

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

MCN Property,



Reference Number: DED 791  
Application Received: 29<sup>th</sup> October, 2024  
Name of Applicant: MCN Property  
Agent: N/A

**WHEREAS** a question has arisen as to whether the change of use from commercial to residential at Main Street, Athleague, Co. Roscommon, F42 XN75, 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) Part 1 and 4 of Article 6 of Schedule 2 of the Planning and Development, 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.
- (e) The planning history of the site.

**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed change of use from commercial to residential raises concerns in relation to endangering public safety by reason of traffic hazard or obstruction of road users as described in this case is not an exempted development.
- (c) The proposed change of use from commercial to residential don't fully comply with the conditions and limitations set out in Article 10(6)(d) of the Planning and Development Regulations, 2001, as amended, and the requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act, as described in this case is not an exempted development.
- (d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

**NOW THEREFORE:**

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to change the use from commercial to residential at Main Street, Athleague, Co. Roscommon, F42 XN75, is development that is **not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:



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Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 10<sup>th</sup> February, 2025

**ADVICE NOTE**

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

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

<b>Reference Number:</b>	DED 791
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the change of use from commercial to residential.
<b>Name of Applicant:</b>	MCN Property
<b>Location of Development:</b>	Main Street, Athleague, Co. Roscommon. (F42 XN75)
<b>Site Visit:</b>	17/12/2024

**WHEREAS a question has arisen as to whether the following works; for the change of use from commercial to residential at the above address is or is not development and is or is not exempted development.**

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Part 1 and 4 of Article 6 of Schedule 2 of the Planning and Development, 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.
- (e) The planning history of the site

**Site Location & Development Description**

The site contains a derelict commercial (part public house and part residential) on ground floor and residential on 1<sup>st</sup> floor building with a gate to the west of the building accessing the rear of the building on Main street, Athleague, Co. Roscommon on the N63 road. It is proposed the change of use of the public house to residential accommodation along with the existing residential form 3no. 2 bed units.

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

**Archaeological and Cultural Heritage**

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

**Appropriate Assessment**

The closest European sites to the site of the proposed development are Suck River Callows NHA/SPA (Site Code 000222/004097) which is located circa 0.1km to the north and Lisduff Turlough PNHA/SAC (Site Code 000609), which is approximately 1.4km to the south and Ballinturly Turlough PNHA/SAC (Site Code 000588), which is approximately 1.6km to the north of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. Therefore, exclude the need for further Appropriate Assessment.

## **Planning History**

As per the Roscommon County Council's Planning Registry, recent planning history has been traced relating to the subject site.

- 19/478 - for change of use of building from previous use as public house and residential to pizzeria restaurant at premises known as The Village Inn - Conditional

## **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 4 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 4 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

viiiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

## Assessment

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposal includes the change of use from commercial to residential. These works have considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. From a review of the existing vs the proposed drawings provided and further information received it is proposed to make alterations to the existing front elevation comprising of the conversion of a window to form a new doorway and on the rear elevation the conversion of 2 doorways to windows. The proposed works are deemed an exempt development.

This Section 5 application relates to a building which appeared to have last been used as a pub and residential. The applicant is proposing to convert the ground floor public house as well as the existing residential space on ground floor and first floor to form 3no. 2 bed residential units. It would appear from a site inspection on the 17<sup>th</sup> of December 2024 that the building is not in use/vacant along with appendix A of the further information received the property has been vacant for more than 2 years.

The proposal of the change of use to form 3no. residential units raises concerns in relation to endangering public safety by reason of traffic hazard or obstruction of road users. Following further information received it is proposed to provide parking to the rear of the building via a side gateway to the east of the existing building. Although this access is an existing entrance onto the N-63 it still raises concerns in relation to endangering public safety by reason of traffic hazard or obstruction of road users, as firstly the volume of traffic using this entrance will be far greater than the original use and the past number of years while this property has been vacant if the proposed development is carried out. Secondly, the existing entrance is quite narrow and emerges onto a footpath to which the vehicle has to wait on the footpath as the entrance line is in line with the existing building and existing stone pier/wall cutting of any line of sight to see footpath users. Thirdly, the limited sightline to the west as the N-63 road traveling in the east/west direction takes a sharp turn south less than 80m to the west of the existing entrance in question. For this reason the proposed works are deemed not an exempt development.

The proposal of the change of use to form 3no. residential units. Following review of article 10(6) of the Planning and Development Regulations, 2001, as amended and part 4 of Schedule 2 of the Planning and Development, 2001, as amended. The proposed change of use appears to fall under Class 12 of Part 4 of Schedule 2 and therefore fall under Article 10(6) of the regulations. Following review of the drawing provided it appears the proposed works don't fully comply with the conditions and limitations set out in Article 10(6)(d) of the Planning and Development Regulations, 2001, as amended, and the requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act. For this reason the proposed works are deemed not an exempt development.

## Recommendation

**WHEREAS a question has arisen as to for the change of use from commercial to residential on Main Street, Athleague, 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) Part 1 and 4 of Article 6 of Schedule 2 of the Planning and Development, 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.
- (e) The planning history of the site

### **AND WHEREAS I have concluded that**

- The works outlined above are development.
- The proposed change of use from commercial to residential raises concerns in relation to endangering public safety by reason of traffic hazard or obstruction of road users as described in this case is not an exempted development.
- The proposed change of use from commercial to residential don't fully comply with the conditions and limitations set out in Article 10(6)(d) of the Planning and Development Regulations, 2001, as amended, and the requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act, as described in this case is not an exempted development.
- 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 for the change of use from commercial to residential on Main Street, Athleague, Co. Roscommon is not an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 28<sup>th</sup> January 2025

Civil Technician



Signed:

Date: 28<sup>th</sup> January 2025

Senior Executive Planner

**Planning Department**  
**Roscommon County Council**  
Aras an Chontae  
Roscommon.  
County Roscommon,  
F42VR98



**Date:** 15-01-2025

**Ref:** DED791

**Applicant:** MCN Property ltd.

**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 commercial to residential at Main Street, Athleague, Co. Roscommon., is or is not development and is or is not exempted development.

A Chara,

In response to the request for further information dated 07/01/2025 in relation to the above application, please see below replies to each comment 1 - 3.

1. The existing rear elevation contains 2 unused doorways which we're proposing to be replaced with PVC windows of the same width. With this change, we will be providing for window sill heights of 500mm & 914mm matching adjacent windows, while the windows' lintel will remain as per the existing door lintels.

The front elevation of the middle dwelling, we're proposing to replace the window on the east of the elevation to a PVC door.

All making good works to allow for these changes will be constructed in masonry block, cavity construction, finished with plaster rendered and paint to match.

With the middle dwelling, we're open to replacing the original window with a PVC door and allowing for a PVC window adjoining to the side in the interest of keeping the façade as close to the existing as possible, if this is of interest to the planning authority.

2. The ground floor and first floor of the property have been vacant for more than 10 years, see attached appendix a. "*Tidy Towns Competition 2016, Adjudication Report*", highlighted section raises issues with this building being vacant.
3. Parking for these 3 dwellings will be located to the rear. Vehicular access is via the West of the site. It is proposed to have 2 private car parking spaces to the rear of each dwelling.

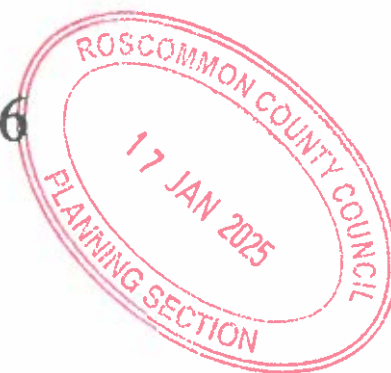
I trust this is to your satisfaction, but should you require anything further please do not hesitate to contact me on [REDACTED]

Yours Sincerely,  
Sean McNeill  
MCN Property Ltd.

Appendix A

# Tidy Towns Competition 2016

## Adjudication Report



Centre: **Athleague** Ref: **269**  
 County: **Roscommon** Mark: **275**  
 Category: **B** Date(s): **31/07/2016**

	Maximum Mark	Mark Awarded 2016
Community Involvement & Planning	60	40
Built Environment and Streetscape	50	38
Landscaping and Open Spaces	50	42
Wildlife, Habitats and Natural Amenities	50	28
Sustainable Waste and Resource Management	50	14
Tidiness and Litter Control	90	52
Residential Streets & Housing Areas	50	29
Approach Roads, Streets & Lanes	50	32
<b>TOTAL MARK</b>	<b>450</b>	<b>275</b>

### Community Involvement & Planning / Rannpháirtíocht an Phobail & Pleanáil:

Welcome Athleague to the 2016 tidy towns competition and we are pleased to see that you have returned after a one-year absence. It was observed from your application form that you have 10 to 12 members on your committee and this appears to be a good level of community participation in a village of your size. Well done on forming links with Roscommon County Council, the Department of Social Protection and the Roscommon Leader Partnership as these organisations will help you to get a range of different projects done. We are also pleased to see that local businesses are supportive of your efforts as this demonstrates an appreciation of your good work. Your communication strategy appears comprehensive with newsletters, newspaper notices, posters in local businesses and social media all being used. However, we would encourage you to consider developing more methods of communication (such as texts, e-mails and e-newsletters) as these methods generate less waste. We are delighted to see that you have developed links with your local school and that the schoolchildren get involved in your cleanups. However, we would encourage you to consider other collaborations with the school as they can be an excellent source of innovative ideas and enthusiastic young helpers! Why not meet with the school to discuss what actions they would like to get involved in under the wildlife, habitats and natural amenities and waste minimisation and sustainable resource use categories? Many of the actions under these categories would make excellent school projects and the schools are normally happy to get involved. Thank you for your comprehensive application form and map as it was helpful during adjudication. Consider also preparing a tidy towns action plan as this would help you to identify projects under each of the tidy towns categories and to schedule your work over a three-year period. It should also help you to earn extra marks under this category.

### Built Environment and Streetscape / An Timpeallacht Thógtha agus Sráid-dreacha:

Athleague is considered to be a most interesting village with a lot of historical buildings and structures to see. On the approach from Creggs, we loved the old Protestant church which now accommodates the Suck Valley Visitor Centre. This is a lovely building and this is considered to be an excellent reuse of this structure. We were intrigued by the complex of historical structures on the adjoining site (on the opposite side of the River) and we wondered if there is any information available on them? The village centre in Athleague accommodates a pleasant mix of historical and more modern structures. We loved the neat terraces of traditional style dwellings such as the row of houses directly opposite the Town and Country Interiors retail units. The Community Buildings are all presented to a good standard with the Catholic Church on the Roscommon road and the national school building looking very well. However, the church could be improved by weeding the landscaping beds around the car park to the rear. The Athleague Community Centre is also maintained to a good standard. Most commercial premises in the village looked very well with the Bridge House setting a high standard of presentation. However, Hamrocks., Connaughtons Post Office, Chefs Kebab Pizza, Town & Country Interiors, Conlons Pharmacy Centra and Waldrons all looked very well. **It was noted during adjudication that there are issues with vacant buildings with the premises beside the**



Community Centre and opposite the Community Centre appearing in poor condition. It is recommended that persistent issues with vacancies and dereliction are raised with Roscommon County Council, who have powers to deal with these matters under the Derelict Sites Act. We note from your application form that no new projects have undertaken for 2016 but ongoing maintenance has been carried out on Suck Valley visitor centre (the old Protestant church) the old cemetery and stone walls. The committee is commended on its continuing work restructuring and refurbishing the Community Centre and for renewing the planting areas in front of the community centre, at the corner of the Galway road junction and on the Athlone road. We were interested to hear that your committee is helping a local heritage group to provide information signage on buildings and items of interest in the village and it is hoped that the results of this project can be seen in 2017.

#### **Landscaping and Open Spaces / Tírdhreachú agus Spásanna Oscailte:**

The committee is commended on the hard work that has been undertaken under this category during the year as many fine projects could be seen on adjudication day. We are particularly impressed with the work that has been carried out on the landscaping beds opposite Bridge House is a number of good landscaping schemes could be seen. We loved the decorative gravel bed with its pink roses in full bloom while the beds opposite were similarly impressive with their attractive and pleasant range of perennials, evergreens and trees to be seen. The planting in the Peoples Park opposite also impressed and it was clear during adjudication that this area is subject to regular maintenance. Well done also on your landscaping efforts on the approach road from Roscommon were a number of natural stone beds comprising colourful seasonal flowering plants enhance this approach and at the junction of the Athlone road where roses in full bloom could also be seen. The adjudicator was struck by the number and quality of open spaces that could be found in your village (particularly the Peoples Park and the Culture Park) and we were delighted to read that work has been undertaken to connect these good quality amenity areas. The contribution of individual households and businesses to this category is also appreciated as many have provided colourful flowering boxes and hanging baskets to the front of their buildings. The work of your committee replanting schemes, maintaining parks and planters for this years competition is also acknowledged.

#### **Wildlife, Habitats and Natural Amenities / Fiadhúlra, Gnáthóga agus Taitneamhachtaí Nádurtha:**

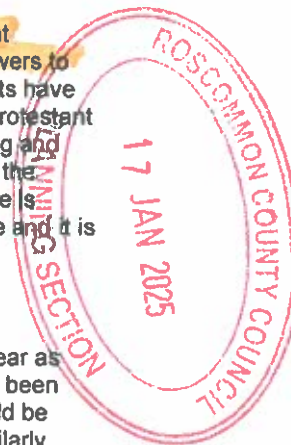
We are pleased to see that your committee is working on the project with the National Parks and Wildlife Service providing information signs in the village which will highlight the different species of birdlife and wildlife in your area. This sounds like an excellent project and we would appreciate further updates in 2017. In view of the comments of the adjudicator in 2015, we wondered if this project has involved a survey of the wildlife in your village? If so, be sure to record and hold onto the findings as this can be used as a means of monitoring biodiversity. It is noted that the schoolchildren will be provided with the information from the survey and we would encourage you to try and involve them in other elements of it, such as the survey work. This would help to raise their awareness levels of biodiversity and provide them with useful skills for future tidy towns projects under this category. Well done on hosting a wildlife talk along this section of the Suck Valley Way as this is a very effective way of raising environmental awareness of biodiversity. Have you considered hosting an event like this on an annual basis? Why not contact Birdwatch Ireland or Bat Conservation Ireland to see if a volunteer would be available to host a talk?

#### **Sustainable Waste and Resource Management / Bainistiú Acmhainní agus Dramhaíola Inbhuanaithe:**

The committee is advised that this category has grown in importance in the competition in recent years and it is now worth 50 marks – which is the same as the key categories of Built Environment, Landscaping and Wildlife. Therefore, it represents an excellent opportunity for your committee to improve your performance in the competition if you can identify and carry out suitable projects under this category. We are delighted to read that you have followed the advice of the adjudicator in 2015 and are installing a tank for rainwater harvesting at the community centre and that this will meet all your water requirements for your landscaping schemes. We are also interested to hear about whether you make your own compost, as this would enable you to avoid using shop bought fertiliser in your planting schemes. Other effective ways of minimising waste and sustainably using resources is to grow and propagate your own plants and harvesting seeds for use in your future landscaping schemes. Don't forget that your committee also has a role in raising awareness of the need to minimise waste and sustainable use resources in the wider community. We note that you organised the stop food waste workshop in 2014 and we wondered if any follow-up events have been considered? Why not speak to the Environmental Awareness Officer in Roscommon County Council about ways to inform the local community in Athleague about this issue.

#### **Tidiness and Litter Control / Slachtmhaireacht agus Rialú Bruscair:**

We are very pleased to report that the standard of litter control observed in Athleague on adjudication day was very high. With the exception of isolated amounts of litter to be seen in the landscaping bed of car park in the visitor centre, to the rear of the Community Centre and at the Bottle Bank, your village was litter free. This is considered to be a very good performance and it is clear that your weekly cleanups and litter patrols are proving to be effective. Well done also on involving the school in your litter picks as this is an excellent way of raising awareness of the need to control litter. It was clear during adjudication that the committee have also paid close attention to tidiness with the vast majority of roadsides and kerbs free from weeds and neatly swept. However, some improvements are possible. An area to the rear of the Bottle Bank, which accommodates some wooden planters was very weedy and untidy looking. The car park to the rear of the community centre could also be improved as the landscaping beds that surrounded its perimeter were weedy and untidy looking. Weed was also visible in the large landscaping bed in the car park of the Visitor Centre. With respect to the signage, it was noted that a number of the sign polls in the village are painted black but a number of cases, the paint was either faded or chipped and this gave rise to an untidy appearance. It is recommended that a survey is undertaken to identify which signs need to be washed, repaired or replaced.



## Appendix A

### **Residential Streets & Housing Areas / Sráideanna Cónaithe & Ceantair Tithíochta:**

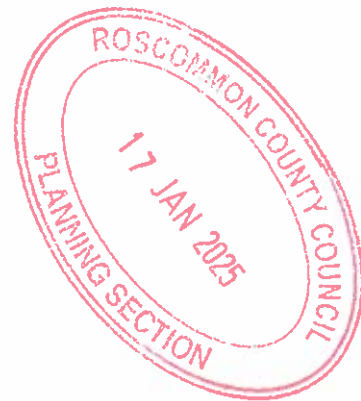
The standard of presentation of individual houses in Athleague was generally good, with a number of the terraces of traditional style dwellings along the Main Street appearing in good condition with colourful planting to be seen. The residential areas were also quite impressive. A good standard was achieved by one of the residential areas on the Athlone road which had very well maintained central green area, an extensive bank of diverse and attractive planting, picnic tables and a series of large wooden planters. Sunrise also looked well but it could be further improved by removing the weeds seen at the road edges. The third residential area (is this the Paddocks?) with an access road almost opposite Sunrise was also observed with attractive roses at its entrance and individual houses and gardens presented to a good standard. It is recommended that all residential estates in the village are provided with name signage.

### **Approach Roads, Streets & Lanes / Bóithre Isteach, Sráideanna & Lánai:**

It is noted from your application form that the tidy towns committee have been busy maintaining verges, improving landscaping and removing the weeds on approach roads into the village. This work can clearly be seen on adjudication day as the standard of approach roads was generally good. The approach road from Roscommon looked well with colourful landscaping beds, good boundary treatments and trimmed verges to be seen. The Athlone road was similarly impressive and we admired the colourful landscaping at the base of the village name sign. The approach from Creggs was generally good but it could be further improved if the weed was removed from the base of the block wall that runs along side this approach (on the opposite side of the road to the River soak visitor centre and the Homeland Agri store).

### **Concluding Remarks:**

We would like to congratulate Athleague on your successful return to the competition and we look forward to seeing you again in 2017.





Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



MCN Property,  


**Date:** 7<sup>th</sup> January 2025  
**Ref:** DED 791  
**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 commercial to residential at Main Street, Athleague, Co. Roscommon., is or is not development and is or is not exempted development.

\*\*\*\*\*

A Chara,

Further to your application received on the 29<sup>th</sup> October 2024 and in order for the Planning Authority to determine as to whether the change of use from commercial to residential at Main Street, Athleague, Co. Roscommon., is or is not development and is or is not exempted development, you are requested to submit the following further information:

1. Clarify all works that are proposed to the external appearance of the building and proposed materials.
2. Clarify the period of time for which the first floor of the building subject of this Section V application has been vacant.
3. Clarify where parking will be provided for the residents of the proposed 3no. units.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 791**.

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

Mise le meas,

Alan O'Connell,  
Senior Executive Planner,  
Planning.

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

<b>Reference Number:</b>	DED 791
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the change of use from commercial to residential.
<b>Name of Applicant:</b>	MCN Property
<b>Location of Development:</b>	Main Street, Athleague, Co. Roscommon. (F42 XN75)
<b>Site Visit:</b>	17/12/2024

**WHEREAS a question has arisen as to whether the following works; for the change of use from commercial to residential at the above address is or is not development and is or is not exempted development.**

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
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- (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.
- (e) The planning history of the site

**Site Location & Development Description**

The site contains a derelict commercial (part public house and part residential) on ground floor and residential on 1<sup>st</sup> floor building with a gate to the west of the building accessing the rear of the building on Main street, Athleague, Co. Roscommon on the N63 road. It is proposed the change of use of the public house to residential accommodation along with the existing residential form 3no. 2 bed units.

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

**Archaeological and Cultural Heritage**

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

**Appropriate Assessment**

The closest European sites to the site of the proposed development are Suck River Callows NHA/SPA (Site Code 000222/004097) which is located circa 0.1km to the north and Lisduff Turlough PNHA/SAC (Site Code 000609), which is approximately 1.4km to the south and Ballinturly Turlough PNHA/SAC (Site Code 000588), which is approximately 1.6km to the north of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. Therefore, exclude the need for further Appropriate Assessment.

## **Planning History**

As per the Roscommon County Council's Planning Registry, recent planning history has been traced relating to the subject site.

- 19/478 - for change of use of building from previous use as public house and residential to pizzeria restaurant at premises known as The Village Inn - Conditional

## **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 4 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 4 opposite the mention of that class in the said column 1.

#### **Article 9 (1) applies;**

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

viiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

## Initial Planning Assessment

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposal includes the change of use from commercial to residential. These works have considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. From a review of the existing vs the proposed drawings provided there appears to be alterations to the existing front elevation comprising of the conversion of a window to form a new doorway. Therefore to ensure there is no major material affect on the external appearance of the structure, no information will be required.

This Section 5 application relates to a building which appeared to have last been used as a pub and residential. The applicant is proposing to convert the ground floor public house as well as the existing residential space on ground floor and first floor to form 3no. 2 bed residential units. It would appear from a site inspection on the 17<sup>th</sup> of December 2024 that the building is not in use/vacant however it is not clear from the application how long it has been vacant for. Therefore clarification to determine how long the first floor has been vacant in order to conclusively determine if the proposed change of use falls within the parameters as set out in Article 10 (6).

The proposal of the change of use to form 3no. residential units raises concerns in relation to endangering public safety by reason of traffic hazard or obstruction of road users as there is no provision or mention of the car parking to be provided for the residents. Therefore clarification is required for the proposed parking spaces for this development.

## Recommendation

### Request for further information.

1. Clarify all works that are proposed to the external appearance of the building and proposed materials.
2. Clarify the period of time for which the first floor of the building subject of this Section V application has been vacant.
3. Clarify where parking will be provided for the residents of the proposed 3no. units.

Signed:



Date: 06<sup>th</sup> January 2025

Civil Technician



Signed:

Date: 06<sup>th</sup> January 2025

Senior Executive Planner













# **MEMORANDUM**

**To:** South Roscommon Area.

**From:** Alan O'Connell, A/Senior Planner , Planning Department.

**Date:** 31<sup>st</sup> October 2024

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

**Development:** Permission for change of use from commercial to residential under the Planning & Development Act (Exempt Development) Regulations 2018 at Main Street, Athleague, Co. Roscommon, F42 XN75.

**Applicants:** MCN Property

**Planning Ref:** DED 791

---

Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from MCN Property for permission for change of use from commercial to residential under the Planning & Development Act (Exempt Development) Regulations 2018 at Main Street, Athleague, Co. Roscommon, F42 XN75, which was received on 29<sup>th</sup> October 2024.

Please let me have your recommendation.



**Alan O'Connell**  
**A/ Senior Planner**  
**Planning Department**



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



MCN Property,  


Date: 31<sup>st</sup> October 2024  
Planning Reference: DED 791

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission for change of use from commercial to residential under the Planning & Development Act (Exempt Development) Regulations 2018 at Main Street, Athleague, Co. Roscommon, F42 XN75.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 29<sup>th</sup> October 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. **L01/0/231308** dated 30<sup>th</sup> October 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 791**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,



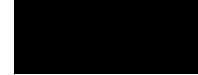
Alan O'Connell  
A/Senior Planner,  
Planning Department.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

30/10/2024 12:38:56

Receipt No L01/0/231308

MCN PROPERTY



PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 791	

Total	80 00 EUR
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Tendered :	
Cheque	80 00
500008	

Change	0 00
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Issued By : Bernadine Duignan  
From : Central Cash Office


ROS  
COM  
MON



Áras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

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

Name:	MCN Property
Address:	
Name & Address of Agent:	N/A
Nature of Proposed Works	Change of use.
Location (Townland & O.S No.)	Main Street, Athleague, Roscommon, F42 XN75 (Map Attached)
Floor Area	241sqm
Height above ground level	Current building - 2 floors. No change to current building.
Total area of private open space remaining after completion of this development	No change in area.
Roofing Material (Slates, Tiles, other) (Specify)	Slates
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	No change to current plastered finish.
Is proposed works located at front/rear/side of existing house.	N/A, Change of use only.

## 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	Yes
If yes give ref. number (include full details of existing extension, if any)	PD/19/478 - Change of use of building from previous use as public house and residential to pizzeria restaurant at premises known as The Village Inn (Never Completed).
Existing use of land or structure	Ground Floor - Public House & Residential 1st Floor - Residential
Proposed use of land or structure	Residential use, divided into 3 separate dwelling houses.
Distance of proposed building line from edge of roadway	No Change to current building
Does the proposed development involve the provision of a piped water supply	No Change to current building
Does the proposed development involve the provision of sanitary facilities	No Change to current building

Signature: Reage McNeill

Date: 27/10/2024

**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) Details specification of development proposed

Change of use from previously licensed premises and residential dwelling to: x3 separate, 2 bed dwelling houses. (See attached plans).



YGD 791

2. Oct 2024



Planning Department,  
Roscommon County Council,  
Áras an Chontae,  
Roscommon.

Re: Proposed change of use premises; Main Street, Athleague, Roscommon, F42 XN75

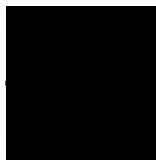
Dear Sir/Madam,

I attach herewith:

1. Notification Form exempted Development – Article 10(6) change of use exemption
2. Application for Declaration under Section 5 of the Planning & Dev. Act 2020 regarding Exempted Development together with supporting documentation.
  - a. Site location map
  - b. Site layout plan
  - c. Existing Floor plans, Elevations & Sections
  - d. Proposed Floor plans, Area plans, Elevations & Sections
  - e. Cheque for €80 euro

Please acknowledge receipt of notification. Let me know if you need anything further.

Breege McNeill,







NOTIFICATION FORM  
EXEMPTED DEVELOPMENT - ARTICLE 10(6) CHANGE OF USE EXEMPTION

Name of Relevant Planning Authority: Roscommon County Council

Name of Notifier/Property Owner: MCN Property

Name of Person/Agent Acting on behalf of Notifier/Property Owner (if any):

Breege McNeill

[Note: Contact Details to be supplied at the end of this form]

Notification of intention to avail of exempted development provisions under Article 10(6) of the Planning and Development Regulations 2001, as inserted by Article 2 of the Planning and Development (Amendment) (No. 2) Regulations 2018, at least two weeks prior to the commencement of the proposed change of use and any related works.

Notification Details Required:

Location of structure	Full Postal Address Main Street, Athleague, Roscommon	
	Eircode F42 XN75	
Total number of Residential Unit(s)	3	
Total Residential Floorspace (m <sup>2</sup> )	241	
	Number of bedrooms	Floorspace of unit (m <sup>2</sup> )
Residential Unit 1	2	78.05
Residential Unit 2	2	85.27
Residential Unit 3	2	78.21
Residential Unit 4		
Residential Unit 5		
Residential Unit 6		
Residential Unit 7		
Residential Unit 8		
Residential Unit 9		
Date works will commence (Minimum of two weeks subsequent to date of notification)		21/11/2024
Signed (Notifier/ Agent as appropriate): <u>Breege McNeill</u>		Date: <u>27/10/2024</u>



DS ND.  
RN2686

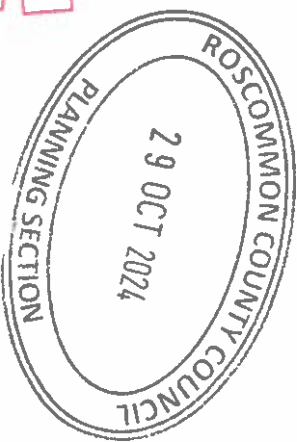


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LICENCE NO. AR 0110419


Scale 1:2500

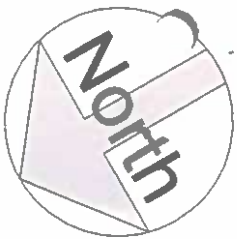


Athlone

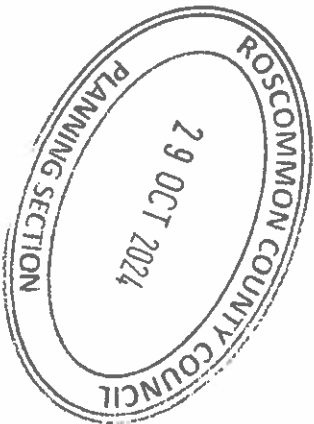
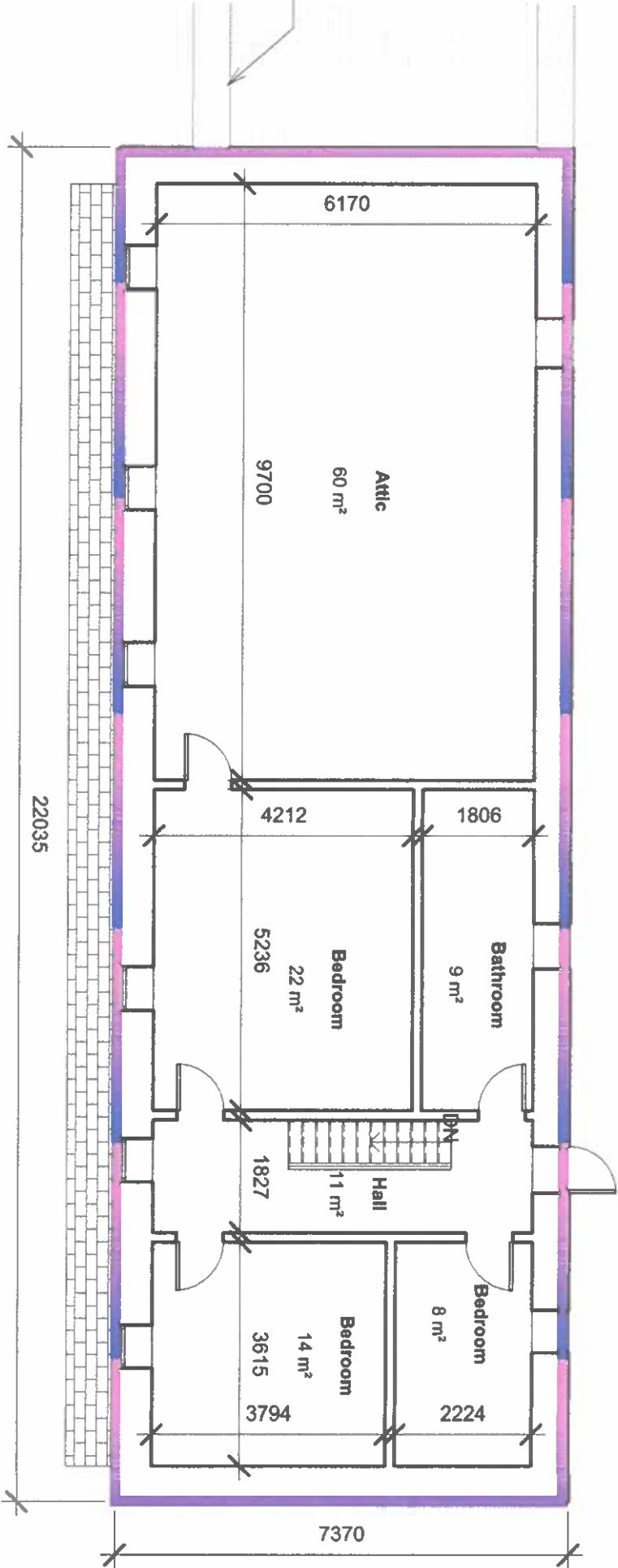


No.	Description	Date
1.0	Document Created	27/10/2024

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CODE			STATUS	
SUITABILITY DESCRIPTION			PURPOSE OF ISSUE	
SHEET			Main Street, Athleague	
Site Layout Plan			CLIENT	
Date			MCN Property	
27/10/2024			Project number	
Drawn by			1	
Checked by			DRAWING NUMBER	
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			1:500	
			REV	
			1.0	

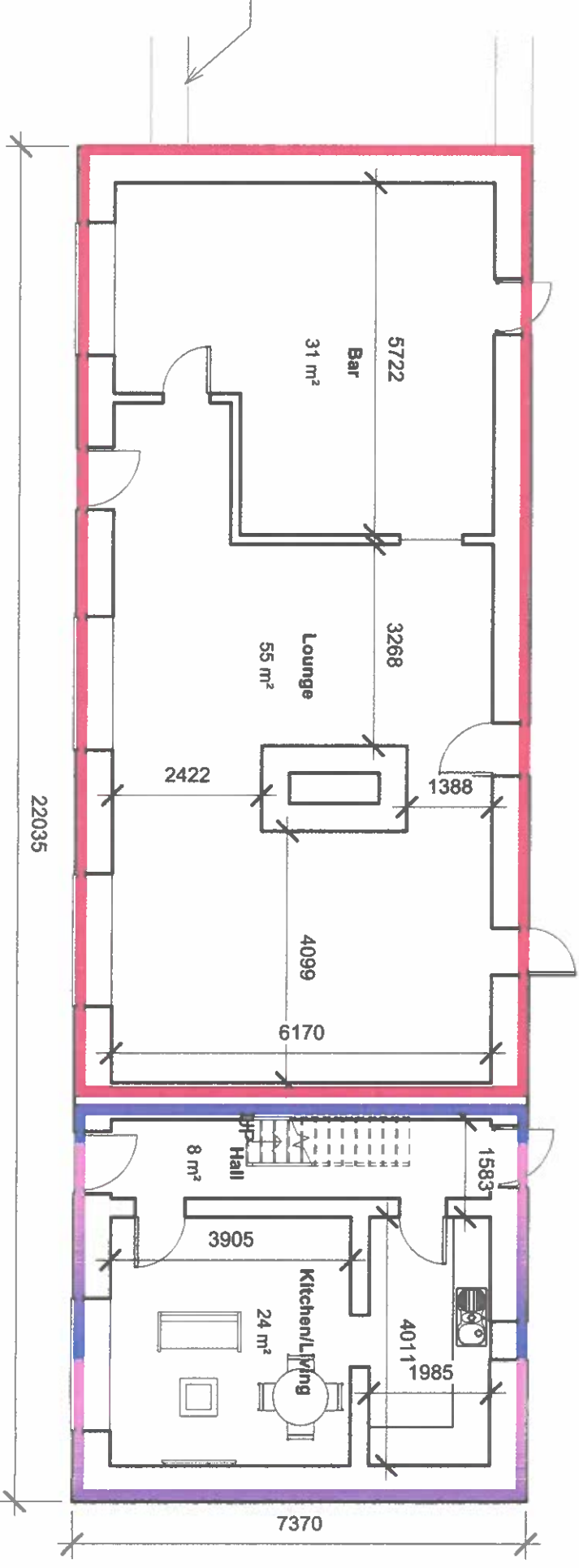


Adjacent neighbouring building



1 First Floor  
1 : 100

Adjacent neighbouring building



☐ Use as public house  
☐ Residential use

2 Ground Floor  
1 : 100

No.	Description	Date
1.0	Sheet Created	27/10/2024



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CODE

STATUS

SUITABILITY DESCRIPTION

PURPOSE OF ISSUE

PROJECT

Main Street, Athleague

SHEET

Existing Floor Plan

CLIENT

MCN Property

Date

27/10/2024

Project number

1

Scale (@ A3)

1 : 100

Drawn by

Checked by

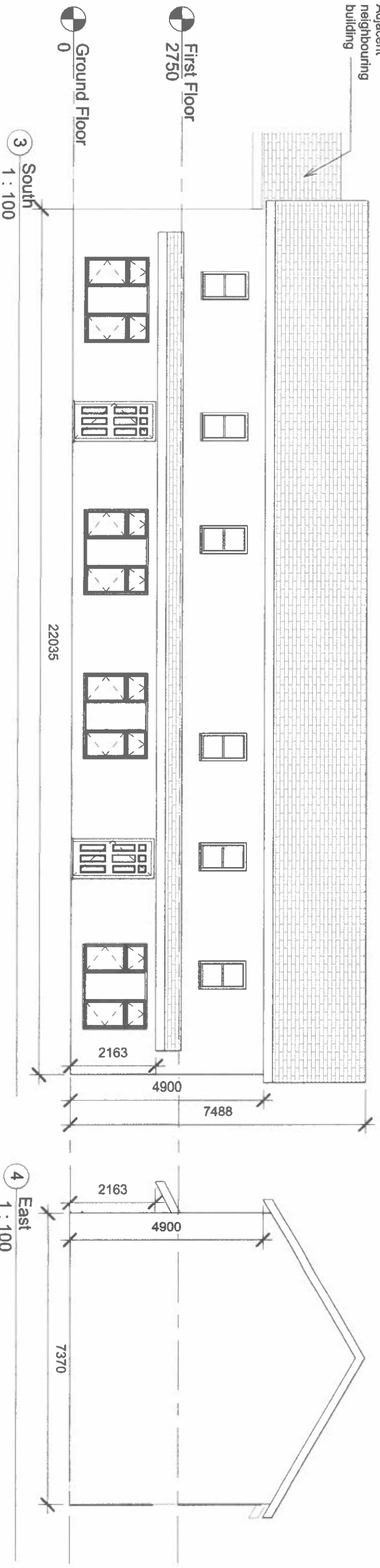
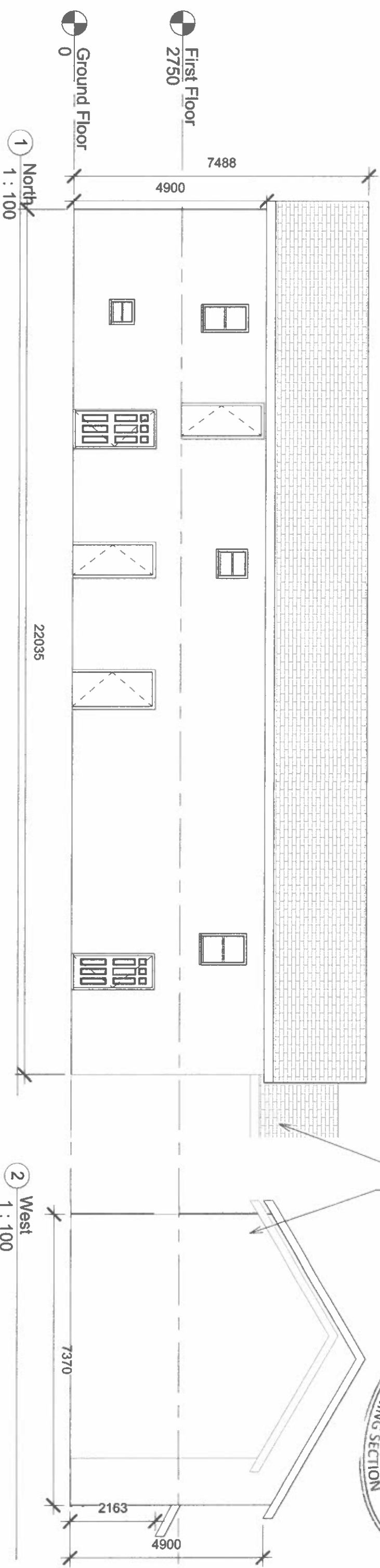
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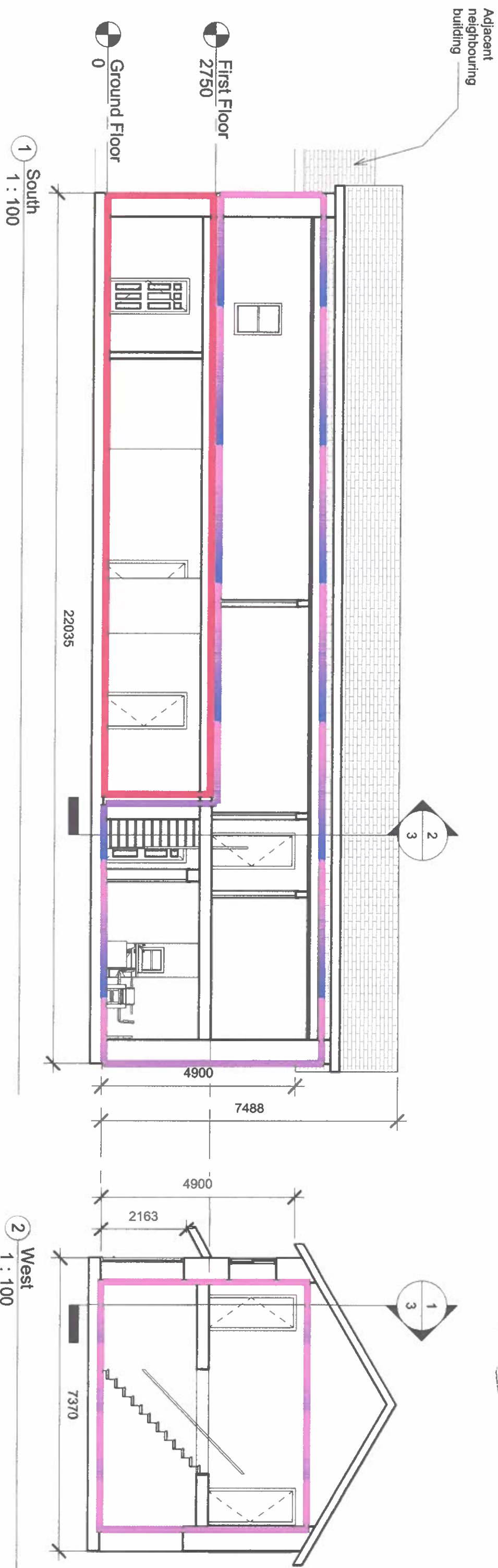
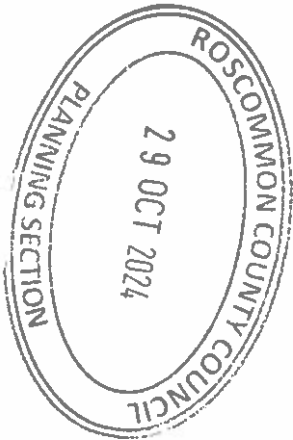




No.	Description	Date
1.0	Sheet Created	27/10/2024

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www.autodesk.com/revit			Main Street, Athleague	
CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE	
			Existing Elevations	

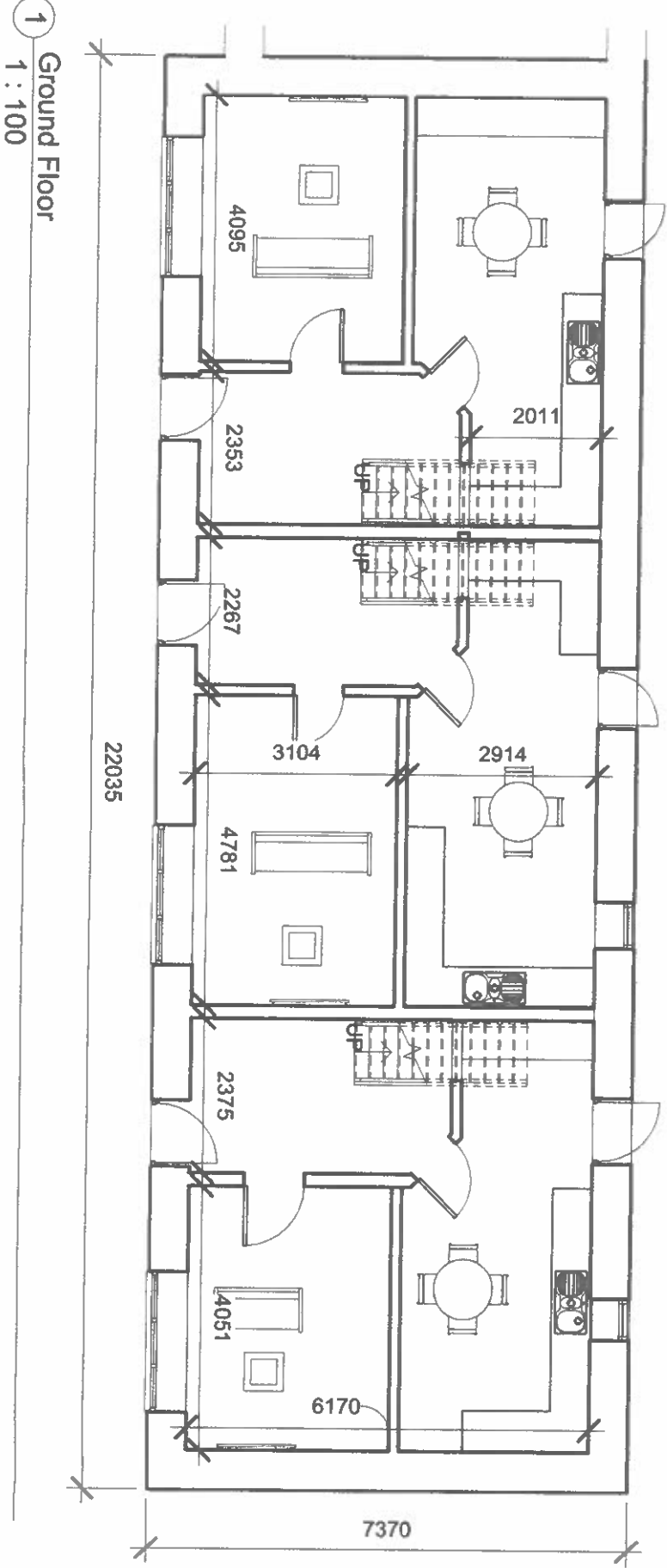
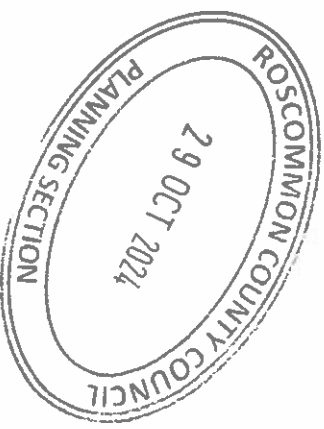
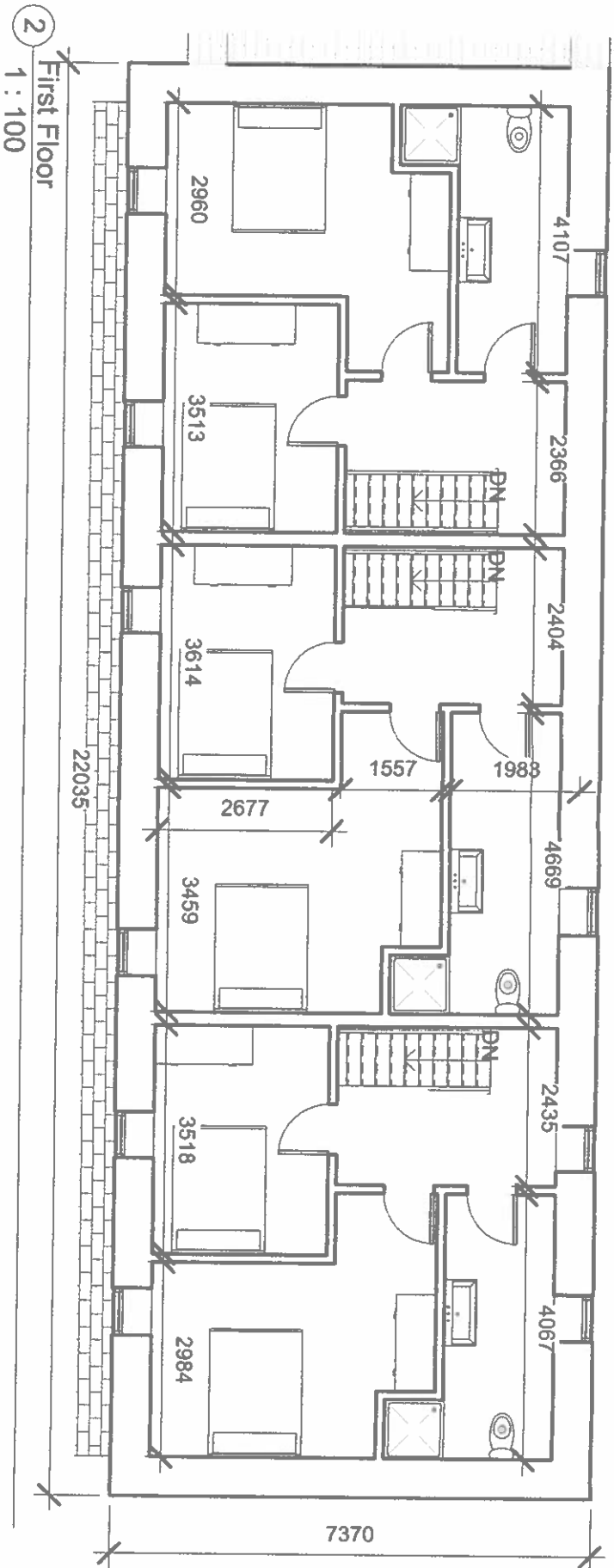
CLIENT		MCN Property	
Date	27/10/2024	Project number	1
Drawn by		Scale (@ A3)	1 : 100
Checked by		DRAWING NUMBER	2
		REV	1.0



- ☐ Use as public house
- ☐ Residential use

No.	Description	Date
1.0	Sheet Created	27/10/2024

			PROJECT	
www.autodesk.com/revit			Main Street, Athleague	
CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE	
			Existing Sections	
CLIENT			MCN Property	
Date			27/10/2024	
Drawn by			1	
Checked by			3	
Project number			1	
Scale (@ A3)			1 : 100	
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No.	Description	Date
1.0	Document Created	27/10/2024



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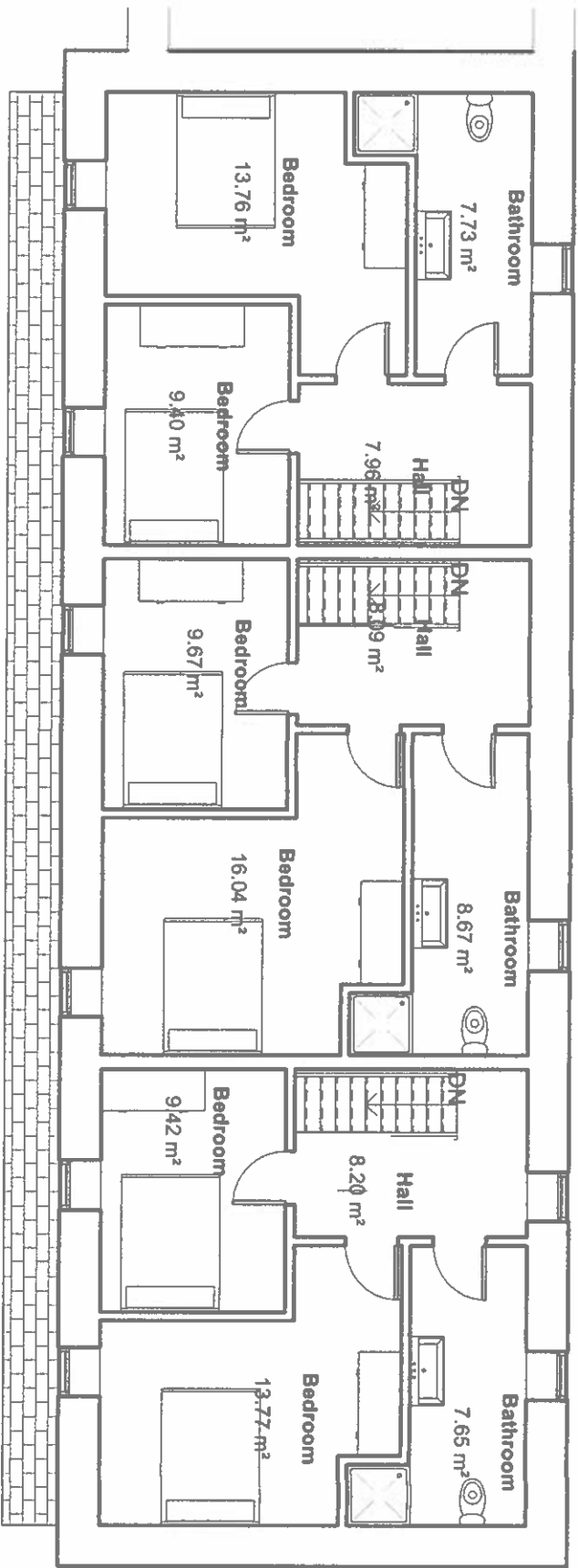
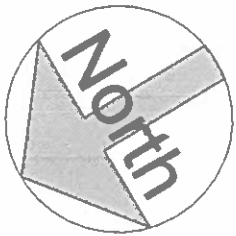
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PROJECT  
Main Street, Athleague

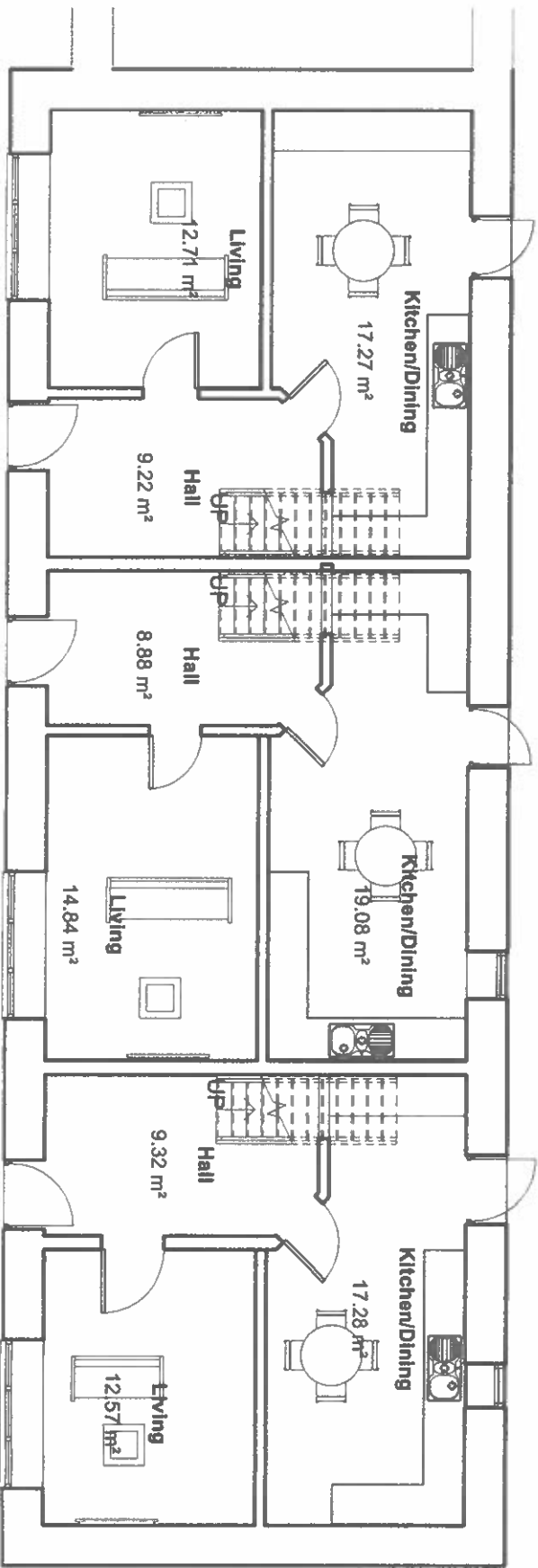
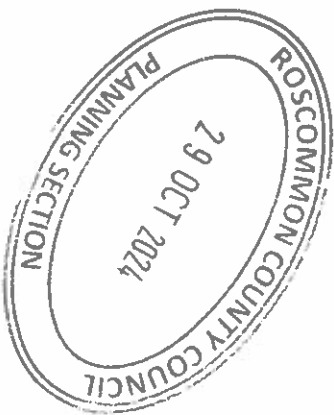
SHEET  
Proposed Floor Plan

CLIENT  
MCN Property

Date	27/10/2024	Project number	1	Scale (@ A3)	1 : 100
Drawn by		DRAWING NUMBER		REV	1.0
Checked by					



1 First Floor  
1 : 100



2 Ground Floor  
1 : 100

No.	Description	Date
1.0	Document Created	27/10/2024

www.autodesk.com/revit

CODESTATUSSUITABILITY DESCRIPTIONPURPOSE OF ISSUE

PROJECTMain Street, Athleague

SHEETProposed Floor Area Plan

CLIENTMCN Property

Date27/10/2024

Drawn by

Checked by

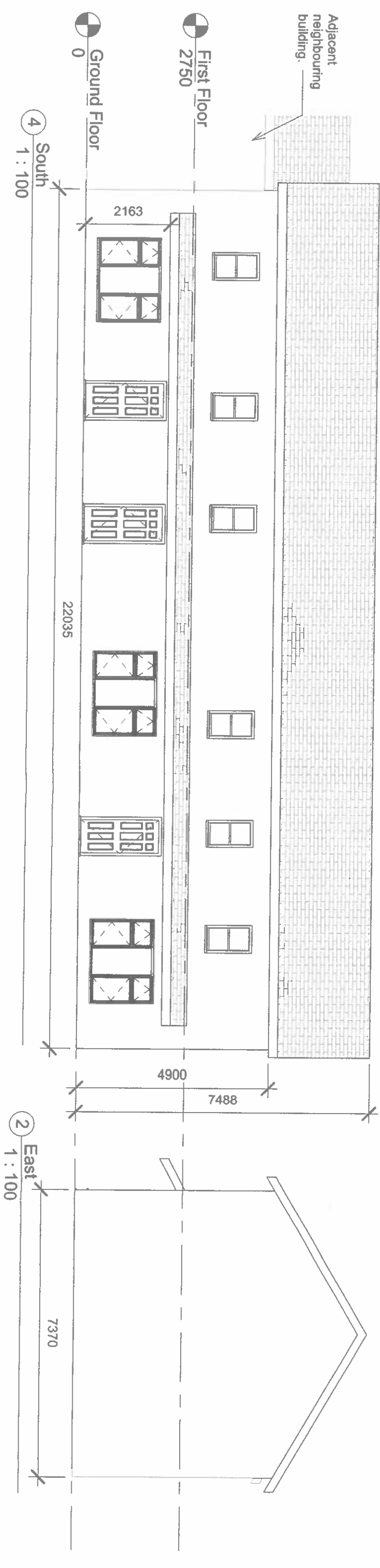
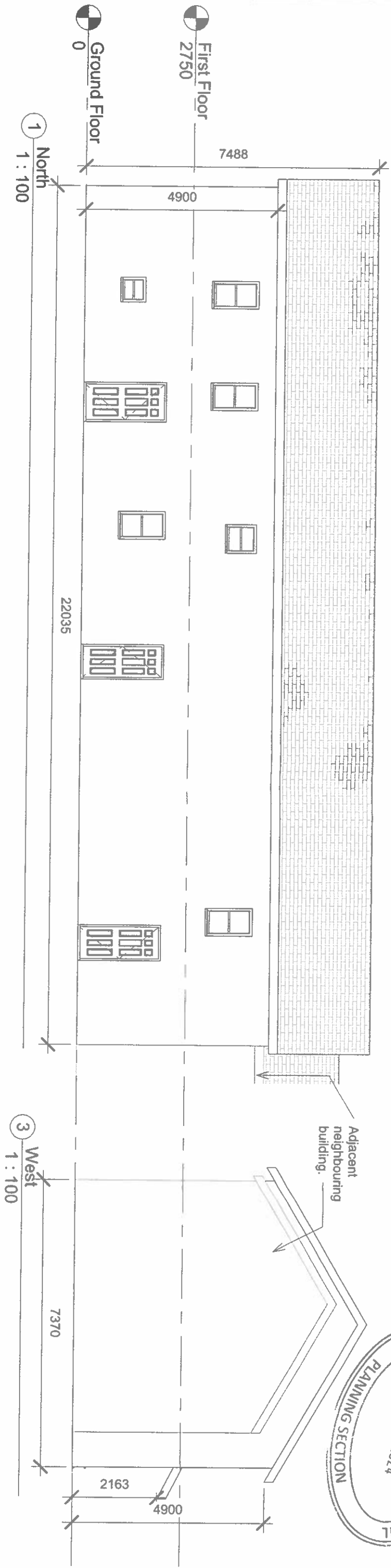
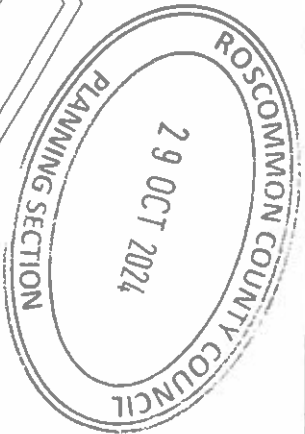
Project number1

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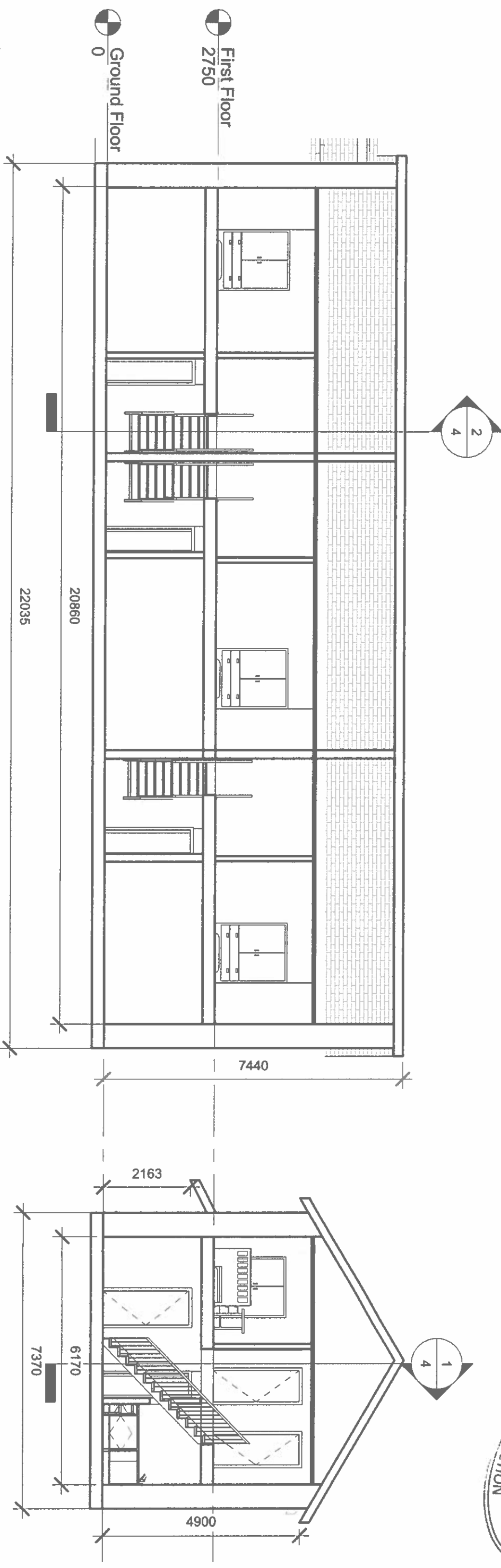
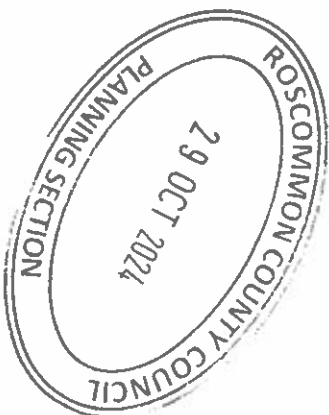




No.	Description	Date
1.0	Document Created	27/10/2024

CODE			STATUS			SUITABILITY DESCRIPTION			PURPOSE OF ISSUE		

PROJECT			CLIENT		
Main Street, Athleague			MCN Property		
SHEET			Date		
Proposed Elevations			27/10/2024		
			Drawn by		
			Checked by		
			Project number		
			1		
			Scale (@ A3)		
			1 : 100		
			DRAWING NUMBER		
			3		
			REV		
			1.0		



1 South 1 : 100

2 West 1 : 100

No.	Description	Date
1.0	Document Created	27/10/2024

			PROJECT	
www.autodesk.com/revit			Main Street, Athleague	
CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE	
			Proposed Sections	

CLIENT		MCN Property	
Date	27/10/2024	Project number	1
Drawn by		Scale (@ A3)	1 : 100
Checked by		DRAWING NUMBER	4
		REV	1.0