#### **ROSCOMMON COUNTY COUNCIL**

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

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

#### **NOTIFICATION OF DECISION**

#### **REGISTERED POST**

Walpole Property Investments Ltd, The Rectory, Kilmore, Carrick-on-Shannon, Co. Roscommon. N41 HE94

**Reference Number:** 

**DED 840** 

**Application Received:** 

7th February, 2025

Name of Applicant:

Walpole Property Investments Ltd

Agent:

**Conor Gray** 

WHEREAS a question has arisen as to whether the internal alterations in order to meet the requirements of Rehab (proposed tenets) and the use of an existing office building as a Rehab Office at Office 2, First Floor, Carrick Retail Business Park, Cortober, Carrick-on-Shannon, 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 works outlined above are development.
- (b) The proposed internal alterations in order to meet the requirements of Rehab (proposed tenets) and the use of an existing office building as a Rehab office as described in this case fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 (as amended) and are classed as an <u>exempt development</u>, 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;
- (c) The change of use from office use to office use within Class 3 of Part 4, Article 10 of the Planning and Development Regulations 2001 (as amended) is classed as exempt development.
- (d) The change of use of a portion of the building, 167m², previously used as casino (Planning Ref. 13/162), is <u>not exempted development</u>, and a Planning Application would be required in order to materially change the use from Class 2 commercial leisure to Class 3 office use of the Classes of Use set out in Part 4 Article 10 of the Planning and Development Regulations 2001 (as amended).
- (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 internally alter in order to meet the requirements of Rehab (proposed tenets) and the use of an existing office building as a Rehab Office at Office 2, First Floor, Carrick Retail Business Park, Cortober, Carrick-on-Shannon,

Co. Roscommon., is a **split decision** with the proposed internal alteration to the building and the change of use from office use to office use within Class 3 of Part 4, Article 10 of the Planning and Development

Regulations 2001 (as amended) is **exempt development**. The change of use of a portion of the building, 167m² previously used as casino (PD/13/162), is **not an exempt development** 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: 6th March, 2025

#### **ADVICE NOTE**

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

#### **Carmel Curley**

From: Carmel Curley

**Sent:** Tuesday 11 March 2025 10:00 **To:** conor@grayassociates.ie

Subject:DED 840 - Notification of DecisionAttachments:DED 840 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 840 for Walpole Property Investments Ltd.

Regards,

Carmel

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

**2**: (090) 6637100







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

**Reference Number:** 

**DED 840** 

Re:

Permission for internal alterations in order to meet the requirements of Rehab (proposed tenets) and the use of an existing office building as a Rehab office under the Planning and Development Act (Exempted Development) Regulations 2018

Name of Applicant:

Walpole Investment Ltd

**Location of Development:** 

Office 2, First Floor, Carrick Retail Business Park, Cortober, Carrick-

on-Shannon, Co. Roscommon N41 F2W2.

Site Visit:

24/02/2025

WHEREAS a question has arisen as to whether the following works for internal alterations in order to meet the requirements of Rehab (proposed tenets) and the use of an existing office building as a Rehab office 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 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

#### Site Location & Development Description

The site is located in the Carrick Retail and Business Park in Cortober, just outside Carrick-on-Shannon, and is accessed off the N4. The proposed development consists of completing internal alterations to an existing office building.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

#### **Archaeological and Cultural Heritage**

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage in the likely zone of influence of the proposed development.

#### **Appropriate Assessment**

The closest European site to the proposed development is Annaghmore Lough SAC (Site Code: 001626) which is located circa 15.5km to the south of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and 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 can, therefore, be excluded.

#### **Planning History**

13/167: Permission granted for (1) The subdivision of retail unit No.14 into two units namely 14A and 14B. (2) The use of retail unit 14A as a beauty salon and retail unit 14B as a fitness salon (as required by planning condition No. 40 of PD/99/1451) (3) The subdivision of retail unit No. 15 into two units namely 15A and 15B (4) The use of retail unit 15A as a fitness salon and retail unit 15B as a Bistro/Cafe (as required by planning condition No 40 of PD/99/1451).

13/162: Permission granted for development to change the use of first floor office space to commercial leisure. The development proposed comprises the change of use of 167sqm of office space from a total available office floor area of 964sqm (previously granted under 99/1451) for a commercial leisure use and as involving internal works and connections to existing services at and above.

13/121: Incomplete application.

07/1383: Permission granted for new glazed canopy roof and signage to the south elevation, condenser unit to the rear of the building along with associated site works (Only). All works to be carried out to the existing office unit located above retail units No. 14 and 15 in the office and retail building adjacent to the cinema at (Application also made for an external fire escape stairs).

05/1286: Incomplete application.

04/785: Permission granted for the construction of a Pylon sign.

02/1248: Permission granted for the use of Units 8 & 9 as Sports Clothing & Equipment Shop (as required by Condition No. 40 of PL. Ref. PD/99/1451) etc.

02/108: Permission granted for 1 no. two-storey townhouse in Block T1 to be amended to a three storey townhouse.

99/1451: Permission granted for residential, retail and leisure housing, apartments, Marine Medical Centre, Travel Lodge, Petrol filling station, 4 screen cinema and leisureplex.

#### Relevant statutory provisions

#### Planning and Development Acts 2000 (as amended)

#### Section 2. -(1)

"works" includes 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 (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) applies:

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

#### 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". The proposed development is considered to be the carrying out of works. 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....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposal is for internal alterations in order to meet the requirements of Rehab (proposed tenants) and the use of an existing office building as a Rehab Office. These works have been considered in the context of Section 4 (1)(h) of the Act, which consists of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The proposed works are deemed to be exempt under this section of the Act.

Notwithstanding this, and following a review of the file it is noted that Planning Ref. 13/162 pertains to the change the use of a portion of the first floor office space, 167m², to commercial leisure which allowed for a casino to be opened. It is noted that there is a commencement notice dated 25<sup>th</sup> September 2013 on file. Therefore a Planning Application is needed in order to materially change the use of 167m² from Class 2 commercial leisure to Class 3 office use of the Classes of Use set out in Part 4 Article 10 of the Planning and Development Regulations 2001 (as amended). The remainder of the office space, which was not included in Planning Ref. 13/162, remains classified as office use, Class 3 of Part 4 Article 10 of the Planning and Development Regulations 2001 (as amended) and is consistent with the proposed use of the building therefore a planning application is not necessary for this portion.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended), 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.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. 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 Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

#### Recommendation

WHEREAS a question has arisen as to whether a proposed development; for internal alterations in order to meet the requirements of Rehab (proposed tenets) and the use of an existing office building as a Rehab office as outlined above at Office 2, First Floor, Carrick Retail Business Park, Cortober, Carrick-on-Shannon, Co. Roscommon N41 F2W2 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 works outlined above are development.
- The proposed internal alterations in order to meet the requirements of Rehab (proposed tenets) and the use of an existing office building as a Rehab office as described in this case fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 (as amended) and are classed as an exempt development, 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;

- The change of use from office use to office use within Class 3 of Part 4, Article 10 of the Planning and Development Regulations 2001 (as amended) is classed as exempt development.
- The change of use of a portion of the building, 167m<sup>2</sup>, previously used as casino (Planning Ref. 13/162), is not exempted development, and a Planning Application would be required in order to materially change the use from Class 2 commercial leisure to Class 3 office use of the Classes of Use set out in Part 4 Article 10 of the Planning and 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 for internal alterations in order to meet the requirements of Rehab (proposed tenets) and the use of an existing office building as a Rehab office as outlined above at Office 2, First Floor, Carrick Retail Business Park, Cortober, Carrick-on-Shannon, Co. Roscommon N41 F2W2, is a <u>split decision</u> with the proposed internal alteration to the building and the change of use from office use to office use within Class 3 of Part 4, Article 10 of the Planning and Development Regulations 2001 (as amended) <u>an exempt development</u>. The change of use of a portion of the building, 167m<sup>2</sup> previously used as casino (PD/13/162), is <u>not an exempt development</u> and I recommend that a declaration to that effect should be issued to the applicant.

Sully O'Graly

Signed:

**Graduate Planner** 

Date: 05/03/2025

Signed:

Senior Executive Planner

Date: 5<sup>th</sup> March 2025









Comhairle Contae Ros Comáin Roscommon County Council



Walpole Property Investment Ltd, The Rectory, Kilmore, Carrick-on-Shannon, Co. Roscommon. N41 HE94.

Date:

11th February, 2025

Planning Reference:

**DED 840** 

Re:

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

(as amended), regarding Exempted Development.

**Development:** 

Permission for internal alterations in order to meet the requirements of Rehab (proposed tenants) and the use of an existing office building as a Rehab Office under the Planning & Development Act (Exempt Development) Regulations 2018 at Office 2, First Floor, Carrick Retail Business Park, Cortober, Carrick-on-Shannon, Co. Roscommon, N41 FZW2.

#### A Chara,

I wish to acknowledge receipt of your application which was received on the 7th February, 2025, 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. L01/0/232939 dated 7th February, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 840

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:

Conor Gray

conor@grayassociates.ie





Roscommon County Council Aras an Chontae Roscommon 09066 37100

07/02/2025 12:02:32

Receipt No.:: L01/0/232939

WALPOLE PROPERTY INVESTMENT LTD THE RECTORY KILMORE CARRICK ON SHANNON CO. ROSCOMMON

AGENT: CONOR GRAY ASSOCIATES LTD

PLANNING APPLICATION FEES GOODS 80 00 VAT Exempt/Non-vatable DED 840 80 00

Total :

80 00 EUR

Tendered ?

Cheque 501386 80.00

Change

0.00

Issued By Bernadine Duignan From Central Cash Office





Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

# **Roscommon County Council**

# Application for a Declaration under Section 5 of the

## Planning & Development Act 2000 (as amended), regarding <u>Exempted Development</u>

Name of Applicant(s)	Warpole Property Investment Ltd. The Rectory Kilmone. Carnick on Shannon:
	The Kectory Kilmone.
	Carnick on Shannon.
OMMON COUNTY COUL	CO KOSCOMMUN.
Name of Agent SCOMMON COUNTY COUNCE	CONOR GRAY Associates Ltd.
FEB 2025	0877021857
O TION	
Nature of Proposed Working SECTION	InterMAL Alterations to Met Requiremts of REHAB Who ARE PROPSED TENNETS
	of REHAB Who ARE PROPSED
	TENNETS
	And use of Existing Office Outdance to Kehal
Location & Address of Subject Property	Office 2 First Hour Office
to include, Eircode (where applicable), Townland & O.S No.	Carrick Retail > Business Park
0.3 No.	And use of Existing Office Dulding as Rehall Office Z First Hour Office Carrick Retail 7 Business Park Cortober Carrick of Shannus N41FZUZ
Floor Area:	,
a) Existing Structure	a)
b) Proposed Structure	b)
Height above ground level:	First from Office
	17-55 MODIC OFFICE
Total area of private open space remaining after	
completion of this development	NIA.
Roofing Material (Slates, Tiles, other) (Specify)	1 02
	NA Extant Jank Required.

### **Roscommon County Council**

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NA.	
Is proposed works located at front/rear/side of existing house.	Interal Work Only	
Has an application been made previously for this site	Yes	
If yes give ref. number (include full details of existing extension, if any)	11019911431 Under Whitch Isula	LING
Existing use of land or structure	UN USED Office LY	as Bu
Proposed use of land or structure	LEase to REHAB.	
Distance of proposed building line from edge of roadway	See Attachment plan.	
Does the proposed development involve the provision of a piped water supply	All Existing Sarvices	
Does the proposed development involve the provision of sanitary facilities	All Existing Services	\$

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

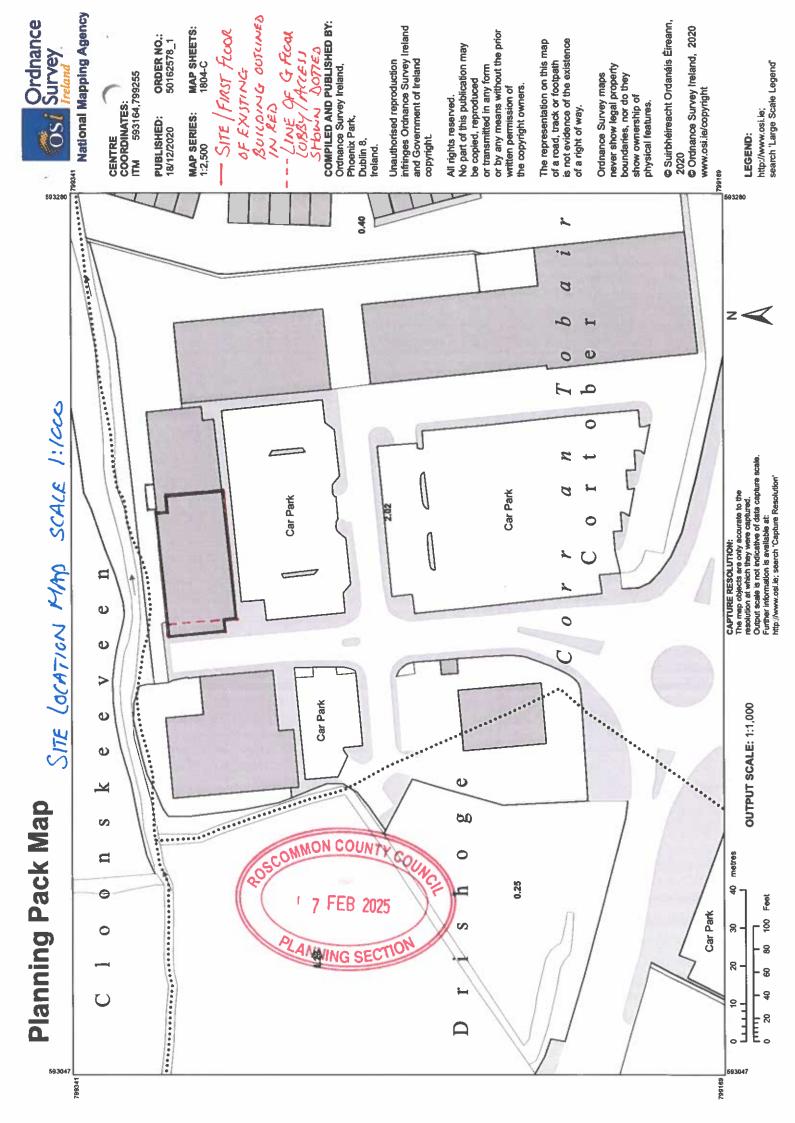
Signature:

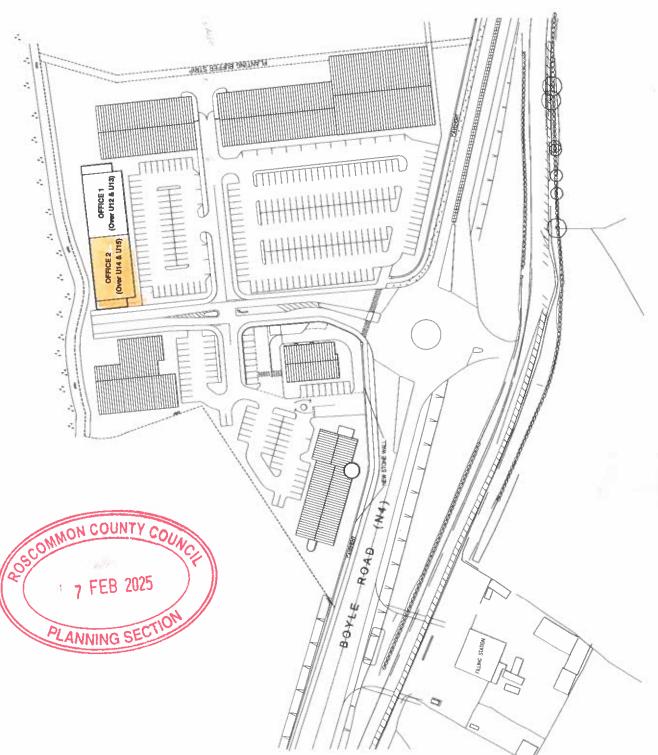
Date:

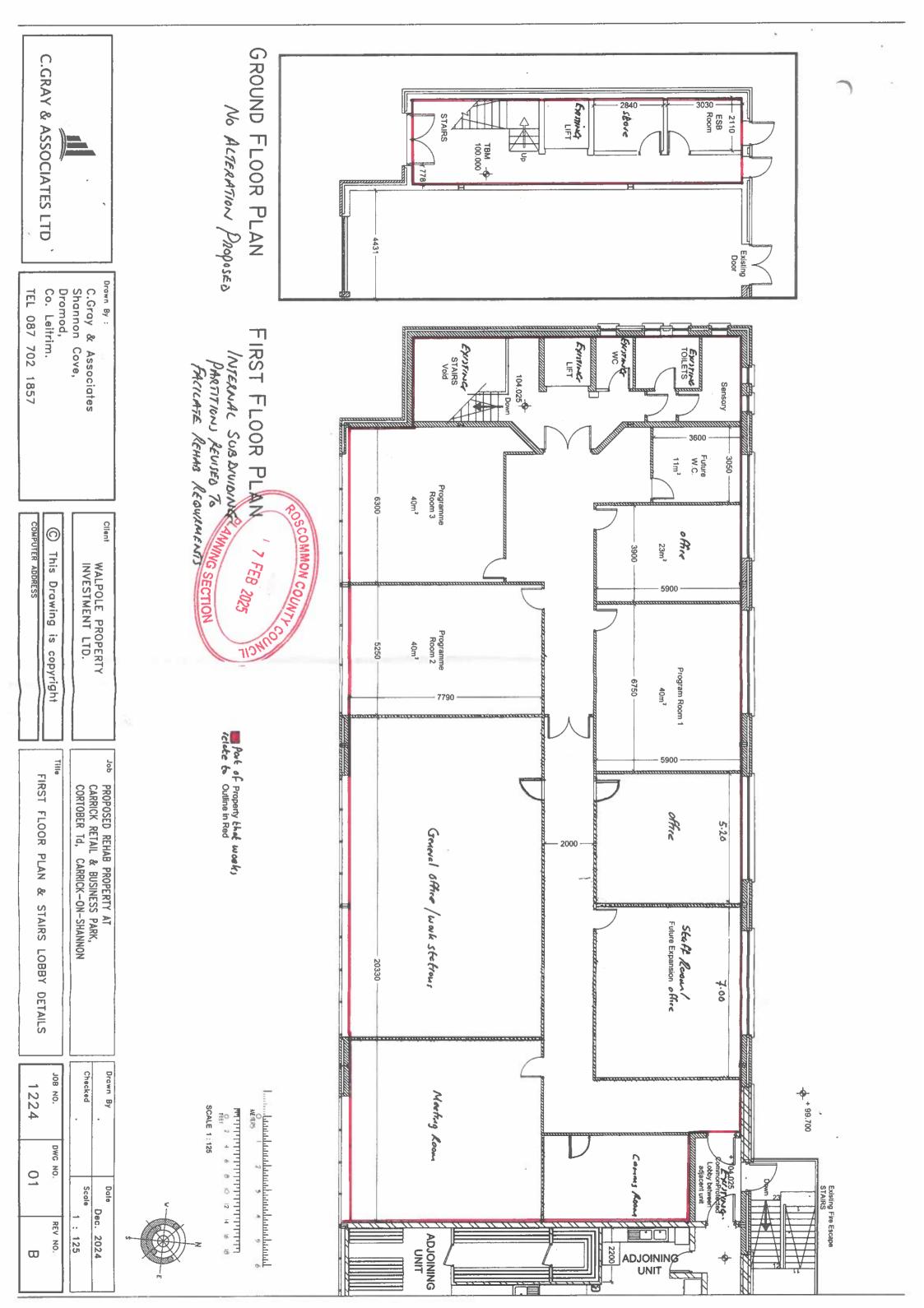
Note: This application must be accompanied by: -

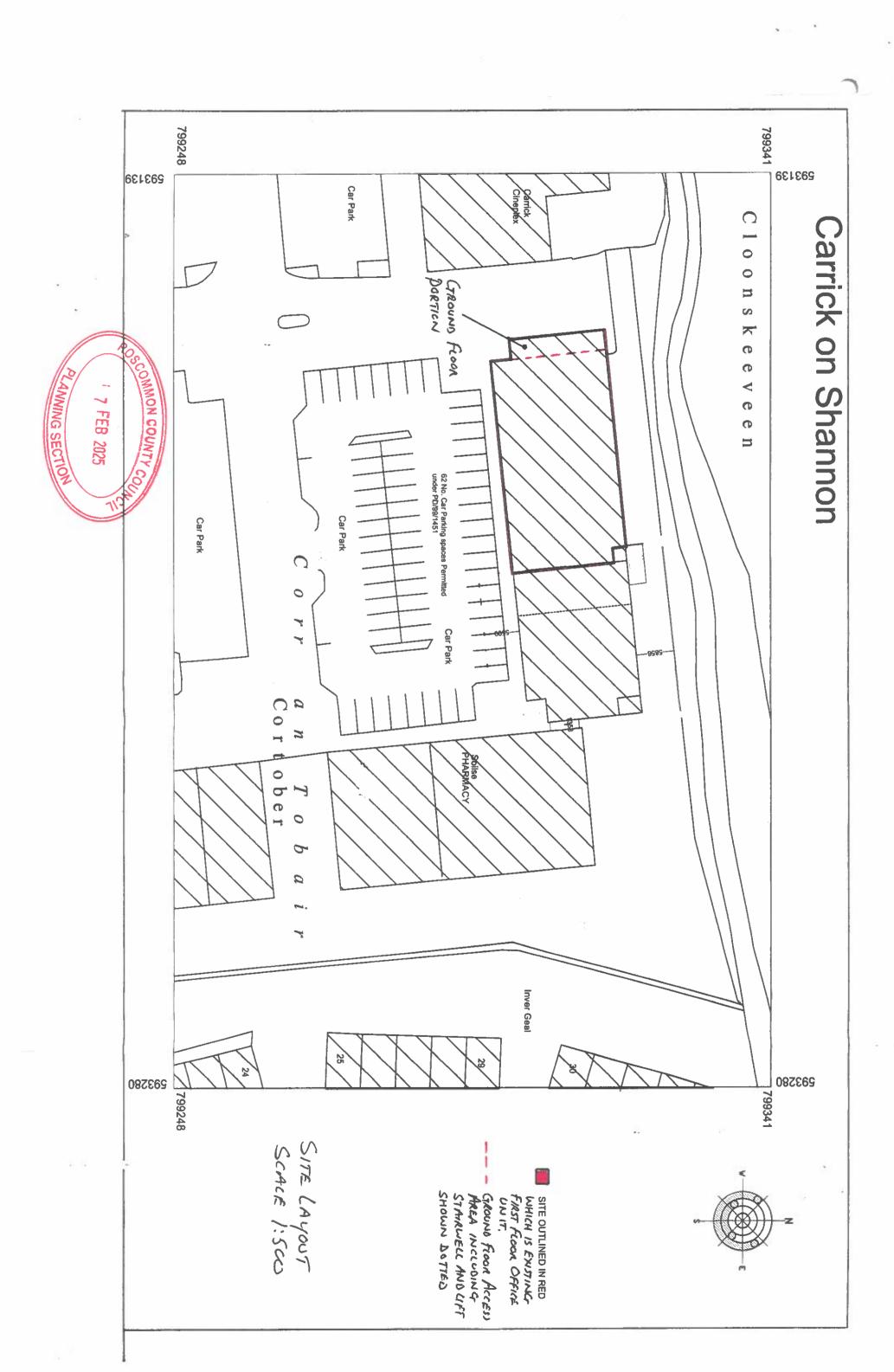
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed









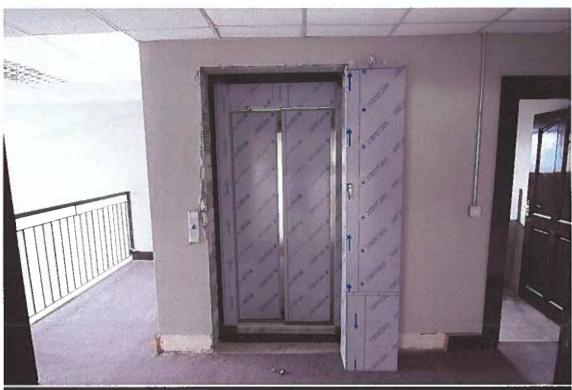






7 FEB 2025

PLANNING SECTION





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