ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Marcos Silveira.

Reference Number:

DED 598

Application Received:

11th August, 2023.

Applicant:

Marcos Silveira

Location:

Main Street, Castlerea, Co. Roscommon F45 A3F1

Agent:

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

Roscommon.

WHEREAS a question has arisen as to whether a change of use from derelict commercial shop to domestic to be converted into a 2 Bedroom Apartment to front and a one bed studio to rear at Main Street, Castlerea, Co. Roscommon F45 A3FI is or is not development and is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

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

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations:
- (b) The proposed development for the change of use from derelict commercial shop to domestic to be converted into a 2 Bedroom Apartment to front and a one bed studio to rear at Main Street, Castlerea, Co. Roscommon F45 A3FI is exempted development as defined in the Planning and 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 for the change of use from derelict commercial shop to domestic to be converted into a 2 Bedroom Apartment to front and a one bed studio to rear at Main Street, Castlerea, Co. Roscommon F45 A3FI, constitutes development that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Al., 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

The submitted documentation indicates that the refurnished dwelling house will be serviced by an existing septic tank, which has not been assessed. The existing septic tank may not be functioning effectively and require upgrading or replacement. In such circumstances planning permission is required.

Signed on behalf of the Council:

Senior Executive Planner,

Planning.

Date: 27th October, 2023.

CC: James Lohan Consulting Engineer Ltd., Unit 5, Ballypheason House, Circular Road,

Roscommon F42 C982.

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

Reference Number: DED 598

Re: Application for a Declaration under Section 5 of the Planning &

Development Act, 2000, as amended. Change of Use from derelict commercial shop to be converted into a 2 bedroom apartment to front and a one bed studio to rear at Main Street, Castlerea, Co. Roscommon.

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Name of Applicant: Marcos Cilveira

Location of Development: Main Street Castlerea

Initial Assessment:

1. Please clarify the last known use of all structures (ground floor and first floor) on site that are proposed for use as residential accommodation, and how long they have been vacant.

- 2. Please clarify how the proposed development will cater for vehicular traffic and parking specifically, especially having regard to the existing riverside development adjoining the site.
- 3. Please submit plans and elevations of the existing structure on site and what the site coverage is at present, as it is unclear from the drawings submitted.
- 4. Please submit photographs of the interior and exterior of the structure particularly the rear which was inaccessible on the day of the site inspection.
- 5. Please demonstrate how the dwelling floor areas and storage spaces proposed comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended. Please note the drawings submitted do not indicate any storage space.

Responses received and assessment of same:

- The applicant states that the ground floor was previously used as a convenience retail store with cold rooms and storage, with additional storage only at first floor level. It is also stated that the building has been vacant since March 2020.
- 2. A site layout plan has been submitted indicating the availability of a parking area to the rear of the property. I am satisfied that this area will be sufficient to prevent the change of use resulting in the generation of a traffic hazard., which is an Article 9 (of the Planning & Development regulations 2001 as amended) restriction on exemption.
- 3. This has not been answered and will be clarified.
- 4. A photographic survey has been submitted showing mainly the interior of the building which in a state of obvious disrepair.
- 5. Updated drawings have been submitted indicating storage space in both apartments. The studio apartment is labelled as being 34m² however the drawings also seem to indicate that the studio can meet this minimum standard when rooms are measured separately. Clarity is required in this regard and will be requested.

The response received resulted in a second request for further Information made on October 9th as follows:

Please clarify if the floor area of the studio apartment as proposed, complies with the minimum floor area requirements as set out in Appendix 1 of Sustainable Urban Housing: Design Standards

for New Apartments Guidelines for Planning Authorities (2022). The floor area as stated (33.4m²) is below the minimum overall apartment floor area of 37m² as per the aforementioned guidelines, however it appears that this floor area of 33.4m² may be understated.

Response: In response it is stated that the Studio Apartment on the drawings was incorrectly labelled and does indeed measure 37m² which is the minimum size as per the provisions of the document Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).

Point No. 3 of the initial further information request was not addressed in the response received on September 22nd. Please rectify this matter.

Response: Existing and Proposed plans and elevations have been submitted. Full site coverage is proposed.

Please clarify if the two-bedroom apartment is intended for 3 or 4 person occupancy, and accordingly, how it complies with the floor area and storage space requirements of Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).

Response: It is stated that the apartment is intended to be an apartment for 3-person occupancy with storage space in excess of the minimum $5m^2$ proposed, and therefore complies with the floor area and storage space requirements of Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).

4. Please submit a proposed front elevation as there are discrepancies between the drawings submitted in this regard.

Response: A full set of drawings has been submitted clearly differentiating between all existing and proposed aspects.

Final Planning Assessment:

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

- (a) In this sub-article—
- "habitable room" means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;
- 'relevant period' means the period from 8 February 2018 until 31 December 2025.
- (b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.
- (c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—
- (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,
- (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and
- (iii)the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).
- (d) (i) The development is commenced and completed during the relevant period.

- (ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures. (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures. (iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.
- (v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.
- (vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.
 - (vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.
 - (viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.
 - (ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
 - (x) No development shall relate to any structure in any of the following areas:
 - (I) an area to which a special amenity area order relates;
 - (II) an area of special planning control;
 - (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.
 - (xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (vii), (vii), (vii), (viii), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply. (xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.
 - (e) (i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.
 - (ii) Details of each notification under subparagraph (i), which shall include information on—
 - (I) the location of the structure, and
 - (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.
 - (iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).

The previous commercial use falls under Class 1 of Part 4 to Schedule 1, which is one of the allowable use classes to be changed under the Article 10(6) exemption. The site is located outside the designated Architectural Conservation Area (A.C.A.) for Castlerea as per the provisions of the Roscommon County Development Plan 2022-2028. The proposed development consists of the change of use of the buildings last retail use, to use as two separate dwelling units. Based on information submitted the majority of the works proposed works are internal. Some minor changes are proposed to the front and rear elevations but I am satisfied that, based on existing and proposed elevation drawings submitted, that Article 10 (6) (d)(ii) of the 2001 Planning & Development Regulations as amended would apply which provides as follows:

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

Therefore, I consider that there will be no material change to the building's external appearance. When converted, a 2 bedroom residential apartment with a stated floor area of 71.8m² and a separate studio apartment with a stated floor area of 37m² will exist. Both will have sufficient storage requirements as per the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).

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. The proposed change of use in this instance does not contravene a planning condition attached to any previous grants of permission on the site.

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

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

- The works are development
- The works to change the use of an existing retail building to residential use, in Castlerea, Co.
 Roscommon falls within the provisions of Article 10(6) of the Planning and Development Regulations
 2001 as amended.
- The proposal constitutes exempted development.

Recommendation

WHEREAS a question has arisen as to whether a proposed development to **change the use of an existing retail building to residential use**, in Castlerea Co. Roscommon is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

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

AND WHEREAS I have concluded that

- The works to change the use of an existing retail building to residential use, in Castlerea Co. Roscommon fall within the provisions of Article 10(6) of the Planning & Development Regulations 2001 as amended.
- The proposed development individually and in combination with other plans or projects would not
 be likely to have a significant effect on any European site and that the requirement for AA or EIAR
 does not apply with respect to the current case.

AND WHEREAS I have concluded that the said development to **change the use of an existing retail building to residential use**, in Castlerea Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed	Date: 26 th October 2023
Executive Planner	

Planning Dept,
Roscommon Co.Co.

Aras An Chontae,

Roscommon.



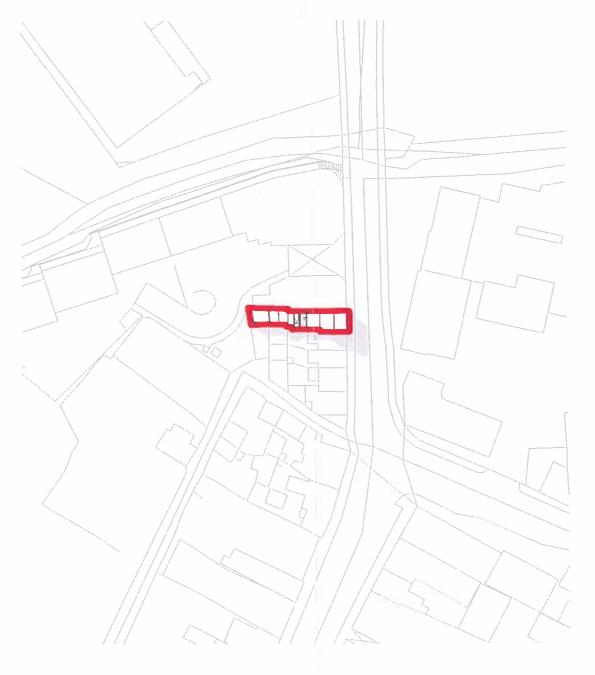
Ref: DED 598 for Property at Main Street, Castlerea, Roscommon, F45 A3F1.

- 1) Please clarify the floor area of the studio apartment....
 The floor area for the Studio apartment was labelled incorrectly and is indeed
 37sq.m. as required under "Sustainable Urban Housing: Design Standards for New
 apartments Guidelines for Planning Authorities"
- 2) Please submit plans and Elevations of the existing structure on site

 See attached existing Plans and Elevations. The existing building takes up the full area of the site from Main Street to the rear access road.
- 3) Please clarify if the two-bedroom apartment is intended for 3 or 4 person occupancy.....
 It's intended to be a 3 Person apartment there is one double bedroom and one single bedroom the floor area of this apartment is 71.8sq.m.
 Required Storage is 5sq.m. (Storage provided is 5.6sq.m.)
 Areas of Bedrooms and Living Spaces are shown on the current drawings/.
- 4) Please submit a proposed front elevation......

 Final drawings enclosed showing proposed front elevation with single front door and one window to Living Room.



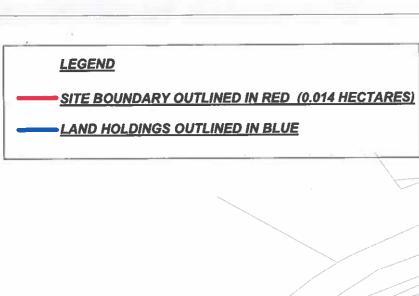


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Planning & Design Co	nsulting Engineers

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1 SITE LAYOUT

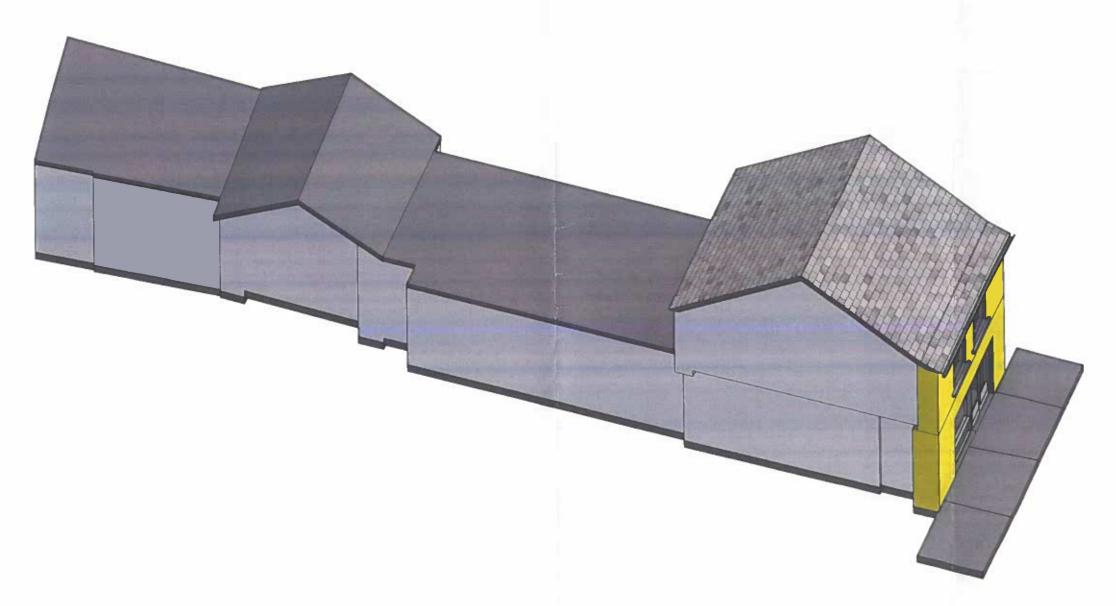






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1 EXISTING ROOF



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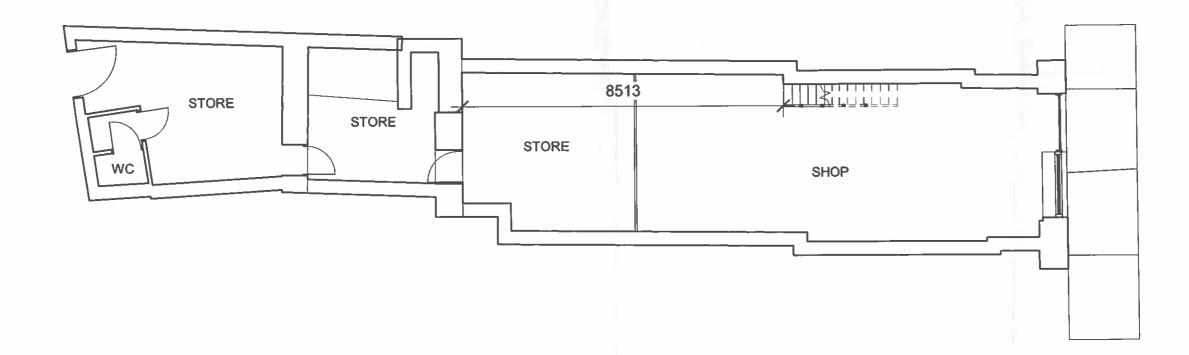




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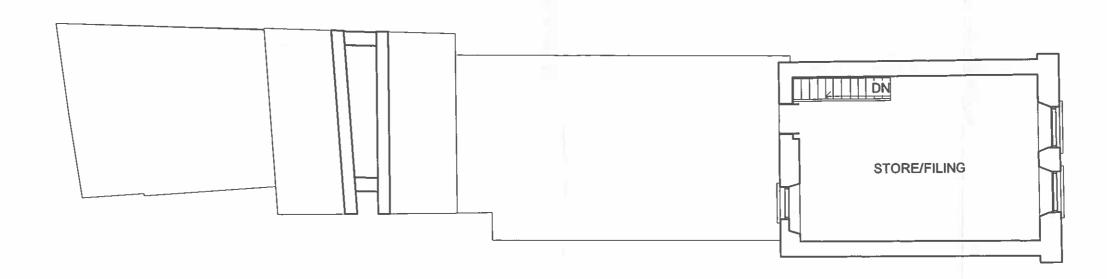
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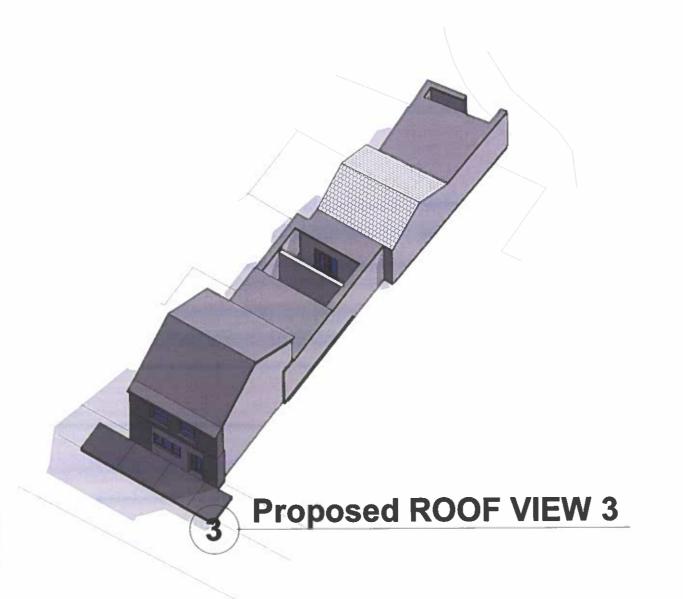
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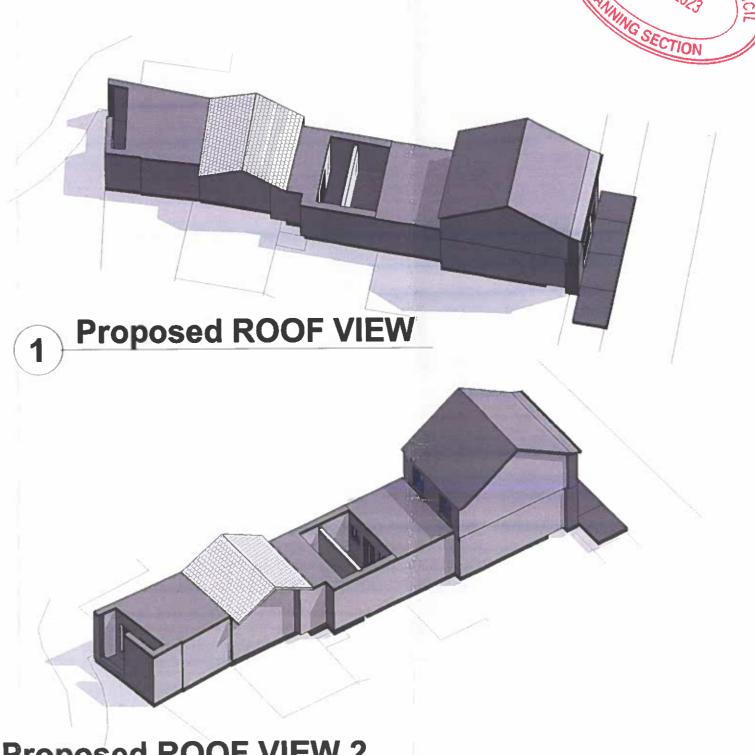


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2 Proposed ROOF VIEW 2



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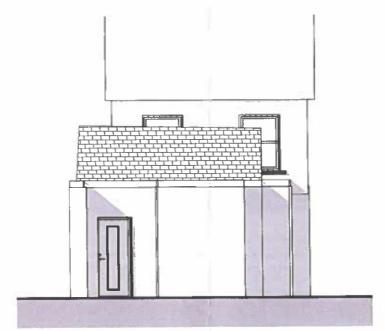
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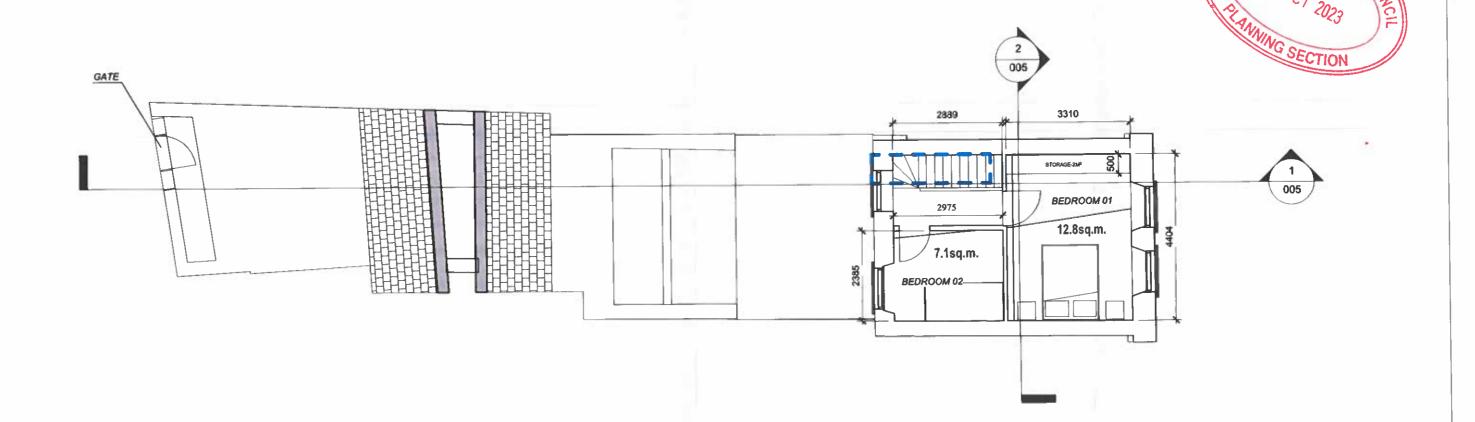


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UNIT 2, TWO BEDROOM APARTMENT FF AREA - 27.8m²

LEGEND

EXISTING WALLS TO BE REMOVED

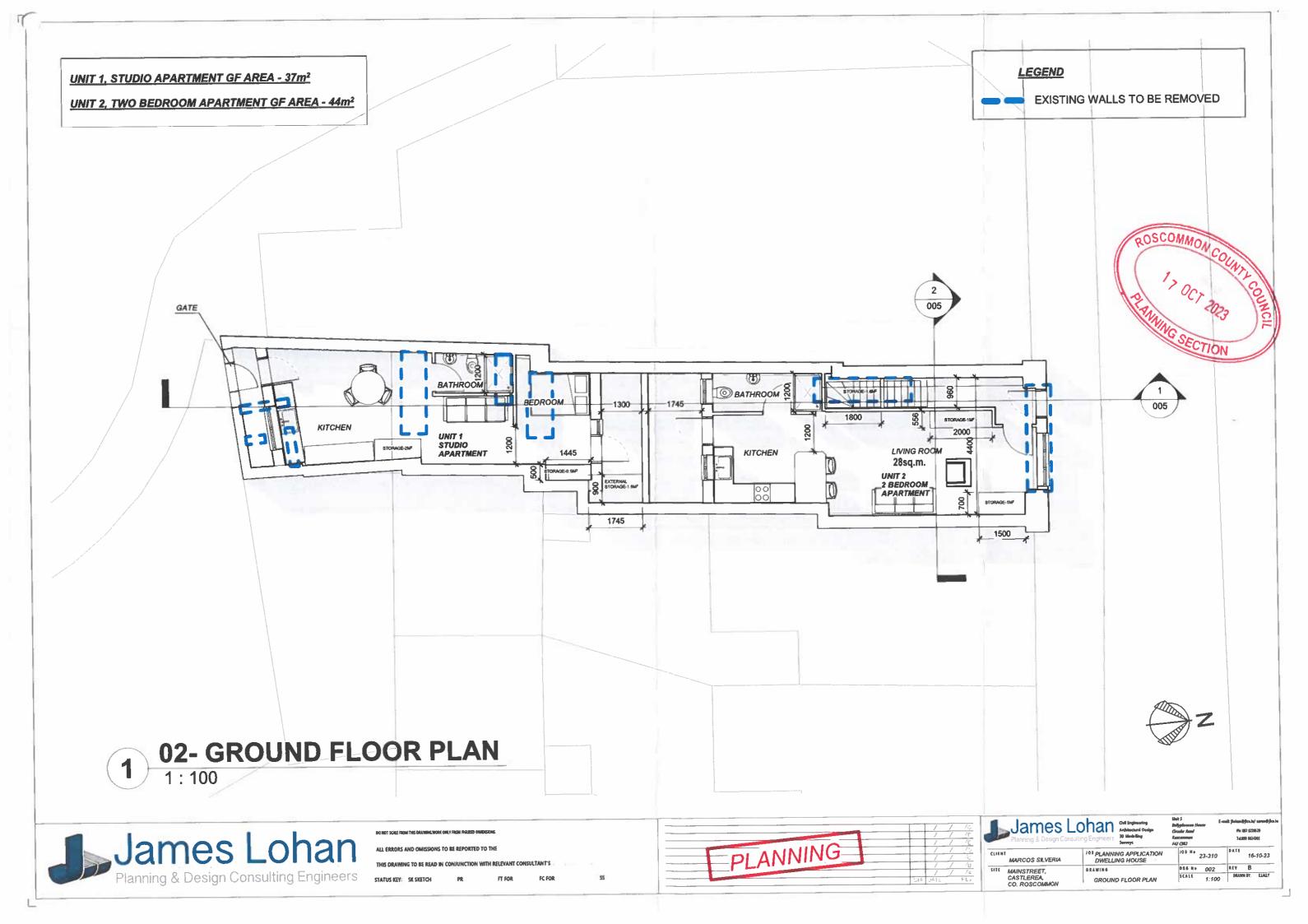


03- FIRST FLOOR PLAN 1:100





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Tracy Davis

From: Planning Department

Sent: Monday 9 October 2023 11:37

To: james@jlce.ie

Subject: DED 598 - Clarification of Further Information

Attachments: DED598 CFI letter.pdf

A Chara

Herewith attached a clarification of further information request in respect of Section 5 Declaration of Exempted Development Request, DED 598 for Marcos Silveira.

Mise le meas

Tracy Davis | Planning Department

Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98

2 (090) 6637100 Mplanning@roscommoncoco.ie

www.roscommoncoco.ie





Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours





Marcos Silveira.

Date:

9th October, 2023

Reference No: DED 598

Re:

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

amended), regarding Exempted Development.

Development: WHEREAS a question has arisen as to whether the change of use from derelict commercial shop to domestic to be converted into a 2 bedroom apartment to front and a one bed studio to rear at Main St., Castlerea, Co. Roscommon F45 A3FI, is or is not development or is or is not exempted

development.

A Chara,

Further to your application received on the 11th August, 2023 and further information received on 22nd September, 2023 and in order for the Planning Authority to determine as to whether to the change of use from derelict commercial shop to domestic to be converted into a 2 bedroom apartment to front and a one bed studio to rear at Main St., Castlerea, Co. 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 if the floor area of the studio apartment as proposed, complies with the minimum floor area requirements as set out in Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022). The floor area as stated (33.4m²) is below the minimum overall apartment floor area of 37m2 as per the aforementioned guidelines, however it appears that this floor area of 33.4m² may be understated.
- 2 Point No. 3 of the initial further information request was not addressed in the response received on 22nd September 2023, (copy attached). Please rectify this matter.
- 3 Please clarify if the two-bedroom apartment is intended for 3 or 4 person occupancy, and accordingly, how it complies with the floor area and storage space requirements of Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).
- Please submit a proposed front elevation as there are discrepancies between the drawings submitted 4 in this regard.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number DED 598.





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

Mise le meas,

Tracy Davis,

Senior Executive Planner,

Planning.

CC: **EMAIL:**

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

> > Page 2 of 2





REGISTERED POST Marcos Silveira,



05/09/2023 Date: Planning Reference: **DED 598**

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

(as amended), regarding Exempted Development.

Change of use from derelict commercial shop to domestic to be converted into a 2 **Development:**

Bedroom Apartment to front and a one bed studio to rear at Main St., Castlerea, Co.

Roscommon F45 A3FI.

A Chara,

Further to your application received on the 11th August, 2023 and in order for the Planning Authority to determine as to whether the change of use from derelict commercial shop to domestic to be converted into a 2 Bedroom Apartment to front and a one bed studio to rear at Main St., Castlerea, Co. Roscommon F45 A3FI 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 last known use of all structures (ground floor and first floor) on site that are proposed for use as residential accommodation, and how long they have been vacant.
- 2. Please clarify how the proposed development will cater for vehicular traffic and parking specifically, especially having regard to the existing riverside development adjoining the site.
- 3. Please submit plans and elevations of the existing structure on site and what the site coverage is at present, as it is unclear from the drawings submitted.
- 4. Please submit photographs of the interior and exterior of the structure particularly the rear which was inaccessible on the day of the site inspection.
- 5. Please demonstrate how the dwelling floor areas and storage spaces proposed comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended. Please note the drawings submitted do not indicate any storage space.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number DED 598.

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





Mise Treas,
Tracy Davis

Senior Executive Planner, Planning.

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

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

ference Number: DED 598

Re: Application for a Declaration under Section 5 of the Planning &

Development Act, 2000, as amended. Change of Use from derelict commercial shop to be converted into a 2-bedroom apartment to front

and a one bed studio to rear at Main Street, Castlerea, Co. Roscommon.

Name of Applicant: Marcos Cilveira

Location of Development: Main Street Castlerea

File History:

The following further Information request was made on September 5th 2023.

- 1. Please clarify the last known use of all structures (ground floor and first floor) on site that are proposed for use as residential accommodation, and how long they have been vacant.
- 2. Please clarify how the proposed development will cater for vehicular traffic and parking specifically, especially having regard to the existing riverside development adjoining the site.
- 3. Please submit plans and elevations of the existing structure on site and what the site coverage is at present, as it is unclear from the drawings submitted.
- 4. Please submit photographs of the interior and exterior of the structure particularly the rear which was inaccessible on the day of the site inspection.
- 5. Please demonstrate how the dwelling floor areas and storage spaces proposed comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended. Please note the drawings submitted do not indicate any storage space.

Responses received and assessment of same:

- The applicant states that the ground floor was previously used as a convenience retail store with cold rooms and storage, with additional storage only at first floor level. It is also stated that the building has been vacant since March 2020.
- A site layout plan has been submitted indicating the availability of a parking area to the rear of the property. I am satisfied that this area will be sufficient to prevent the change of use resulting in the generation of a traffic hazard., which is an Article 9 (of the Planning & Development regulations 2001 as amended) restriction on exemption.
- 3. This has not been answered and will be clarified.
- 4. A photographic survey has been submitted showing mainly the interior of the building which in a state of obvious disrepair.
- 5. Updated drawings have been submitted indicating storage space in both apartments. The studio apartment is labelled as being 34m² however the drawings also seem to indicate that the studio can meet this minimum standard when rooms are measured separately. Clarity is required in this regard and will be requested.

Recommendation:

Please make the following additional further information request:

- Please clarify if the floor area of the studio apartment as proposed, complies with the minimum floor area requirements as set out in Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022). The floor area as stated (33.4m²) is below the minimum overall apartment floor area of 37m² as per the aforementioned guidelines, however it appears that this floor area of 33.4m² may be understated.
- Point No. 3 of the initial further information request was not addressed in the response received on September 22nd. Please rectify this matter.
- Please clarify if the two-bedroom apartment is intended for 3 or 4 person occupancy, and accordingly, how it complies with the floor area and storage space requirements of Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).
- 4 Please submit a proposed front elevation as there are discrepancies between the drawings submitted in this regard.

Signed Barry Freeman Executive Planner

Date: 05th October 2023

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

Roscommon.



Ref: DED 598 for Property at Main Street, Castlerea, Roscommon, F45 A3F1.

- The ground floor was previously used as a convenience store with cold rooms and storage. The first floor was used for store room and filing purposes. See attached confirmation from the auctioneer Nigel Dineen with regards to the length of time it has been vacant.
- 2) Please clarify how the proposed development will cater for vehicular traffic and parking
 The building owner has space to park 3 cars to the rear of the building see attached Site Layout showing this.
- 3) Please clarify how the proposed development will cater for vehicular traffic and parking
 The building owner has space to park 3 cars to the rear of the building see attached Site Layout showing this.
- 4) Please submit photographs of the interior and exterior of the structure particularly the rear which was inaccessible on the day of the site inspection.

 See below photo survey as requested.
- 5) Please demonstrate how the dwelling floor areas and storage spaces proposed comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New apartments Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended. Please note the drawings submitted do not indicate any storage space. See enclosed updated drawings with storage spaces identified to comply with "Sustainable Urban Housing: Design Standards for New apartments Guidelines for Planning Authorities"

Not repledue of F.I reguled?



16/06/23

To whom it may concern,

Apt 1 Silveira's Building Main Street Castlerea Co. Roscommon F45 A3F1



The above property address has been vacant since March 2020, formerly known as Doyle's shop.

If you require any further information please do not hesitate to contact me.

Yours sincerely,

Digel Oner

rhotos Of Building from Matterport Scan Completed 29th June 2023

Representation of the complete of the control of the control

At front door looking in.



Inside front door looking towards the back of the shop.



Inside front door looking towards the back of the shop.

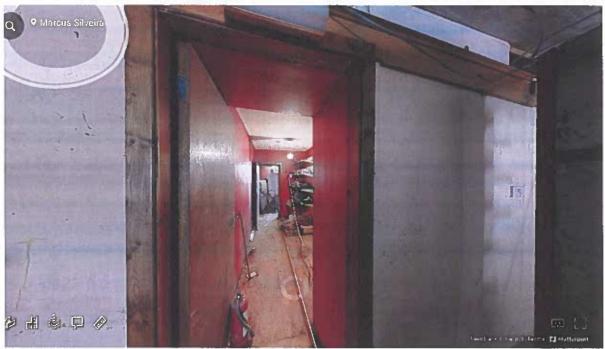


Middle of the shop looking towards the back of the shop.



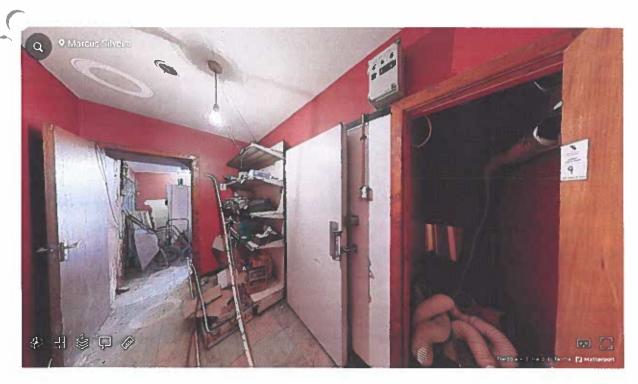


Middle of the shop looking towards the back of the shop.



Middle of the shop looking towards the store room





Middle of the store room



Rear store room





Rear store room& WC

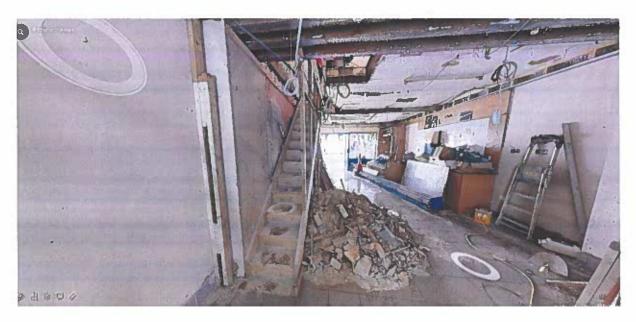


Rear store room and rear yard visible





Rear looking back into the store room.



Shop floor looking towards the stairs.

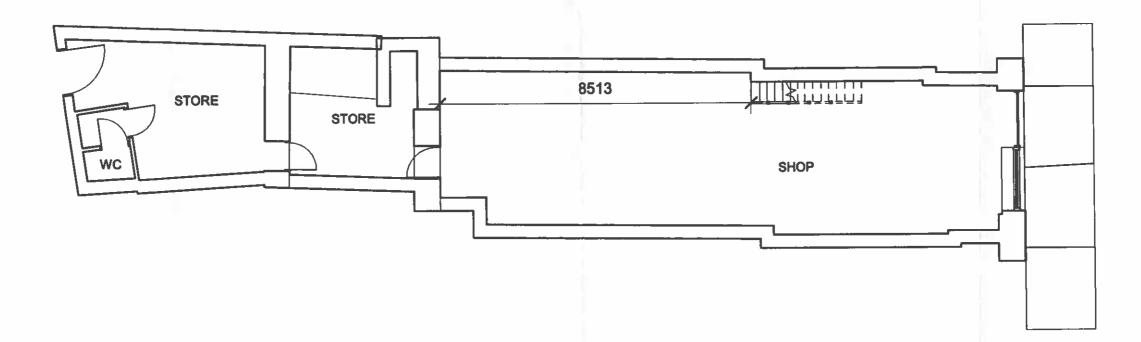




First Floor view from stairs.







Ground Floor

1:100

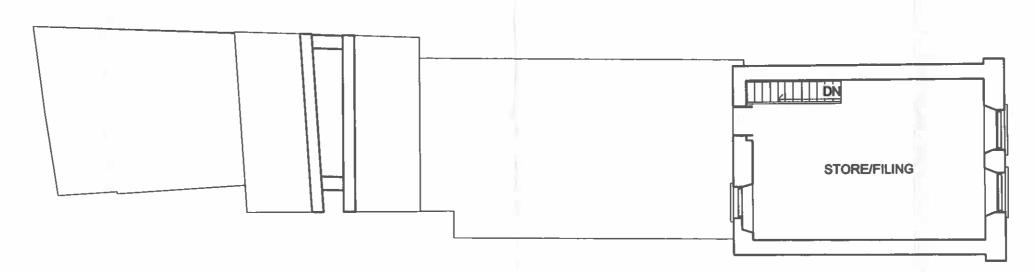


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First Floor
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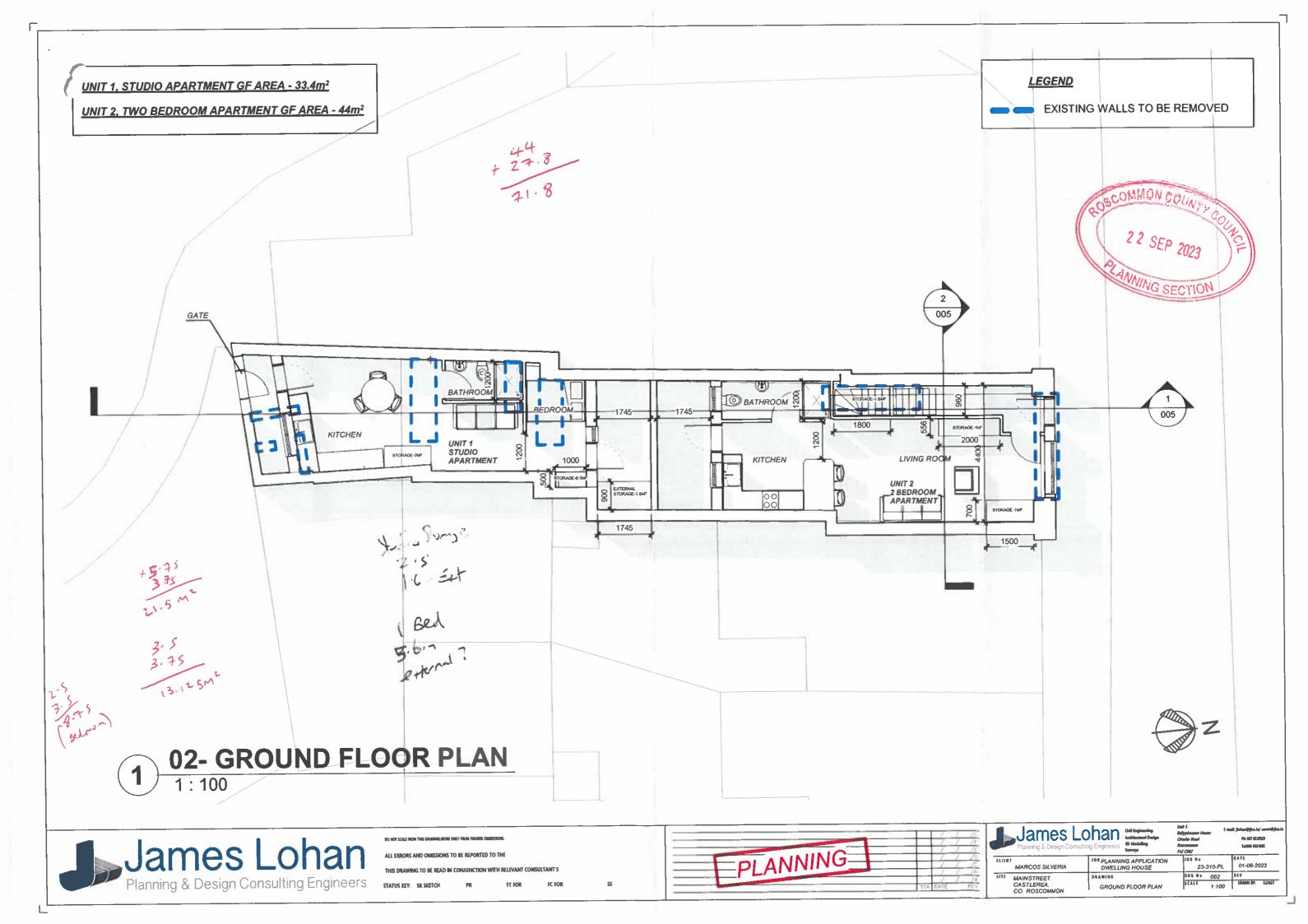


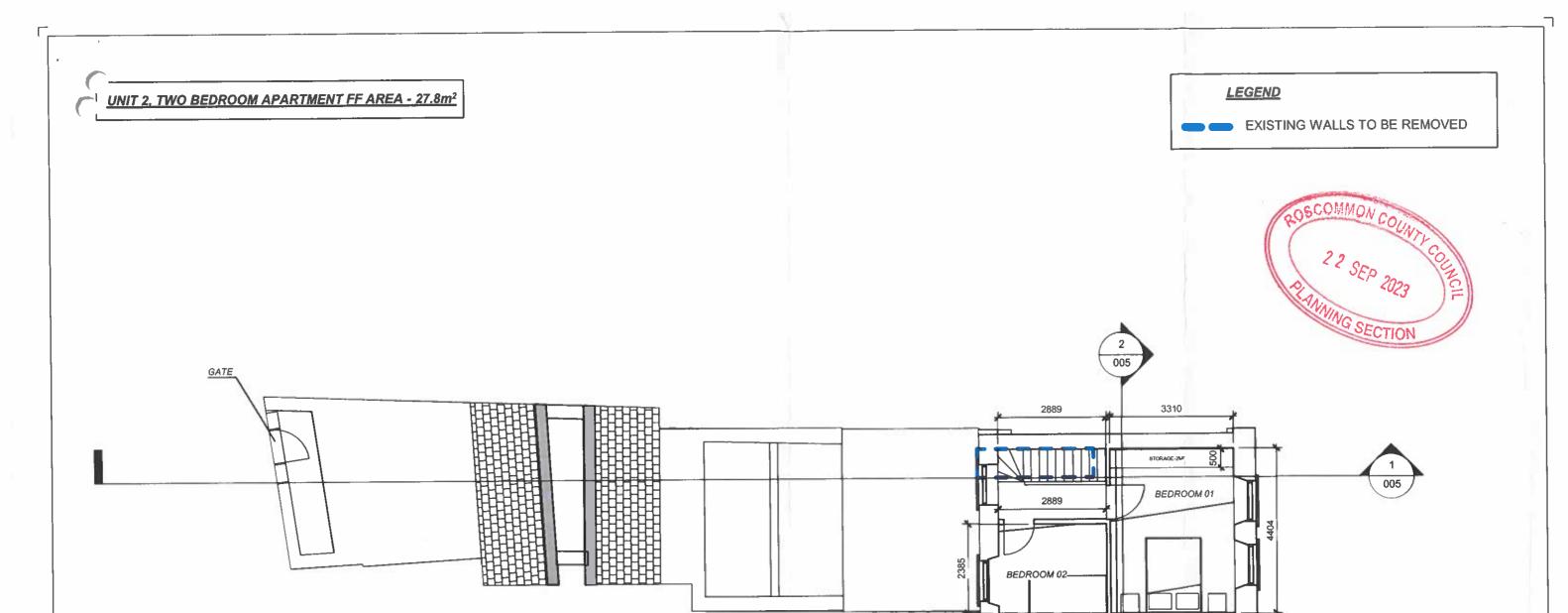
Parking spaces to rear

Unit 5 Ballypheason House Circular Road, Roscommon F42 C982. S ITE MAIN STREET CASTLEREA ROSCOMMON

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

JOB CERT OF EXEMPTION APARTMENTS DRAWING SITE LAYOUT JOE No 23-310 DATE 19/01/2023 DRG No 23-310-001 SCALE 1:500





1 03- FIRST FLOOR PLAN 1:100





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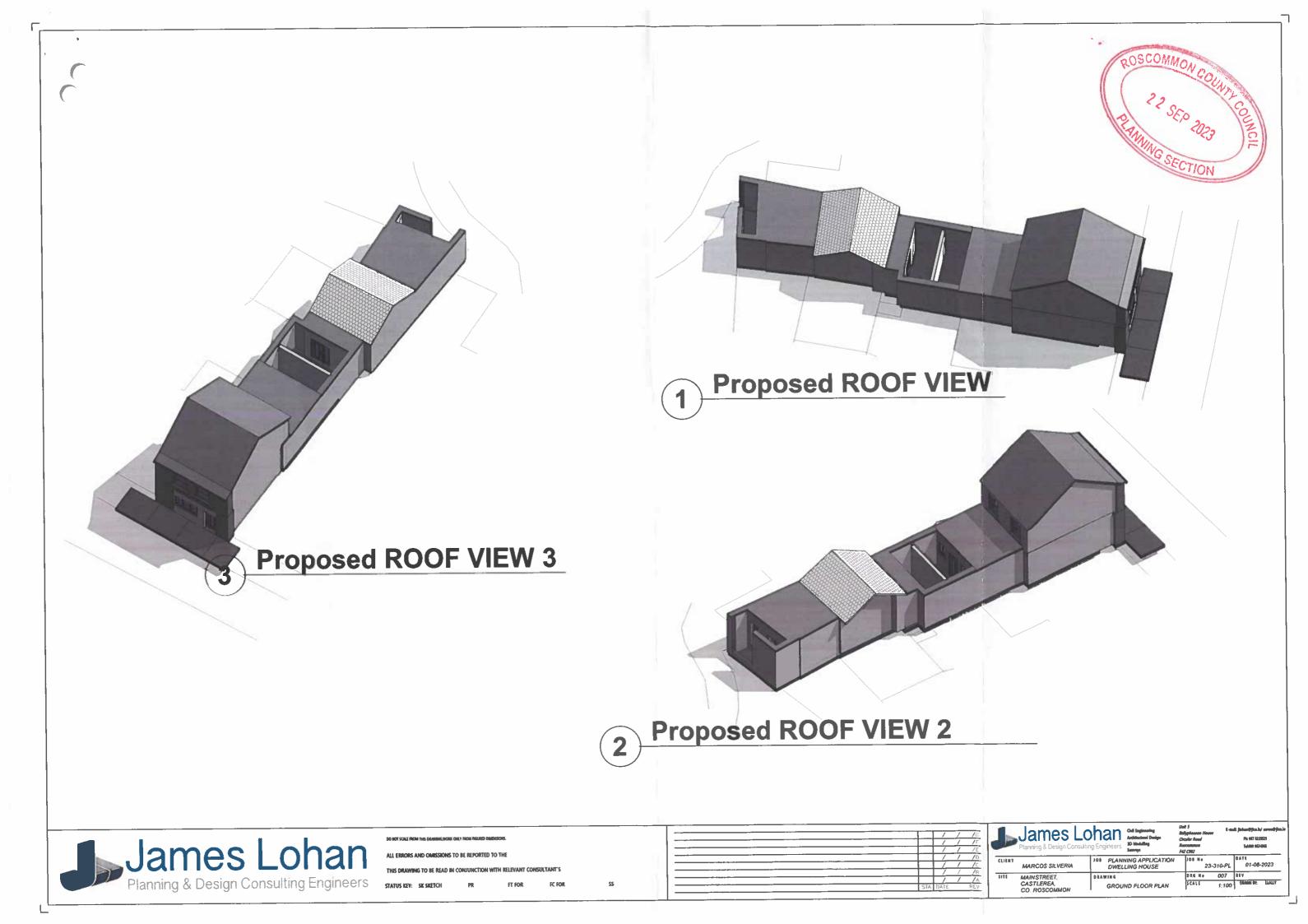
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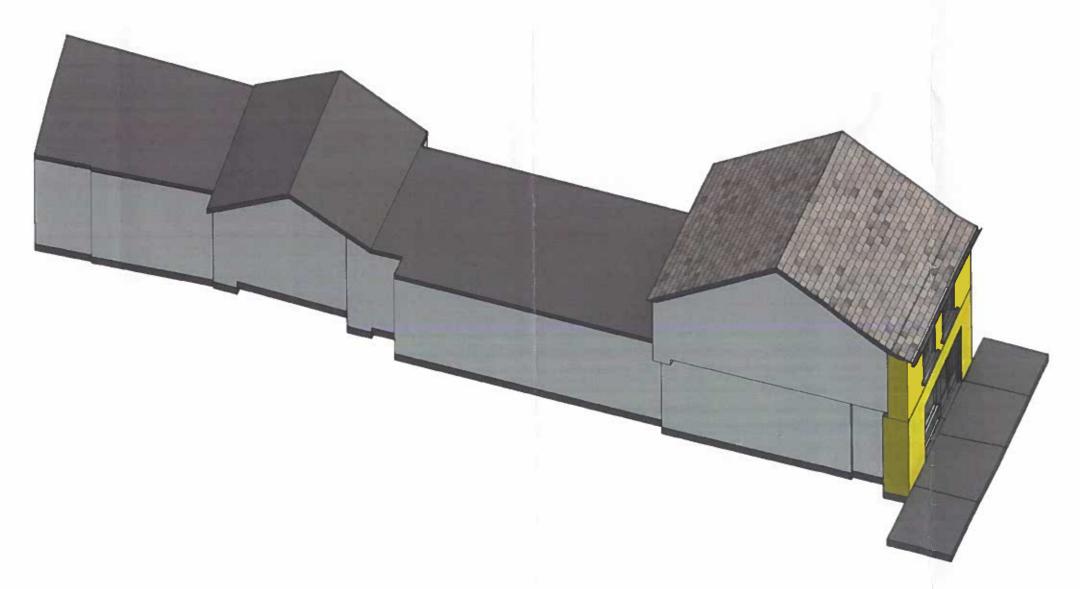
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James Lohar Planning & Design Consulting Engineer			(init 5 Indigenerate House Circular Bood Recommon F42 CM2	mait polum@pools/ sarem@po Ps: 007 422529 Tubpo 663405		
CLIENT	MARCOS SILVERIA	100 PLANNING APPLICATION DWELLING HOUSE	JON NO 23-310-PL	11-08-2023		
\$174	MAINSTREET. CASTLEREA,	PRAWING FIRST FLOOR PLAN	SCALE 1:100	DEADNE BY: CLASEY		





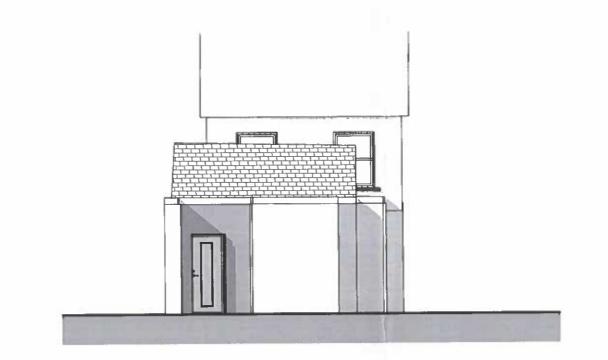


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1 REAR ELEVATION (SOUTH)

1:100



PRONT ELEVATION (NORTH)

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ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE

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STATUS KEY: SK SKETCH

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	James Lo Planning & Design Consults		Unit 5 Bullyphonese Hermin Greater Road Accommon F42 CN2
CLIEN	MARCOS SILVERIA	108 PLANNING APPLICATION DWELLING HOUSE	108 No 23-310-PL
5171		DRAWING	016 No 004

SIDE ELEVATIONS

Tracy Davis

From:

Planning Department

Sent:

Wednesday 6 September 2023 12:36

To:

'james@ilce.ie'

Subject:

Planning Ref no. DED 598 - Request fro further information

Attachments:

DED 598 FI Request Letter.pdf

A Chara

Please find attached, letter dated 5th September 2023, requesting the submission of further information in respect of a declaration under Section 5 of the Planning and Development Act 2000 (as amended), red. No. DED598.

Given that an e-mail address has not been provided by the applicant, we would be obliged if you could ensure that a copy of this request for further information is provided to the applicant.

Mise le meas

Tracy Davis | Planning Department

Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98

(090) 6637100 M planningenforcement@roscommoncoco.ie

www.roscommoncoco.ie



Comhairle Contae Ros Comáin Poscotimum County Council



Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours





REGISTERED POST Marcos Silveira.

05/09/2023 Date: Planning Reference: **DED 598**

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

(as amended), regarding Exempted Development.

Development: Change of use from derelict commercial shop to domestic to be converted into a 2

Bedroom Apartment to front and a one bed studio to rear at Main St., Castlerea, Co.

Roscommon F45 A3FI.

A Chara,

Further to your application received on the 11th August, 2023 and in order for the Planning Authority to determine as to whether the change of use from derelict commercial shop to domestic to be converted into a 2 Bedroom Apartment to front and a one bed studio to rear at Main St., Castlerea, Co. Roscommon F45 A3Fl 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 last known use of all structures (ground floor and first floor) on site that are proposed for use as residential accommodation, and how long they have been vacant.
- 2. Please clarify how the proposed development will cater for vehicular traffic and parking specifically, especially having regard to the existing riverside development adjoining the site.
- 3. Please submit plans and elevations of the existing structure on site and what the site coverage is at present, as it is unclear from the drawings submitted.
- 4. Please submit photographs of the interior and exterior of the structure particularly the rear which was inaccessible on the day of the site inspection.
- 5. Please demonstrate how the dwelling floor areas and storage spaces proposed comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended. Please note the drawings submitted do not indicate any storage space.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number DED 598.

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



Mise le meas,

Tracy Davis

Senior Executive Planner, Planning.

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

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

Reference Number: DED 598

Re: Application for a Declaration under Section 5 of the Planning &

Development Act, 2000, as amended. Change of Use from derelict commercial shop to be converted into a 2 bedroom apartment to front and a one had studie to year at Main Street. Castleres. Co. Resembles.

and a one bed studio to rear at Main Street, Castlerea, Co. Roscommon.

Name of Applicant: Marcos ilveira

Location of Development: Main Street Castlerea

WHEREAS a question has arisen as to whether the following works; the refurbishment of a townhouse 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.

Site Location & Development Description

The subject site comprises a mid-terrace 2 storey building on Main Street, Castlerea, Co. Roscommon. The building appears to have comprised a commercial unit on ground floor level with residential accommodation above. The site is located outside the designated Architectural Conservation Area (A.C.A.) for Castlerea as per the provisions of the Roscommon County Development Plan 2022-2028. The proposed development consists of the refurbishment of building to comprise all residential development. External works are proposed to the front and rear elevations. The site comprises what appear to have been a disused commercial unit to the front at ground floor level with possible overhead accommodation. Access to the rear of the site was not possible however there appears to be outbuildings behind a wall at the rear of the site.

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.

Planning History

No planning history on site as per the RCC GIS system.

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

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies;

Development to which article 6 relates shall not be exempted development for the purposes of the Act; Of particular relevance:

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

Article 10 (6)

(a) In this sub-article—

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

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

- (b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.
- (c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—
- (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,
- (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and

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

- (d) (i) The development is commenced and completed during the relevant period.
- (ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures. (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures. (iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the

Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

- (v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.
- (vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.
- (vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.
- (viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.
- (ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- (x) No development shall relate to any structure in any of the following areas:
- (I) an area to which a special amenity area order relates;
- (II) an area of special planning control;
- (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.
- (xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.
- (xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.
- (e) (i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.
- (ii) Details of each notification under subparagraph (i), which shall include information on—
- (I) the location of the structure, and
- (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.
- (iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).

Recommendation:

Please request the following further information:

- 1. Please clarify the last known use of all structures (ground floor and first floor) on site that are proposed for use as residential accommodation, and how long they have been vacant.
- 2. Please clarify how the proposed development will cater for vehicular traffic and parking specifically, especially having regard to the existing riverside development adjoining the site.
- 3. Please submit revised drawings clearing differentiating between the existing and proposed site coverage, as it is unclear from the drawings submitted.
- A. Please demonstrate how the dwelling floor areas and storage spaces proposed comply with the
- 5. minimum floor area requirements and minimum storage space requirements of the "Sustainable

plans and elevations of the actions structures of 3 sile and what to proposed what the sile coverage is at mosent.

Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the P&D Act 2000 as amended. Please note the drawings submitted do not indicate any storage space.

Signed

Executive Planner

Date: 05th August 2023

4 Place submit photographs of the interior and activity of the sandrue putvailedly the near which was inaccessable on the day of the sile information.













Marcos Silveira,



Date: 17^h August, 2023.

Planning Reference: DED 598

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

(as amended), regarding Exempted Development.

Development: Change of use from derelict commercial shop to domestic to be converted into a 2

Bedroom Apartment to front and a one bed studio to rear at Main St., Castlerea, Co.

Roscommon F45 A3FI.

A Chara,

I wish to acknowledge receipt of your application received on the 11th August, 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. **L01/0/224131** dated 15th August, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 598.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis,

Senior Executive Planner,

Planning Department.

Frang Daws

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



Roscommon County Council Aras an Chontae Roscommon 09066 37100

15/08/2023 14 47:07

Receipt No... L01/0/224131

MARCOS SILVEIRA
CIO JAMES LOHAN CONSULTING ENGINEERS
UNIT 5 BALLYPHEASON HOUSE
CIRCULAR ROAD
ROSCOMMON

PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable
DED 598

Total 80.00 EUR

Tendered 80.00 Cheque 500322

Change 0.00

Issued By Bernarline Duignan From Central Cash Office





Áras an Chontae PLANNING SECTION 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 <u>Exempted Development</u>

Name:	Marcos Silveira
Address:	
Name & Address of Agent:	James Lohan Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Change of use from derelict commercial shop to domestic to be converted into a 2 Bedroom Apartment to Front and a one bed studio to rear.
Location (Townland & O.S No.)	Main Street, Castlerea, Co. Roscommon, F45 A3F1 (Castlereagh Townland)
Floor Area	105.2
Height above ground level	0.15
Total area of private open space remaining after completion of this development	12SQ.M.
Roofing Material (Slates, Tiles, other) (Specify)	SLATES & FLAT ROOF MEMBRANES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	PREMISES HAS A RENDER FINISH WITH PAINT
Is proposed works located at front/rear/side of existing house.	CHANGE OF USE INTERNAL ALTERATIONS

Roscommon County Council

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

1 4 4	NO
made previously for this	
site	
If yes give ref. number	N/A
(include full details of	
existing extension, if	
any)	
Existing use of land or	EXISTING DERELICT AND VACANT SHOP
structure	
Proposed use of land or	2 BED APARTMENT AND STUDIO APARTMENT
structure	
Distance of proposed	EXISTING 2M
building line from edge	
of roadway	
Does the proposed	EXISTING
development involve the	
provision of a piped	
water supply	
Does the proposed	EXISTING SEWER CONNECTION
development involve the	
provision of sanitary	
facilities	
	

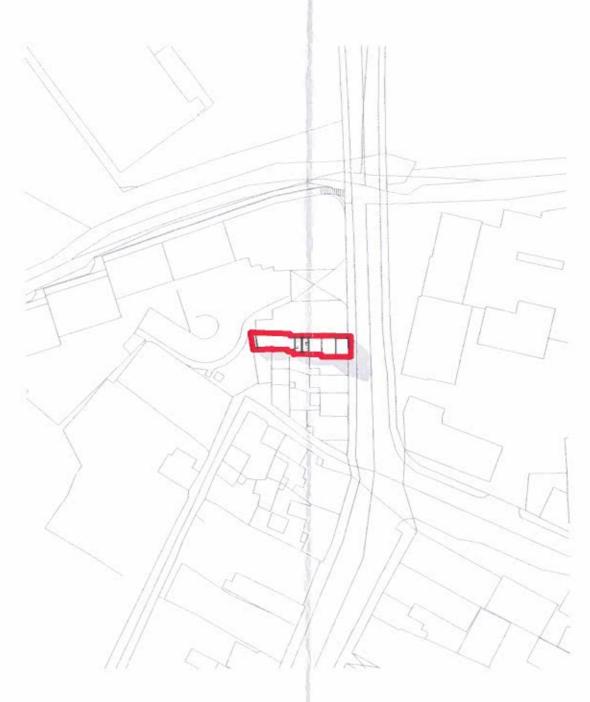
Signature:

Date:

26/07/2023

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



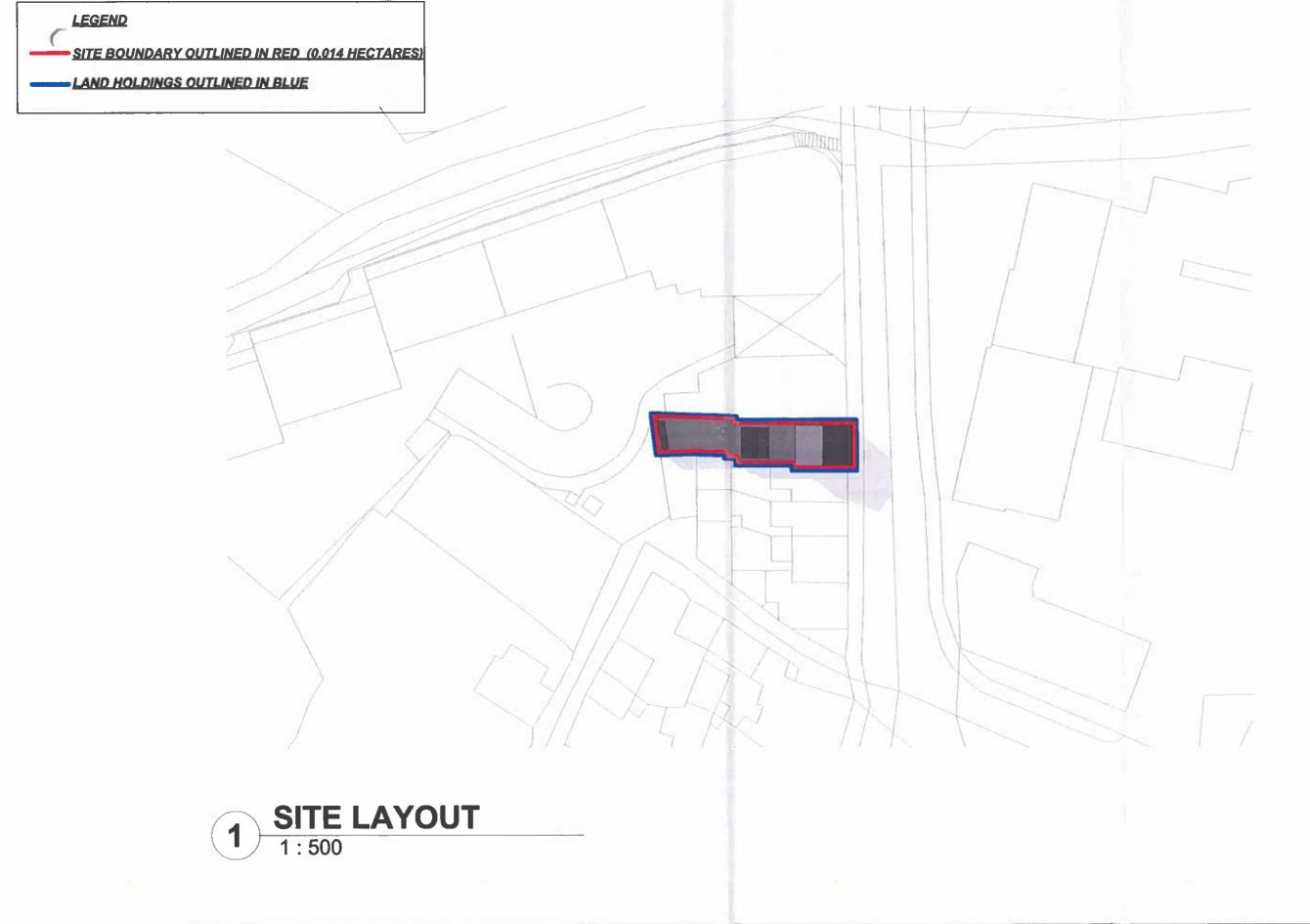
SITE LOCATION MAP
1:1000

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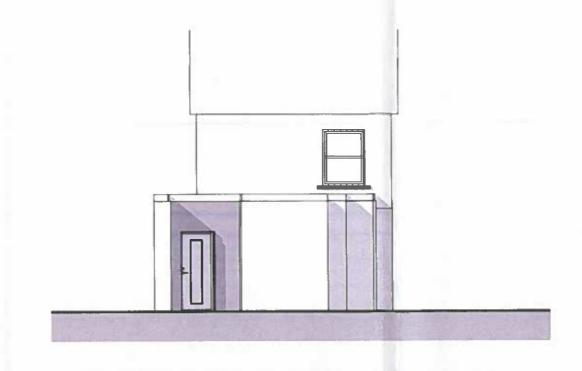
James Lo Ptanning & Design Consultin		*****	Unit 5 Bullyphosoon Planne Cleosler Rand Roscommon 542 CSE2	-	
CLIENT	MARCOS SILVERIA	108 PLANNING APPLICATION DWELLING HOUSE	108 No 23-310-P	ľ	
\$11[MAINSTREET, CASTLEREA, CO. ROSCOMMON	SITE LOCATION MAP	SCALE 5 1000	,	



James Lohan
Planning & Design Consulting Engineers

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ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE
ARCHITECT.
THIS DRAWNEG TO BE READ IN CONJUNCTION WITH R
DRAWNINGS.
STATUS KEY: SX SKETCH
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REAR ELEVATION (SOUTH)
1:100



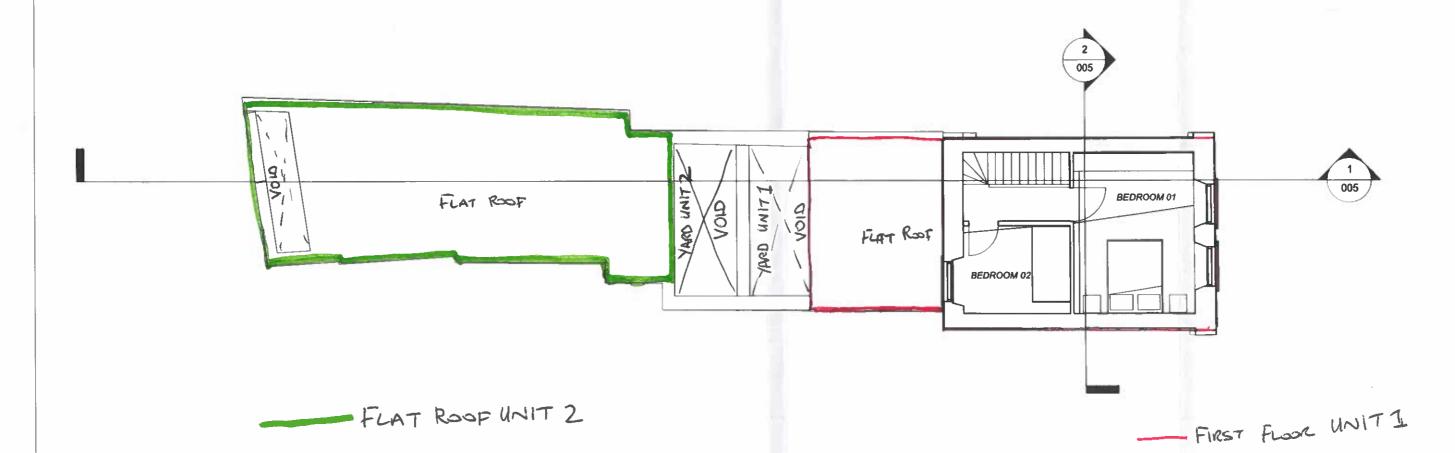
FRONT ELEVATION (NORTH)
1:100



PLANNING

James Lo Planning & Design Consulting			Unit 5 Ballyphason House Circular Road Rascamman F42 CNI2	E-mail: johan@focia/ suren Piz-NC 422629 Tabbo 461496			
CLIENT	MARCOS SILVERIA	108 PLANNING APPLICATION DWELLING HOUSE	100 No 23-310-P	DATE L 01-08-2023			
SITE	MAINSTREET. CASTLEREA,	SIDE ELEVATIONS	SCALE 1:100	DRAINS BY: ELALLY			

UNIT 2. TWO BEDROOM APARTMENT FF AREA - 27.8π²



1 03- FIRST FLOOR PLAN 1:100



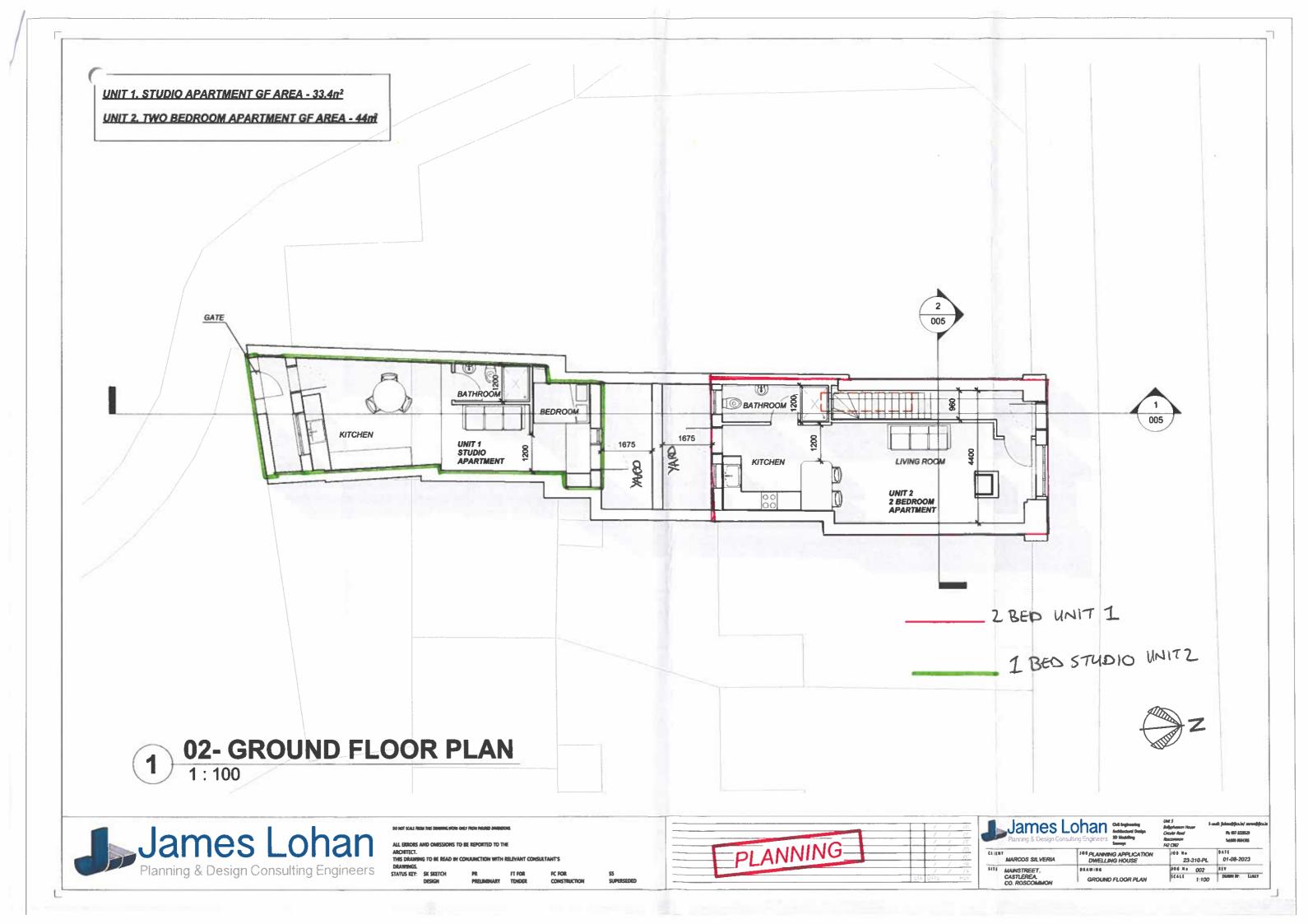
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	James L Planning & Design Cons		Unit S Ballyphanon House Circular Road Roscotumon F42 CMI2	E-ma
CLIENT	MARCOS SILVERIA	108 PLANNING APPLICATION DWELLING HOUSE	23-310-	PL
SITE	MAINSTREET, CASTLEREA, CO. ROSCOMMON	PRAWING FIRST FLOOR PLAN	SCALE 1:1	

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SECTION 1 1: 100





	James L Planning & Design Cons		Coll Engineering Architectural Design 3D Modelling Surveys	Unit 5 Bellypheason Grouter Road Roscommon F42 CSR2	House E	-maik <i>firfnanitific</i> n.in Fik: 007 022 Tabbii 6634	1529
CLIENT	MARCOS SILVERIA		NG APPLICATION NG HOUSE	J01 N	?3-310-PL	01-08-2	023
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