



TIPPERARY COUNTY COUNCIL
07 NOV 2024
PLANNING SECTION
FILE NO. S5/24/132

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

**Application for a Section 5 Declaration
Development / Exempted Development**

1. Applicant's address/contact details:

Applicant	JOHN WALSH
Address	MAIN ST. BERRIDOLEIGH THURLES CO. TIPPERARY
Telephone No.	[REDACTED]
E-mail	

2. Agent's (if any) address:

Agent	JOHN CUMMINS
Address	KNOCKAKELLY BERRIDOLEIGH THURLES CO. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [<input checked="" type="checkbox"/>] Agent [<input type="checkbox"/>]	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	MAIN ST. BERRIDOLEIGH THURLES CO. TIPPERARY
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4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.

Place A window in Existing door + Proposed
Revised Front Entrance using existing
old Arch door previously used. The attached
Drawing show proposed changes.
Proposed floor area of proposed works/uses: n/a sqm

5. Legal Interest of Applicant in the Land or Structure:

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s) Sohn Wagh

Date:

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.

- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

	<u>DATE STAMP</u>
Fee Recd. € <u>80.00</u>	
Receipt No <u>NENAM/10/124237.</u>	
Date <u>8/11/2024</u>	
Received by _____	



Existing door ope with fanlight overhead from the internal. This was the original door on the building. This was used in the 1980's and is proposed to reopen this door as can be seen on the proposed front Elevation on the drawings submitted.

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The photo below shows just barely shows the original fan light over the Arch door. This shows the original position of the door in the 1980's, which is now a glass panel as it presently stands.



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FILE NO. S5724/132

ORDNANCE SURVEY IRELAND

Oct 2023

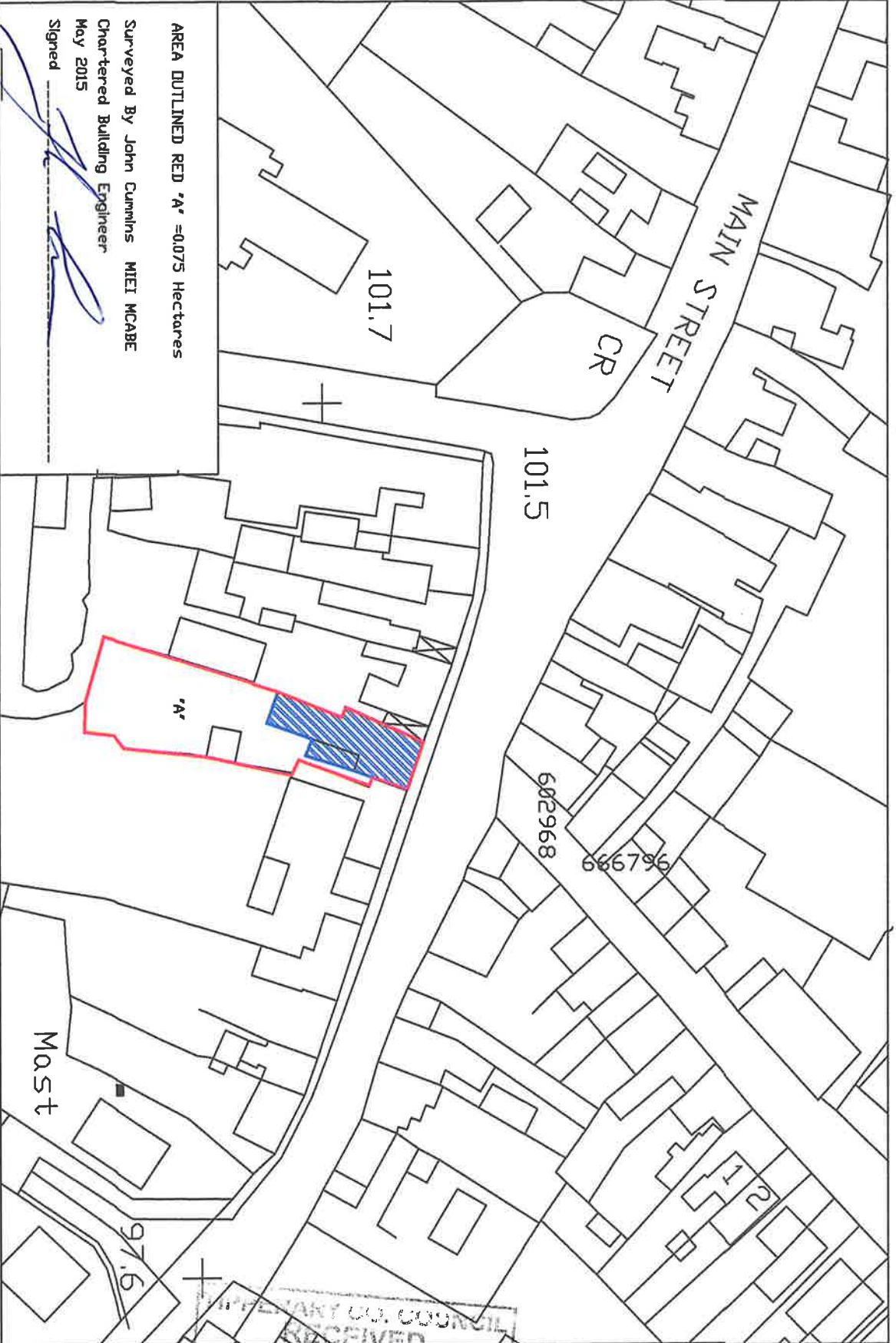
DIGITAL I.T.M. MAP

602817

666850

666850

603049



AREA OUTLINED RED 'A' = 0.075 Hectares

Surveyed By John Cummins MIEI MCABE
Chartered Building Engineer
May 2015
Signed _____

PRODUCED UNDER LICENCE FROM D. S. I.

D.S. No. 4514-D Scale 1/1000

602817

666697

603049

666697

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FILE NO. 55/24/132

John Cummins MIEI MCIQB MCABE
Chartered Building Engineer

Engineering Services

Borrisoleigh Thurles Co. Tipp

MOBILE. 087 2906635 E-MAIL info@jcengineering.ie

PROJECT: Existing sitelayout at Man St Borrisoleigh

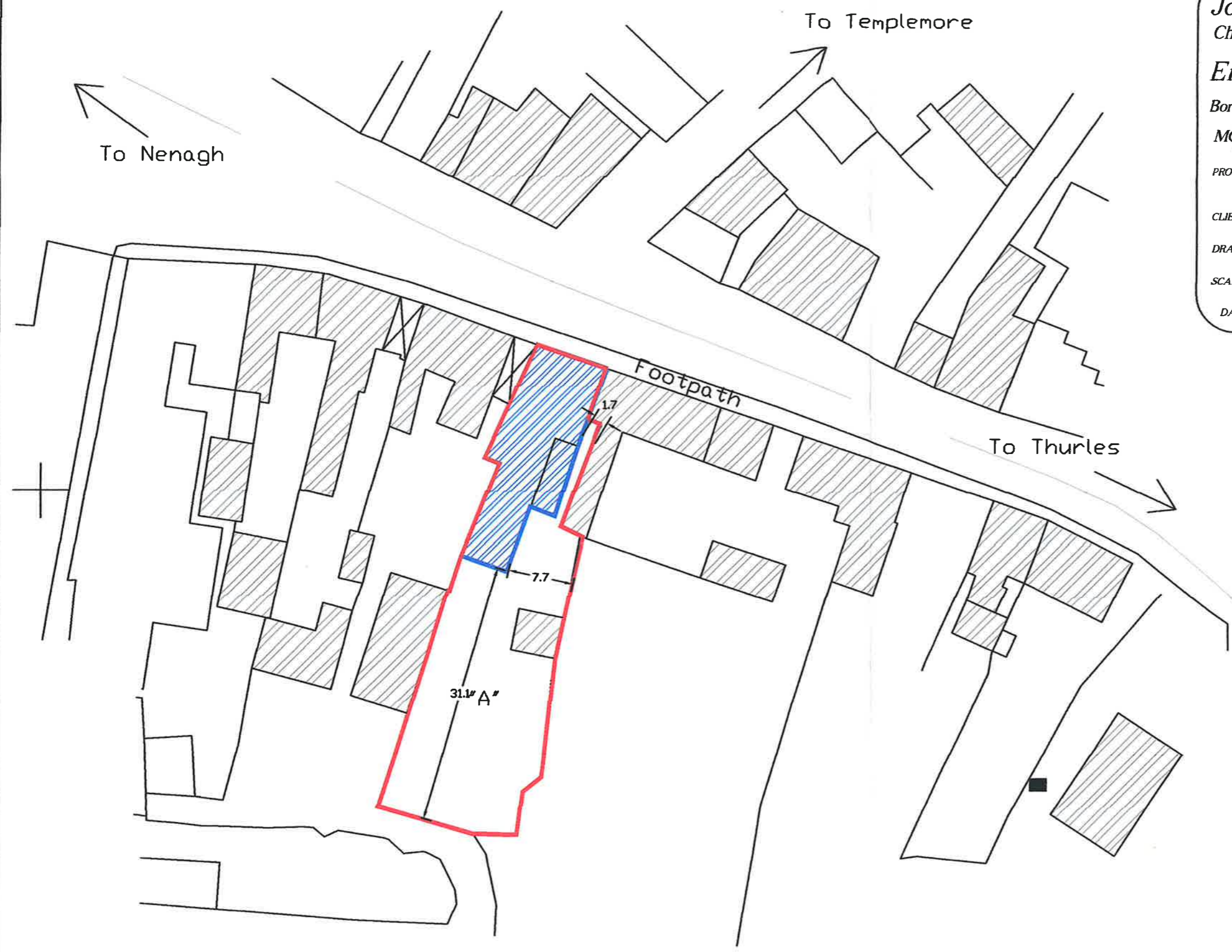
CLIENT: John Walsh

DRAWING: Site Layout

SCALE: 1:500

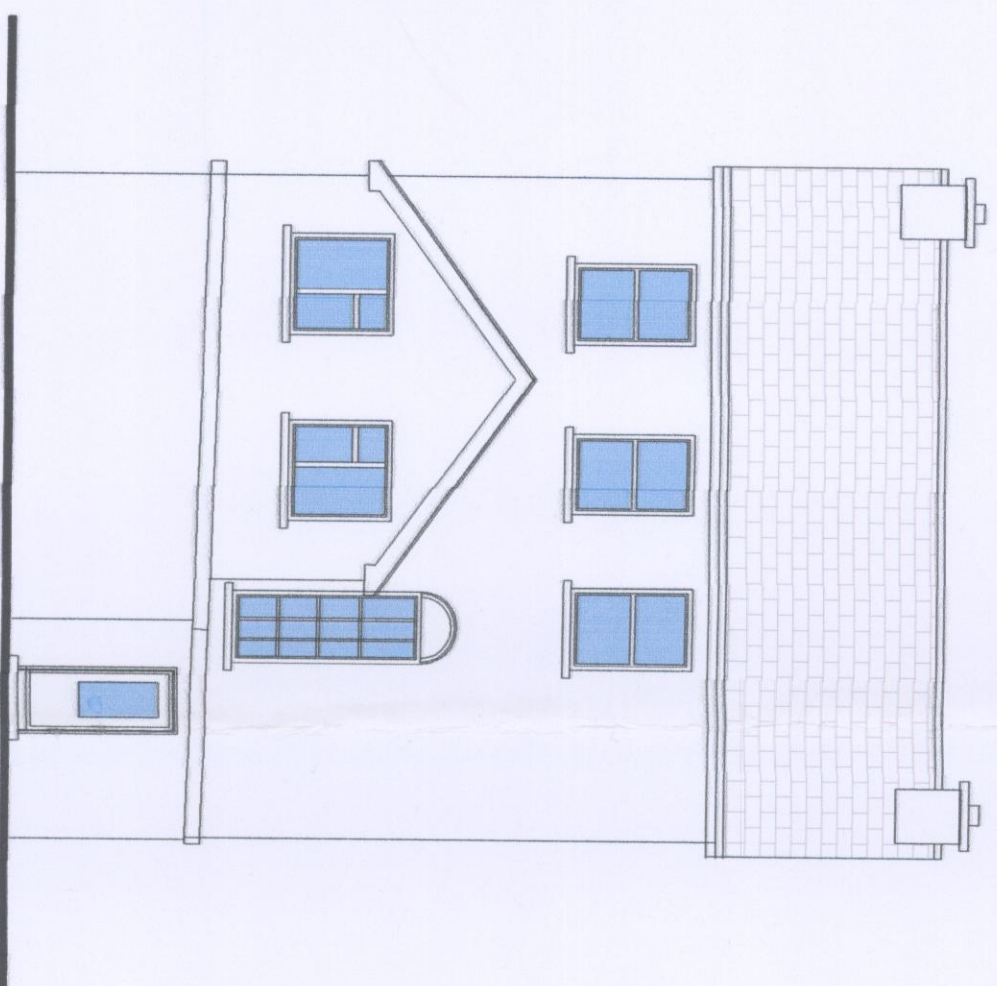
DATE: Oct 2024

DWG.NO. 03



AREA OUTLINED RED "A" = 0.075 Hectares
Building hatched Blue

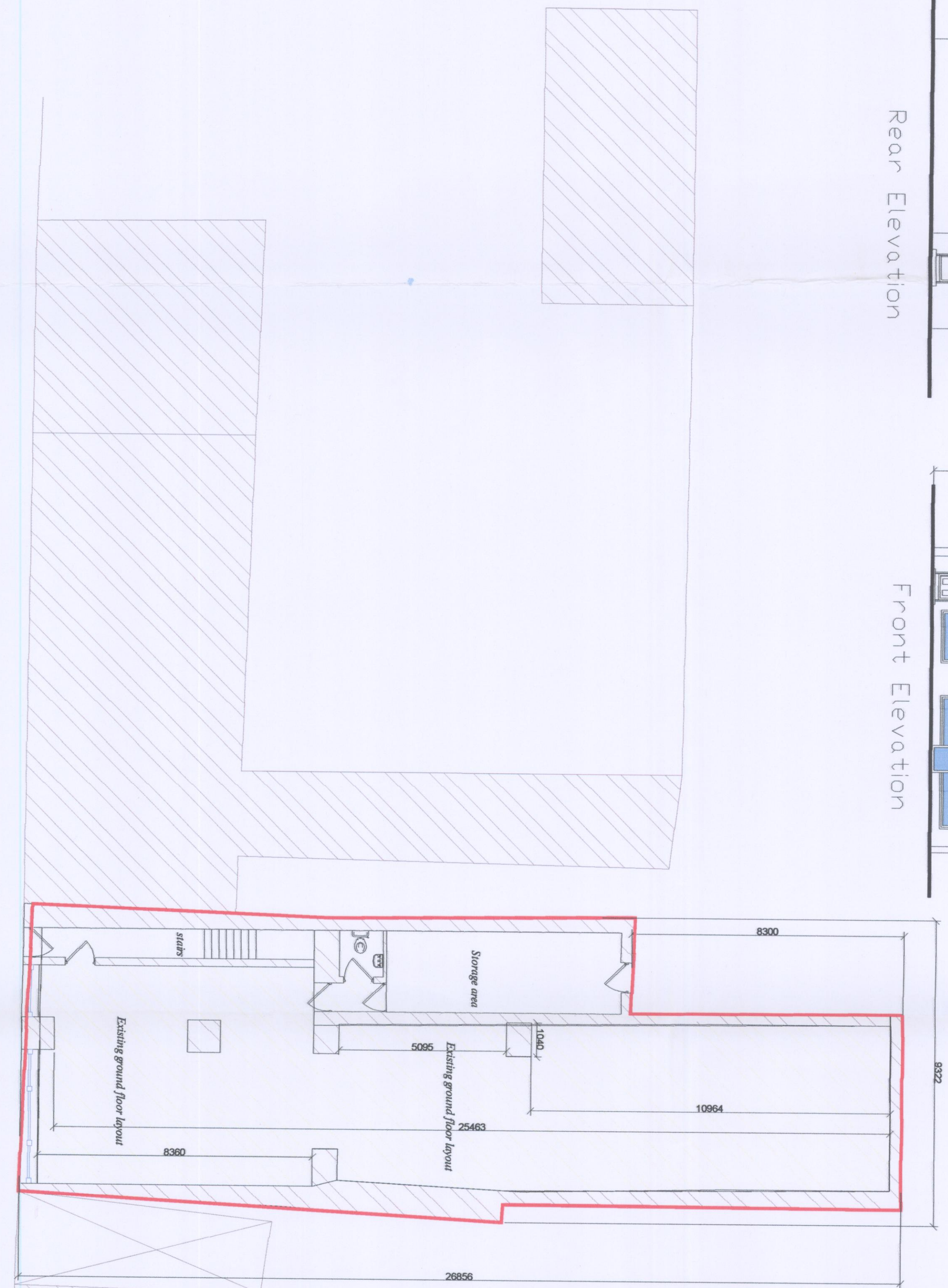
TIPPERARY CO. COUNCIL
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PLANNING SECTION
FILE NO. 55/24/132



Rear Elevation



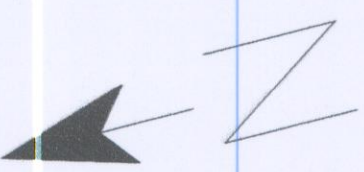
Front Elevation



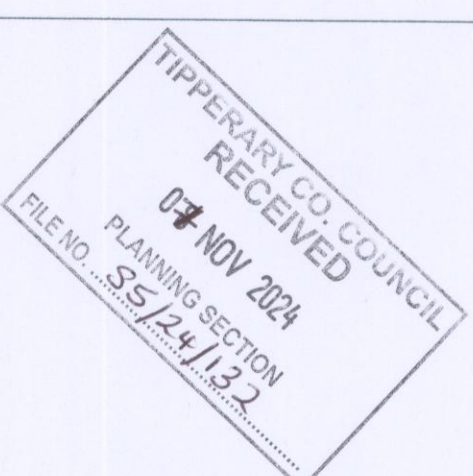
Shop Area shaded yellow =150sqm

Existing Ground Floor Plan = 174sqm

Total Floor area =327 sqm



John Cummins	
Construction Management Planning & Engineering Services	
MCABE Chartered Building Engineer	
Borrisoleigh Thurles Co. Tipp	
MOBILE: 087 2906635 info@jcumminsengie	
PROJECT:	Existing Building layout at Main St Borrisoleigh Thurles
CLIENT:	John Walsh
DRAWING:	Plan
SCALE:	1:100
DATE:	Nov 2024
DWG.NO:	2





Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

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e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 8th November, 2024 Our Ref: S5/24/132 Civic Offices, Nenagh

John Walsh
C/O John Cummins
Knockakelly
Borrisoleigh
Thurles

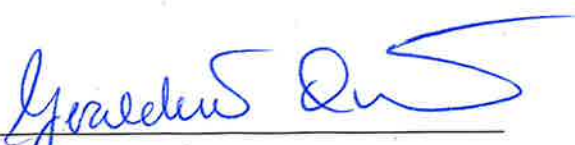
Re: Application for a Section 5 Declaration – Add a window in the existing door & revise the front entrance using existing old arch door previously used at Main Street, Borrisoleigh, Thurles, Co. Tipperary.

Dear Mr Walsh,

I acknowledge receipt of your application for a Section 5 Declaration received on 7th November, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely


for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Ref.: S5/24/132
Applicant: John Walsh
Development Address: Main Street, Borrisoleigh, Thurles, Co. Tipperary
Proposed Development: Alter front elevation of building-Change existing door to window and revise front entrance using previous arched access.

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Main Street, Borrisoleigh, Thurles, Co. Tipperary.

Alter front elevation of building-Change existing door to window and revise front entrance using previous arched access.

The plan drawings show internal changes to the building. This Declaration request does not relate to any internal works or change of use and the assessment and considerations below relate only to the front elevation changes.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

and,

“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) of the Planning and Development Act 2000, as amended, states as follows:-

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of 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 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended.

Section 4(1) (h) of the Planning and Development Act 2000, as amended:

(h) 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)(a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4(4) states that notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 82 states that (1) Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

3. ASSESSMENT

Site Location – The site is located at Main Street, Borrisoleigh.

Relevant Planning History – None recorded.

Assessment

A) “Is or is not Development”

The proposals as set out on the drawings and details included with the Declaration involve the undertaking of works to the front elevation of the building. This constitutes “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

I consider the works to the front elevation can reasonably be considered to meet the planning exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

The site is within an Architectural Conservation Area (ACA). I am satisfied the works proposed do not materially affect the character of the area. The works are not therefore restricted under Section 82 of the Planning and Development Act 2000, as amended.

C) “Restrictions to exemptions under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended”

None applicable. See foregoing commentary regarding Section 82 of the Act.

Appropriate Assessment (AA):

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area,
- the consequent absence of a pathway to the European site,

It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

Tipperary County Council, in considering this Declaration had regard particularly to -

- Sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended
- The nature and extent of works proposed.
- The character of the area.

Tipperary County Council has concluded that –

The proposed development as presented on the drawings provided with the Declaration application, is **“development”** within the meaning of the Planning and Development Act 2000, as amended and is **“Exempted Development”**.

Note: This Declaration relates to the changes to the front building elevation only. It does not extend to any internal works or any change of use.

A/Senior Executive Planner:



Date: 21/11/2024

Senior Planner:



Date 22/11/2024

EIA PRE-SCREENING
Establishing a development is a 'sub-threshold development'

File Reference: S5/24/132

Development Summary: See Planners Report for development description

Was a Screening Determination carried out under Section 176A-C?

Yes, no further action required

No, Proceed to **Part A**

A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?
 (Tick as appropriate)

Yes, specify class _____

EIA is mandatory
No Screening required

No

Proceed to Part B

B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?
 (Tick as appropriate)

No, the development is not a project listed in Schedule 5, Part 2

No Screening required

Yes the project is listed in Schedule 5, Part 2 **and** meets/exceeds the threshold, specify class (including threshold):

EIA is mandatory
No Screening required

Yes the project is of a type listed **but** is *sub-threshold*:

Proceed to Part C

C. If Yes, has Schedule 7A information/screening report been submitted?

Yes, Schedule 7A information/screening report has been submitted by the applicant

Screening Determination required

No, Schedule 7A information/screening report has not been submitted by the applicant

Preliminary Examination required



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Tipperary County Council

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Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

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Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

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@tipperarycoco.ie

tipperarycoco.ie

Date: 25th November, 2024

Our Ref: S5/24/132

Civic Offices, Nenagh

John Walsh
C/O John Cummins
Knockakelly
Borrisoleigh
Thurles
Co. Tipperary

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Mr Walsh,

I refer to your application for a Section 5 Declaration received on 7th November, 2024, in relation to the following proposed works:

Alter front elevation of building-Change existing door to window and revise front entrance using previous arched access. at Main Street, Borrisoleigh, Thurles, Co. Tipperary

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended
- The nature and extent of works proposed.
- The character of the area.

Tipperary County Council has concluded that –

The proposed development as presented on the drawings provided with the Declaration application, is **"development"** within the meaning of the Planning and Development Act 2000, as amended and is **"Exempted Development"**.

Note: This Declaration relates to the changes to the front building elevation only. It does not extend to any internal works or any change of use.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/132** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from John Walsh, C/O John Cummins, Knockakelly, Borrisoleigh re: Alter front elevation of building-Change existing door to window and revise front entrance using previous arched access at Main Street, Borrisoleigh, Thurles, Co. Tipperary is development and is exempted development.

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended
- The nature and extent of works proposed.
- The character of the area.

Tipperary County Council has concluded that –

The proposed development as presented on the drawings provided with the Declaration application, is "**development**" within the meaning of the Planning and Development Act 2000, as amended and is "**Exempted Development**".

Signed: _____


Date: 25/11/2024

Dave Carroll
A/Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District