

An
Coimisiún
Pleanála

Commission Order
ABP-319063-24

Planning and Development Acts 2000 to 2022

Planning Authority: Roscommon County Council

Planning Register Reference Number: PD/23/32

Appeal by Pat McCrann care of Collinsboyd Engineers and Architects of Galway Road, Roscommon against the decision made on the 23rd day of January, 2024 by Roscommon County Council to refuse permission for the proposed development.

Proposed Development: (i) The demolition of two existing outbuildings along with, (ii) the demolition of existing pub building and ancillary sheds, neighbouring former shop and residential building together with existing cottage ruin walls, (iii) the construction of two number three bedroom townhouses, four number two bedroom townhouses and two number one bedroom apartments, (iv) the construction of a two storey café/restaurant unit, (v) along with new roadside openings onto Old Circular Road and Castle Street, ancillary parking, signage, green areas, connection to all services and all other associated site works at Cloonbrackna Townland, Castle Street, Roscommon, County Roscommon, as amended by the further public notices received by the planning authority on the 14th day of November, 2023.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Board made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended;
- Climate Action Plan 2024 and Climate Action Plan 2025,

Having regard to the zoning objective Outer Core and the provisions of the Roscommon Town Local Area Plan 2024-2030, and the scale and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th day of October 2023 and the 18th day of December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Site-Specific Flood Risk Assessment (SSFRA), shall be implemented.

Reason: To prevent flooding and in the interest of public health.

3. The proposed development shall be amended as follows:
 - (a) The stone cladding shall be removed from the front porch area of the dwelling houses fronting Castle Street.
 - (b) External doors to proposed dwelling units shall be hardwood painted timber.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
Roof colour shall be blue-black in colour only.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. (a) The internal street network serving the proposed development shall be two-way for motorised vehicles with access from Old Circular Road only. No vehicular access or egress is permitted from Castle Street. Access and junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Prior to commencement of the development, revised drawings, including parking layout and turning area, landscaping and lighting proposals for access lane to Castle Street shall be agreed in writing with the planning authority.
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations, Design Manual for Urban Roads and Streets measures and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (c) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points.

Reason: In the interests of amenity, sustainable transportation and of traffic and pedestrian safety.

6. The landscaping scheme shown on drawing number P102, as submitted to the planning authority on the 27th day of October, 2023 shall be carried out in full within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, proposals for landscaping the laneway shall be submitted to and agreed in writing with

the planning authority prior to commencement of the development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. The measures contained in the submitted Bat Survey Report shall be implemented. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. Drainage arrangements including the attenuation and disposal of surface water, protection during construction of existing sewer infrastructure on site, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and



are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

10. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.

11. (a) Prior to the commencement of development, the developer shall enter into connection agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and/or wastewater collection network.
- (b) Sewers that run through the site shall be adequately protected and separation distances provided to allow access and maintenance.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. If, during the course of site works any archaeological material is discovered, the planning advised that in this event that under the National Monuments Act, the National Monuments Service, Department

of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

13. Shopfront and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of the shopfront and signage. The signage shall be lit by external illumination only.

Reason: In the interest of visual amenity.

14. The proposed shopfront shall conform to the following requirements:
- (a) signage shall be restricted to a single fascia sign using sign writing or
comprising either hand-painted lettering or individual mounted lettering,
 - (b) lighting shall be by means of concealed neon tubing or by rear illumination,
 - (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission, and
 - (d) external roller shutters shall not be erected and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.

Reason: In the interest of the visual amenities of the area.

15. Public lighting shall be provided in accordance with a scheme acceptable to the planning authority. The scheme shall include lighting along pedestrian routes through the site. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

16. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of sustainable transport and safety.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of

construction/demolition waste.

Reason: In the interests of public safety and amenity.

19. The Waste Management Plan submitted with the planning application containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be implemented in full. Thereafter, the proposed waste facilities shall be maintained and waste shall be managed in accordance with the plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

21. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical

or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

22. The café shall operate within the hours of 0700 to 1800 Mondays to Fridays and 0800 to 1700 hours on Saturdays and Sundays unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

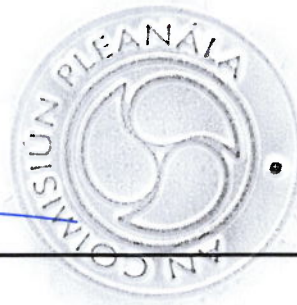

24. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has

been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 20th day of June 2025