

ROSCOMMON COUNTY COUNCIL

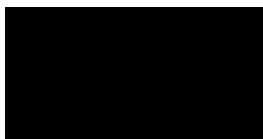
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

James Walsh,



Reference Number: DED 839
Application Received: 6th February, 2025
Name of Applicant: James Walsh
Agent: J.A. Gorman Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the conversion of an existing derelict Public House to ground floor apartment with alterations to existing 1st floor apartments at The Rooster Bar, Church Street, Roscommon, 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, 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.
- (d) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:
development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (c) The proposed change of use falls within the provisions of Article 10(6) of the Planning and Development Regulations 2001, as amended.
- (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 convert an existing derelict Public House to ground floor apartment with alterations to existing 1st floor apartments at The Rooster Bar, Church Street, Roscommon, Co. Roscommon, is development that is **exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:



Brian Farragher
A/Senior Planner,
Planning.

Date: 1st April, 2025

cc agent via email: J.A. Gorman Consulting Engineers Ltd
info@jagorman.ie

ADVICE NOTE

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

Carmel Curley

From: Carmel Curley
Sent: Thursday 3 April 2025 12:10
To: info@jagorman.ie
Subject: DED 839 - James Walsh
Attachments: DED 839 - Notification of Decision.pdf

Good afternoon,

Please find attached Notification of Decision for DED Application 839 for James Walsh.

Regards,

Carmel

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

☎: (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 839 |
| Re: | Permission to convert an existing derelict public house to ground floor apartment with alterations to existing 1 st floor apartments under the Planning and Development Act (Exempted Development) Regulations 2018 |
| Name of Applicant: | James Walsh |
| Location of Development: | The Rooster Bar, Church Street, Roscommon, Co. Roscommon |
| Site Visit: | 06/03/2025 |

WHEREAS a question has arisen as to whether the following works to convert an existing derelict public house to ground floor apartment with alterations to existing 1st floor apartments 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

Site Location & Development Description

The site is located on Church Street, Roscommon, Co. Roscommon. The proposed development is located in the Rooster bar which is a vacant pub on the ground floor and an apartment on the first floor. The proposed development consists of converting the downstairs pub into an apartment and alterations to the first floor apartment.

Archaeological and Cultural Heritage

The site is located within the Roscommon Architectural Conservation Area and the archaeological zone of notification, R184453.

Appropriate Assessment

The closest European site to the proposed development is Lough Ree SAC (Site Code: 000440) which is located circa 3.9km to the east 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

or these or other European sites arising from the proposed development. The need for further Appropriate Assessment can, therefore, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history has been traced to the proposed site.

PP 4670: Occurred on 7th January 2025 where the applicant was advised to consider Article 10(6) of the Planning and Development Regulations 2001 (as amended), and if any material changes to occur to the exterior of the building would de-exempt the proposed change of use.

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.

Article 6 (1)

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

Article 9 (1) applies;

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

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

Article 10 (6)

(a) In this sub-article—

“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).

Planning Assessment

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

The proposal includes making interior alterations to derelict public house to convert it to a ground floor apartment and alterations to the existing first floor apartment. These works have been considered in the context of Section 4 (1)(h) of the Act, which consists of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. From review of the existing the existing vs the proposed drawings provided there appears to be no alterations proposed to the existing front elevation.

Further Information has been received which states that the first floor apartment has been vacant since approximately 2014, therefore the change of use falls within the provisions of Article 10(6) of the Planning and Development Regulations 2001, as amended.

Further information received by the Planning Authority indicates that the applicant is not proposing to provide private car parking for the residents of the new units however there are a number of public car parks in the vicinity which are deemed acceptable.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; to convert an existing derelict public house to ground floor apartment with alterations to existing 1st floor apartments as outlined above at The Rooster Bar, Church Street, Roscommon, 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.
- (d) The planning history of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

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

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

AND WHEREAS I have concluded that the said to convert an existing derelict public house to ground floor apartment with alterations to existing 1st floor apartments as outlined above at The Rooster Bar, Church Street, Roscommon, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Smith O'Grady

Graduate Planner

Date: 1st April 2025

Signed:

B. J. [Signature]

A/Senior Planner

Date: 1st April 2025

Carmel Curley

From: Patryk Kupferschmidt <patryk@jagorman.ie>
Sent: Tuesday 1 April 2025 09:40
To: Carmel Curley
Subject: RE: DED839 - James Walsh
Attachments: James Walsh - DED 839 Further Information Letter Response.pdf

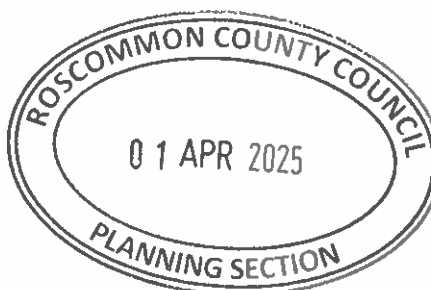
Hi Carmel,

Please see attached response letter to the FI for DED application 839 for James Walsh.

Please let me know if you need anything else or if there are any further queries.

Many thanks,
Patryk

From: Carmel Curley <CCurley@roscommoncoco.ie>
Sent: Wednesday, March 12, 2025 4:23:18 PM
To: Info emails <Infoemails@jagorman.ie>
Subject: DED839 - James Walsh



A Chara,

Please find attached Request for Further Information for DED Application 839 submitted for James Walsh. Please note that a hard copy will be issued to the applicant.

Regards,

Carmel

**Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100**

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION



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Aras an Chontae,
Roscommon,
County Roscommon.
F42 VR98

26th March 2025

Reference Number: DED 839

Development: Proposed conversion of an existing derelict public house to a ground floor apartment with alterations to existing 1st floor apartment at The Rooster Bar, Church St, Roscommon, Co. Roscommon.

To Whom it Concerns,

Please see our response below to the Additional Information requested on the 6th March 2025.

1. Clarify the period of time for which the first floor of the building subject of this Section 5 Declaration request has been vacant.

It has been clarified by the applicant (owner of the premises) that the first floor of the building has been vacant since approximately 2014 when the public house stopped trading.

2. Clarify where parking will be provided for the residents of the proposed 2no. units.

For clarification purposes, I have attached on the next page a sketch which highlights some parking in the vicinity of our client's site. This is the parking we propose for the residents of the new units.

If you have any queries regarding the above revised information, please do not hesitate to contact our office.

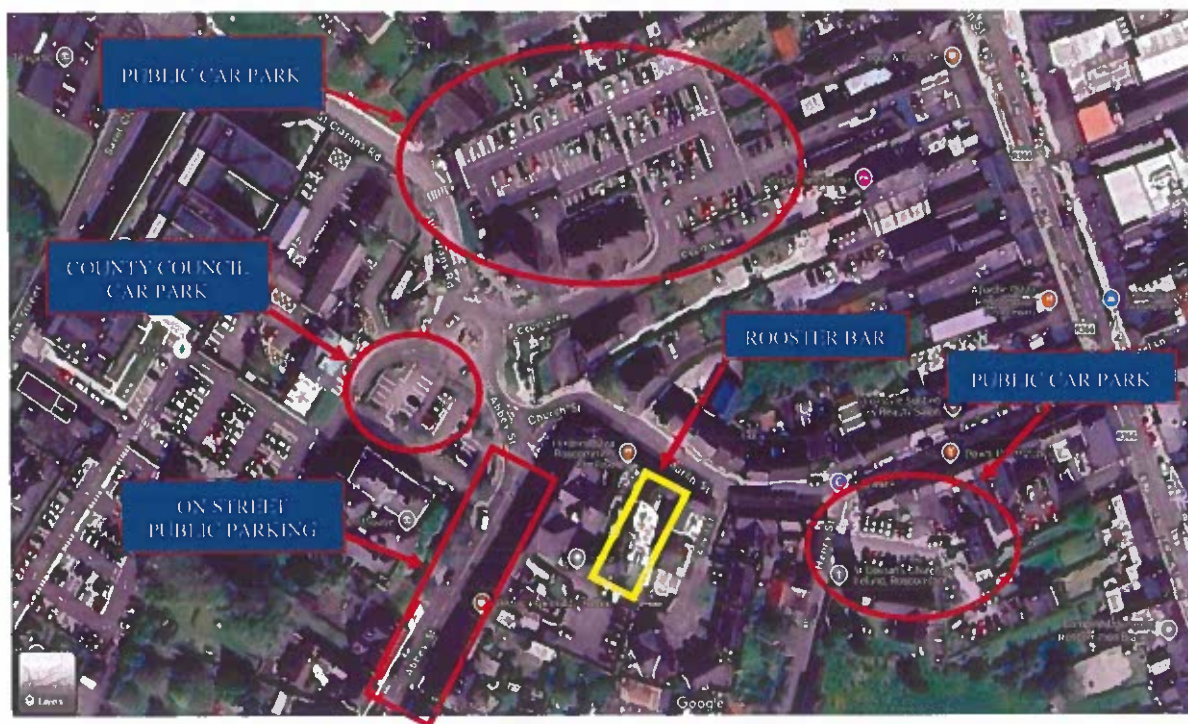
Yours sincerely,

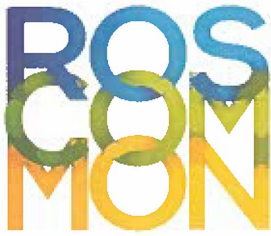
Signed: PATRYK KUPFERSCHMIDT

Patryk Kupferschmidt.
On behalf of,
J.A. Gorman Consulting Engineers Ltd



Proposed public parking in the area





Comhairle Contae
Ros Comáin
Roscommon
County Council



James Walsh,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date: 12th March, 2025
Reference: DED 839

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 conversion of an existing derelict Public House to ground floor apartment with alterations to existing 1st floor apartments at The Rooster Bar, Church Street, Roscommon, Co. Roscommon, is or is not development and is or is not exempted development.

A Chara,

Further to your application received on the 6th February, 2025 and in order for the Planning Authority to determine as to whether the conversion of an existing derelict Public House to ground floor apartment with alterations to existing 1st floor apartments at the above address is or is not development and is or is not exempted development, you are requested to submit the following further information:

1. Clarify the period of time for which the first floor of the building subject of this Section 5 Declaration request has been vacant.
2. Clarify where parking will be provided for the residents of the proposed 2no. units

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 839**

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

Mise le meas,

Alan O'Connell,
Senior Executive Planner,
Planning.

cc agent via email: J.A. Gorman Consulting Engineers Ltd
info@jagorman.ie

Carmel Curley

From: Carmel Curley
Sent: Wednesday 12 March 2025 16:23
To: info@jagorman.ie
Subject: DED839 - James Walsh
Attachments: DED839 - FI Request Letter.pdf

A Chara,

Please find attached Request for Further Information for DED Application 839 submitted for James Walsh. Please note that a hard copy will be issued to the applicant.

Regards,

Carmel

**Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (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 839 |
| Re: | Permission to convert an existing derelict public house to ground floor apartment with alterations to existing 1 st floor apartments under the Planning and Development Act (Exempted Development) Regulations 2018 |
| Name of Applicant: | James Walsh |
| Location of Development: | The Rooster Bar, Church Street, Roscommon, Co. Roscommon |
| Site Visit: | 06/03/2025 |

WHEREAS a question has arisen as to whether the following works to convert an existing derelict public house to ground floor apartment with alterations to existing 1st floor apartments 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

Site Location & Development Description

The site is located on Church Street, Roscommon, Co. Roscommon. The proposed development is located in the Rooster bar which has a vacant public house on the ground floor and an apartment on the first floor. The proposed development consists of converting the downstairs public house into an apartment and alterations to the first floor apartment.

Archaeological and Cultural Heritage

The site is located within the Roscommon Architectural Conservation Area and the archaeological zone of notification, R184453.

Appropriate Assessment

The closest European site to the proposed development is Lough Ree SAC (Site Code: 000440) which is located circa 3.9km to the east of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives

of these or other European sites arising from the proposed development. The need for further Appropriate Assessment can, therefore, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history has been traced to the proposed site.

PP 4670: Occurred on 7th January 2025 where the applicant was advised to consider Article 10(6) of the Planning and Development Regulations 2001 (as amended), and if any material changes to occur to the exterior of the building would de-exempt the proposed change of use.

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

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,

Article 10 (6)

(a) In this sub-article—

“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).

Initial Planning Assessment

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

The proposal includes making interior alterations to derelict public house to convert it to a ground floor apartment and alterations to the existing first floor apartment. These works have been considered in the context of Section 4 (1)(h) of the Act, which consists of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. From review of the existing the existing vs the proposed drawings provided there appears to be no alterations proposed to the existing front elevation.

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 this building into 2 separate residential units, the ground floor public house is proposed to be converted into a 1 bedroom apartment and the first floor apartment will remain as a 2 bedroom apartment. It would appear from a site inspection on the 6th March 2025 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 2 no. 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 the following further information

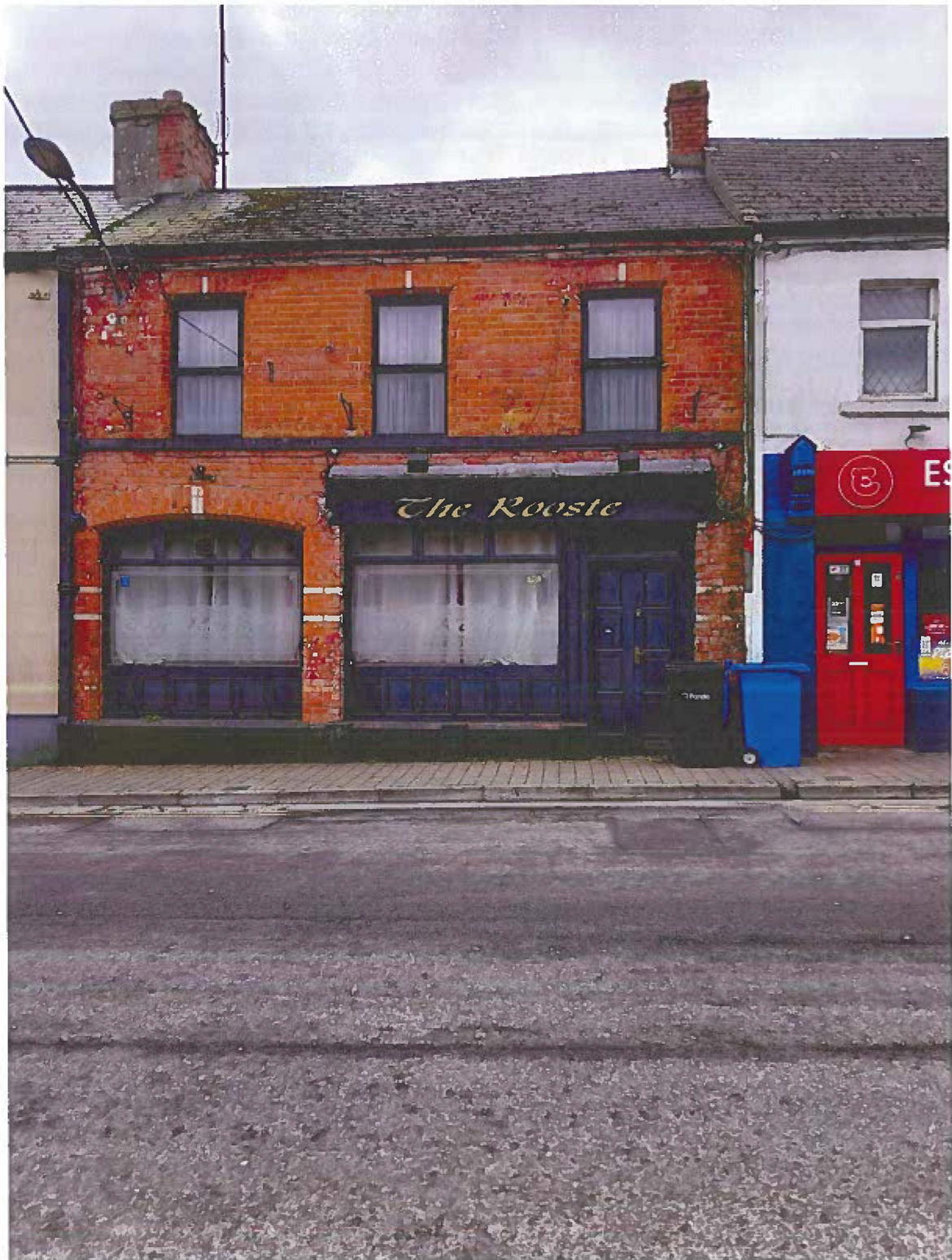
1. Clarify the period of time for which the first floor of the building subject of this Section 5 Declaration request has been vacant.
2. Clarify where parking will be provided for the residents of the proposed 2no. units.

Signed: 
Graduate Planner

Date: 10th March 2025


Signed:
Senior Executive Planner

Date: 11th March 2025







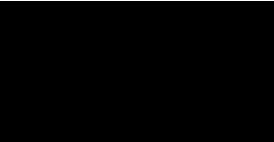




Comhairle Contae
Ros Comáin
Roscommon
County Council



James Walsh,



Date: 11th February, 2025

Planning Reference: DED 839

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

Development: Permission to convert an existing derelict public house to ground floor apartment with alterations to existing 1st floor apartments under the Planning & Development Act (Exempt Development) Regulations 2018 at The Rooster Bar, Church Street, Roscommon, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 6th February, 2025, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00, Receipt No. **L01/0/232950** dated 7th February, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 839**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner
Planning Department.

cc agent via email: **J.A. Gorman Consulting Engineers Ltd**
info@jagorman.ie

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

07/02/2025 12:53:21

Receipt No. L01/0/232950

JAMES WALSH

PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable
DED839

Total 80 00 EUR

Tendered :
Credit/Debit Card 80 00
3771

Change 0 00

Issued By : Bernadine Duignan
From : Central Cash Office



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

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

| | |
|---|--|
| Name of Applicant(s) | James Walsh |
| Name of Agent | Joe Gorman - J.A.Gorman Consulting Engineers |
| Nature of Proposed Works | The proposed development consists of conversion of an existing derelict public house to ground floor apartment with alterations to existing 1st floor apartment. |
| Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No. | The Rooster Bar, Church Street, Roscommon, Co. Roscommon, F42 WY07 |
| Floor Area: a) Existing Structure b) Proposed Structure | a) 245.00m.sq b) 171.25m.sq |
| Height above ground level: | 7.625m |
| Total area of private open space remaining after completion of this development | 27m.sq |
| Roofing Material (Slates, Tiles, other) (Specify) | Slates (existing) |

Roscommon County Council

Application for a Declaration under Section 5 of the

| | |
|--|---|
| Proposed external walling (plaster, stonework, brick or other finish, giving colour) | Existing red bricks to remain to front elevation |
| Is proposed works located at front/rear/side of existing house. | N/a - Internal Alterations |
| Has an application been made previously for this site | No |
| If yes give ref. number (include full details of existing extension, if any) | N/a |
| Existing use of land or structure | Existing derelict public house with living unit on first floor. |
| Proposed use of land or structure | Residential Development |
| Distance of proposed building line from edge of roadway | 1.70m (Existing & unchanged) |
| Does the proposed development involve the provision of a piped water supply | Yes - Existing |
| Does the proposed development involve the provision of sanitary facilities | Yes - 1 No. New Bathroom for unit 2 & Refurbishment of 1 No. Existing Bathroom in unit 1. |

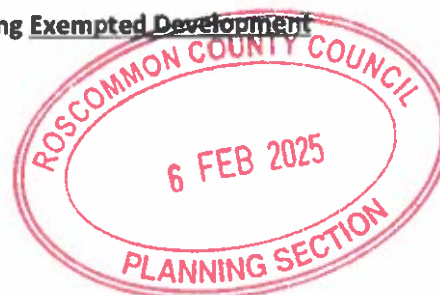
Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature: _____

Date: _____

[Signature]

6/2/25



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

Planning Pack Map



CENTRE COORDINATES:
ITM 587300.764391

PUBLISHED:
21/11/2024

ORDER NO.:
50435601_1

MAP SHEETS:
1:1,000 2550-05
1:1,000 2550-10

COMPILED AND PUBLISHED BY:
Taithe Éireann,
Phoenix Park,
Dublin 8,
Ireland
D08F6E4

www.taithe.ie

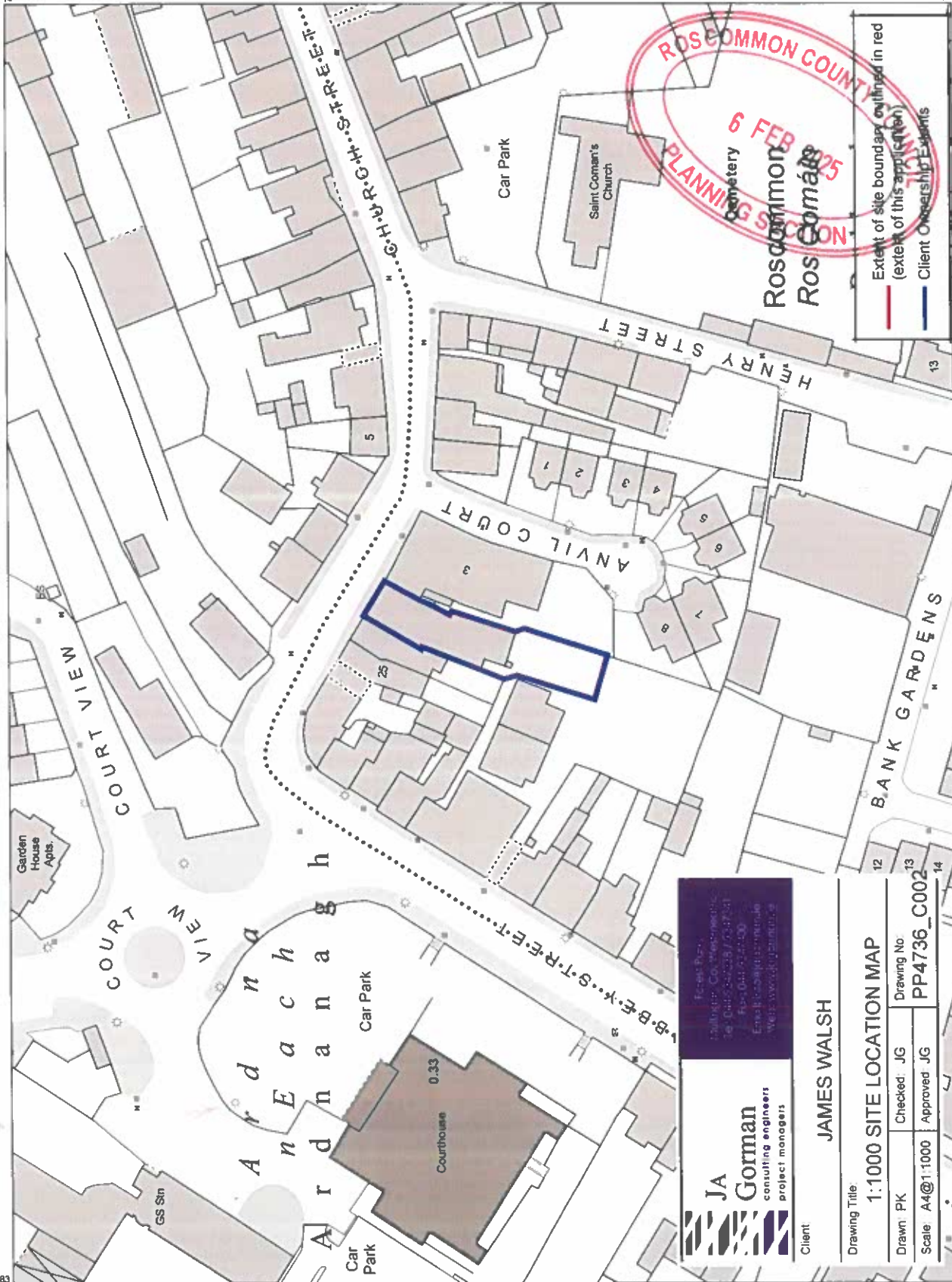
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LEGEND:
To view the legend visit www.taithe.ie and search for 'Large Scale Legend'

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured
Output scale is not indicative of data capture scale
Further information is available at: www.taithe.ie search 'Capture Resolution'

OUTPUT SCALE: 1:1,000

0 10 20 30 40 Metres
0 20 40 60 80 100 Feet

Client
JAMES WALSH

Drawing Title
1:1000 SITE LOCATION MAP

| | | |
|------------------|--------------|-------------------------|
| Drawn: PK | Checked: JG | Drawing No: PP4736_C002 |
| Scale: A4@1:1000 | Approved: JG | |

- LEGEND**
- APPLICATION BOUNDARY
- PROPOSED REFURBISHMENT

[illegible]

PLANNING



Ernest Park
 Challenge Co. & Associates
 Tel: 041 934 7338 / 9347343
 Fax: 041 934 7470
 Email: info@epchallenge.co
 Web: www.epchallenge.co



JAMES WALSH

PROJECT TITLE

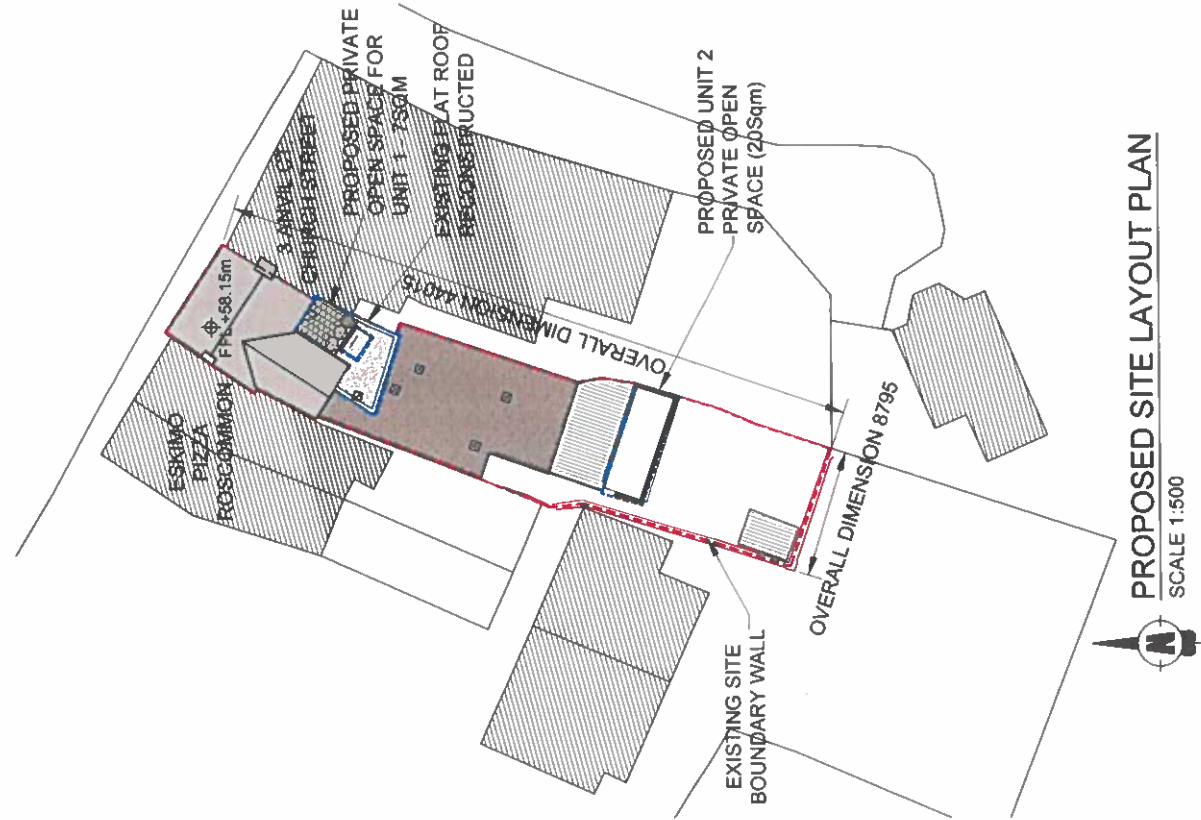
PROPOSED RESIDENTIAL DEVELOPMENT
AT THE ROOSTER BAR
CHURCH ST, ROSCOMMON

[illegible]

EXISTING AND PROPOSED SITE LAYOUT PLANS

| | | | |
|-------------------|--------------------|--------------------------|------------------|
| APPROVED BY JG | PROJECT No 4672 | DRAWING No P4672-C003 | CHECKED BY JG |
|-------------------|--------------------|--------------------------|------------------|

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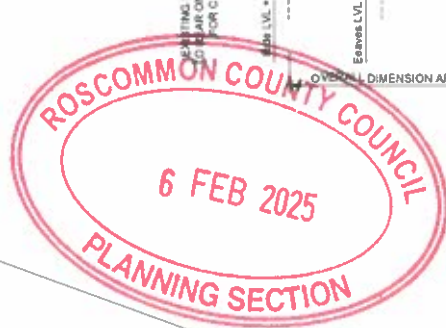


PROPOSED SITE LAYOUT PLAN
SCALE 1:500

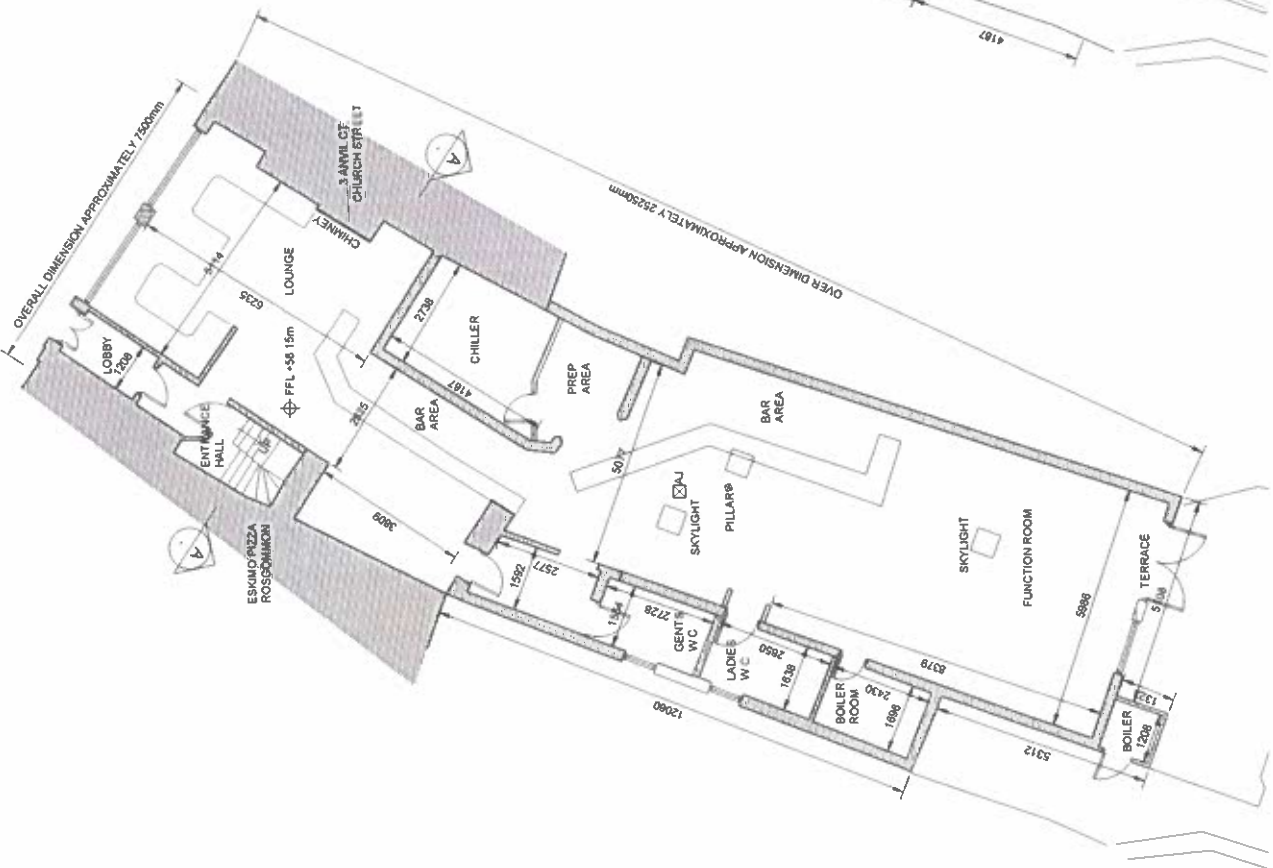
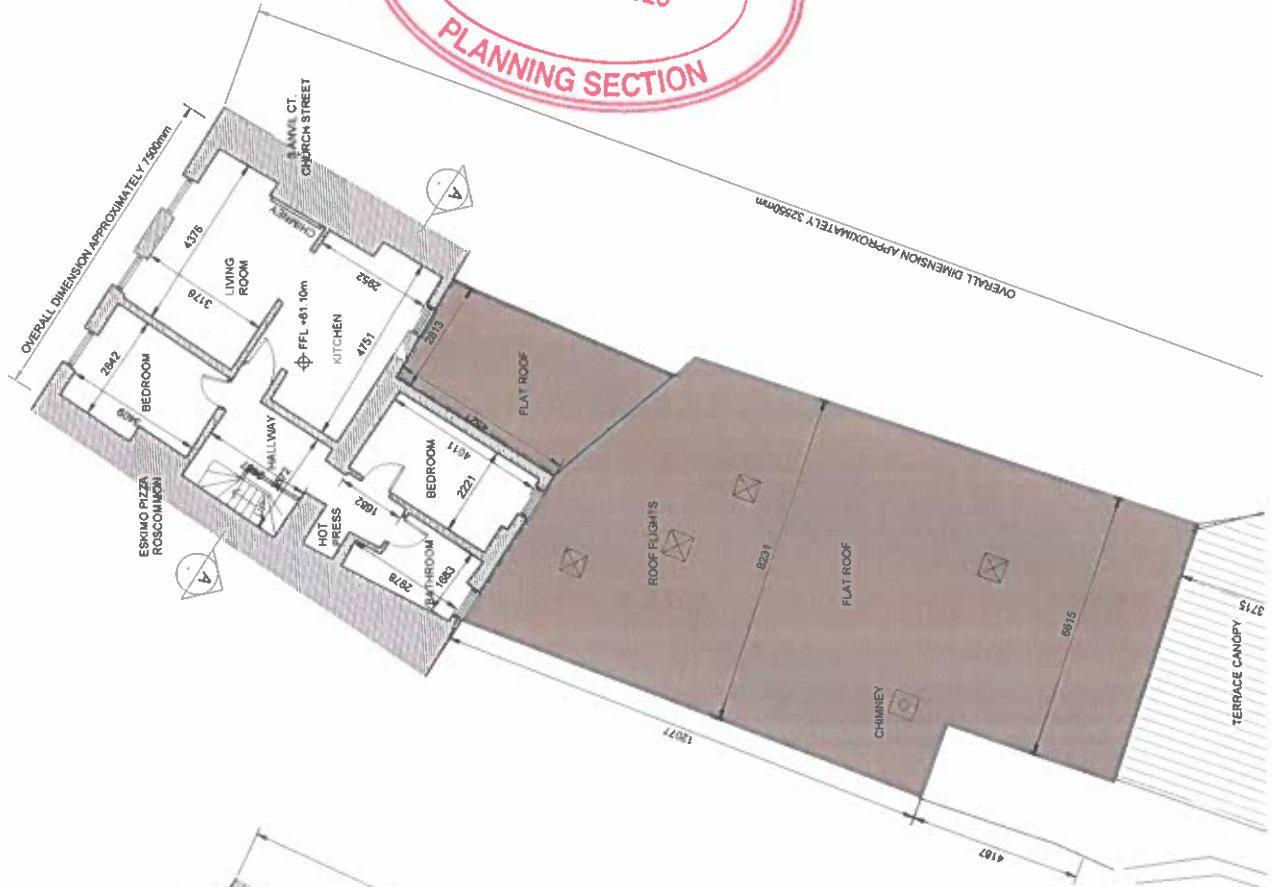


EXISTING SITE LAYOUT PLAN
SCALE 1:500

Ride LVL +7.6;
 Eaves LVL +5;
 1st Floor LVL +2;
 Ground FFL +0
 OVERALL DIMENSION APPROXIMATELY 7625mm

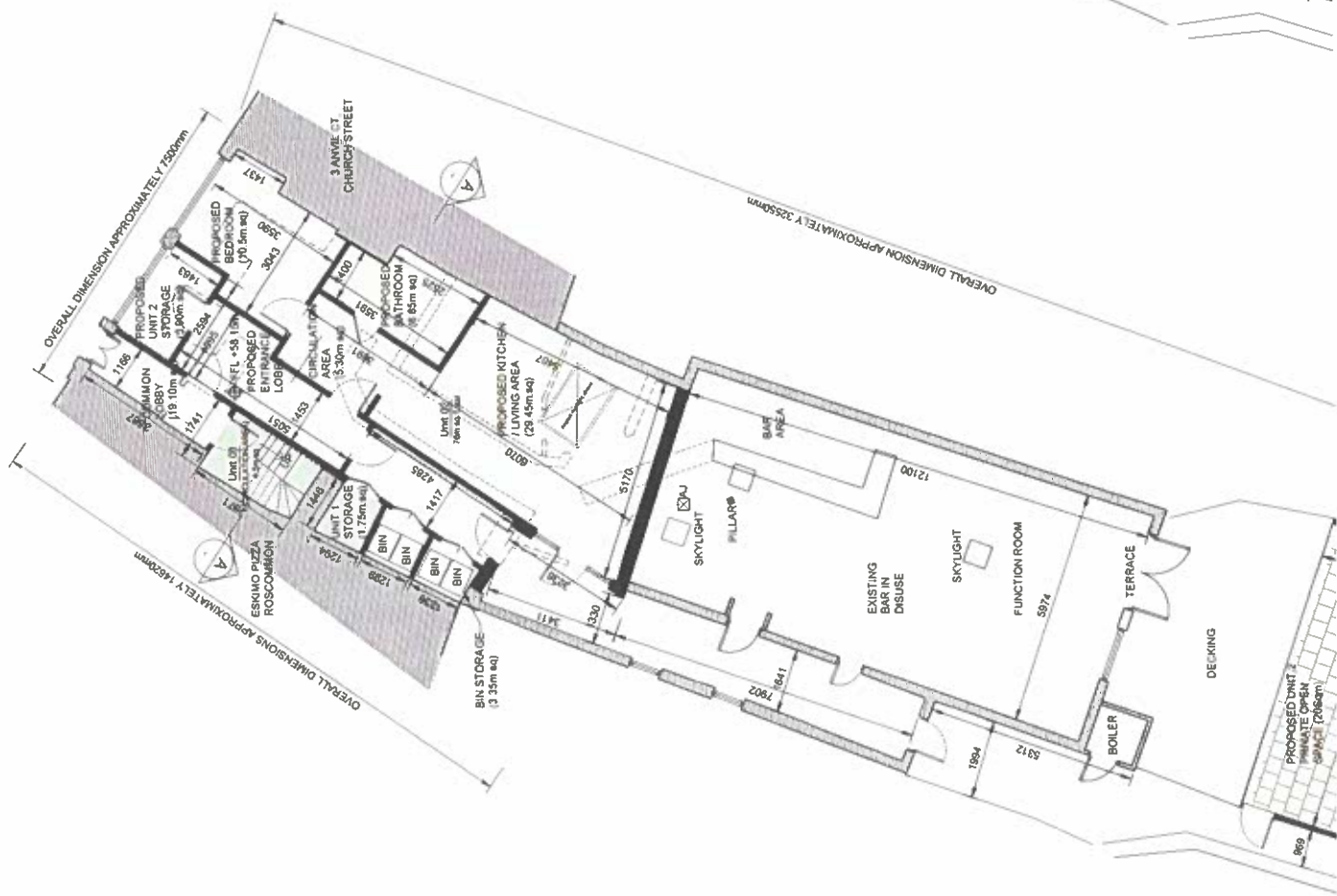
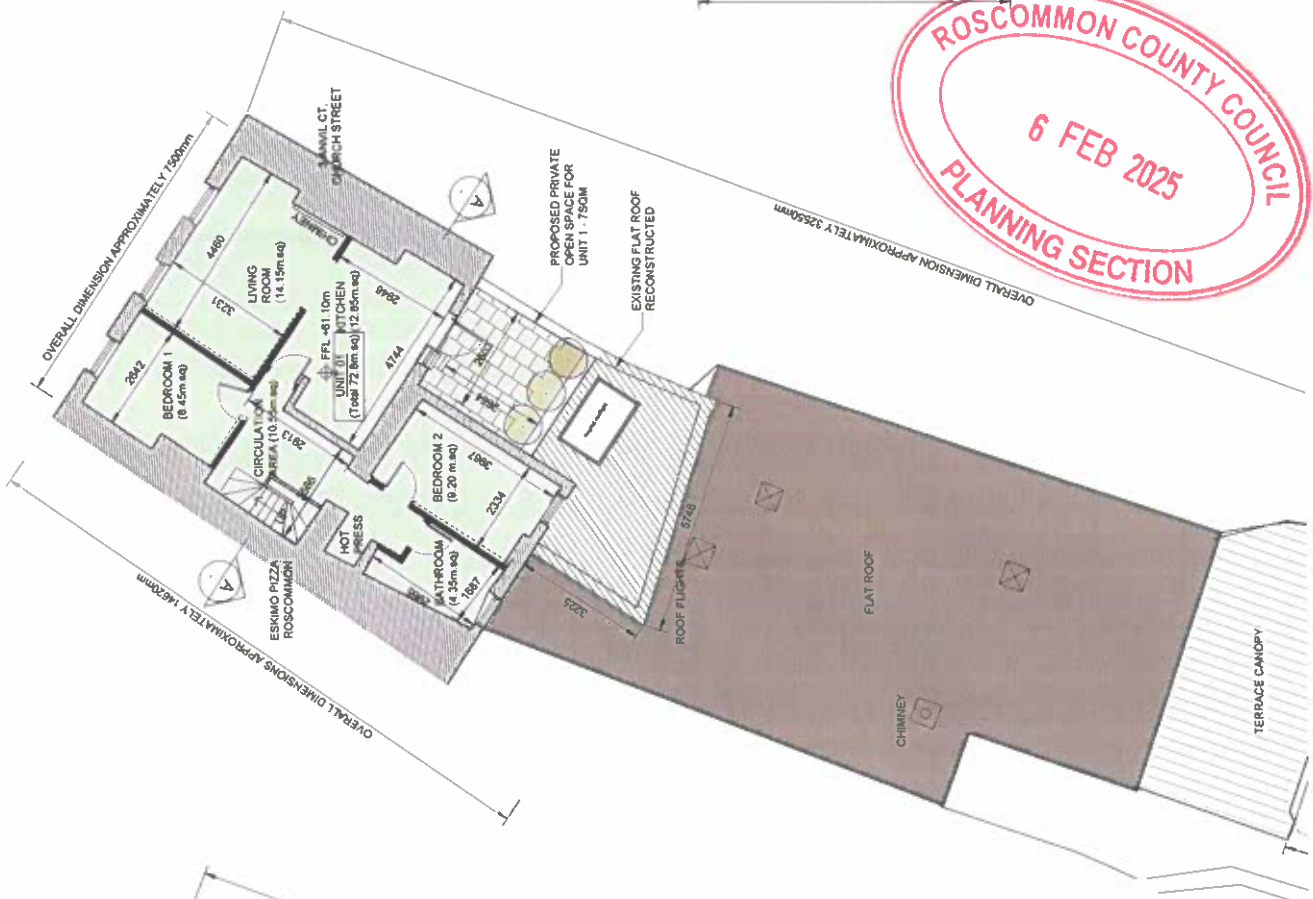


OVERALL DIMENSION APPROXIMATELY 7625mm
 Eaves LVL
 1st Floor LVL
 Ground FFL



OVERALL DIMENSION APPROXIMATELY 7825mm

OVERALL DIMENSION APPROXIMATELY 7325mm



Note - On receipt of a revised drawing the previous version is superseded and should be withdrawn from use



Áras an Chontae,
Roscommon,
County Roscommon,
F42 VR98

06.02.25

Re: Proposed conversion of an existing derelict public house to a ground floor apartment with alterations to existing 1st floor apartment at The Rooster Bar, Church St, Roscommon, Co. Roscommon.

To Whom it concerns,

Please find attached application form for a declaration under section 5 of the planning and development act 2000, regarding exempted development and relevant drawings and details relating to the above project.

If you have any queries regarding the above application please do not hesitate to contact our office.

Yours sincerely,

PATRYK KUPFERSCHMIDT

Patryk Kupferschmidt,

On behalf of,
J.A. Gorman Consulting Engineers Ltd.

Sharon Kelly

From: Patryk Kupferschmidt <patryk@jagorman.ie>
Sent: Thursday 6 February 2025 16:30
To: Planning Department
Cc: Joe Gorman
Subject: Application for a Declaration under Section 5
Attachments: declaration-under-section-5-application-form_Signed.pdf; P4736-C002.pdf; P4736-C003.pdf; P4736-A001.pdf; P4736-A002.pdf; 4672_Document Issue Sheet.pdf; Cover Letter.pdf

Dear Sir/Madam,

Please find attached application form for a declaration under section 5 along with the necessary documents requested as per the attached form.

Please let me know what is the best way to pay the €80 fee for this submission.

Let me know if you have any queries.

Many thanks,
Patryk

J.A. Gorman Consulting Engineers Ltd

Unit 1,
Block B,
Forest Park,
Mullingar,
Co. Westmeath.

Tel: 044-9347338
Fax: 044-9347400
E-mail: Patryk@jagorman.ie
Web: www.jagorman.ie



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