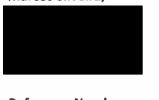
ROSCOMMON COUNTY COUNCIL

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 644
Application Received:	12 th January 2024
Name of Applicants:	Marcos Silveira
Agent:	James Lohan Consulting Engineer Ltd., Unit 5 Ballypheason House, Circular Road., Roscommon.

WHEREAS a question has arisen as to whether to convert a vacant pub into eight apartments at Castlerea, 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.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works to to convert a vacant pub into eight apartments are development.
- (b) The works do fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- (c) 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.
- (d) However having particular regard to Article 9(1)(a)(iii) of the Planning & Development Regulations 2001, as amended, the development is <u>not exempted development</u>.

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 development to convert a vacant pub into eight apartments at Castlerea, Co. Roscommon., is development that is <u>not exempted development</u> as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell, Senior Executive Planner, Planning.

Date: 12th February 2024

Carmel Curley

From: Sent: To: Subject: Attachments: Carmel Curley Monday 12 February 2024 12:51 james@jlce.ie DED644 - Marcos Silveira DED 644 - Notification of Decision.pdf

Dear James,

Please find attached Notification of Decision for DED Application 644 for Marcos Silveira.

Regards,

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



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

Reference Number:	DED 644	
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to convert vacant pub into eight apartments under the Planning & Development Regulations 2018 at Castlerea, Co. Roscommon	
Name of Applicant:	Marcos Silveira	
Location of Development:	Castlerea, Co. Roscommon	

WHEREAS a question has arisen as to whether the following works; to convert vacant pub into eight apartments at Castlerea 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(6) 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 pitched roof building over three floors close to the junction of Main Street and St Patricks Street in Castlerea town centre. The ground floor of the property appears to have last been in commercial (public house) use. It is unclear what the floor area above ground floor was used for.

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:

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

Article 10 (6) of above regulations IS of particular relevance in this case.

(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), (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).

Planning Assessment:

The site is zoned "Town Core" and is located inside the designated Architectural Conservation Area (A.C.A.) and Core Retail Area of Castlerea town centre, as per the Castlerea Settlement Plan contained in Volume 2 of the Roscommon County Development Plan 2022-2028. The proposed works consists of the conversion of the building into 8 no. residential units. Proposed works are mainly internal and involve the conversion of the building to 6 no. 1 bedroom units and 2 no. 2 bedroom units. The unit sizes, storage areas etc proposed comply with the document "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" as per the requirements of Article 10(6)(d)(vi) set out above. Minor external modifications are proposed to the elevations that I would not consider to 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", as per the provisions of Section 4(1)(h) of the Planning & Development Act 2000 (as amended) as set out above. I am satisfied that the works proposed would not adversely impact the architectural character of the building itself and the wider area.

There are no European designated sites in, adjoining or in close proximity to the subject site. The building is not a Protected Structure or on the Inventory of Architectural Heritage as per the Roscommon County Council GIS system.

Documentation submitted states that there is an area of 115m² of open space to the rear of the building. The applicant owns 22m² of this and the remainder comprises shared access space used by neighbouring buildings. This appears to be accessed via a lane that immediately adjoins the building to its south. According to the RCC GIS system this lane is public (L6560) however it terminates via heavy fencing adjacent to the rear of the subject site. It is unclear what this overall area is used for as access to this area was not possible at time of site visit. No reference has been made in the documentation submitted about proposed parking arrangements. The building is located close to the busy junction of Main Street and St Patricks street (N60) in the town centre. In the absence of information pertaining to proposed parking arrangements, as well as information pertaining to anticipated traffic movements from St Patricks Street onto the L6560, traffic safety concerns as a result of the proposal cannot be excluded.

Therefore <u>Article 9 (1) (a) (iii)</u> of the Planning & Development Regulations 2001 (as amended) applies in this instance, as the possibility that the proposal could *"endanger public safety by reason of traffic hazard or obstruction of road users"* cannot be excluded.

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 convert a vacant pub into eight apartments at Castlerea does not fall within the provisions of Article 10(6) of the Planning and Development Regulations 2001 as amended, and <u>does not constitute exempted development.</u>

WHEREAS a question has arisen as to whether to convert a vacant pub into eight apartments at 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 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.

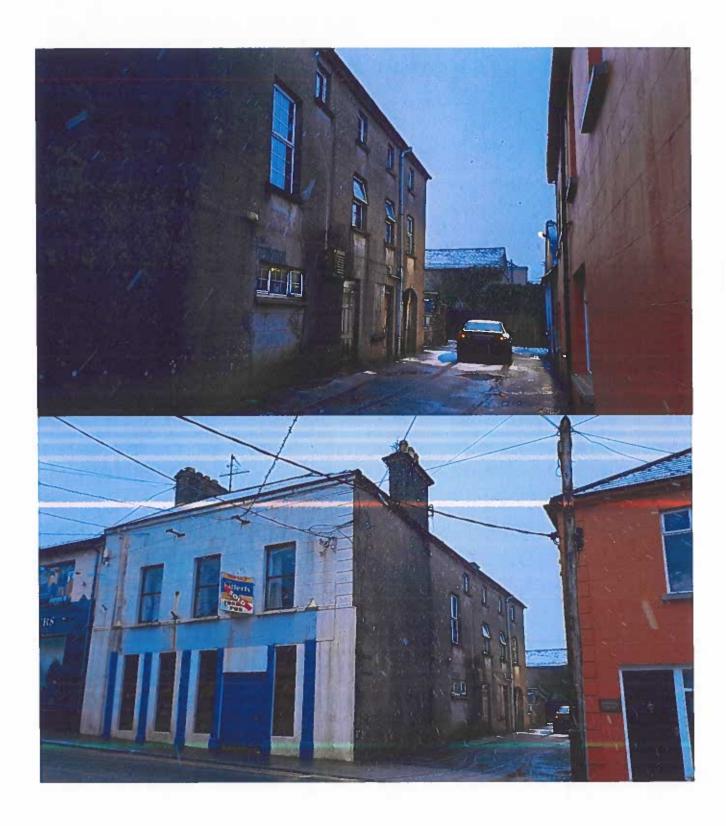
AND WHEREAS I have concluded that

- The works to to convert a vacant pub into eight apartments are development.
- The works do fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.
- However having particular regard to Article 9(1)(a)(iii) of the Planning & Development Regulations 2001, as amended, the development is not exempted development.

AND WHEREAS I have concluded that the said development to convert a vacant pub into eight apartments at Castlerea <u>is not exempted development</u> and I recommend that a declaration to that effect should be issued to the applicant.

Signed Executive Planner Date: 8th February 2024

8-2-24



Carmel Curley

From: Sent: To: Subject: Attachments:	Carmel Curley Wednesday 17 January 2024 10:02 james@jlce.ie DED 644 - Acknowledgment Letter DED 644 - Acknowledgment Letter.pdf; declaration-under-section-5-application- form.pdf
Categories:	Section 5 - DED

Dear James,

Please see attached acknowledgement for Application for Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development – reference number DED 644.

Please note that the application form for Exempted Developments has been updated, please see attached form for future applications.

Regards,

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 The information of the i



Comhairle Contae Ros Comáin Roscommon County Council



Marcos Silveira,



Date:	17 th January, 2024		
Planning Reference:	DED 644		
Re:	Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.		
Development:	Permission to convert vacant pub into eight apartments under the Planning & Development Act (Exempt Development) Regulations 2018 at Castlerea, Co. Roscommon.		

A Chara,

I wish to acknowledge receipt of your application received on the 12th January 2024, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00, Receipt No. L01/0/226515 dated 15th January 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 644 This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell Senior Executive Planner, Planning Department.

cc via email: James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason House, Circular Road, Roscommon.





Roscommon Cr +y Council Aras an Chont Roscommon 09066 37100

15/01/2024 14:00:48

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Receipt No.:: L01/0/226515

MARCOS SILVEIRA C/O JAMES LOHAN CONSULTING ENGINEERS LTD UNIT 5 BALLYPHEASON HOUSE CIRCULAR ROAD ROSCOMMON

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED 864

Total :

80.00 EUR

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ÁrasanChontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100 Email:planning@roscommoncoco.ie

<u>RoscommonCountyCouncil</u>

Application for a Declaration under Section 5 of the Planning& Development Act2000, regarding <u>Exempted Development</u>

Name:	Marcos Silveira
Address:	
Name&AddressofAgent:	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Conversation of Vacant Pub into eight Apartments under the Planning and Development Act (Exempt Development) Regulations 2018
Location(Townland&O.SNo.)	Town land: Castlerea, Roscommon OS Map no: 2219-05, 2157-25
Floor Area	Existing Public house 482.5 m ² (VACANT PUB)
Height above ground level	Floor level- between 150mm - 220mm above ground level (Ridge height 9.90m above ground level)
Total area of private open space remaining after completion of this development	At the rear of the building there is an area of 115 m ² of open space of which 22 m ² belongs to the owner of the building and 93 m ² is shared access space by neighboring buildings
RoofingMaterial(Slates,Tiles, other)(Specify)	Existing Slates to roof Proposed replacement of damaged roof with new flat roof (21 sqm) at the north side of the building
Proposed external walling(plaster, stonework,brick or other finish, giving colour)	Existing plaster render to be maintained as is. Street elevation painted white
Is proposed works located at front/rear/side of existing house.	No extension proposed. Only one door in a window similar to existing on the east side, two windows on the second floor at the rear and internal fit out.

RoscommonCountyCouncil

 $\label{eq:application} Application for a Declaration under Section 5 of the Planning \& Development Act 2000, regarding \underline{Exempted Development}$

Hasanapplicationbeen madepreviouslyforthis site	No
lfyesgiveref.number (includefulldetailsof existingextension,if any)	N/A
Existing use of land or structure	VACANT PUB- Public House
Proposed use of landor structure	DOMESTIC apartments
Distance of proposed building line from edge of road way	Existing (building is in line with neighboring building on the Street)
Doestheproposed developmentinvolvethe provisionofapiped watersupply	EXISTING WATER SUPPLED
Doestheproposed developmentinvolvethe provisionofsanitary facilities	EXISTING PUBLIC WATER SEWER

Signature: Comple Moran 3-

Date: 09-01-2024

Note: This application must be accompanied by:-

- (a) €80fee
- (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

James Lohan Consulting Engineer Ltd. Unit 5. Ballypheason House, Circular Road. Roscommon F42 C982 Ph: 0906634365 Møb: 0878228529 Loihan CASUlting Engineer Ltd. Unit 5. Ballypheason House, Frcular Road. Scommon F42 C982 0906634365 0906634365 Roscommon Cr +y Council Aras an Chont Roscommon 09066 37100

15/01/2024 14:00:48

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Receipt No.:: L01/0/226515

MARCOS SILVEIRA C/O JAMES LOHAN CONSULTING ENGINEERS LTD UNIT 5 BALLYPHEASON HOUSE CIRCULAR ROAD ROSCOMMON

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED 864

Total :

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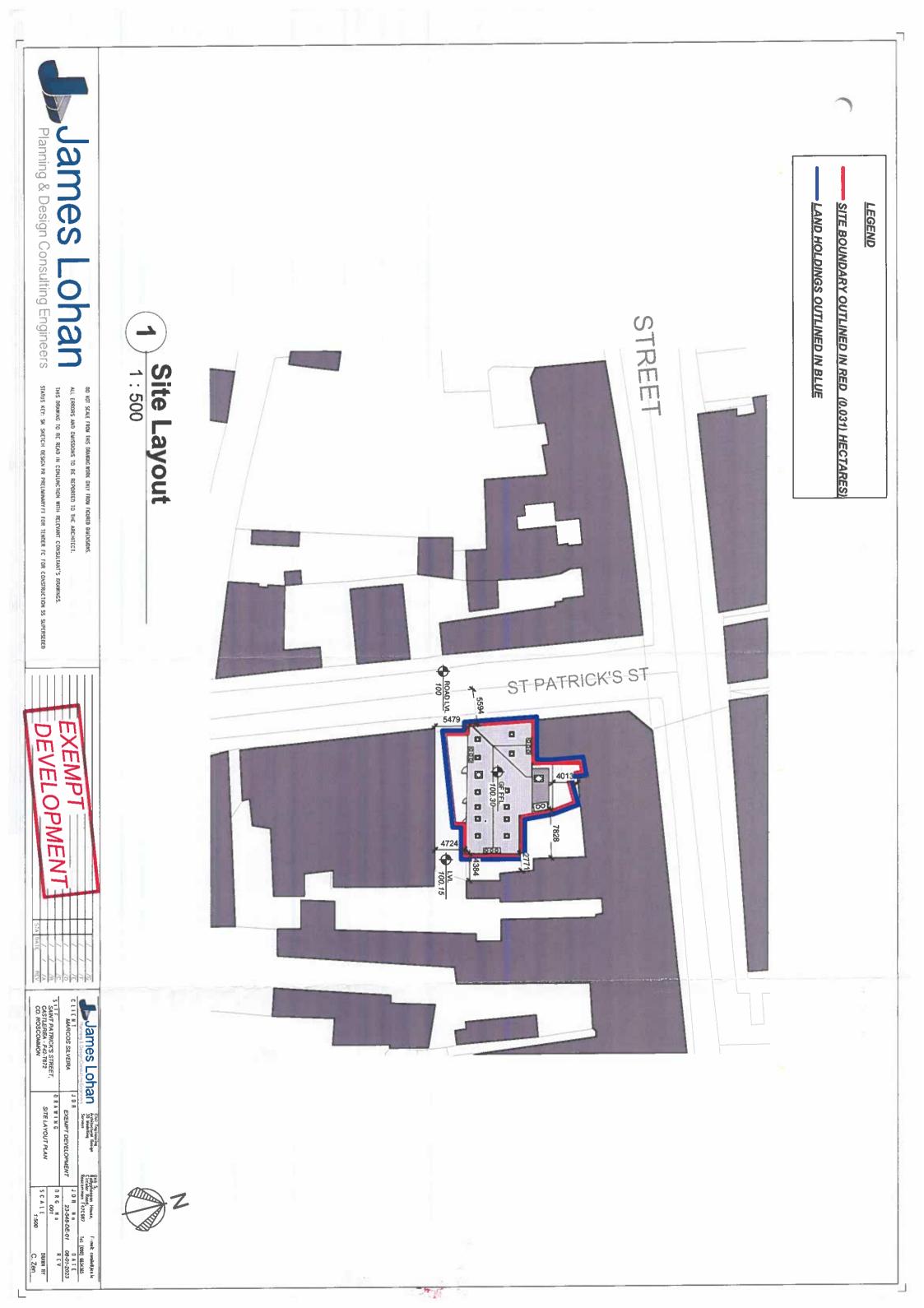
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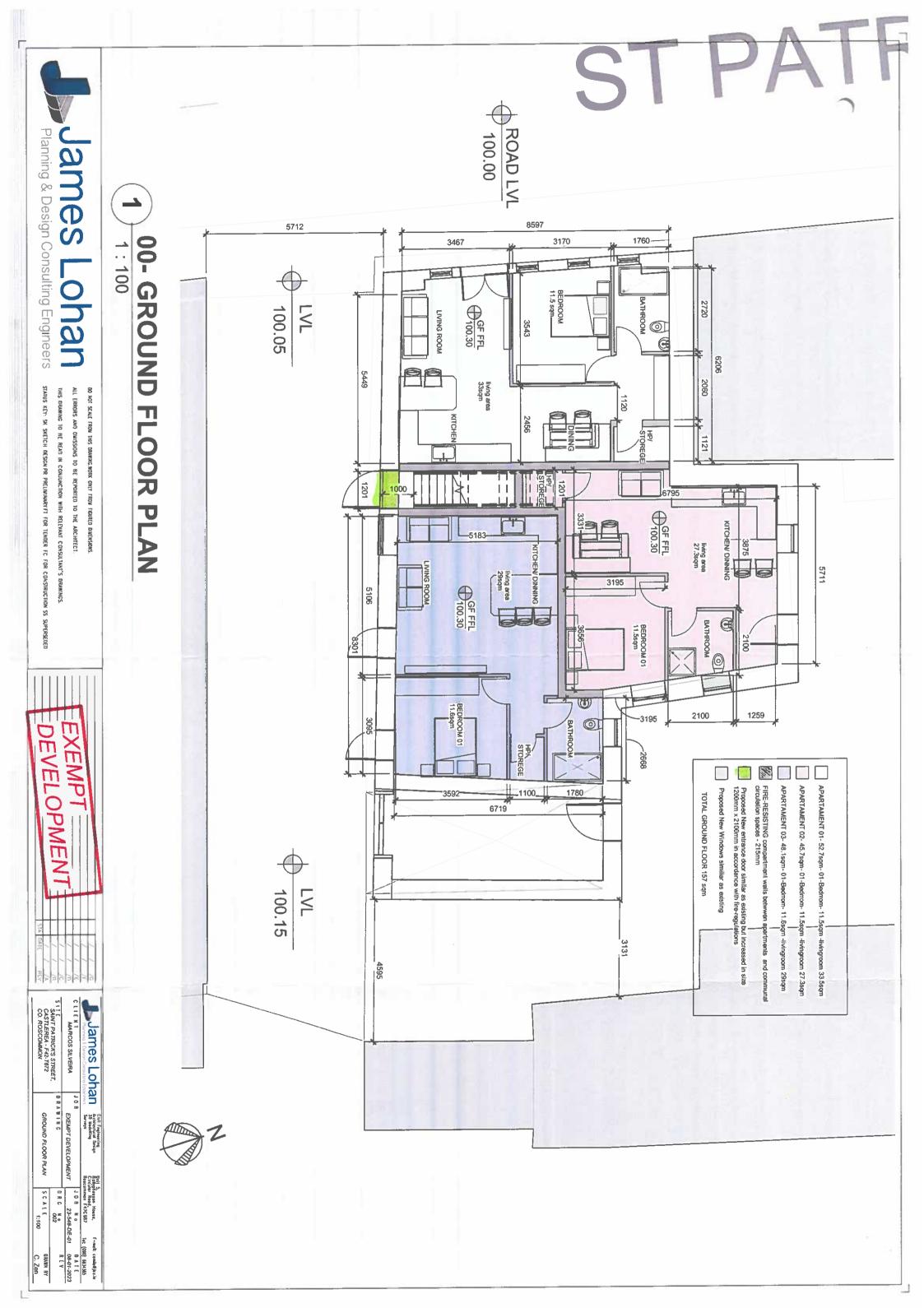
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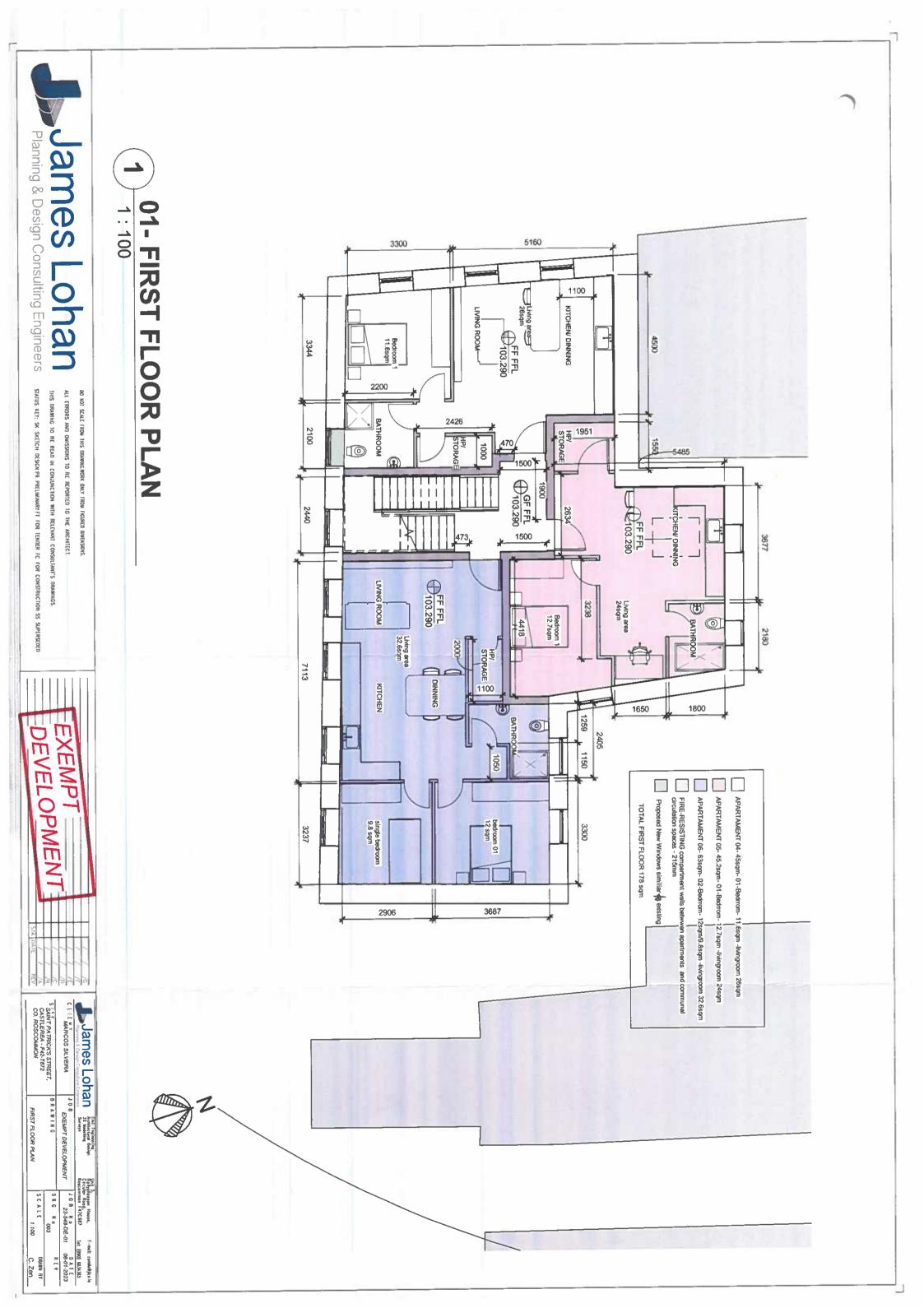
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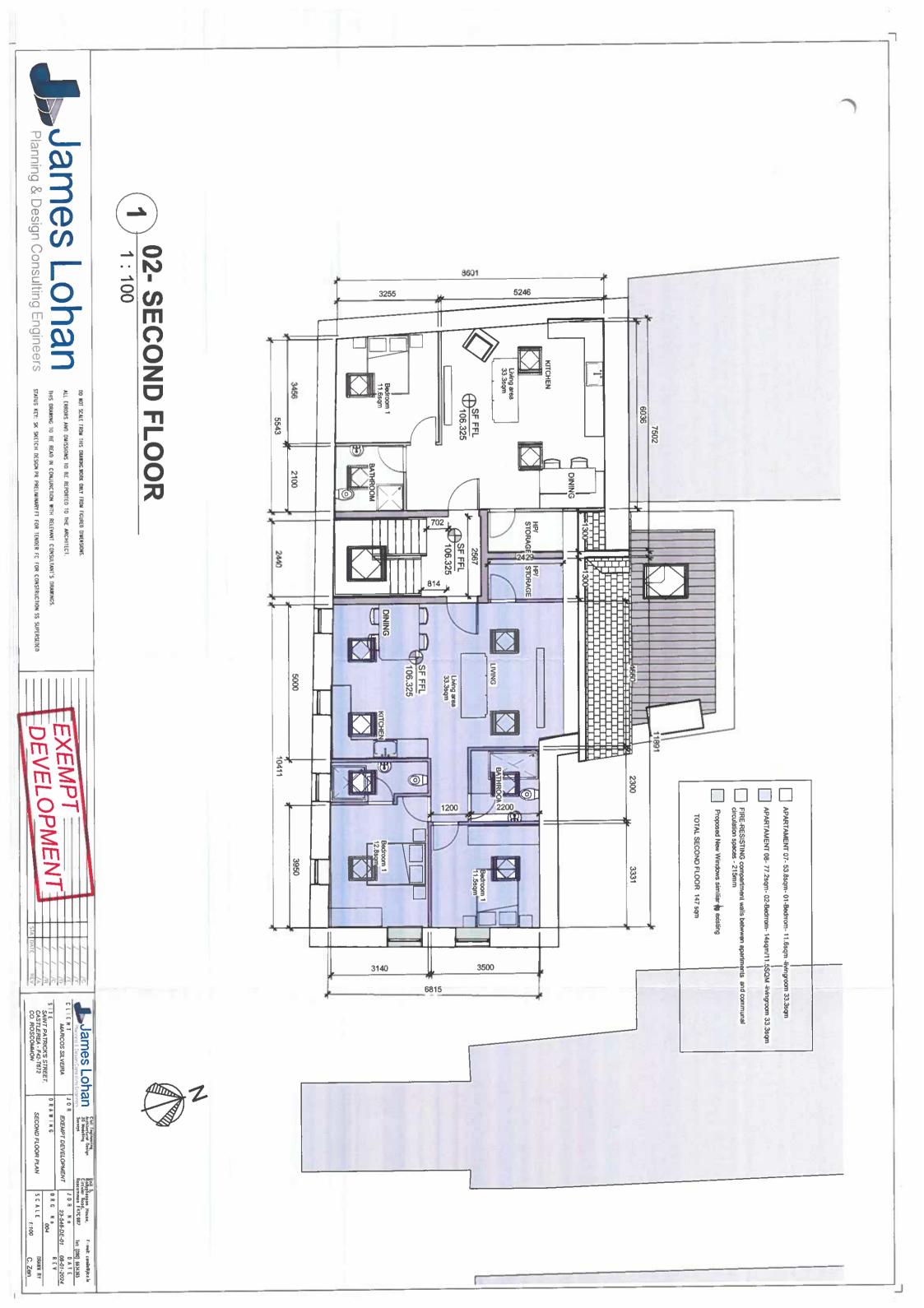
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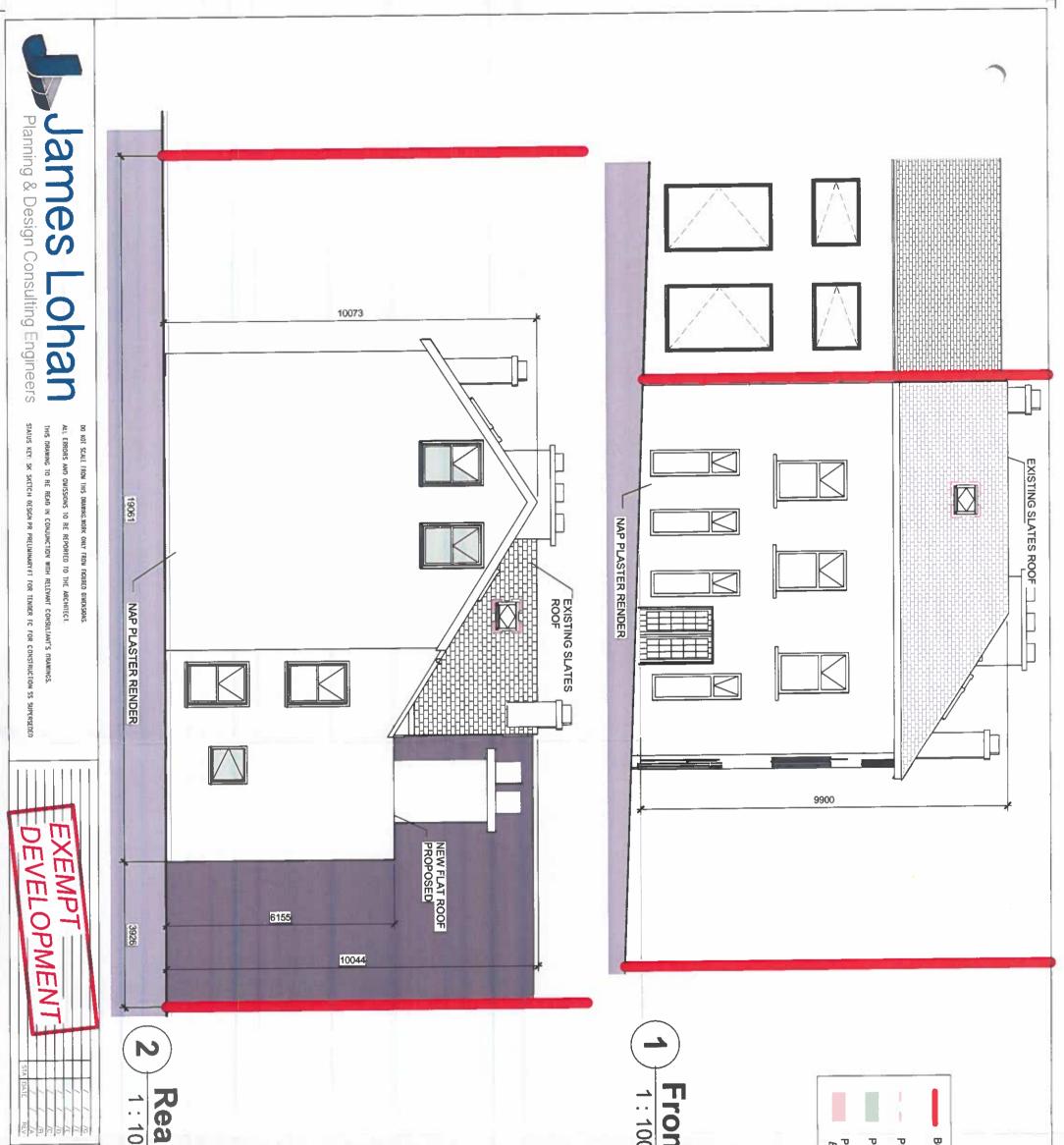
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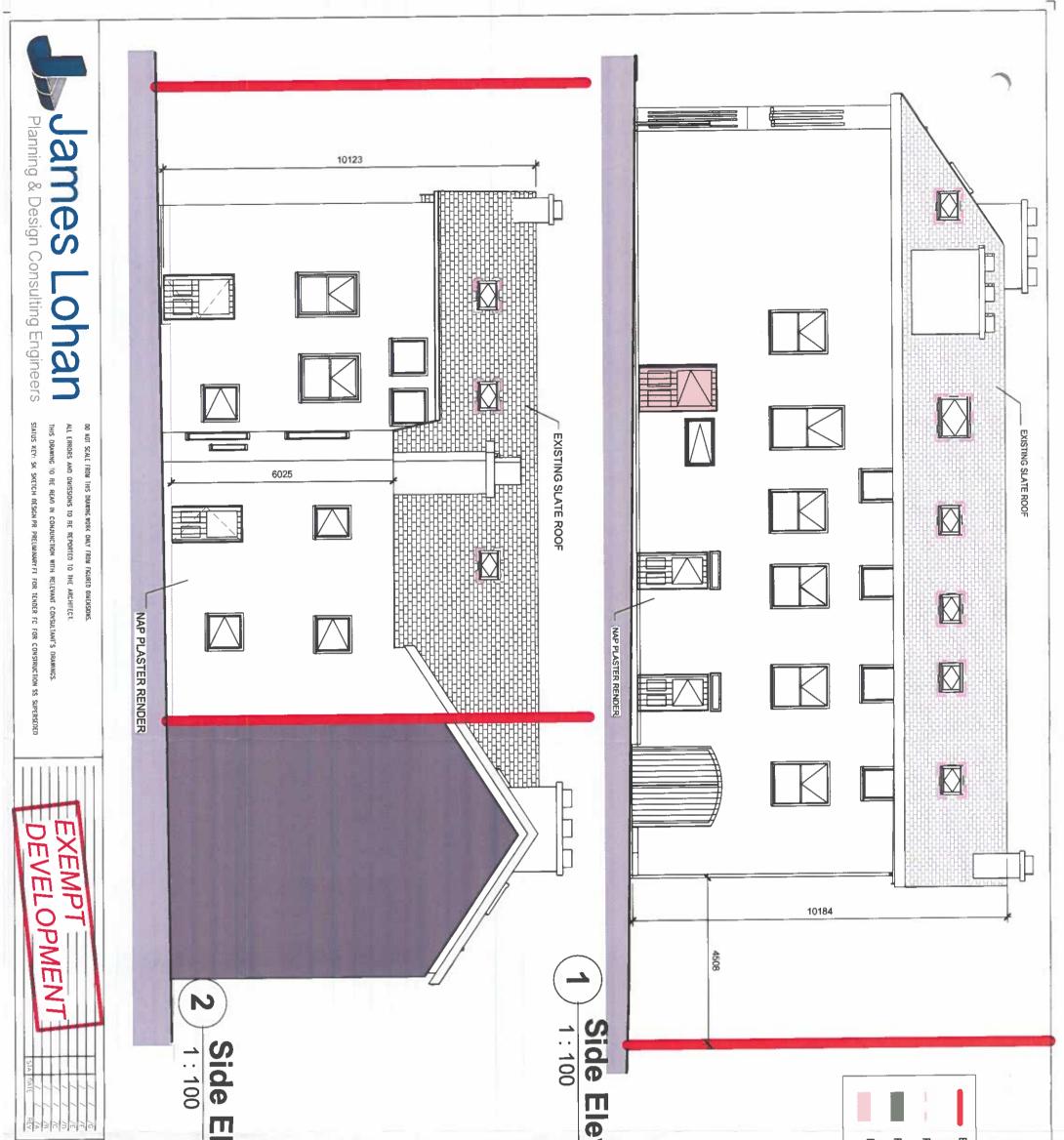




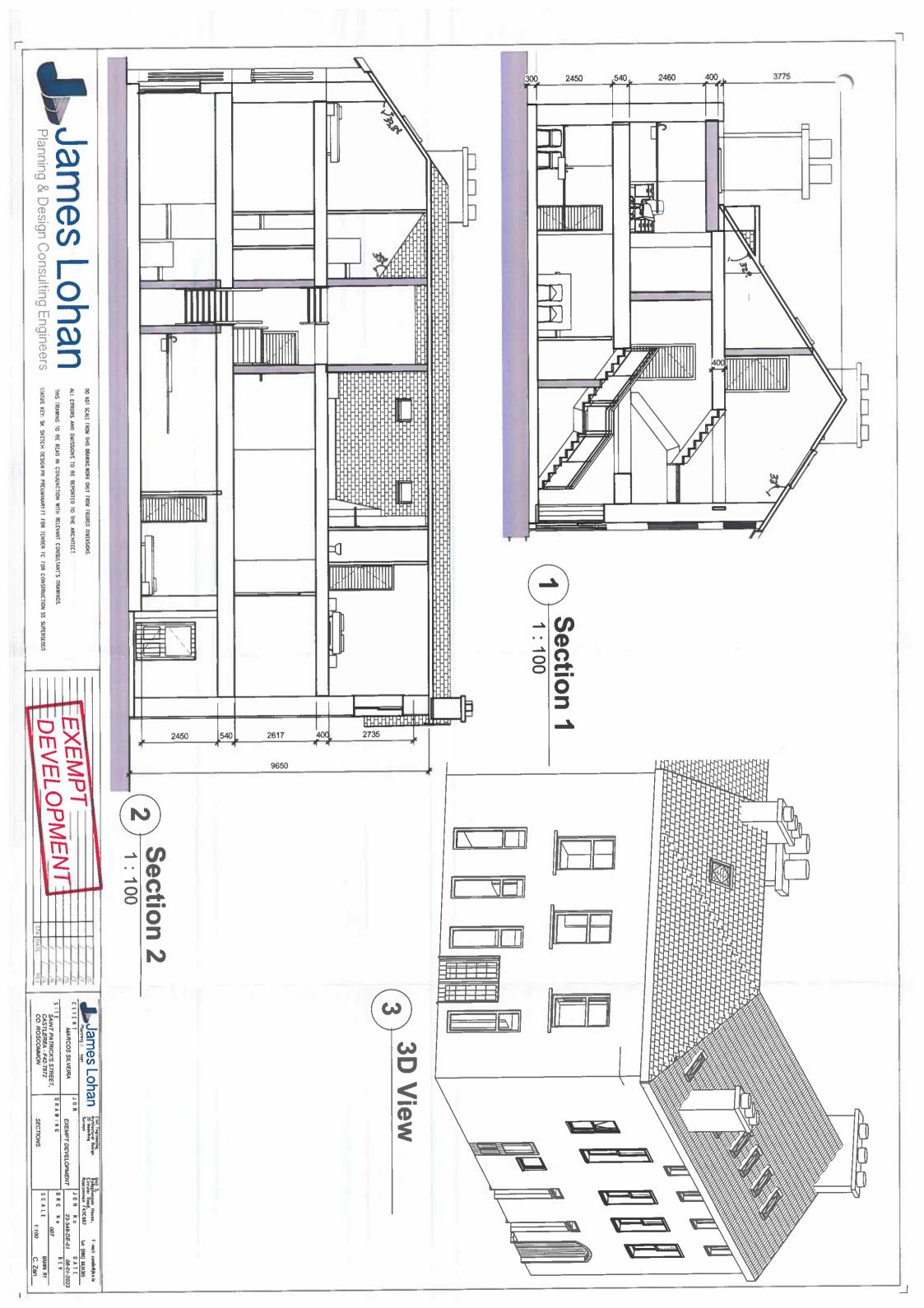


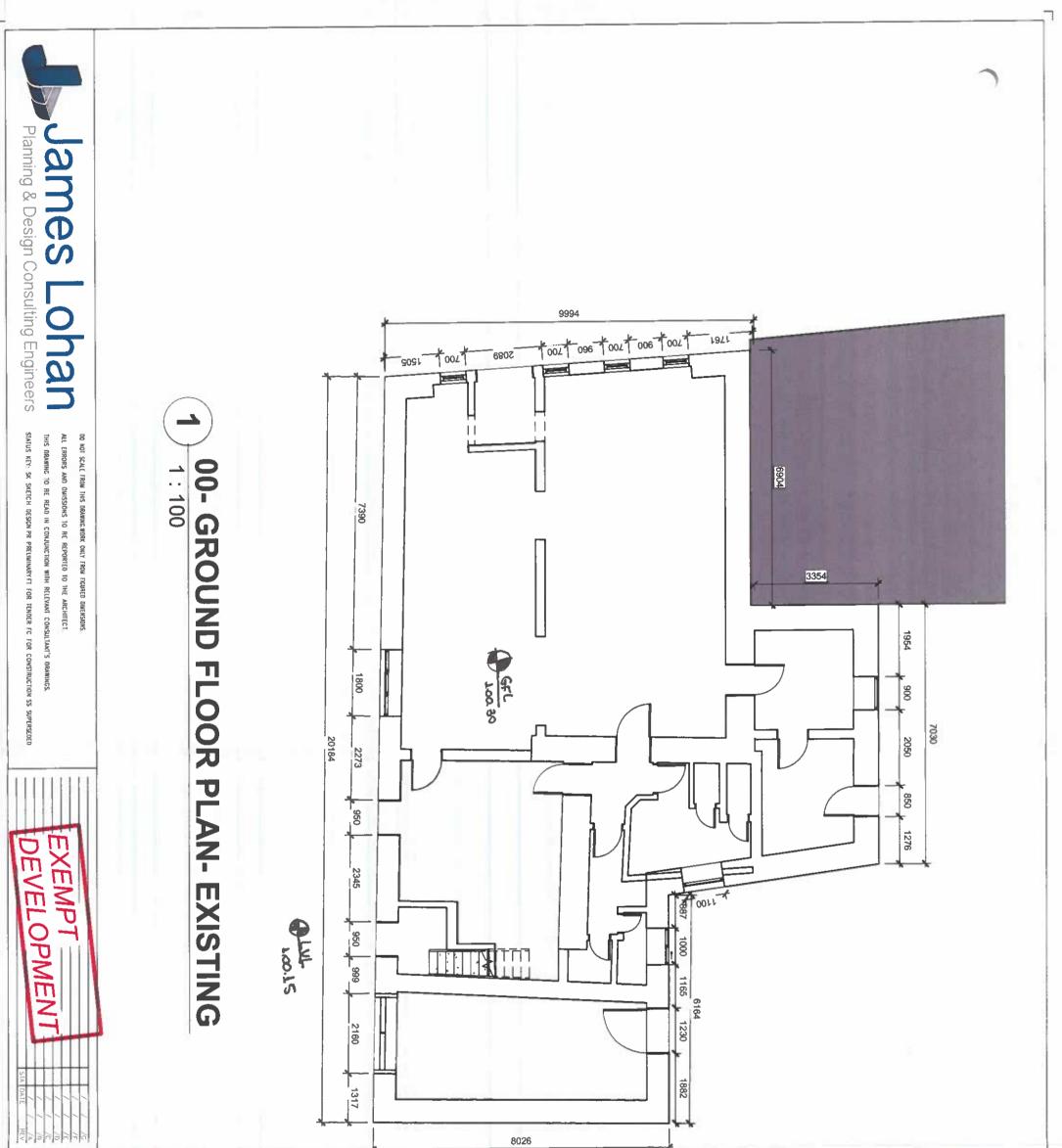


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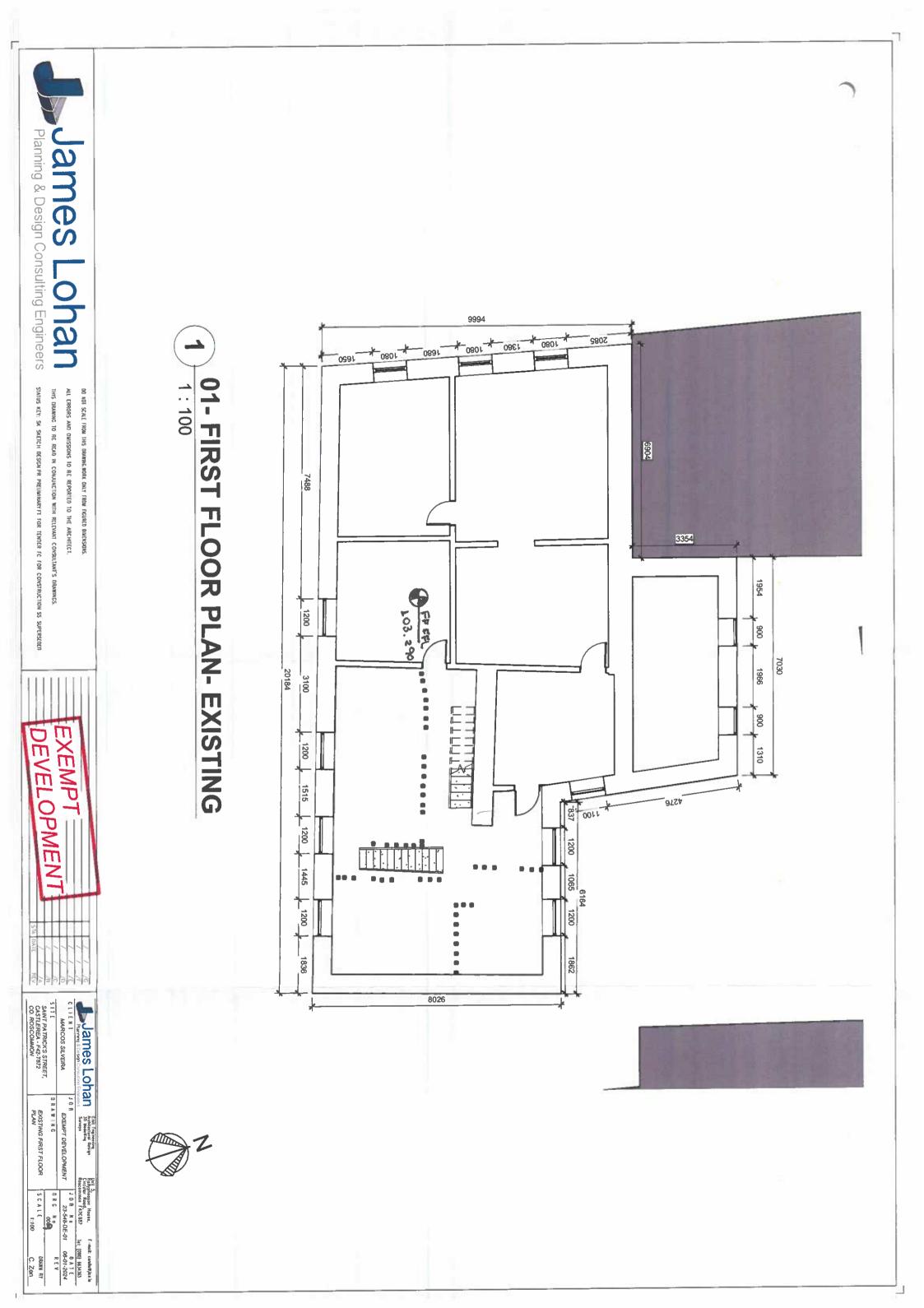


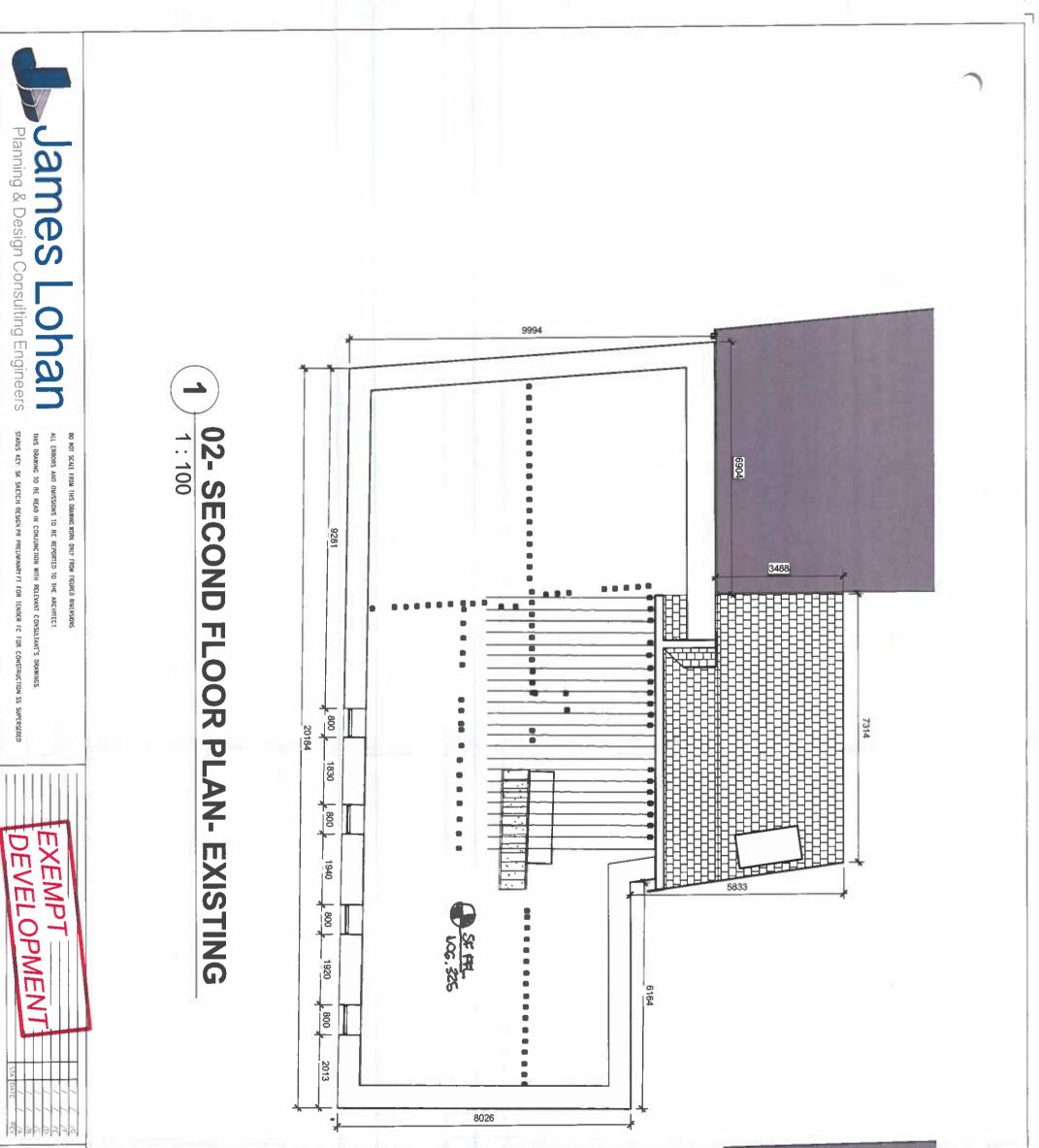
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