



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:

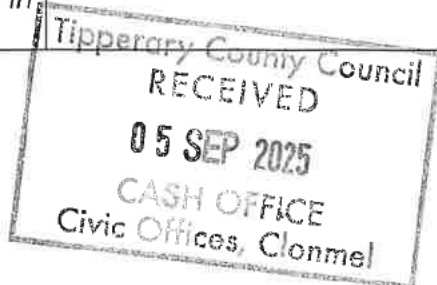
<i>Applicant</i>	ROCG More-Effective Organisations Ltd
<i>Address</i>	7 Doctor Croke Place Clonmel Co Tipperary
<i>Telephone No.</i>	
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	N/A
<i>Address</i>	
<i>Telephone No.</i>	
<i>E-mail</i>	
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:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	6 Doctor Croke Place Clonmel Co Tipperary
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Rec No 196076
€8000.

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.

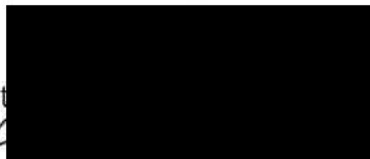
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

we are proposing a change of use from office to a single residence for No.6 Dr Croke Place. Relatively minor internal alterations are planned which are outlined in the enclosed sketches. Principally, they consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring that to its original single room condition. The downstairs portion of the recent extension (built circa mid 2005?) will be internally subdivided into two rooms providing a Bathroom and Bedroom 1. Upstairs on the first floor that room will be divided into a Kitchen / Dining room and a small wet room. The two larger original first floor rooms will become Bedroom 2 & 3 - the smaller box room a study. No external or structural works are planned. I have a Section 57 declaration in process, and we understand the proposed change of use will be more in keeping with its protected structure classification. We subsequently intend to apply for BHIS scheme funding to carry out repair / conservation work on the old part of the building	
Proposed floor area of proposed works/uses:	sqm

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

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

Signature of Applicant



Date: 4 September 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	<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

DATE STAMP

Fee Recd. € _____

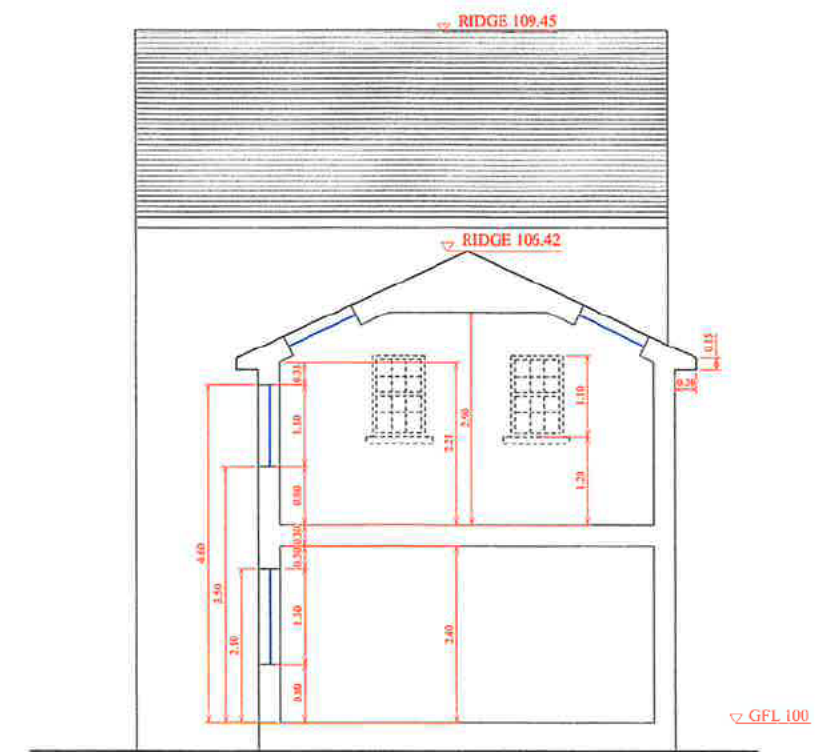
Receipt No _____

Date _____

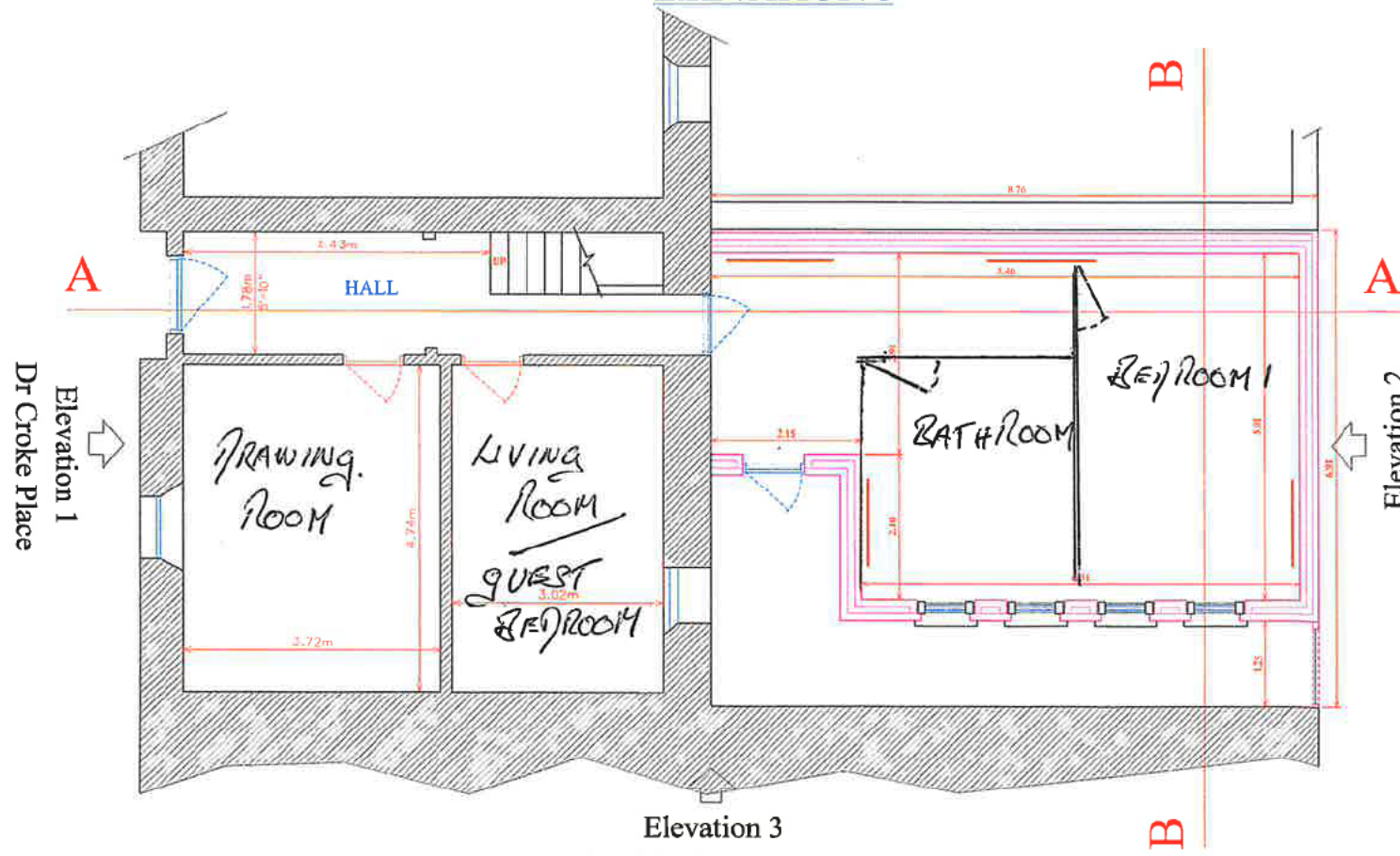
Received by _____



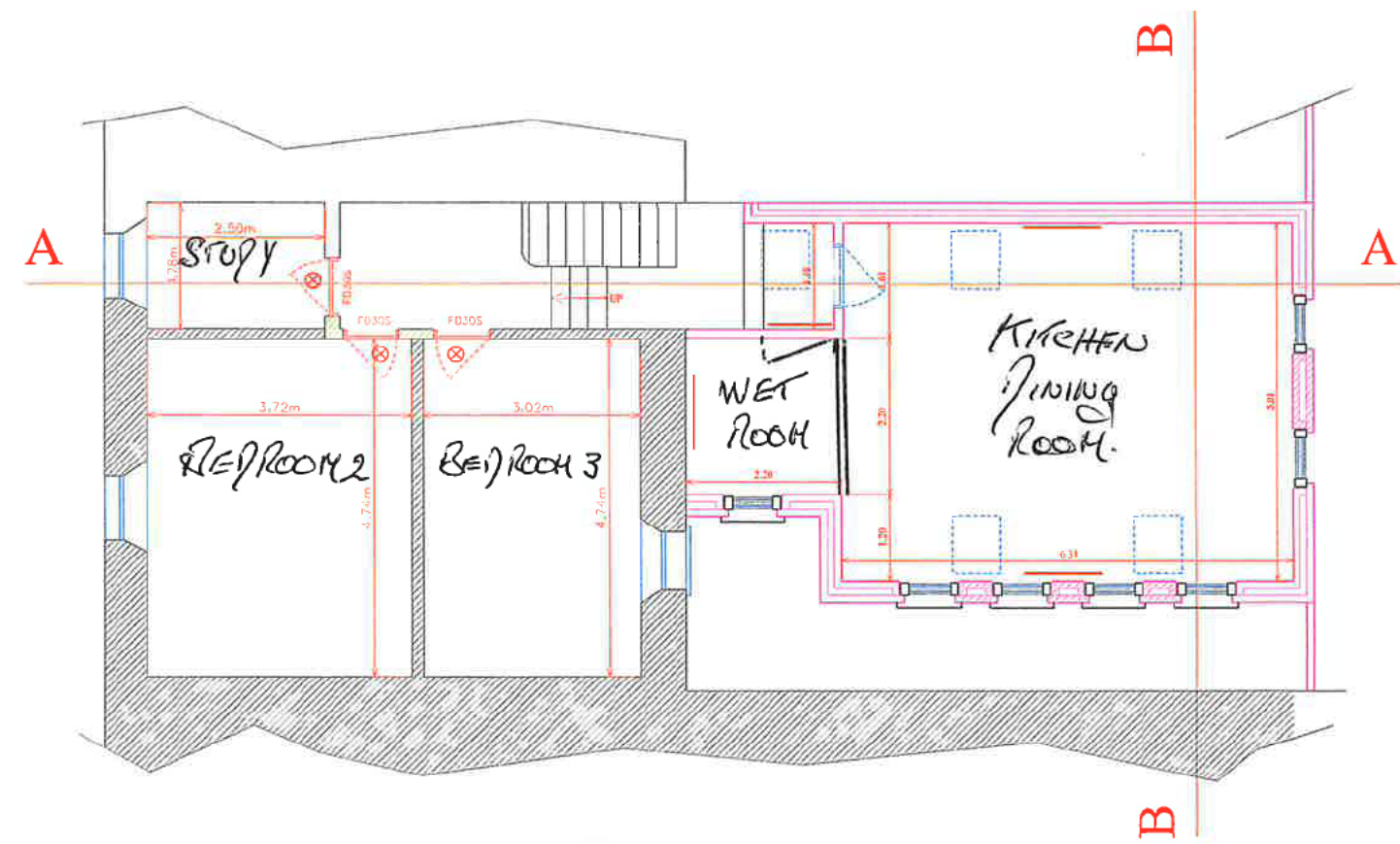
ELEVATION 3



SECTION B-B



Elevation 3
GROUND FLOOR



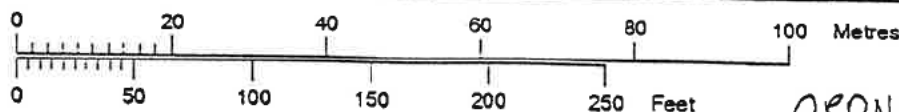
FIRST FLOOR

Surveyed 1981
Revised 2004
Levelled 1981

Urban PLACE Map



Scale:- 1:1,000
Scála:- 1:1,000



Plot Ref. No. 342809_1_2
Plot Date 18-AUG-2005

ORDNANCE SURVEY IRELAND LICENCE N°
AR0019605

ITEM CENTRE PT. COORDS

820739,822437

DESCRIPTION SITE LOCATION

MAP SHEETS

1:1000

5430-12 5430-11

RELEVANT SITE
OUTLINED
IN **RED**



Arís na hÉireann agus na hÉireann ag Surbhóireacht
Ordnáire Éireann. Plac an Fhormair
Bair Áine Cluich, Éire.
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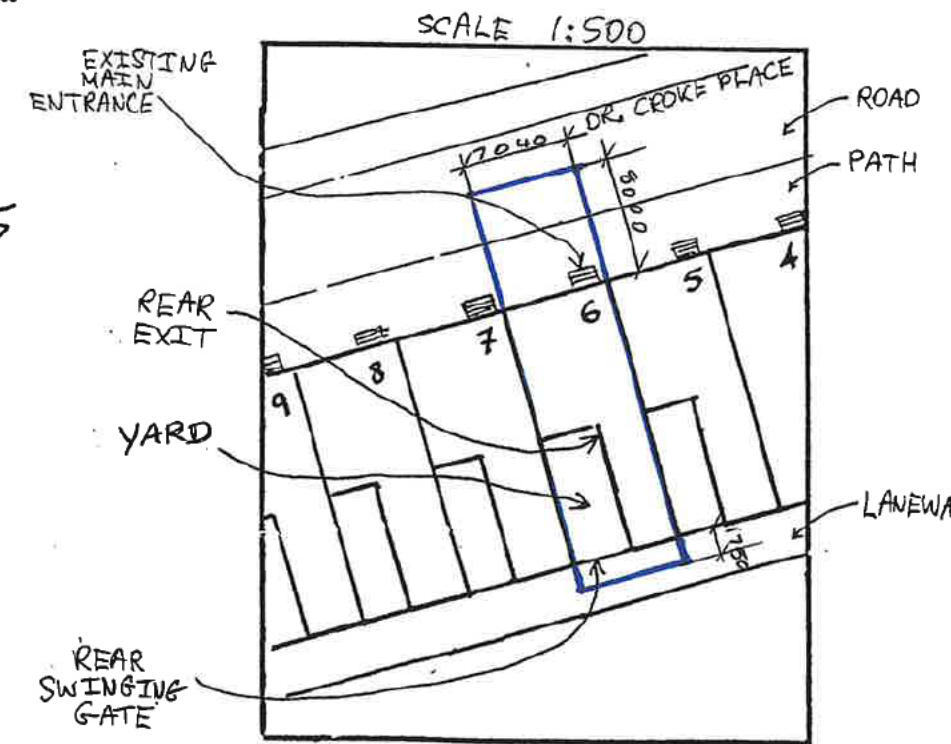
Is éiríonn áirgeadach na hÉireann a bhaint de
an t-áirgeadach seo agus a bhaint de áirgeadach
na hÉireann. Ní bfuiltear ag iarraidh aon
reprezentáil ar an áirgeadach seo a bhaint de
aon t-áirgeadach na hÉireann a bhaint de
aon t-áirgeadach na hÉireann a bhaint de.

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REM.94.039-D-1 rev 1
SITE LOCATION SCALE 1:1000
SITE LAYOUT SCALE 1:500
25.08.05

SITE LAYOUT

RELEVANT BOUNDARY
OUTLINED
IN **BLUE**



The map displays a network of streets in Dublin, with the Central Technical Institute as a central feature. To the north is Waterford Road, and to the west is Davis Street. To the south of the institute is Dillon Street, and further south is Parnell Street. Dominick Lane runs parallel to Parnell Street. College Street is located to the southwest, and O'Connell Court is to the southeast. A red oval on Doctor Croke Place highlights a specific location marked with a red crosshair and a red arrow. Other landmarks include the Denis Lacy Memorial Hall, Scot's Church, and the Community Centre, Mulcahy House. The map also shows various house numbers and landmarks like the Kickham Barracks Plaza.

[illegible]



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: 8th September 2025 Our Ref: S5/25/123 Civic Offices, Clonmel

ROCG More-Effective Organisations Ltd
7 Doctor Croke Place
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – change of use from office to a single residence, minor internal alterations which consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring it to the original single room condition. Subdividing the recent downstairs extension into two rooms providing a bathroom and bedroom 1. First floor room to be divided into a kitchen/dining room and a wet room, larger original first floor rooms will become bedroom 2 & 3, the smaller box room will be a study. No external or structural works are planned at 6 Doctor Croke Place, Clonmel, Co. Tipperary

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 5th September 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.: S5/25/123

Applicant: ROCG More-Effective Organisations

Development Address: 6 Doctor Croke Place, Clonmel, Co. Tipperary.

Proposed Development: Change of use from office to a single residence, minor internal alterations which consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring it to the original single room condition. Subdividing the recent downstairs extension into two rooms providing a bathroom and bedroom 1. First floor room to be divided into a kitchen/dining room and a wet room, larger original first floor rooms will become bedroom 2 & 3, the smaller box room will be a study. No external or structural works are planned at 6 Doctor Croke Place, Clonmel, Co. Tipperary.

1. GENERAL

On the 5th of September 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 from office to a single residence, minor internal alterations which consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring it to the original single room condition. Subdividing the recent downstairs extension into two rooms providing a bathroom and bedroom 1. First floor room to be divided into a kitchen/dining room and a wet room, larger original first floor rooms will become bedroom 2 & 3, the smaller box room will be a study. No external or structural works are planned.

The site is located at No. 6 Doctor Croke Place, Clonmel, Co. Tipperary.

The building is a protected structure (TRPS1990) and is also included on the National Inventory of Architectural Heritage (NIAH) as Ref 22117103.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended,

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.

Section 57 (Works affecting character of protected structures or proposed protected structures)
(1) Notwithstanding section 4(1)(a), (h), (i), F484[(ia)] (j), (k), or (l) and any regulations made under section 4(2),] the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—
(a) the structure, or
(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

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 an existing mid terraced structure at No 6 Dr Croke Place, Clonmel, Co. Tipperary. The building on site is a protected structure (TRPS1990). It is also listed on the National inventory of Architectural Heritage (Ref 22117103).

b. Relevant Planning History

On site

06/550169 Grant of permission for alterations, flood repairs and extension to the rear of the existing commercial building to alleviate flooding and associated works, which include raising rear wall to match height of adjoining properties. This is a protected structure

Adjacent

PA12497 Grant of permission for change of use from private dwelling to offices.

PI Ref 06550170 Grant of permission for alterations, flood repairs and extension to the rear of the existing commercial building to alleviate flooding and associated works which include raising rear wall to match the height of adjoining properties. This building is a protected structure.

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.

Article 10 (6) (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 1

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

The applicant has not expressly notified the Planning Authority of his intention to carry out the works proposed. He has sought a declaration, confirming that the works are exempt.

The submission of the Declaration can be read as a notification.

In terms of use class,

CLASS 2

Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services),
- (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

CLASS 3

Use as an office, other than a use to which class 2 of this Part of this Schedule applies

It is noted that the applicant is proposing to change a commercial building to a single residential dwelling. The applicant is required to clarify the nature of the commercial operation on site to determine if it comes under one of the use classes specified in Art 10(6)(a).

Article 10 (6) (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).**

The building was completed prior to the regulations.

Further information on the nature of the existing use is required.

The applicant has not indicated the length of time the building has been vacant. Further information is required.

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

It is not clear when the works are to commence or the required construction 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**

No external works are proposed.

(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

No modifications to a shop front are proposed

- (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 works is located within the urban core of Clonmel as set out in the Clonmel and Environs Local Area plan 2024.

It is a policy of the plan to provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses.

The works proposed do not conflict with this policy.

- (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.***

The proposal is for a single unit.

- (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.***

It is noted that the structure was previously a dwelling prior to its change to office use.

- (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 building is a Protected Structure. A Section 57 Declaration has not issued in respect of this building.

The Declaration was discussed with the Conservation Officer. The drawings submitted are limited. Further information is required to enable the Planning Authority consider the impact on 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.***

The conditions attached to the most recent permission are noted. The proposal will not conflict with same.

(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

The proposal is not located within a designated ACA, an area of special planning controls or within the relevant perimeter distance area of an 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.

The building is located outside of the Zone of Archaeological Potential (ZAP).

I confirm that the restrictions under (iv), (vii), (viiA), (viiB), (viiC) would not apply.

I have undertaken an Appropriate Assessment Screening 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 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.

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. 96 metres from the Lower River Suir SAC (002137), and within 10kms of the Comeragh mountains SAC and the Nier Valley Woodlands SAC.

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.

It is noted that the site is in an area at risk of flooding albeit defended.

Having regard to:

- the small scale nature of the development (change of use, with all works confined to the inside of the structure),
- the location of the development relevant to the closest European site (lower River Suir and
- The intervening land uses between the subject site and the SAC

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

A question has arisen as to whether the change of use from office to a single residence, at No. 6 Dr Croke Place, Clonmel, Co. Tipperary is development and is or is not exempted development:

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.

Tipperary County Council has concluded that further information is required to consider this declaration.

The following further information is requested.

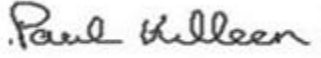
1. The details submitted with the Declaration are noted. In order to avail of the exemption, you are required to clarify the nature of the existing commercial activity on site to allow the Planning Authority determine is the commercial use comes under Class 1, 2, 3, 6 or 12.
2. Should the existing use come in under Class 1, 2, 3, 6 or 12, in order to allow for the change of use to residential use, as provided for under Art 10(6)(a) of the Planning and Development Regulations 2001, as amended, the applicant is requested to provide documentary evidence that 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.
3. The applicant is requested to confirm the when the works are to commence and when same will be completed.
4. It is noted that the subject structure is listed on the record of Protected Structures as set out in the Tipperary County Development Plan 2022. A Section 57 Declaration has not been issued in respect of this property.

Article 10(6)(a)(viii) requires as follows;

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 applicant is requested to submit a Section 57 Declaration with respect to the proposed works.

Alternatively the applicant is requested to submit an accurate description of the interventions proposed and detailed survey drawings of the subject structures and the proposed interventions. In addition, you are required to submit a detailed method statement, which shall include a full schedule of works. This statement shall outline how the applicant intends to carry out all works, the specifications for all material used and the interventions required for the introduction of necessary services. The response submitted to this item will need to be sufficiently detailed so as to demonstrate that the proposal will not materially affect the character of the structure or any element of the structure.

Signed: 
Paul Killeen
District planner

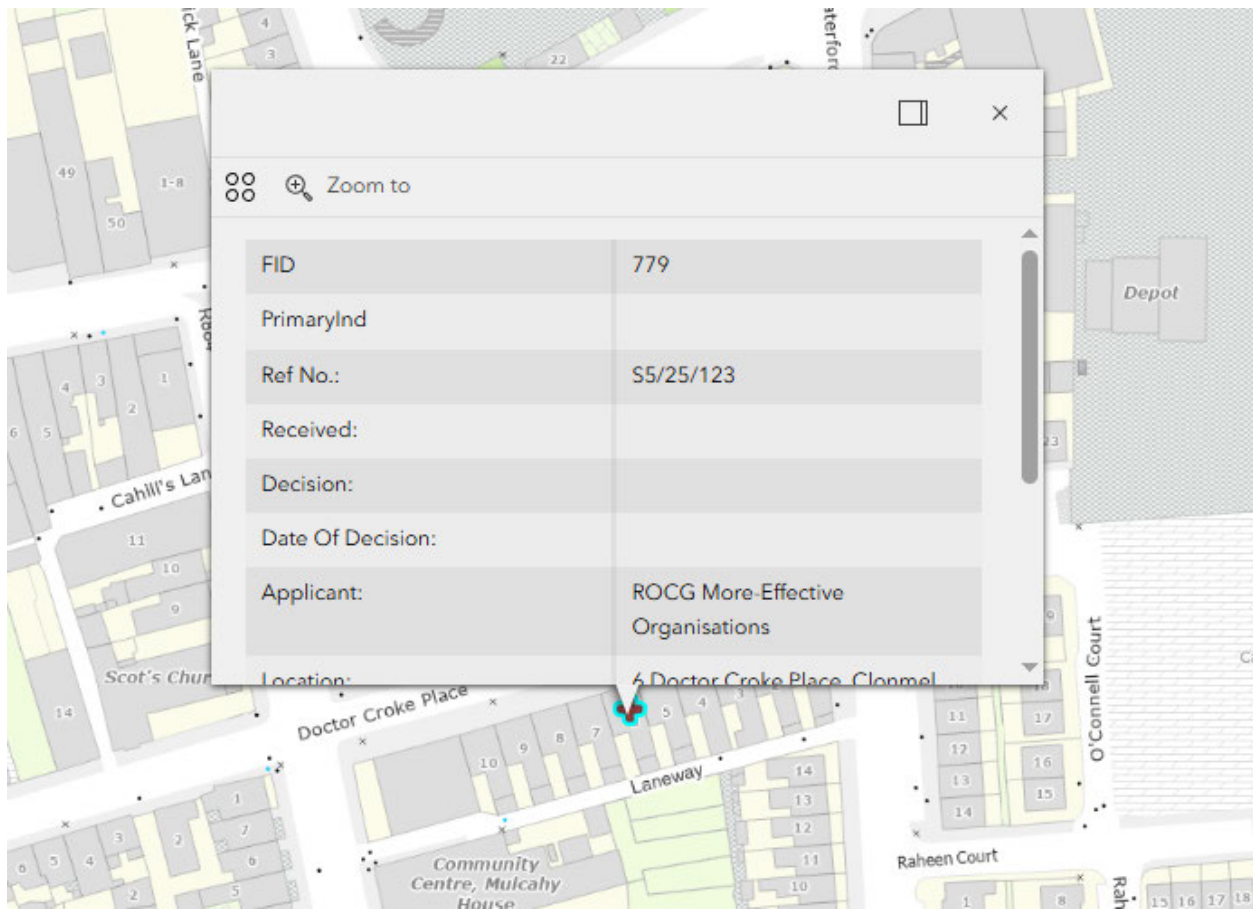
Date: 25/09/25


Signed: Senior Executive Planner

Date: 26.9.2025

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/123
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 2 Site entered on Planning register





Date: 26th September, 2025

Our Ref: S5/25/123

Civic Offices, Nenagh

ROCG More-Effective Organisations Ltd
7 Doctor Croke Place
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – Change of use from office to a single residence, minor internal alterations which consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring it to the original single room condition. Subdividing the recent downstairs extension into two rooms providing a bathroom and bedroom 1. First floor room to be divided into a kitchen/dining room and a wet room, larger original first floor rooms will become bedroom 2 & 3, the smaller box room will be a study. No external or structural works are planned at 6 Doctor Croke Place, Clonmel, Co. Tipperary

Dear Sir/Madam,

I refer to an application received from you on 5th September requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1. The details submitted with the Declaration are noted. In order to avail of the exemption, you are required to clarify the nature of the existing commercial activity on site to allow the Planning Authority determine is the commercial use comes under Class 1, 2, 3, 6 or 12.
2. Should the existing use come in under Class 1, 2, 3, 6 or 12, in order to allow for the change of use to residential use, as provided for under Art 10(6)(a) of the Planning and Development Regulations 2001, as amended, the applicant is requested to provide documentary evidence that 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.

3. The applicant is requested to confirm the when the works are to commence and when same will be completed.
4. It is noted that the subject structure is listed on the record of Protected Structures as set out in the Tipperary County Development Plan 2022. A Section 57 Declaration has not been issued in respect of this property.

Article 10(6)(a)(viii) requires as follows;

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 applicant is requested to submit a Section 57 Declaration with respect to the proposed works.

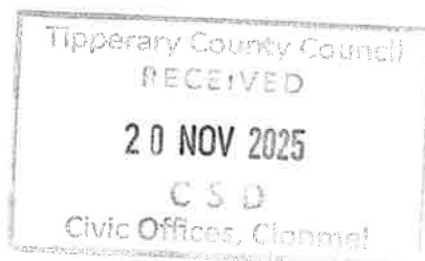
Alternatively the applicant is requested to submit an accurate description of the interventions proposed and detailed survey drawings of the subject structures and the proposed interventions. In addition, you are required to submit a detailed method statement, which shall include a full schedule of works. This statement shall outline how the applicant intends to carry out all works, the specifications for all material used and the interventions required for the introduction of necessary services. The response submitted to this item will need to be sufficiently detailed so as to demonstrate that the proposal will not materially affect the character of the structure or any element of the structure.

Further consideration of your request for a declaration cannot be considered until the above information is received.

Yours sincerely


for **Director of Services**

**Planning Section
Tipperary County Council
Civic Offices
Emmet Street
Clonmel
Co. Tipperary**



**Re: Response to Further Information Request
Section 5 Declaration Application – 6 Doctor Croke Place, Clonmel
TCC Ref: S5-24/112** 55/25/123 .



Dear Sir / Madam,

I refer to your recent correspondence requesting clarification and supporting documentation in relation to my Section 5 Declaration application for 6 Doctor Croke Place.

I now provide the information requested, together with the relevant evidentiary letters.

1. Previous and Existing Use of the Premises

The last commercial tenant, FOH Financial Ltd, vacated the property in September 2021, concluding its tenancy. Since that date, the building has not been the subject of any commercial tenancy or income. A formal letter from PF Quirke & Co. Ltd., who handled the property on our behalf, confirms that the premises has remained unlet, that no new tenancy was secured, and that demand for small office premises in Clonmel has continued to be very weak.

2. Vacancy Period – Supporting Evidence Including Republic of Work

Following the end of the FOH Financial tenancy, the premises remained unused for commercial occupation. From January 2023 to May 2025, Republic of Work utilised the premises on a philanthropic and rent-free basis, solely to test the feasibility of establishing a co-working hub in Clonmel. This arrangement did not constitute a tenancy, no rent or licence fee was paid, and no commercial consideration was received by the owners. This position is explicitly confirmed in the Republic of Work letter, which outlines the temporary, non-commercial nature of their pilot use of the premises.

Accordingly, the building has remained effectively vacant for planning purposes since September 2021, with no commercial income received during that period.

3. Section 57 Declaration and Conservation Methodology

A Section 57 Declaration application is already on file with Tipperary County Council, and your Heritage Officer inspected the building in August.

I now enclose an updated and comprehensive Method Statement (v2), which sets out the proposed reinstatement of the original ground-floor room, the conservation-led methodology for removing modern fit-out elements, and the intended approach to repairing or reinstating plaster architrave where required.

The document also confirms that similar conservation-led principles will be applied elsewhere in the building as needed.

4. Anticipated Timing of Works

Subject to receipt of:

- the Section 57 determination, and
- confirmation under this Section 5 process,

the reinstatement works are expected to commence within three to four months, reflecting contractor availability and the need to engage appropriate conservation-skilled personnel.

Conclusion

I trust that the enclosed material fully addresses the issues raised and assists the Planning Authority in finalising its assessment of the application.

Should any additional clarification or documentation be required, I would be pleased to provide it without delay.

Yours faithfully,



Brendan Binchy

for and on behalf of **ROCG**

19 November 2025

Encls....



global consultants...local experience

44 Gladstone Street
Clonmel
Co. Tipperary
Rep. of Ireland



T: 052 - 6121622
F: 052 - 6122601
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E: info@pfq.ie
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Mr Brendan Binchy,
7 Dr Croke Place,
Clonmel,
Co. Tipperary.

Re: Vacancy History – 6 Dr Croke Place, Clonmel, Co. Tipperary

Dear Mr Binchy,

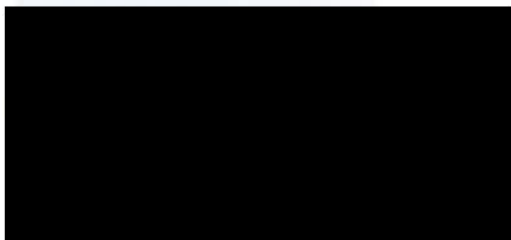
We confirm that PF Quirke & Co. Ltd. acted on behalf of the owners, ROCG / Mr Brendan Binchy, in connection with the above property following the departure of FOH Financial Ltd. in September 2021.

Since that time, the premises has been available for letting on a commercial basis, but unfortunately no new tenancy was secured. The local market for small office premises has been and continues to be very weak, with limited demand and a sustained oversupply of available space in Clonmel.

As a result, the property has remained unlet and unoccupied on a commercial basis since the end of the previous tenancy, and we understand no rent or licence income has been received by the owners during this period.

This letter is provided at your request, solely to assist in confirming the vacancy history of 6 Dr Croke Place for submission to Tipperary County Council in connection with a Section 5 Declaration application.

Yours sincerely,



PAT QUIRKE, REV, MIPAV, MMCEPI, SCSI, RICS
PSRA NO. 001721-002001
P.F. QUIRKE & CO. LTD.

Republic of Work.

Republic of Work
12 south Mall, Cork, T12 RD43
14/10/2025

Re: Temporary Use of 6 Doctor Croke Place, Clonmel, Co. Tipperary

Dear Mr Binchy / To Whom It May Concern,

This letter confirms the basis on which Republic of Work made temporary use of the premises at 6 Doctor Croke Place, Clonmel, Co. Tipperary during the period January 2023 to May 2025.

The property was made available to Republic of Work by the owners, Mr Brendan Binchy of ROCG, on a philanthropic, rent-free and non-tenancy basis, with no rent, licence fee or other consideration payable or accruing to the owners.

Our use of the building formed part of a community-driven pilot initiative to assess the viability of establishing a co-working and remote-working hub in Clonmel. While Republic of Work operated the space and charged modest membership or usage fees directly to users to offset running and staffing costs, no commercial lease or tenancy was entered into, and no payments were made to the owners in that regard.

The pilot initiative proved unviable, and Republic of Work vacated the premises in May 2025. The property has not been used by Republic of Work since that date. We trust this statement clarifies the temporary and non-commercial nature of our occupancy.

Yours sincerely, /

Signature

Frank Brennan
Chief Executive Officer
Republic of Work
Frank@republicofwork.com

Method Statement – Reinstatement of Original Ground-Floor Room

Property: 6 Doctor Croke Place, Clonmel, Co. Tipperary

Protected Structure Reference:

Prepared for: Tipperary County Council (Heritage Section)

Prepared by: Brendan Binchy / ROCG (Client)

Date: 19 November 2025

1. Project Overview

The proposal concerns the removal of modern kitchen and sanitary fittings introduced during an early-2000s office conversion and the restoration of the original single-room configuration at the rear of the ground floor.

The aim is to reinstate the spatial integrity of the original layout and repair or restore historic finishes where necessary, while preserving all surviving original fabric.

The works are conservation-led, reversible, and minimal in scope.

2. Existing Condition and Heritage Significance

- The room forms part of the original nineteenth-century structure, constructed in solid masonry with lime plaster finishes.
- The original walls, ceilings, skirting and joinery largely remain, though locally concealed by modern fit-out works from the early 2000s.
- Later interventions include the installation of a small WC cubicle, kitchenette, surface-mounted services and tiling.
- Some plaster mouldings and architrave details may have been damaged or covered during those alterations.

The space retains strong architectural character, and the proposed works will enhance that by revealing and conserving its original proportions and details.

3. Conservation Principles

All works will adhere to the principles of minimum intervention, reversibility, and like-for-like repair, following the *Architectural Heritage Protection Guidelines for Planning Authorities (DAHG 2011)*. Historic fabric will be protected in situ, and reinstatement will occur only where loss or damage is confirmed.

4. Proposed Methodology

1. **Pre-Works Recording** – measured and photographic survey; documentation of surviving mouldings and profiles.
2. **Service Isolation** – water, waste and electrical disconnection and capping.
3. **Careful Removal** – manual dismantling of modern fittings and partitions using non-percussive tools.
4. **Exposure & Assessment** – progressive uncovering of historic plaster, joinery and finishes.
5. **Repair & Reinstatement** –
 - Localised plaster repairs in lime-based plaster (NHL 3.5).
 - Plaster architraves or mouldings reinstated where incomplete, using traditional running-mould techniques and lime putty.
 - Matching skirting or architrave joinery where replacement is unavoidable.
 - Breathable mineral or limewash paint finishes throughout.
6. **Protection During Works** – breathable coverings to adjacent finishes; no chasing or cutting into original masonry.
7. **Completion & Record** – photographic record of works and submission of summary note to the Heritage Officer.

5. Materials and Workmanship

- Lime materials: NHL 3.5 / lime putty, EN 459-1 compliant.
- Paints: vapour-permeable mineral or limewash, no acrylics.
- Plaster mouldings reinstated by a specialist heritage plasterer.
- Supervision by a competent contractor familiar with protected structures.

Note: While traditional lime plaster and breathable mineral paints will be used within the intervention area, existing finishes elsewhere in the building will be retained where sound and performing satisfactorily.

Any future restoration or repair work elsewhere will follow the same conservation-led principles of compatibility, breathability, and minimal intervention, applying lime-based materials where appropriate but avoiding unnecessary replacement of stable modern finishes.

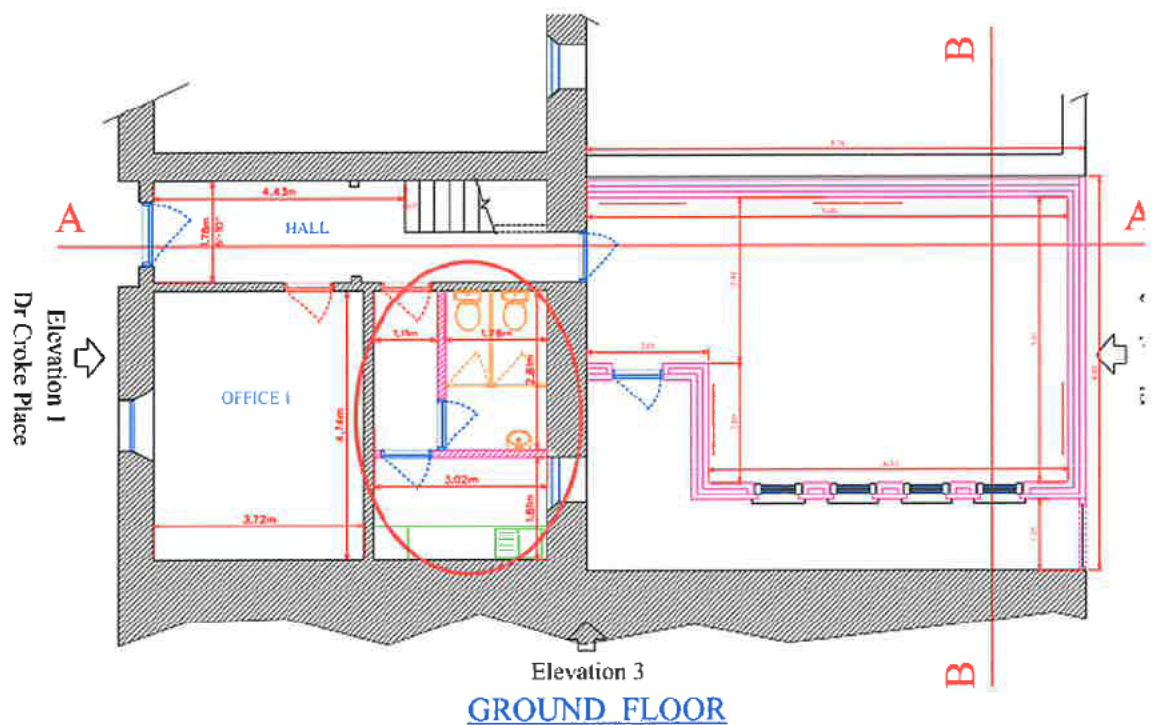
6. Conclusion

The proposed works are limited, conservation-based and fully reversible.

They will result in the removal of intrusive modern fittings, the selective repair and reinstatement of original plaster architrave, and the recovery of the original plan and character of the ground-floor rear room.

A similar conservation-led approach—emphasising compatibility of materials and respect for original fabric—will be adopted elsewhere within the building wherever restoration or repair is required, ensuring consistency in treatment and long-term preservation of the structure as a whole.

These measures will safeguard and enhance the architectural and historic significance of No. 6 Doctor Croke Place without materially affecting its protected character.





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
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tipperarycoco.ie

Our Ref: S5/25/123

20th November 2025

ROCG More-Effective Consultants Ltd
7 Doctor Croke Place
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – change of use from office to a single residence, minor internal alterations which consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring it to the original single room condition. Subdividing the recent downstairs extension into two rooms providing a bathroom and bedroom 1. First floor room to be divided into a kitchen/dining room and a wet room, larger original first floor rooms will become bedroom 2 & 3, the smaller box room will be a study. No external or structural works are planned at 6 Doctor Croke Place, Clonmel, Co. Tipperary

Dear Sir/Madam

I wish to acknowledge receipt of your further information received on 20th November 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.: S5/25/123

Applicant: ROCG More-Effective Organisations

Development Address: 6 Doctor Croke Place, Clonmel, Co. Tipperary.

Proposed Development: Change of use from office to a single residence, minor internal alterations which consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring it to the original single room condition. Subdividing the recent downstairs extension into two rooms providing a bathroom and bedroom 1. First floor room to be divided into a kitchen/dining room and a wet room, larger original first floor rooms will become bedroom 2 & 3, the smaller box room will be a study. No external or structural works are planned at 6 Doctor Croke Place, Clonmel, Co. Tipperary.

1. GENERAL

On the 5th of September 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 from office to a single residence, minor internal alterations which consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring it to the original single room condition. Subdividing the recent downstairs extension into two rooms providing a bathroom and bedroom 1. First floor room to be divided into a kitchen/dining room and a wet room, larger original first floor rooms will become bedroom 2 & 3, the smaller box room will be a study. No external or structural works are planned.

The site is located at No. 6 Doctor Croke Place, Clonmel, Co. Tipperary.

The building is a protected structure (TRPS1990) and is also included on the National Inventory of Architectural Heritage (NIAH) as Ref 22117103.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended,

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.

Section 57 (Works affecting character of protected structures or proposed protected structures)
(1) Notwithstanding section 4(1)(a), (h), (i), F484[(ia)] (j), (k), or (l) and any regulations made under section 4(2),] the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—
(a) the structure, or
(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

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 an existing mid terraced structure at No 6 Dr Croke Place, Clonmel, Co. Tipperary. The building on site is a protected structure (TRPS1990). It is also listed on the National inventory of Architectural Heritage (Ref 22117103).

b. Relevant Planning History

On site

06/550169 Grant of permission for alterations, flood repairs and extension to the rear of the existing commercial building to alleviate flooding and associated works, which include raising rear wall to match height of adjoining properties. This is a protected structure

Adjacent

PA12497 Grant of permission for change of use from private dwelling to offices.

PI Ref 06550170 Grant of permission for alterations, flood repairs and extension to the rear of the existing commercial building to alleviate flooding and associated works which include raising rear wall to match the height of adjoining properties. This building is a protected structure.

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.

Article 10 (6) (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 1

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

The applicant has not expressly notified the Planning Authority of his intention to carry out the works proposed. He has sought a declaration, confirming that the works are exempt.

The submission of the Declaration can be read as a notification.

In terms of use class,

CLASS 2

Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services),
- (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

CLASS 3

Use as an office, other than a use to which class 2 of this Part of this Schedule applies

It is noted that the applicant is proposing to change a commercial building to a single residential dwelling. The applicant is required to clarify the nature of the commercial operation on site to determine if it comes under one of the use classes specified in Art 10(6)(a).

Article 10 (6) (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).**

The building was completed prior to the regulations.

Further information on the nature of the existing use is required.

The applicant has not indicated the length of time the building has been vacant. Further information is required.

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

It is not clear when the works are to commence or the required construction 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**

No external works are proposed.

(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

No modifications to a shop front are proposed

- (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 works is located within the urban core of Clonmel as set out in the Clonmel and Environs Local Area plan 2024.

It is a policy of the plan to provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses.

The works proposed do not conflict with this policy.

- (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.***

The proposal is for a single unit.

- (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.***

It is noted that the structure was previously a dwelling prior to its change to office use.

- (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 building is a Protected Structure. A Section 57 Declaration has not issued in respect of this building.

The Declaration was discussed with the Conservation Officer. The drawings submitted are limited. Further information is required to enable the Planning Authority consider the impact on 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.***

The conditions attached to the most recent permission are noted. The proposal will not conflict with same.

(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

The proposal is not located within a designated ACA, an area of special planning controls or within the relevant perimeter distance area of an 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.

The building is located outside of the Zone of Archaeological Potential (ZAP).

I confirm that the restrictions under (iv), (vii), (viiA), (viiB), (viiC) would not apply.

I have undertaken an Appropriate Assessment Screening 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 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.

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. 96 metres from the Lower River Suir SAC (002137), and within 10kms of the Comeragh mountains SAC and the Nier Valley Woodlands SAC.

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.

It is noted that the site is in an area at risk of flooding albeit defended.

Having regard to:

- the small scale nature of the development (change of use, with all works confined to the inside of the structure),
- the location of the development relevant to the closest European site (lower River Suir and
- The intervening land uses between the subject site and the SAC

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. FURTHER INFORMATION

The following further information was requested on the 26th of September 2025.

1. The details submitted with the Declaration are noted. In order to avail of the exemption, you are required to clarify the nature of the existing commercial activity on site to allow the Planning Authority determine is the commercial use comes under Class 1, 2, 3, 6 or 12.
2. Should the existing use come in under Class 1, 2, 3, 6 or 12, in order to allow for the change of use to residential use, as provided for under Art 10(6)(a) of the Planning and Development Regulations 2001, as amended, the applicant is requested to provide documentary evidence that 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.
3. The applicant is requested to confirm the when the works are to commence and when same will be completed.
4. It is noted that the subject structure is listed on the record of Protected Structures as set out in the Tipperary County Development Plan 2022. A Section 57 Declaration has not been issued in respect of this property.

Article 10(6)(a)(viii) requires as follows;

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 applicant is requested to submit a Section 57 Declaration with respect to the proposed works.

Alternatively the applicant is requested to submit an accurate description of the interventions proposed and detailed survey drawings of the subject structures and the proposed interventions. In addition, you are required to submit a detailed method statement, which shall include a full schedule of works. This statement shall outline how the applicant intends to carry out all works, the specifications for all material used and the interventions required for the introduction of necessary services. The response submitted to this item will need to be sufficiently detailed so as to demonstrate that the proposal will not materially affect the character of the structure or any element of the structure.

The applicant replied on the 20th of November 2025.

APPRAISAL

Point 1

The querist has confirmed that the last commercial tenant of the unit was a financial services company. This use comes in under Class 2 as set out in Schedule 2 Part 4 of the Planning and Development Regulations 2001 as amended.

Point 2

The Querist has submitted correspondence from P.F. Quirke Auctioneers confirming that the last commercial tenant was FOH financial, who vacated the property in September 2021. The correspondence notes that the property has remained un let since September 2021.

The querist does note that the building was used between January 2023 and May 2025 to facilitate a community based co-working hub. The correspondence notes that no commercial contract or lease was signed.

The details submitted are noted.

In order to avail of the exemption set out under Article 10(6)(a), 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.

The condition associated with the exemption does not distinguish between a commercial lease and a non-commercial lease. The subject building was occupied, albeit on a non-tenancy basis, until May 2025. As such, it was not vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

Point 3

The applicant has not confirmed when the works will commence or when the works will be complete. In order to avail of this exemption all works must be complete within the relevant period, which means the period from 8 February 2018 until 31 December 2025.

In response to point 4, the querist noted that the reinstatement works are set to commence in three to four months (ie 2026).

As such, the works to be undertaken will not be completed within the relevant period.

Point 4

The querist noted that a Section 57 Declaration was sought. A comprehensive method statement setting out the nature of the works to be undertaken was submitted.

5. RECOMMENDATION

Query

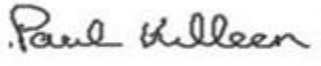
A question has arisen as to whether the change of use from office to a single residence, at No. 6 Dr Croke Place, Clonmel, Co. Tipperary is development and is or is not exempted development:

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.
- The further information received on the 20th of November 2025.

Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes “development” within the meaning of the Planning and Development Act 2000 but “does not constitute exempted development”.

The premises has not been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, as is required under Article 10(6)(c)(iii) and the works will not be completed within the relevant period, which means the period from 8 February 2018 until 31 December 2025, as required under Article 10(6)(d)(i) of the Planning and Development Regulation 2001, as amended.

Signed: 
Paul Killeen
District planner

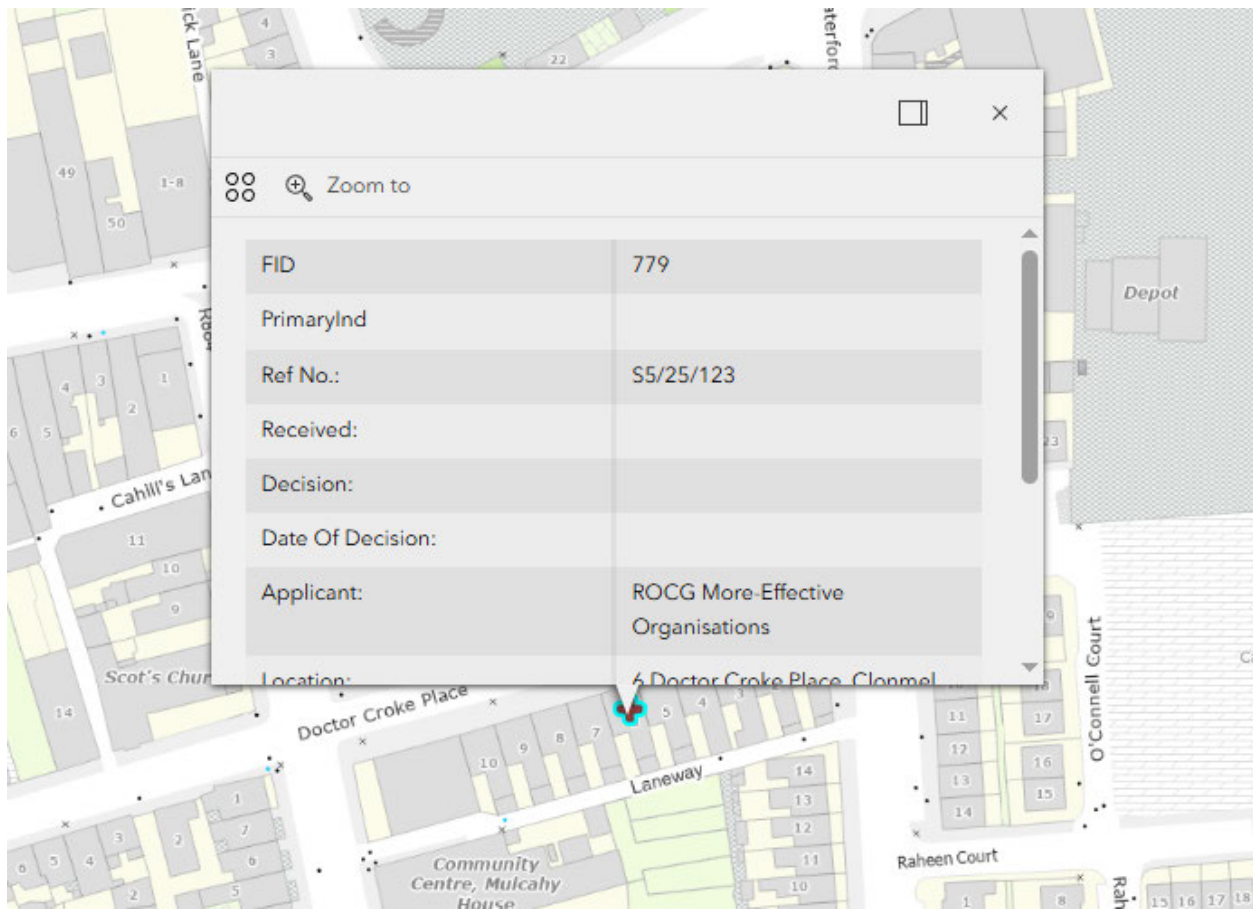
Date: 09/12/25


Signed: C. Conway
Senior Executive Planner

Date: 10.12.2025

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/123
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 2 Site entered on Planning register





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 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 10th December 2025

Our Ref: S5/25/123

Civic Offices, Nenagh

ROCG More-Effective Organisations Ltd
7 Doctor Croke Place
Clonmel
Co. Tipperary

Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 5th September, 2025, and Further Information received on 20th November, 2025 in relation to the following proposed works:

Change of use from office to a single residence, minor internal alterations which consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring it to the original single room condition. Subdividing the recent downstairs extension into two rooms providing a bathroom and bedroom 1. First floor room to be divided into a kitchen/dining room and a wet room, larger original first floor rooms will become bedroom 2 & 3, the smaller box room will be a study. No external or structural works are planned at 6 Doctor Croke Place, Clonmel, 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),

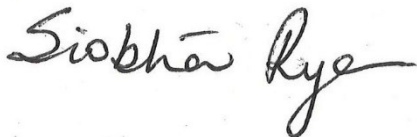
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended and,
- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier.
- The further information received on the 20th of November 2025.

Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes "development" within the meaning of the Planning and Development Act 2000 but "**does not constitute exempted development**".

The premises has not been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, as is required under Article 10(6)(c)(iii) and the works will not be completed within the relevant period, which means the period from 8 February 2018 until 31 December 2025, as required under Article 10(6)(d)(i) of the Planning and Development Regulation 2001, as amended.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún 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

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive, flowing style.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/123** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, 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. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from ROCG More-Effective Organisations Ltd, 7 Doctor Croke Place, Clonmel, Co. Tipperary, re: Change of use from office to a single residence, minor internal alterations which consist of removing the existing toilets and kitchen from their current location in the oldest part of the building and restoring it to the original single room condition. Subdividing the recent downstairs extension into two rooms providing a bathroom and bedroom 1. First floor room to be divided into a kitchen/dining room and a wet room, larger original first floor rooms will become bedroom 2 & 3, the smaller box room will be a study. No external or structural works are planned at 6 Doctor Croke Place, Clonmel, 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.
- The further information received on the 20th of November 2025.

Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes "development" within the meaning of the Planning and Development Act 2000 but "**does not constitute exempted development**".

The premises has not been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, as is required under Article 10(6)(c)(iii) and the works will not be completed within the relevant period, which means the period from 8 February 2018 until 31 December 2025, as required under Article 10(6)(d)(i) of the Planning and Development Regulation 2001, as amended.

Signed:


Brian Beck
Director of Services

Date: 10/12/2025