



Comhairle Contae Thiobraid Árann
Tipperary County Council

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	EAMONN O'SHEA.
Address	[REDACTED]
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	DECLAN KIRWAN
Address	PRIESTOWN, DUNLEER, CO. LOUTH A92 P5 Y4.
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	CORRICK STREET, MULLINZHONE Co. Tipperary E41 HK 52.
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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.)

Change of use from Commercial bar/Lounge to 2 no. Residential houses at CARRICK STREET, MULLINAHONE	
UNIT 1: 97 M ²	
UNIT 2: 89 M ²	
Proposed floor area of proposed works/uses: 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	N/A.	
If you are not the legal owner, please state the name and address of the owner	Name: Address: N/A.	

Signature of Applicant(s),

[Redacted Signature]

Date: 18/March/2025.

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
 - ✓ OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - ✓ Floor Plans & Elevations at a scale of not less than 1:200
 - ✓ Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - ✓ 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**

OR

**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

DATE STAMP

Fee Recd. € 80.00

Receipt No 190789

Date 19/3/2025

Received by _____

Ryan, Siobhan Anne

From: Declan Kirwan [REDACTED]
Sent: 19 March 2025 15:12
To: Planning Group
Subject: [External] Re: Application for a section 5 Declaration _ Carrick Street, Mullinahone, E41 HK52
Attachments: EOS_SECT 5_ MULL_0B.zip

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear sir's / Madam

As per zoom meeting with Caroline Conway and Paul Killeen on Monday 10th/March/2025 regarding the change of use from public bar/lounge to residential houses, unit 1 & unit 2 at Mullinahone E41 HK52. Please find attached the following revised documents for units 1 & 2 as discussed at the meeting.

- Application for a section 5 declaration / exempted development _ OA, OB, OC
- Site location map _ scale 1:1000
- Site layout map _ scale 1:500
- Existing plans & elevations
- Proposed plans & elevations

Please note:

Two hard copies of all above documents will be in the post tomorrow morning to:

Planning section
Tipperary County Council
Civic offices
Clonmel
Co. Tipperary

I spoke to Catherine in Tipperary coco regarding the Section 5 Declaration fee of €80.00 and this fee was paid this evening (receipt no: 190789)

Kind regards

Declan J Kirwan....

Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
ITM 633578 640144

PUBLISHED: 09/07/2024
ORDER NO.: 50409565_1
MAP SERIES: 5067-C
MAP SHEETS: 1:2,500

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland.
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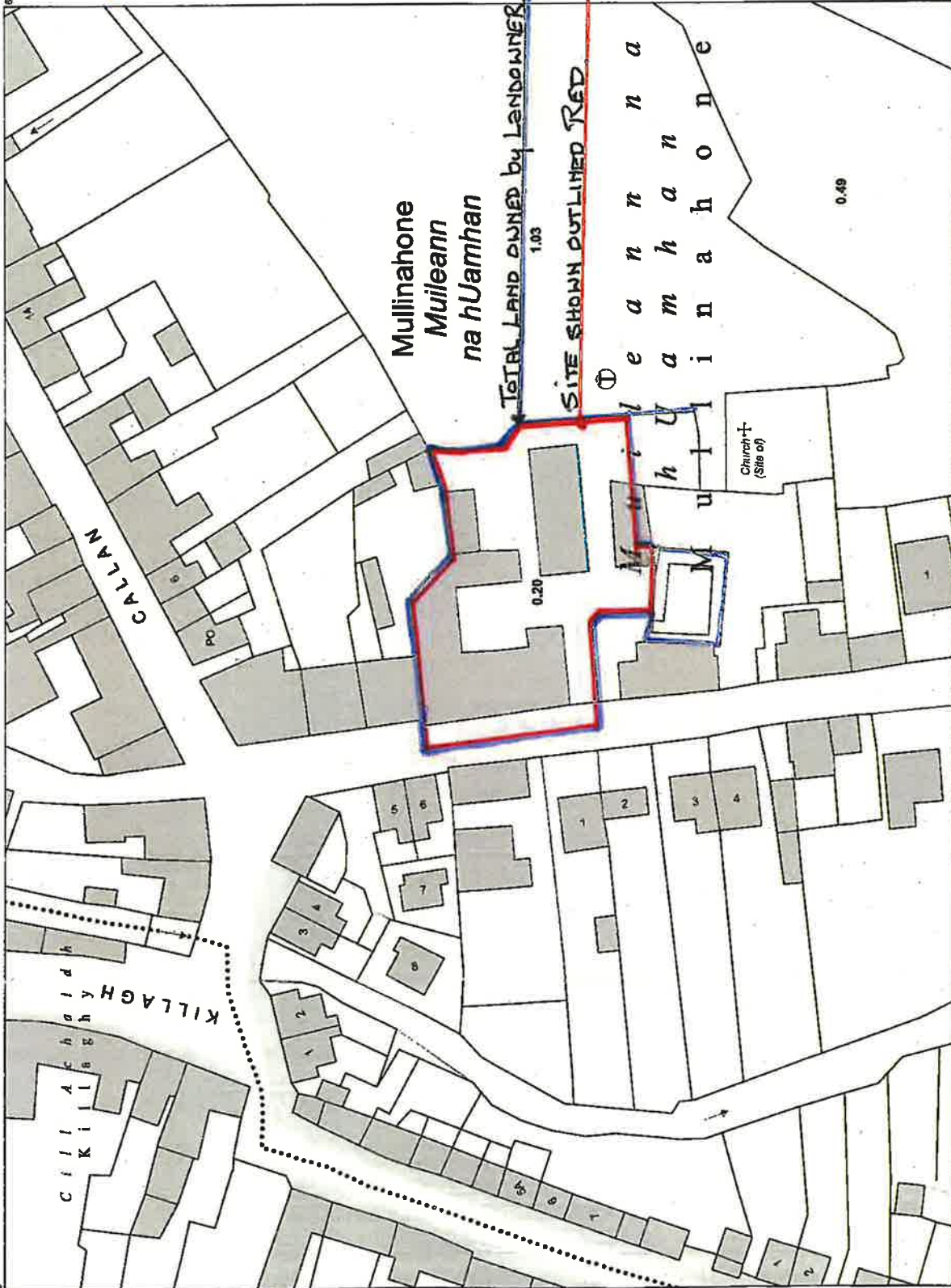
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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633682



633692

LEGEND:
To view the legend visit www.tailte.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.tailte.ie search 'Capture Resolution'

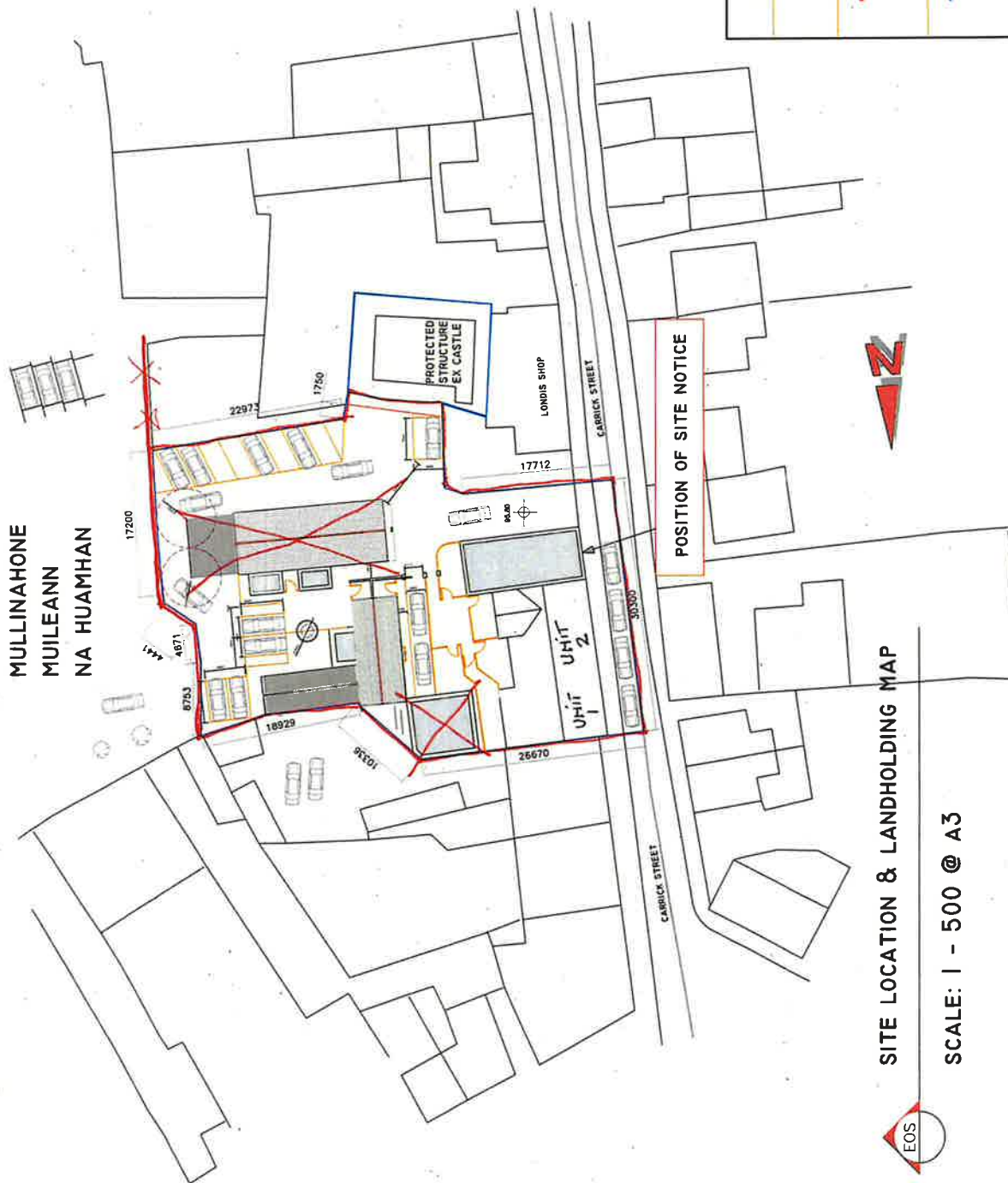
OUTPUT SCALE: 1:1,000



640356

633458

MULLINAHONE
MUILEANN
NA HUAMHAN



DECLAN J KIRWAN

INTERIOR ARCHITECT / DESIGNER

PRIESTTOWN, DUNLEER, CO. LOUTH.

Telephone: 086 - 8152660
Web: www.djdesign.ie
Facsimile:
e-mail: info@djdesign.ie

EAMONN O' SHEA

PROJECT NO:	CAD DRAWING NO:	REV:
1004	EOB 15 20	DJK 4/050

customers

We are acting on behalf of our client Eamon O'Shea & wish to apply to Tipperary County Council for planning permission for change of use from stables to two no. dwelling houses and two storey dwelling houses consisting of ground floor open plan kitchen/dining/living area, entrance hall with wet and first floor two bedroom units, and a single story rear wing house, consisting of entrance hall, study, sitting room, kitchen, w.c. and one double bedroom (in-fills) and all associated site development works at Camp Street, Mulhennock, Co. Tipperary. EIR P4 42

active monomer. Above the melting point the polymer produced depended on the (NMR) structure.

SITE LAYOUT MAP - (SCALE 1:500)

DRAWN BY:

11/11/2011

●

NOTES

THE DESIGN
HES. DOCUMENT

WHOLE OR

LEGEND:

SITE AREA = 0.1869 HECTARES

SITE OUTLINED IN RED:

TOTAL LAND OWNED BY LANDOWNER:

SITE LOCATION & LANDHOLDING MAP






SCALE: 1 - 500 @ A3

(LEDGEND:)

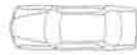
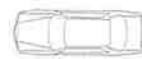
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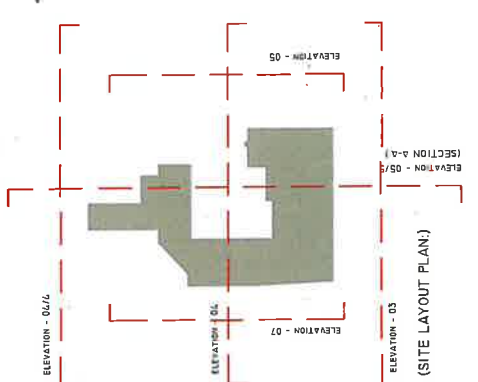
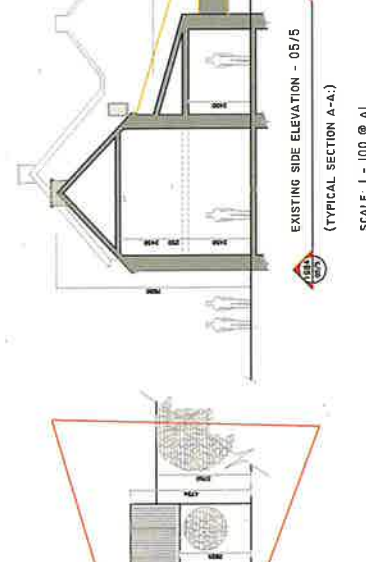
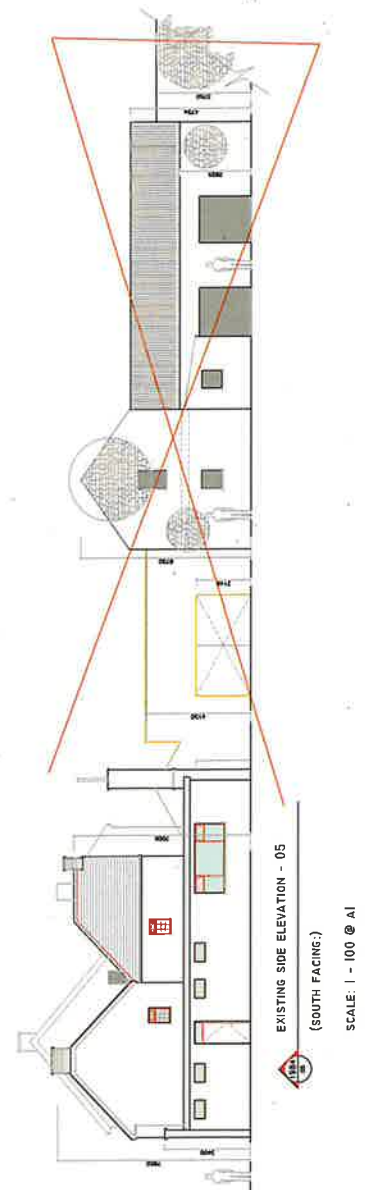
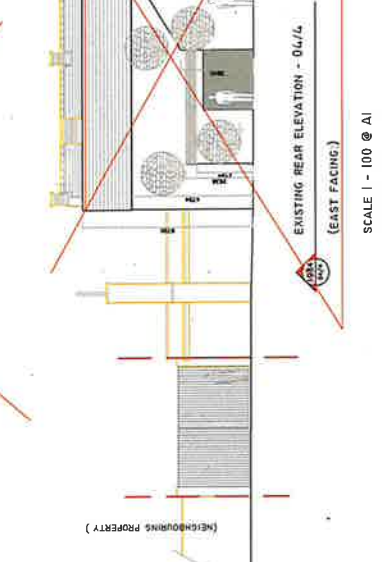
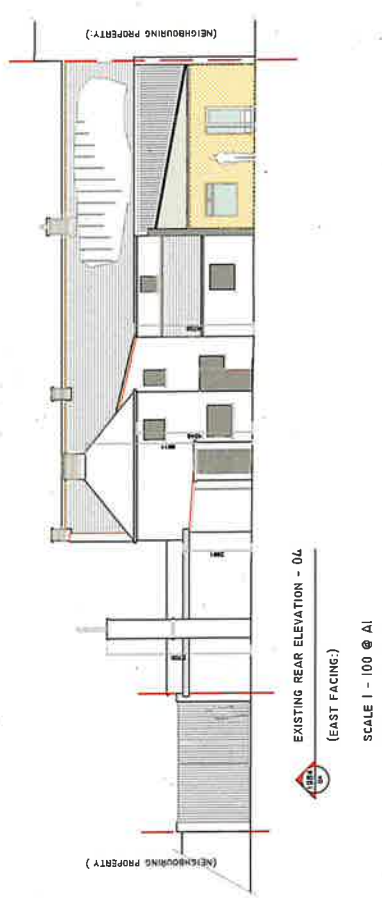
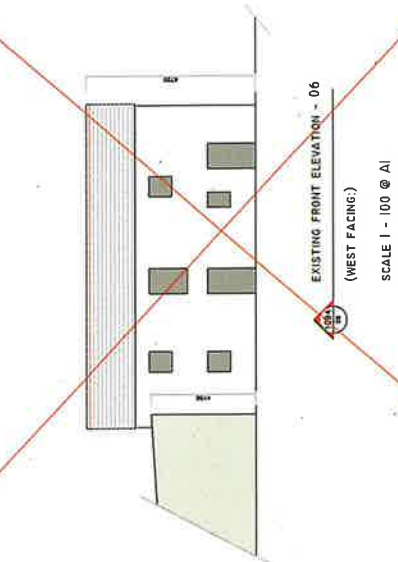
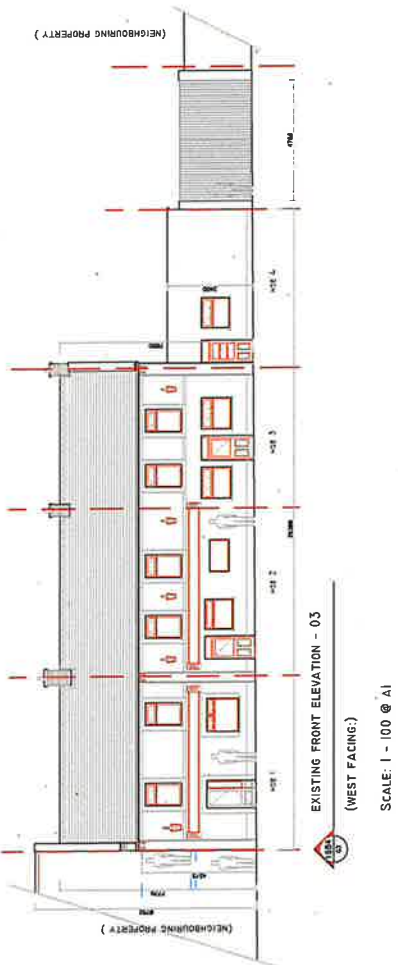
- EXISTING DRAINAGE IN RED.
- EXISTING BOUNDARY LINE.
- NEW CONSTRUCTION OUTLINED IN BLUE.
- EXISTING CONSTRUCTION.

PROPOSED NEW CONSTRUCTION.
 EXISTING TUG MARQUAIS.
 NEW TUG MARQUAIS.

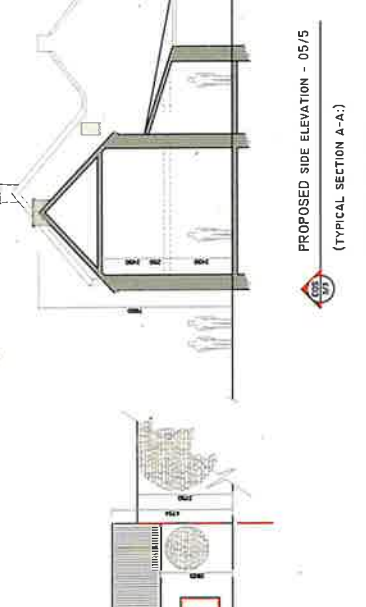
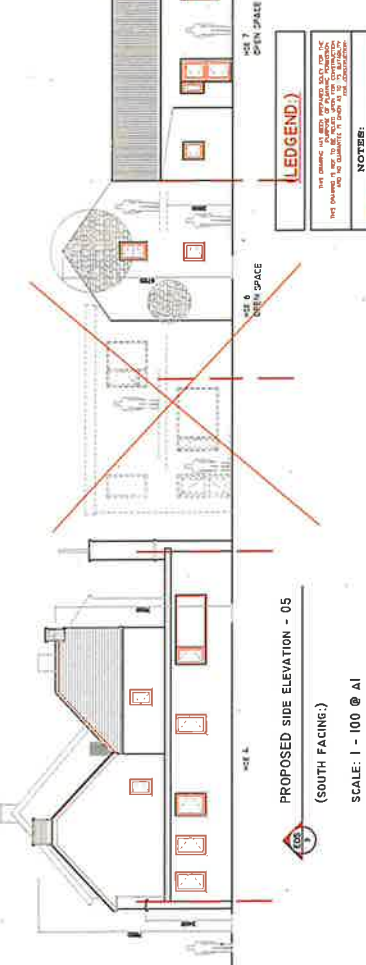
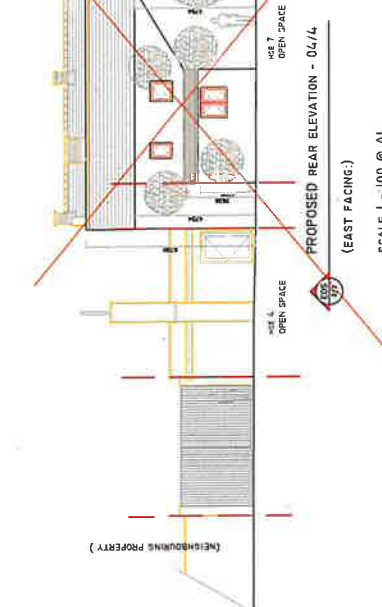
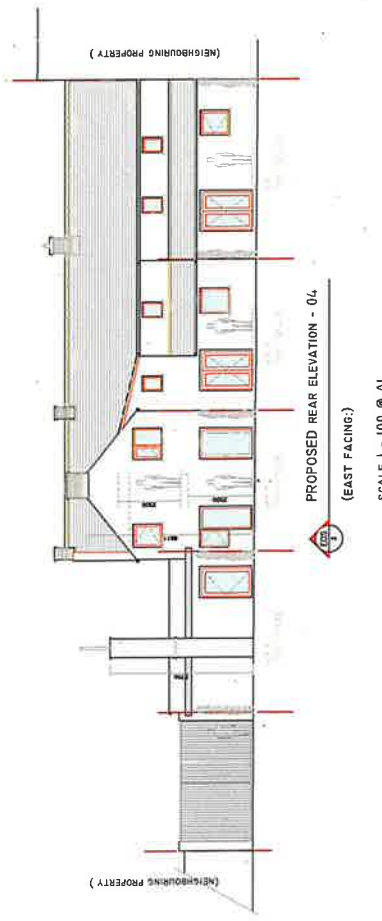
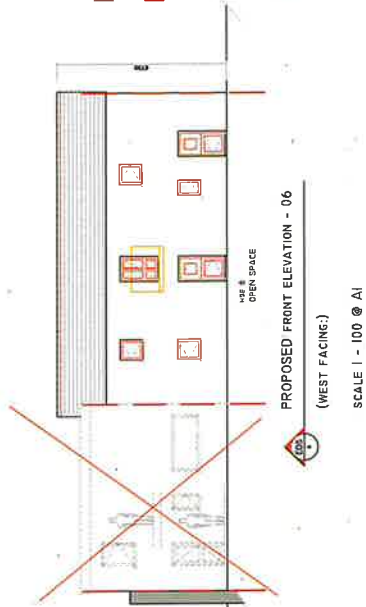
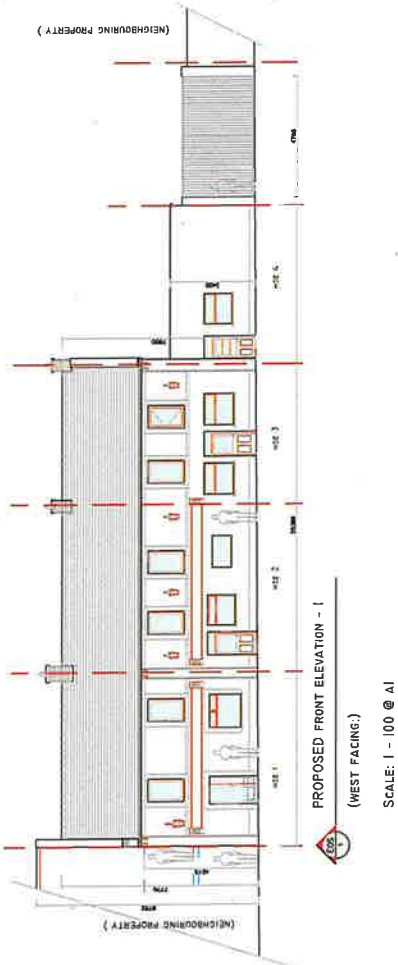
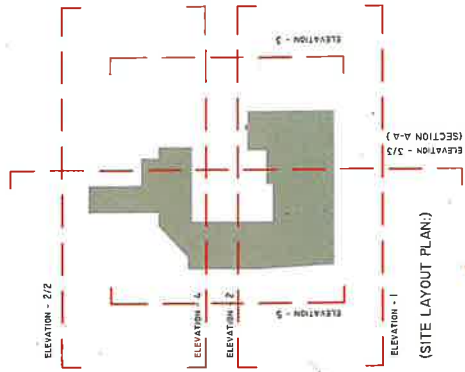


PROPOSED GROUND FLOOR PLANS
OF UNITS 1 & 2:



DECLAN J. KIERVAN DESIGNER PRIESTOWN, DUBLIN, CO. DUBLIN Telephone: 01-832-1111 Mobile: 087-1111111 Email: dkiervan@kiervan.ie		EAVOINI O'SHEA PROJECT NO: 100-000000 DATE: 10/10/2010 SCALE: 1:100		EXISTING FRONT, REAR ELEVATIONS & SECTION A-A PROJECT NO: 100-000000 DATE: 10/10/2010 SCALE: 1:100	
CHANGE OF USE FROM PUBLIC DAY/OUTDOOR TO CHANGE OF USE FROM PUBLIC DAY/OUTDOOR TO 2 NO. OF STORES TO BE ADDED TO EXISTING CO. THURSDAY, 10/10/2010					

PLEASE NOTE: (THESE ARE DISCUSSION DRAWINGS ONLY.)



LEGEND

THE DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

NOTES:

- SEE DRAWING IN RED.
- SEE DRAWING IN BLUE.
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- SEE DRAWING IN PINK.
- SEE DRAWING IN LIGHT BLUE.
- SEE DRAWING IN LIGHT GREEN.
- SEE DRAWING IN LIGHT YELLOW.
- SEE DRAWING IN LIGHT PINK.
- SEE DRAWING IN LIGHT BLUE.
- SEE DRAWING IN LIGHT GREEN.
- SEE DRAWING IN LIGHT YELLOW.
- SEE DRAWING IN LIGHT PINK.

PROPOSED FRONT, REAR ELEVATIONS & SECTION A-A

NO.	DATE	BY	CHKD.	APP'D.
1	10/10/2023	J. J. J.	J. J. J.	J. J. J.
2	10/10/2023	J. J. J.	J. J. J.	J. J. J.
3	10/10/2023	J. J. J.	J. J. J.	J. J. J.

PROPOSED SIDE ELEVATION - 05

NO.	DATE	BY	CHKD.	APP'D.
1	10/10/2023	J. J. J.	J. J. J.	J. J. J.
2	10/10/2023	J. J. J.	J. J. J.	J. J. J.
3	10/10/2023	J. J. J.	J. J. J.	J. J. J.

PROPOSED REAR ELEVATION - 04

NO.	DATE	BY	CHKD.	APP'D.
1	10/10/2023	J. J. J.	J. J. J.	J. J. J.
2	10/10/2023	J. J. J.	J. J. J.	J. J. J.
3	10/10/2023	J. J. J.	J. J. J.	J. J. J.

PROPOSED FRONT, REAR ELEVATIONS & SECTION A-A

NO.	DATE	BY	CHKD.	APP'D.
1	10/10/2023	J. J. J.	J. J. J.	J. J. J.
2	10/10/2023	J. J. J.	J. J. J.	J. J. J.
3	10/10/2023	J. J. J.	J. J. J.	J. J. J.

PLEASE NOTE: (THESE ARE DISCUSSION DRAWINGS ONLY.)



Tipperary County Council
Civic Offices
Clonmel
Co Tipperary

19/03/2025 15:00:58

Receipt No. : CLONMEL/0/190789
***** REPRINT *****

DECLAN KIRWAN
PRIESTOWN
DUNLEER
CO LOUTH

SECTION5 EXEMPTION DECLARATION 86
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : CATHERINE AHERN
From : CLONMEL TOWN RECEIPTS DESK
Vat reg No.3259712MH



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

t 0818 06 5000/601
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: **20th March 2025**

Our Ref: **S5/25/25**

Civic Offices, Nenagh

**Eamonn O'Shea
c/o Declan J Kirwan
Interior Architect / Designer
Priestown
Dunleer
Co. Louth**

**Re: Application for a Section 5 Declaration – Change of use from
Commercial Bar/Lounge to 2 No. Residential Houses at Carrick Street,
Mullinahone, Co. Tipperary.**

Dear Mr Kirwan,

I acknowledge receipt of your application for a Section 5 Declaration received on behalf of Eamonn O'Shea on 19th March, 2025 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.: S5/25/25

Applicant: Eamonn O'Shea

Development Address: Carrick Street, Mullinahone, Co. Tipperary.

Proposed Development: Change of use of bar/lounge to 2no residential houses.

1. GENERAL

On the 20th of March 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Change of use of bar/lounge to 2 no residential houses.

The bar is located on Carrick Street, Mullinahone, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

“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.

Planning and Development Regulations 2001, as amended

Article 10 6(a)

(a) In this sub-article—

'habitable room' means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

'relevant period' means the period from 8 February 2018 until 31 December 2025.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

(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, 6 or 12, 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 –

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building,

And

(III) 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 sub-paragraph (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 paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to 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,

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and

(III) the Eircode for the relevant property,

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, 2022, 2023, 2024, 2025 and 2026 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).

3. ASSESSMENT

a. Site Location

The site comprises of a number of existing structures on Carrick Street, Mullinahone, Co. Tipperary.

b. Relevant Planning History

P34521 Grant of permission for concrete mixing plant.

PI Ref 14600315 Grant of permission for changes to roadside boundary treatment and retention of wall and alterations to store on site.

PI Ref 20/508 demolish 2 no existing buildings and also for Planning Permission to construct 8 no. apartments and 4 no. houses together with the construction of a new vehicular entrance, roads, footpaths, common areas, underground services, foul and surface water networks, bin storage area, all boundary treatments, general lighting and all associated site development works. The works as listed are located within the curtilage of Record of Protected Structures, being a medieval castle (RPS) Ref S517 – incomplete

PI Ref 20/654 demolition of 2 no existing buildings and also for Planning Permission to construct 8 no. apartments and 4 no. houses together with the construction of a new vehicular entrance, roads, footpaths, common areas, underground services, foul and surface water networks, bin storage area, all boundary treatments, general lighting and all associated site development works. The works as listed are located within the curtilage of Record of Protected Structures, being a medieval castle (RPS) Ref S517 - incomplete

PL Ref 20/1012 demolition of 2 no existing buildings and also for Planning Permission to construct 8 no. apartments and 4 no. houses together with the construction of a new vehicular entrance, roads, footpaths, common areas, underground services, foul and surface water networks, bin storage area, all boundary treatments, general lighting and all associated site development works. The works as listed are located within the curtilage of Record of Protected Structures, being a medieval castle (RPS) Ref S517 – incomplete

PI Ref 20/1109 demolition of 2 no existing buildings and also for Planning Permission to construct 8 no. apartments and 4 no. houses together with the construction of a new vehicular entrance, roads, footpaths, common areas, underground services, foul and surface water networks, bin storage area, all boundary treatments, general lighting and all associated site development works. The works as listed are located within the curtilage of Record of Protected Structures, being a medieval castle (RPS) Ref S517 - withdrawn

S5/24/78 - The development consisting of the change of use of the bar/lounge to residential use in so far as it relates to Units 3 and 4 only is development and is exempted development as it DOES fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended

ENF 179-07 Unauthorised development consisting of a change of use of a public house to residential use.

Figure 1 Planning history



c. Assessment

A) “Is or is not Development”

It is considered that the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

Article 10(6) identifies conditions and limitations associated with the change of use of a commercial building to residential use. The subject proposal will be assessed against these requirements.

It is noted that that the Planning Authority previously issued a Declaration in respect of the change of use of part of the public house to residential use (S524/78). The two units that are the subject of this Declaration were not deemed to be exempt as they included for extensions at first floor level that exceeded the allowance permitted for under Class 1. The extensions at first floor level are not provided for under this application.

Figure 2 Proposed units 1 and 2



In relation to the current proposal in the context of the requirements of the Regulations I note as follows;

Article 10(6)(b) - consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

The proposal constitutes the change of use from Class 12 of Part 4 of the Regulations to residential use.

Article 10(6)(c)

(i) - the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

I am satisfied that the structure concerned was completed prior to the making of the subject Regulations.

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12,

I am satisfied that the public house, to accommodate the units, has at some time been used for Class 12 purposed.

(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,

While the applicant has not provided any details to confirm that the structure concerned, has been vacant for a period of 2 years, a review of Google streetview clearly indicates that the structure as of October 2021 was not in use. The condition of the structure has deteriorated since then. The Planning Authority is satisfied that the subject structure has been vacant since at least October 2021. A review of previous applications on site also demonstrates that the subject structures were vacant at the time of the assessment of these applications.

(d)(i) The development is commenced and completed during the relevant period.

It is not clear when the development is to be commenced. An advice note to this effect can attach to any decision on this Section 5.

(d) (ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall –

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) 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.

The works proposed involve the renovation of the exiting building fabric with limited structural interventions. The changes to the front elevation are limited.

(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.

See above no significant changes proposed to front elevation.

(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

The subject site is located within the village centre of Mullinahone as defined in the Tipperary County Development Plan 2022. It is not an objective of this plan to retain ground floor uses for retail uses.

(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.

Proposal is for 2 units only with a maximum of 4 units when considered with Section 5 24/78.

(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.

The applicant has not submitted a schedule of floor areas to allow for a comparison with the recommended standards set out in Quality housing for Sustainable Residential Communities. Both units are two bed units. Unit 1 has a floor area of 97 sqms and unit 2 has a floor area of 90 sqms.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

Habitable rooms have adequate natural light.

(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.

The development does not consist of or comprise the carrying out of works to a protected 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.

Not applicable

Restrictions set out under (x) and (xi)

Development subject to this Section 5 is located within a Zone of Archaeological Potential (ZAP) however works are located within the existing building footprint only. An Appropriate Assessment Screening was undertaken which concludes that significant effects of the development on Natura 2000 sites can be excluded. The restriction under (VIIB) does not 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

The development does not include the provision of an on-site wastewater treatment and disposal system.

C) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The subject site is located c. 2 kilometres from the Lower River Suir SAC (002137), 3 kms from the River Barrow And River Nore SAC (002162) and 10 Kms from the River Nore SPA (004233).

The proposed development is located within a long established urban area and comprises of the change of use of a structure from commercial to residential use. The property is connected to the mains waste water infrastructure.

Having regard to:

- the small scale nature of the development,
- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC and
- the consequent absence of a direct pathway to these European sites,

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.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

4. RECOMMENDATION

Query

WHEREAS a question has arisen as to whether the change of use of part of a bar/lounge to 2 no residential houses on Carrick Street, Mullinahone, Co. Tipperary is development and is or is not exempted development:

AND WHEREAS the Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended and,
- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier.

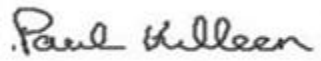
AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the change of use of the bar/lounge to residential as it relates to Units 1 and 2 (drawings received 20th of March 2025) is development and is exempted development as it DOES fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Advice Note(s):

- (1) The applicant is advised that Article 10(6)(d)(i) of the Planning and Development Regulations 2001, as amended, require that the development is commenced and completed during the relevant period.
- (2) The applicant is further advised that the issue of a Section 5 Declaration does not remove the notification requirement as set out under Article 10(6)(e)(i) of the above-mentioned Regulations.
- (3) This Section 5 Declaration does not provide for any works to provide for rear gardens, boundary treatment, car parking etc

Signed:



Paul Killeen
District planner

Date: 07/04/25

Signed:

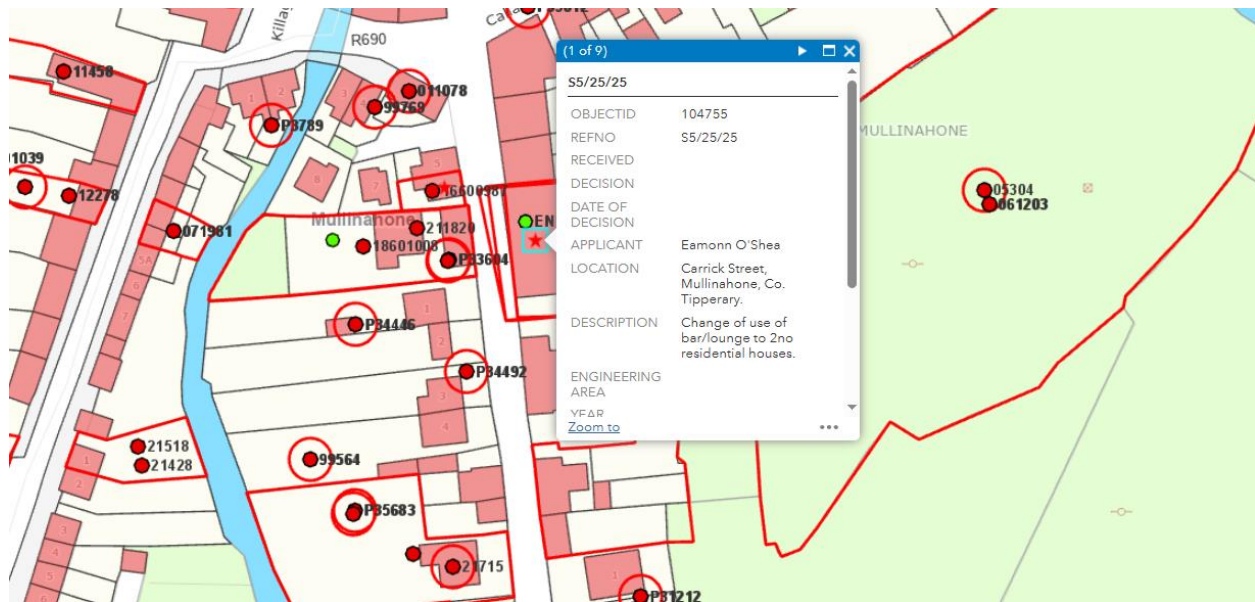


Senior Executive Planner

Date: 8.4.2025

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/235/25
Development Summary:	Change of use from commercial to residential
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> 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)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> 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)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> 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
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 3 Site entered on Planning register





Date: 9th April, 2025

Our Ref: S5/25/25

Civic Offices, Nenagh

Eamon O'Shea
C/O Declan J Kirwan
Interior Architect/Designer
Priestown
Dunleer
Co. Louth

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

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 19th March, 2025, in relation to the following proposed works:

Change of use of bar/lounge to 2no residential houses at Carrick Street, Mullinahone, 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 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended and,
- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier.

AND WHEREAS Tipperary County Council has concluded that

The development consisting of the change of use of the bar/lounge to residential as it relates to Units 1 and 2 (drawings received 20th of March 2025) is development and is **exempted development** as it DOES fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Advice Note(s):

1. The applicant is advised that Article 10(6)(d)(i) of the Planning and Development Regulations 2001, as amended, require that the development is commenced and completed during the relevant period.
2. The applicant is further advised that the issue of a Section 5 Declaration does not remove the notification requirement as set out under Article 10(6)(e)(i) of the above-mentioned Regulations.
3. This Section 5 Declaration does not provide for any works to provide for rear gardens, boundary treatment, car parking etc

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: **S5/25/25** **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. 40781 dated 2nd January, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Eamonn O'Shea, C/O Declan J Kirwan, Interior Architect/Designer, Priesttown, Dunleer, Co. Louth re: Change of use of bar/lounge to 2no residential houses) at Carrick Street, Mullinahone, Co. Tipperary is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended and,
- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier.

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the change of use of the bar/lounge to residential as it relates to Units 1 and 2 (drawings received 20th of March 2025) is development and is **exempted development** as it DOES fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Advice Note(s):

1. The applicant is advised that Article 10(6)(d)(i) of the Planning and Development Regulations 2001, as amended, require that the development is commenced and completed during the relevant period.
2. The applicant is further advised that the issue of a Section 5 Declaration does not remove the notification requirement as set out under Article 10(6)(e)(i) of the above-mentioned Regulations.

3. This Section 5 Declaration does not provide for any works to provide for rear gardens, boundary treatment, car parking etc

Signed:



Date: 09/04/2025

Dave Carroll

A/Director of Services

**Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District**