

ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DECISION

REGISTERED POST

Louis O'Doherty,



Reference Number: DED 544

Application Received: 12th March, 2023

Location: 20 Abbey Street, Roscommon, Co. Roscommon.

WHEREAS a question has arisen as to whether the conversion of a building which was last used as a Department of Social Protection Local Employment Office to a single residence at 20 Abbey Street Roscommon is or is not development or 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) Article 10(6) of the Planning and Development Regulations 2001 (as amended)
- (d) 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)

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations;
- (b) The proposed development is exempted development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.

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 works consisting of **the conversion of a building which was last used as a Department of Social Protection Local Employment Office to a single residence at 20 Abbey Street 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:



Administrative Officer, Planning.

Date: 2nd June, 2023

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

Reference Number:

DED 544

Name:

Louis O'Doherty

Development Address:

20 Abbey Street, Roscommon Town.

WHEREAS a question has arisen as to whether to 'convert to residential at 20 Abbey Street, Roscommon' is or is not development and is or is not exempted development:

1.0 Introduction

NOTE: This report has been prepared following receipt of a response to the Planning Authority's request for further information. This report should be read in conjunction with the planning officers' original report of 29th March 2023 and 28th March 2023 which amongst other matters details and considers:

- Development proposal and site assessment
- Relevant statutory provisions
- Planning history on site

Further information requested: 2nd May 2023

Clarification response received: 15th May 2023

3.0 Planning Assessment following receipt of Further Information

Summary of issues on which further information was sought:

Item 1:

Clarification in relation to the use of the building prior to 2017 and how long the building was used for this use.

Item 2:

Clarification of any works are proposed the roof and the external façade.

Assessment of clarification of further information received:

2.0 Relevant Legislation

Planning and Development Act, 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 10 (6)

(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 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, 6 or 12 of Part 4 to Schedule 2

(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, 6 or 12, 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 shall –

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) 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

Apartment – 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;

(IV) 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 paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to 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,

(II) (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and

(III) (III) the Eircode for the relevant property,

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.

Part 4 of Schedule 1:

Class 2

Use for the provision of—

(a) financial services,

(b) professional services (other than health or medical services),

(c) any other services (including use as a betting office),

where the services are provided principally to visiting members of the public.

The applicant clarified that the building was formally the Department of Social Protection Local Employment Office from the 1940s until its closure in 2017. RCC is satisfied that this use falls within the Classes of use listed in Class 2 Part 4 of Schedule 1

The question to be determined in this Section 5 declaration whether 'to convert a building which was last used as a 'Department of Social Protection Local Employment Office to a **single residence**' at **20 Abbey Street, Roscommon**, is or is not development, constitutes a material change of use and is or is not exempted development. Having considered the definition of both "works" and "development" outlined above, I would deem that the aforementioned forms of development constitute works and is therefore development.

Having regard to the following:

- It would appear from a site inspection on the 25th May 2023 that the building has not be used for some time and is currently vacant.
- The structure concerned has at some time been used for the purpose of a Class 2 use.
- The applicant is not proposing works to the exterior of the structure.

And having considered the various parts of Article 10 (6), I am satisfied that the proposed change of use falls within the parameters as set out in this Article

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 site is located c4km away from Lough Ree SAC. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to and distance from any sensitive location, there is no real likelihood of significant effects on European sites arising from the proposed development and not of a nature set out in Article 9 (1)(a) of the Planning and Development Regulations 2001 as amended.

Recommendation:

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

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

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 conversion of a building which was last used as a 'Department of Social Protection Local Employment Office' to a **single residence at 20 Abbey Street, Roscommon** is exempted development

and I recommend that a declaration to that effect should be issued to the applicant.

Signed: _____

Paula Connaughton
South Roscommon Area Planner.

Date: _____

25th May 2023



12th May 2023

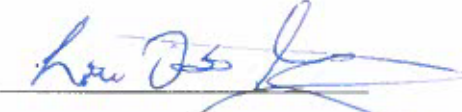
Planning Reference DED 544

A Chara,

Following your correspondence of today's date regarding the above Planning Reference DED 544, the following is the information you require:

1. The premises at 20 Abbey Street, Roscommon was formerly the Department of Social Protection Local Employment office from the 1940's until its closure on May 19th, 2017.
2. There are no proposed works intended for the external façade or roof of the building.

Thank you.


Louis O'Doherty



Comhairle Contae
Ros Comáin
Roscommon
County Council



REGISTERED POST

Louis O' Doherty,



Date: 02nd May, 2023

Reference No: DED 544

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 to 'convert to residential at 20 Abbey Street, Roscommon' is or is not development or is or is not exempted development.

A Chara,

Further to your application received on the 2nd March, 2023 and further information received on 12th April, 2023 and in order for the Planning Authority to determine as to whether to 'convert to residential at 20 Abbey Street, Roscommon' 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 use of the building subject of this Section 5 Declaration prior to 2017 and provide details of how long the building was used for this purpose.
2. Clarify if any works are proposed to the external façade or roof of the building subject of this Section 5 application and if so provide detail of same.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 544**.

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

Mise le meas,

Mary Dolan,
Administrative Officer,
Planning.

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

Reference Number: DED 544

Name: Louis O'Doherty

Development Address: 20 Abbey Street, Roscommon Town.

WHEREAS a question has arisen as to whether to 'convert to residential at 20 Abbey Street, Roscommon' is or is not development and is or is not exempted development:

1.0 Introduction

NOTE: This report has been prepared following receipt of a response to the Planning Authority's request for further information. This report should be read in conjunction with the planning officers' original report of 29th March 2023 which amongst other matters details and considers:

- Development proposal and site assessment
- Relevant statutory provisions
- Planning history on site

Further information requested: 29th March 2023

Clarification response received: 12th April 2023

3.0 Planning Assessment following receipt of Further Information

Summary of issues on which further information was sought:

Item 1:

Clarification in relation to the existing use of the building, proposed use and the works that will be undertaken.

Assessment of further information received:

Item 1: The applicant clarified that the building has been vacant since 2017 and that the proposed use is for a single residence. The applicant has not specified any works that will be undertaken to convert the property but has stated '*whatever it takes to make it habitable*'. In order to determine if the proposed change of use is exempt development the last legitimate use of the building prior to 2017 must be established and the works proposed in order to make the building habitable.

Recommendation: Clarification of further information

1. Please clarify the use of the building subject of this Section 5 declaration prior to 2017 and provide details of how long the building was used for this purpose.
2. Clarify if any works are proposed to the external facade or roof of the building subject of this Section 5 application and if so provide detail of same.

Signed: _____

Paula Connaughton

South Roscommon Area Planner.

Date: _____

28/4/23



11th April 2023.

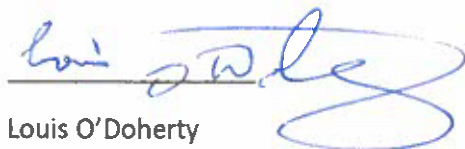
RE: Planning Reference Number DED 544. 20 Abbey Street, Roscommon. F42 DE48

Dear Ms. Dolan,

Regarding your letter dated 29th March 2023 (postmarked April 6th, 2023) which I received today, the information you require is:

- (a) The building has been unoccupied/vacant since 19th May 2017.
- (b) Proposed use is for a single residential unit.
- (c) Works to be undertaken – whatever will be required to make it habitable.

Thanking you,


Louis O'Doherty

Louis O' Doherty,


Date: 29th March, 2023

Reference No: DED 544

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 to 'convert to residential at 20 Abbey Street, Roscommon' is or is not development or is or is not exempted development.

A Chara,

Further to your application received on the 2nd March, 2023 and in order for the Planning Authority to determine as to whether to 'convert to residential at 20 Abbey Street, Roscommon' is or is not development or is or is not exempted development, you are requested to submit the following further information:

- (a) The existing use of the building.
- (b) If the proposed use is for a single residential unit or will it be subdivided.
- (c) The works that will be undertaken to convert the property.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 544**.

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

Mise le meas,



Mary Dolan,
Administrative Officer,
Planning.

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

Reference Number: DED 544

Name: Louis O'Doherty

Development Address: 20 Abbey Street, Roscommon Town.

WHEREAS a question has arisen as to whether to 'convert to residential at 20 Abbey Street, Roscommon' is or is not development and is or is not exempted development:

1.0 Site Location and Description

The site is fronting on to Abbey Street in Roscommon Town and is zoned 'Outer town centre' in Roscommon Town LAP. The structure itself is two storey in style and is detached. On inspection of the site it was not apparent what it is currently being used for and applicant has not provided any information regarding the current use of the building.

2.0 Planning History

No planning history on the site.

3.0 Relevant Legislation

In order to assess this Section 5 application and to determine what Section/Article of the Planning and Development Act/Regulations as amended it will be considered under, the applicant is requested to confirm:

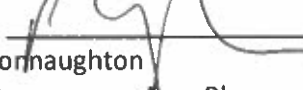
- (a) The existing use of the building.
- (b) If the proposed use is for a single residential unit or will it be subdivided.
- (c) The works that will be undertaken to convert the property.

4.0 Recommendation

WHEREAS a question has arisen as to whether to 'convert to residential' a building at 20 Abbey Street, Roscommon is or is not development, constitutes a material change of use, and is or is not exempted development the following information is requested:

The applicant is requested to confirm:

- a) The existing use of the building.
- b) If the proposed use is for a single residential unit or will it be subdivided.
- c) The works that will be undertaken to convert the property.

Signed: 
Paula Cornaughton
South Roscommon Area Planner.

Date: 29th March 23

Louis O'Doherty,

Date: 3rd March, 2023.
Planning Reference: DED 544

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

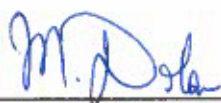
Development: Convert premises to residential at 20 Abbey Street, Roscommon, Co. Roscommon, F42 DE48

A Chara,

I wish to acknowledge receipt of your application received on the 2nd March, 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. L01/0/221537 dated 2nd March, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 544**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,



Administrative Officer,
Planning.



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, regarding Exempted Development

| | |
|--|--------------------------------|
| Name: | LOUIS O'DOHERTY |
| Address: | [REDACTED] |
| Name & Address of Agent: | N/A |
| Nature of Proposed Works | convert to Residential |
| Location (Townland & O.S No.) | BALLYPHEASON |
| Floor Area | UNKNOWN |
| Height above ground level | UNKNOWN |
| Total area of private open space remaining after completion of this development | UNKNOWN |
| Roofing Material (Slates, Tiles, other) (Specify) | TILE |
| Proposed external walling (plaster, stonework, brick or other finish, giving colour) | N/A |
| Is proposed works located at front/rear/side of existing house. | indoors and small area at rear |

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 | VACANT |
| Proposed use of land or structure | RESIDENTIAL |
| Distance of proposed building line from edge of roadway | 6/7' Feet |
| Does the proposed development involve the provision of a piped water supply | NO |
| Does the proposed development involve the provision of sanitary facilities | NO |

Signature:



Date:

10th Feb 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



Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

02/03/2023 11 47 58

Receipt No : L01/0/221537

LOUIS O'DOHERTY

DED 544

| | |
|---------------------------|-------|
| PLANNING APPLICATION FEES | 80 00 |
| GOODS | 80 00 |
| VAT Exempt/Non-vatable | |
| DED 544 | |

| | |
|-------|-----------|
| Total | 80 00 EUR |
|-------|-----------|

| | |
|----------|-------|
| Tendered | |
| Cheque | 80 00 |
| 003178 | |

| | |
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| Change | 0 00 |
|--------|------|

Issued By : Bernadine Duignan
From : Central Cash Office