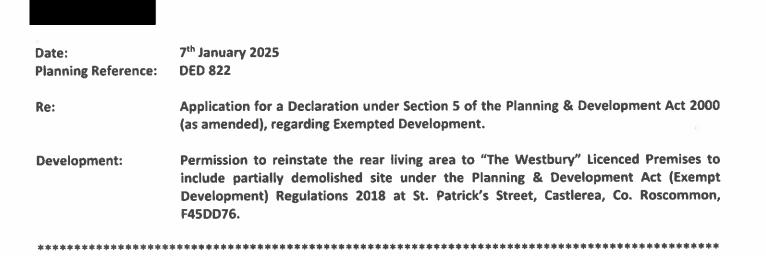
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Comhairle Contae Ros Comáin Roscommon County Council



Peter Hynes,



A Chara,

I wish to acknowledge receipt of your application which was received on the 20th 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. L01/0/232314 dated 3rd January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 822 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:

Turner Design Services turnerdesign20@gmail.com





Roscommon County Council Aras an Chontae Roscommon 09066 37100

03/01/2025 14:22:28

Receipt No L01/0/232314

ADRIAN TURNER CASTLEVIEW HS CASTLEVIEW ROSCOMMON

PLANNING APPLICATION FEES 80 00 GOODS 80.00 VAT Exempt/Non-vatable DED 822

Total =

Change

80.00 EUR

80.00

Tendered Credit/Debit Card 1224

0.00

Issued By : Bernadine Duignan From : Central Cash Office

TURNER DESIGN SERVICES

Architectural Consultants, Building Engineers & Surveyors



Castle View House, Castle St, Roscommon Town, Co Roscommon. Date :-.19th Dec 2024. Mob :- 087 9022193. E-mail:-turnerdesign20@gmail.com

To :- Roscommon Co Council Planning Department, Aras an Chontae, Roscommon Town,

RE:- Application for Exempt Development to include reinstatement of part Living Area previously demolished and undertake modifications to rear of "The Westbury" Licenced Premises at St Patrick St, Castlerea for Mr Peter Hynes.

Dear Recipient,

l

On behalf of my Client and Applicant I hereby make Application for Exempt Development Certificate and wish to inform you as follows:-

In the intervening period, the rear living area of Premises had been seriously damaged by water penetration caused by a failed Flat Roof Area, not being repaired, over an extended period.

Due to this occurrence Mr Peter Hynes did not deal with matters promptly.

This caused the structure to deteriorate to an un-salvageable extent, which required portion of the rear flat roof and structures below to be demolished. A precautionary temporary hoarding was erected to the rear area to address Health, Safety & Security concerns.

It is now the Owner/Applicant's intention to renovate and return the premises to its former glory and to re-open the building as a Licenced Premises to the front.

He intends to reside at the rear living area in order to operate the business.

It will therefore be required to bring the living accommodation up to modern and acceptable living standards.

In order to apply for an Exempt Development Certificate & undertake the necessary re-instatement and modification,

I hereby attach the Following Documents, including un-solicited information in assisting you in your assessment of the Application:-

a/ Submission Fee in the Sum of €80-00.

b/ Letter of Consent from Applicant to Agent.

c/ O.S Location Map to a Scale of 1:000.

d/ Site Plan to a Scale of 1:500.

e/ Floor Plans showing Proposed and Existing Layouts. Scale 1:100.

f/ Proposed Building Sections, Scale 1:100.

g/ Proposed Building Elevations, Scale 1:100.

h/ Photographic Views from Rear Laneway showing Premises prior to Demolition of dangerous Structures and also the present state of the rear Building area.

Trusting I have adequately presented the required information to your Authority, to make an adequate evaluation and informed decision on this Submission.

Yours Sincerely:-

URas drian/Turner. Agent.

From:- Peter Hynes

To:- Roscommon Co Council Planning Department Aras an Chontae Roscommon Town.

Letter of Consent

To whom it may concern.

I, Peter Hynes do hereby state that I am the Full Registered Owner of the Premises known as "The Westbury" at St Patrick St, Castlerea, Co Roscommon, and for which a Planning Application is to be lodged with your Authority.

I further state, that I consent, and have engaged Adrian Turner % Turner Design Services, Castle St Roscommon to be my Agent in this matter.

Therefore, I would appreciate your full engagement and co-operation with Mr Turner in all matters relating to this Planning Submission.

Thanking You Yours Sincerely Peter Hynes

Date:- 2nd May 2024





C

Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100 Email: <u>planning@roscommoncoco.ie</u>

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)	MR PETER HYNES.
Name of Agent	XPRIAN TURNER % THRNER DESIGN SERVICES
Nature of Proposed Works	TO REINSTATE REAR LIVING AREA TO "THE WESTBURY" LICENCED FREMISES TO INCLUDE PARTIALLY DENOUSHED STE
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	ST PATRICK ST, CASTLEREA O.S HO'S 2219-05. EIRCODE - F450076.
Floor Area: a) Existing Structure ~ LESS DEMOLITION b) Proposed Structure ~ WITH DEMOLITION OR REINSTATED BUILDING AREA. Height above ground level:	a) b) 150 MM BOVE CTROUND.
Total area of private open space remaining after completion of this development	XI/X
Roofing Material (Slates, Tiles, other) (Specify)	FLAT ROOF - TROCAL LIPVE FINISH PITCHED ROOF - FIBEE CONCUT SATES

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	WHITE XAP PRASTER.
Is proposed works located at front/rear/side of existing house.	REAR FACING WEST
Has an application been made previously for this site	YES.
If yes give ref. number (include full details of existing extension, if any)	24/60208
Existing use of land or structure	COMMERCIAL RESIDENTIAL.
Proposed use of land or structure	CONMERCIAL RESIDENTIAL
Distance of proposed building line from edge of roadway	To Etere of REAR LANEWARY.
Does the proposed development involve the provision of a piped water supply	XIO - EXISTING.
Does the proposed development involve the provision of sanitary facilities	HON EXISTING.

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

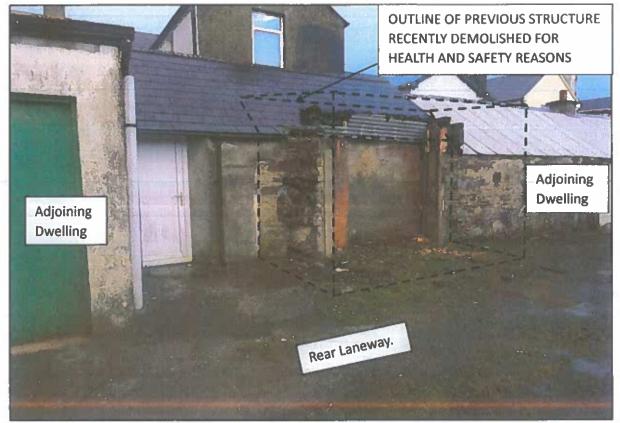
<u>LUENCE</u> % JUENER DEGGN SERVICES, 2024. AGENT, Signature: EC Date:

Note: This application must be accompanied by: -

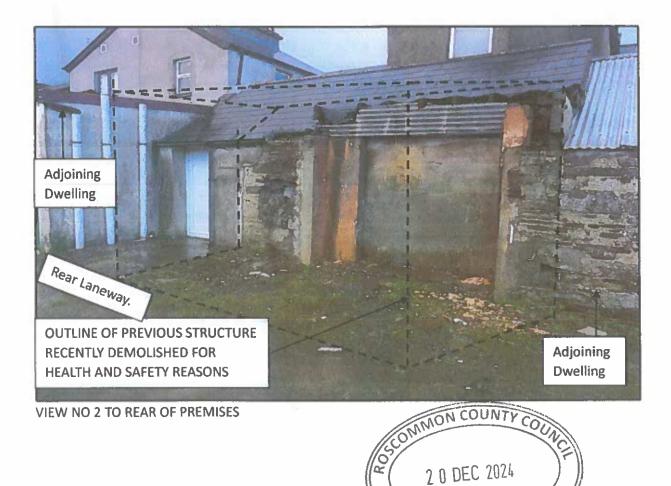
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



PICTURE VIEWS- SHEET 1



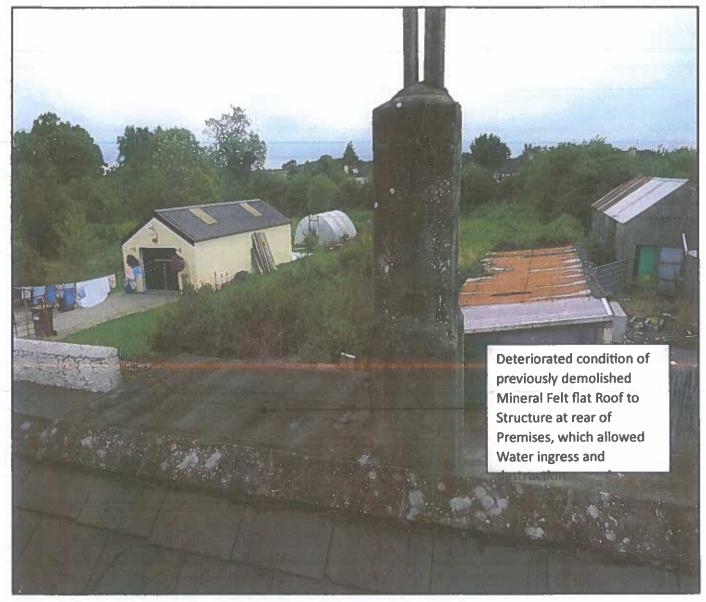
VIEW NO 1 TO REAR OF PREMISES



PLANNING SECTIO

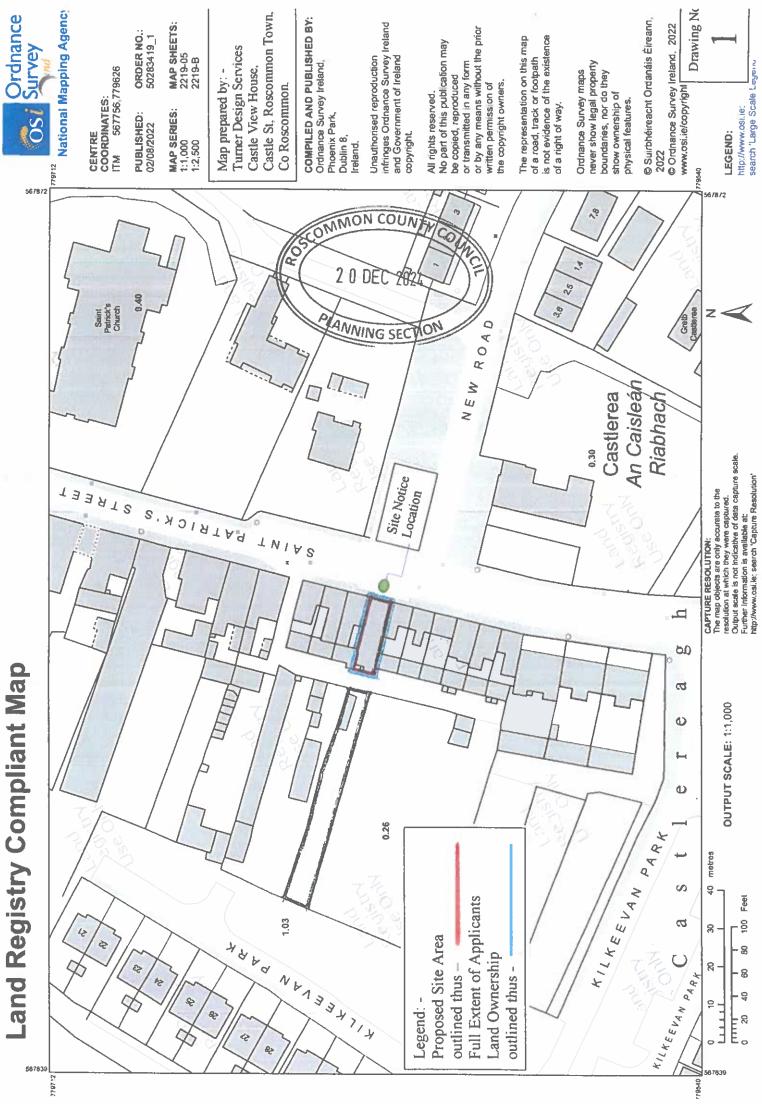
PICTURE VIEW SHEET 2.

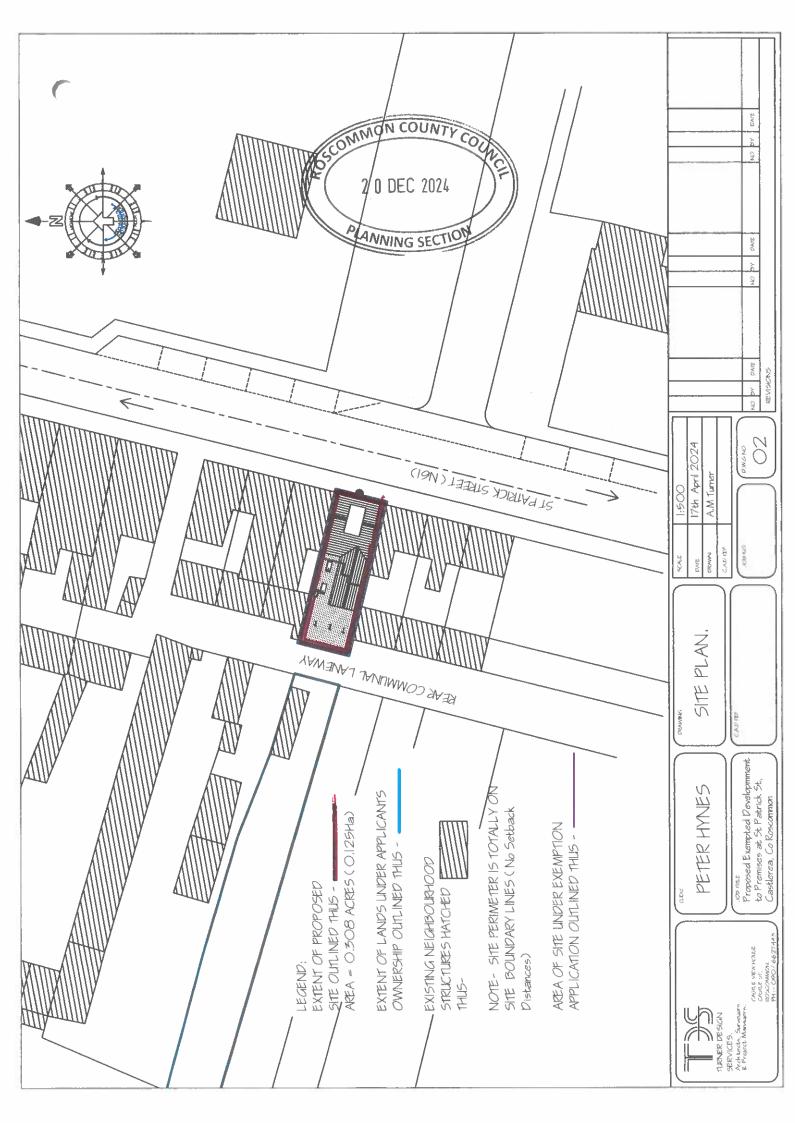
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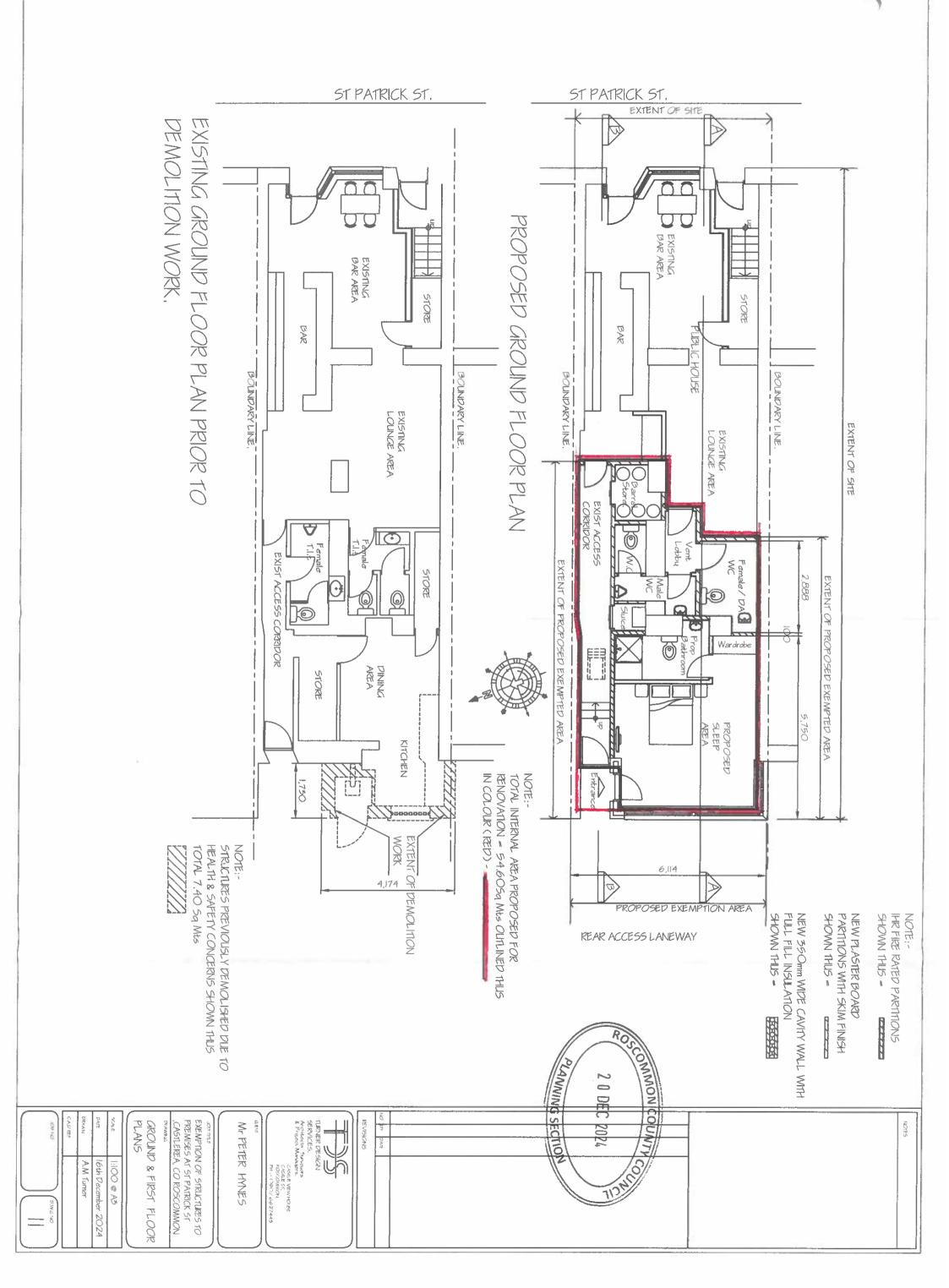


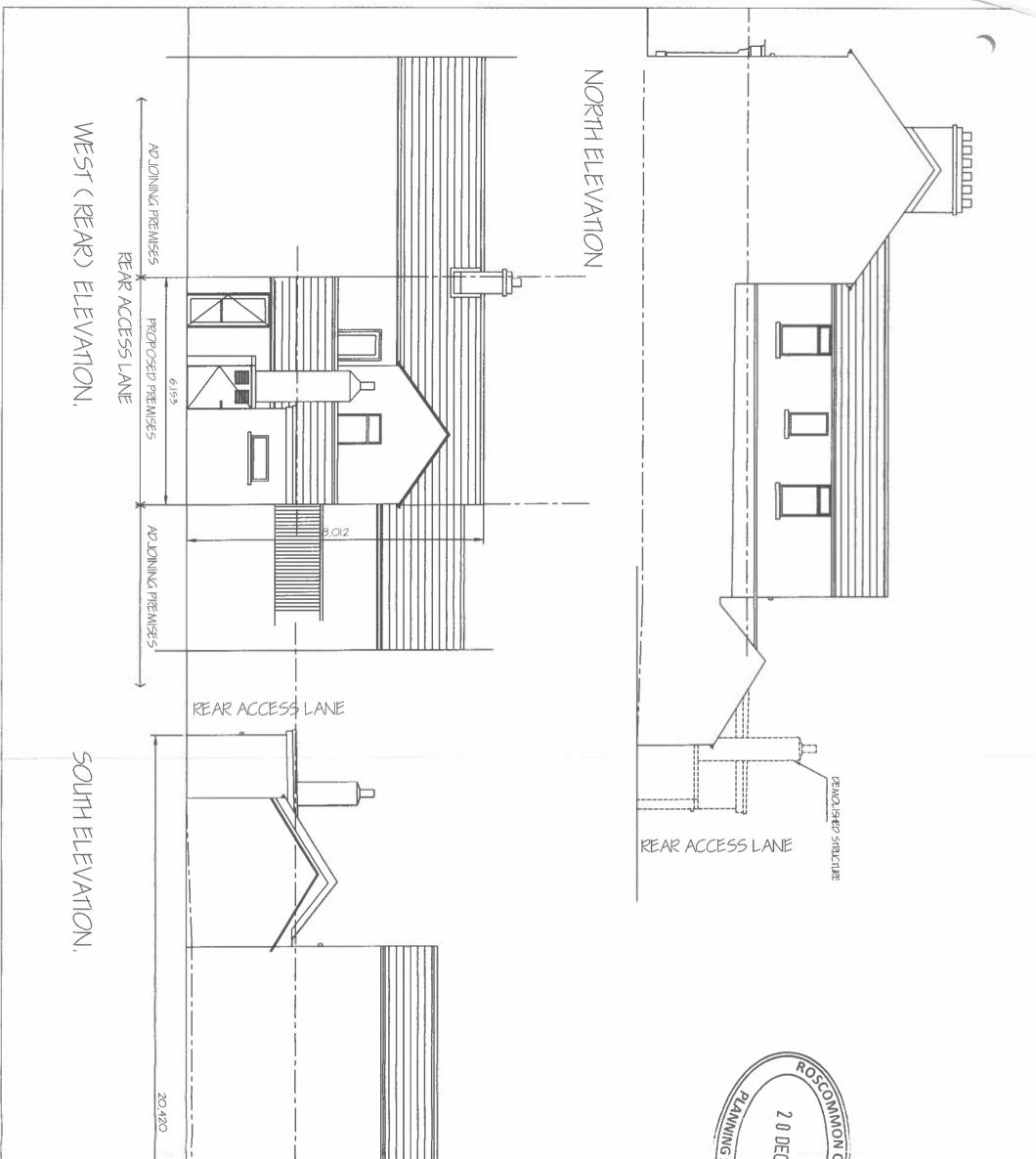
View at First Floor Level facing West over Demolished Rear Structure



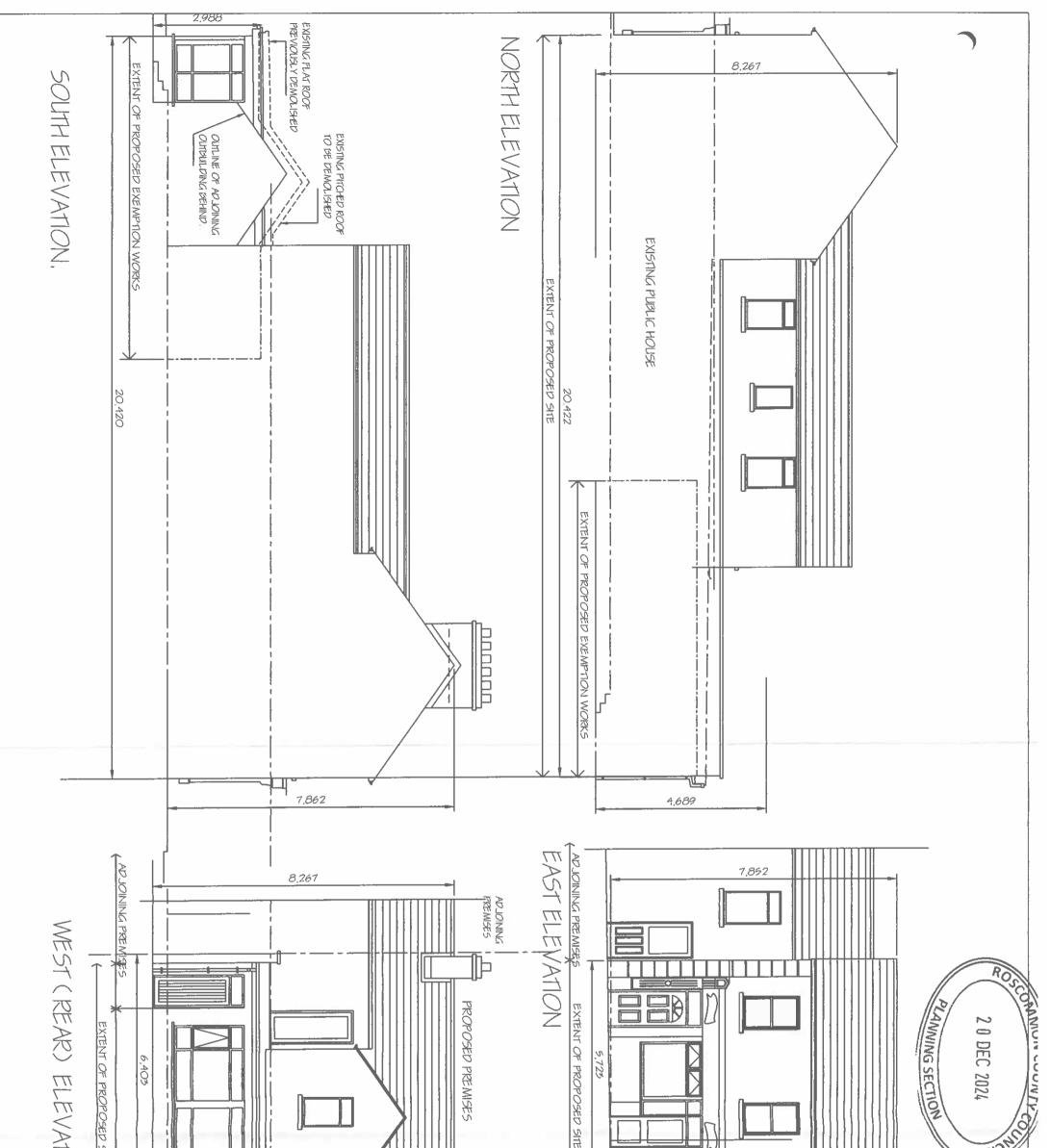




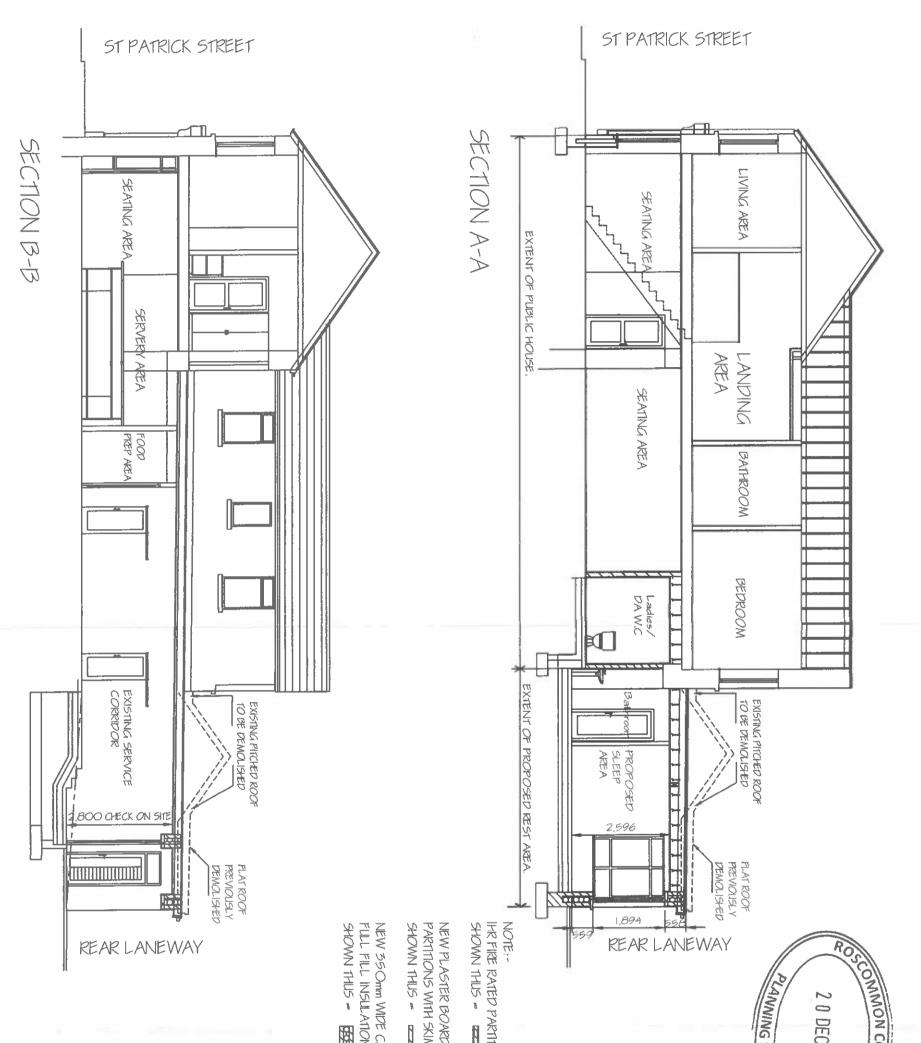




		C 2024 75 March
Ar PETER HYNES Ar PETER HYNES COMMON OF STRUCTURES TO PREMISES AT ST PATRICK ST, CASTLEREA CO ROSCOMMON PRIOR TO DEMOLITION Some 164th December 2024 DRMAN CASTER CAS	REWSICHS REVISICAN SERVICES Additional Project Managers 2 Project Managers 2 Pro	



ATTON, ADJOINING PREMISES		10141
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