

KENTON HOUSE
Saint Michael Street, Tipperary Town.

Planning Section,
Tipperary County Council,
Emmett Street,
Clonmel,
Co Tipperary.

31/11/2025



To the Planning Dept,

I herein enclose a "Section 5 application" regarding my premises E34 YN 52 . The application is for the max 9 apartments under the current exemption scheme. You will note that some are studio apartments and some are bigger. The interior layouts might require some minor changes but the general layout is as shown.

Please note that I was recently granted exemption on another application for exemption for an IPAS centre which we have no current plans to proceed with.

In the previous application for the exact same premises the Heritage Officer carried out an inspection of the premises and gave the all clear to proceed. Since the application is for the same premises except with a different interior layout, IE: less rooms etc I am taking it that it wont be necessary to have it inspected a second time over .

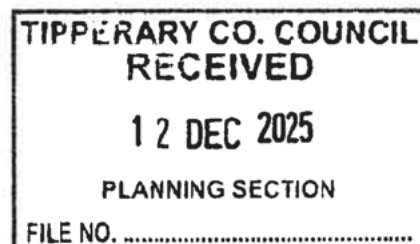
I have provided all the documents as listed in duplicate. In the event that you might wish to contact by e mail you can do so at [REDACTED] My phone number is [REDACTED]

I herein enclose a cheque in the sum of E80.00 in payment of the required fee.

Yours Faithfully,

[REDACTED]

Receipt NO 195846
8/12/25





Comhairle Contae Thiobraid Árann
Tipperary County Council

TIPPERARY CO. COUNCIL
RECEIVED

12 DEC 2025

PLANNING SECTION

FILE NO.

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	BARRY KINGSTON
Address	'KENTON HOUSE' ST MICHAEL STREET TIPPERARY TOWN
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	
Address	
Telephone No.	
E-mail	

Please advise where all correspondence in relation to this application is to be sent;

Applicant [☒] Agent [☐]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Bank Place Main Street Tipperary Town E34 EE 03 E34 YN 52 → AREA SUBJECT TO THIS APPLICATION.
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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.)

<i>I herein apply for exemption for 9. no apartments (with ancillary areas) AT E34 YN 52, FORMER Function Room of the Times Hotel. The premises is located at the rear of Bank Place House. E34 EE 03 (formerly known as Dolwyn Hotel) Interior works mainly required.</i>	
Proposed floor area of proposed works/uses:	sqm <i>5'500 SQ FT.</i>

Note: A Section 57 application was previously made on June 19th 2024 also a Section 5 application both of which were approved.

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

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

Signature of Applicant(

Date:

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

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
- 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

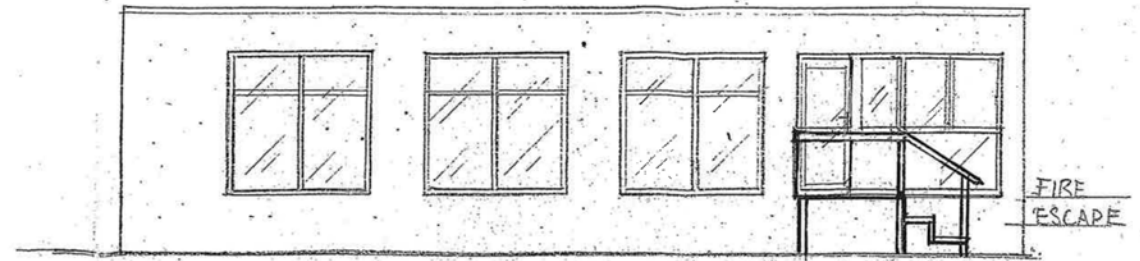
Fee Recd. € _____

Receipt No _____

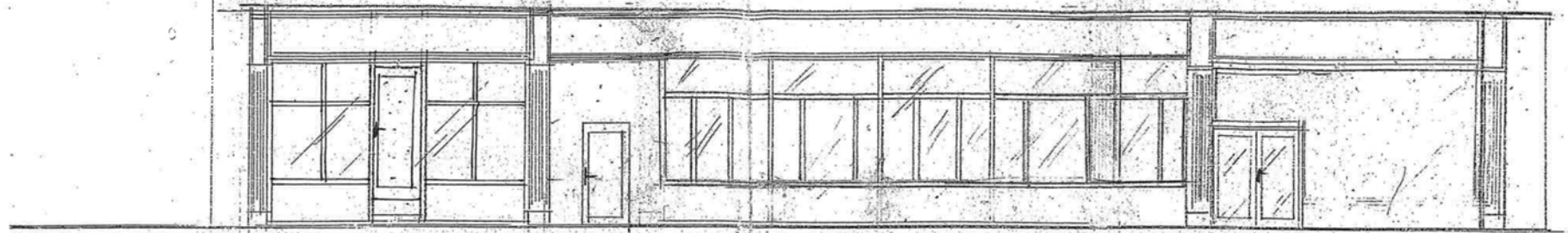
Date _____

Received by _____

SIDE ELEVATION

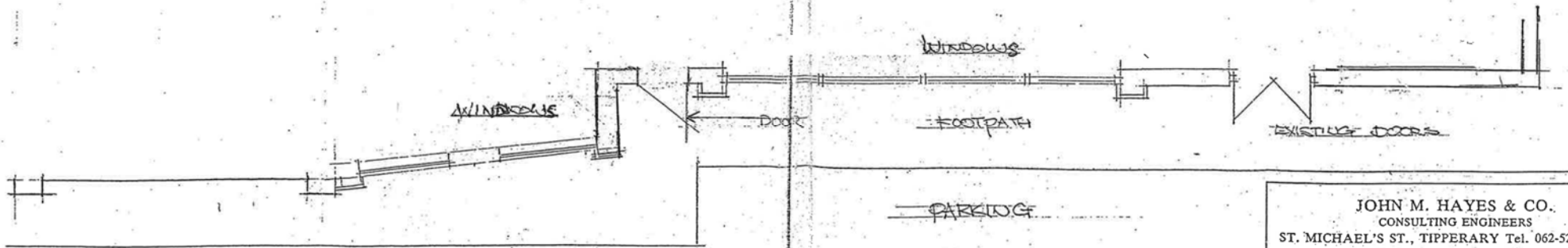


FRONT ELEVATION



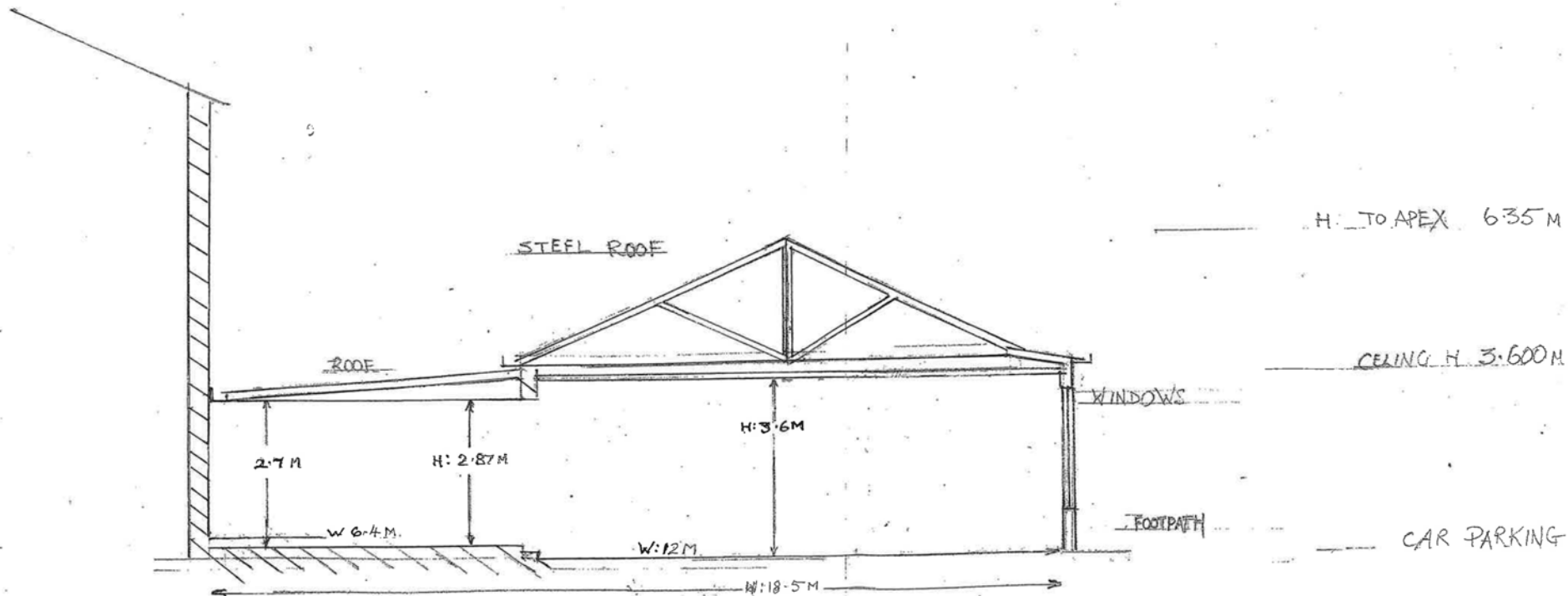
MAIN ENTRANCE

PLAN ELEVATION



JOHN M. HAYES & CO. CONSULTING ENGINEERS ST. MICHAEL'S ST., TIPPERARY Tel. 062-52223/52313			
CLIENT: <u>BARRY KINGSTON</u>			
DRAWN	SCALE	DATE	DWR. No.
<u>M. KEANE</u>	<u>1/8" = 1'-0"</u>	<u>MARCH 95</u>	<u>44045A</u>
REVISION			DATE <u>MAR 2025</u>

FUNCTION ROOM SECTION



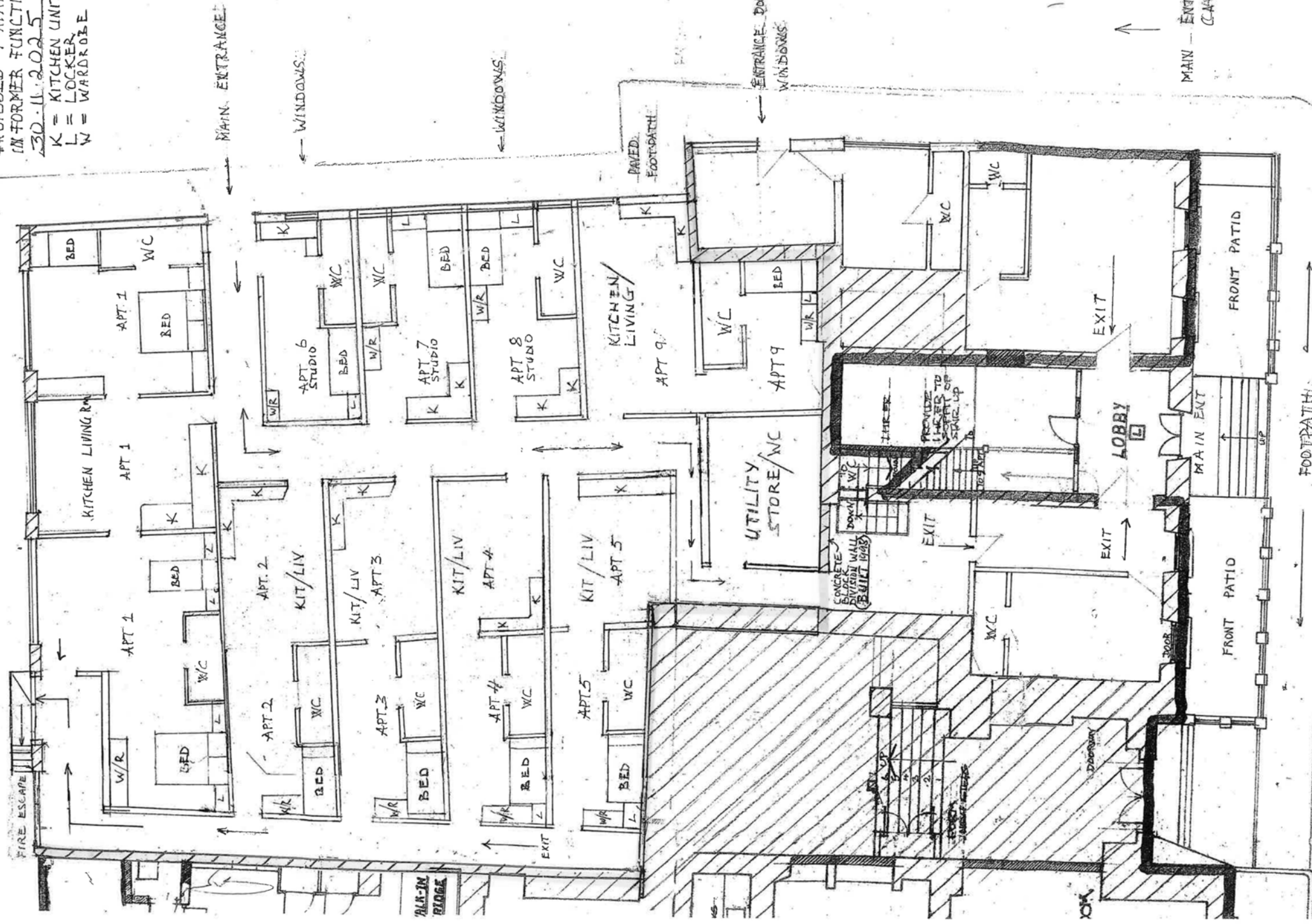
PARKING/ADJACENT

PLAN/SECTION

JOHN M. HAYES & CO. CONSULTING ENGINEERS ST. MICHAEL'S ST., TIPPERARY Tel. 062-52223/52313			
CLIENT: <u>BARRY KILGISTON</u>			
DRAWN <u>M. KEANE</u>	SCALE <u>1/8" = 1'-0"</u>	DATE <u>MARCH 15</u>	DWR. No. <u>4404-A</u>
REVISION			DATE <u>MAR: 2025</u>

PROPOSED 9 APARTMENTS
IN FORMER FUNCTION ROOM
30-11-2025

K = KITCHEN UNITS.
L = LOCKER
W = WARDROBE



(SCALE 1:100)

BANK PLACE HOUSE
(DOBBYNS HOTEL)

MAIN STREET



**The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine**

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see www.pra.le.

This map incorporates Ordnance Survey Ireland (OSi) mapping data under a licence from OSi. Copyright © OSi and Government of Ireland.

(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Wel

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006





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: 15th December 2025 Our Ref: S5/25/160

Civic Offices, Clonmel

**Barry Kingston,
Kenton House,
St Michael Street,
Tipperary Town,
Co Tipperary.**

**Re: Application for a Section 5 Declaration – proposed 9 no
apartments with ancillary areas at former function room of the
Times Hotel. Interior works mainly required at Bank Place,
Main Street, Tipperary Town, Co. Tipperary.**

A Chara,

I acknowledge receipt of your application for a Section 5 Declaration received
on 12th December 2025 in connection with the above.

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

Mise le meas,

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 Reference: S5/25/160

Applicant: Barry Kingston

Development Address: Bank Place, Main Street, Tipperary Town, Co. Tipperary

Proposed Development: 9 no. apartments with ancillary areas at the former function room of the Times Hotel. Interior works mainly required.

1. GENERAL

On the 12th December 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Barry Kingston in respect of the following development at Bank Place, Main Street, Tipperary Town, Co. Tipperary

9 no apartments with ancillary areas at the former function room of the Times Hotel. Interior works mainly required.

The application is accompanied by the following;

- Cover Letter
- Application form
- Folio Map dated October 2021
- Site Layout Plan (not specifically preparing for this proposal)
- Proposed Plan, section and elevation drawings

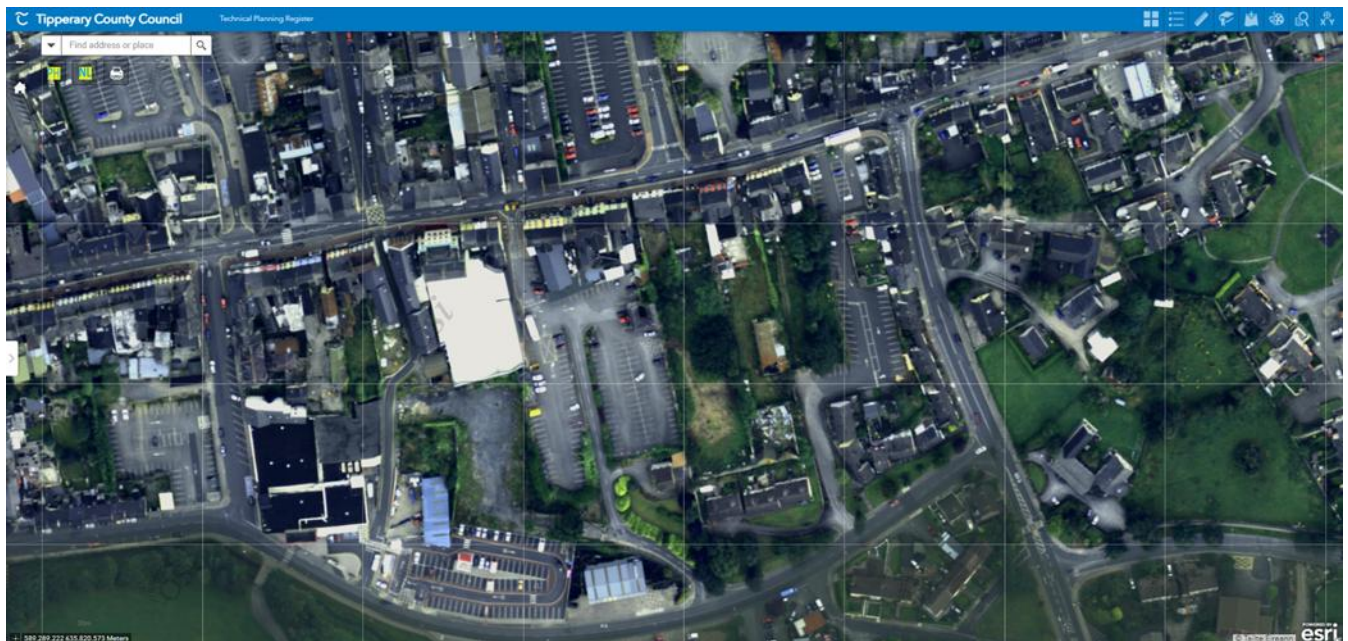


Figure 1 Site Location



Figure 2 Subject Site (Google Street View 2022)



Figure 3 Rear of Building (Google Street View 2011)

The subject function room is unusual in that whilst it served the Times Hotel it is located to the rear of the adjoining property to the west, Bank Place House. The Times Hotel is a Protected Structure RPS Ref:95 as contained within the Tipperary Town and Environs Development Plan 2013, as varied, and is described as;

Terraced Hotel, comprising four-bay three-storey house built c. 1800 with recessed one-bay three-storey addition to west, and two-bay three-storey former house with late twentieth-century pub front to east.

The building is also listed on the NIAH record as Ref 22108095 with the following description;

Terraced hotel, comprising four-bay three-storey house, built c. 1800, with recessed one-bay three-storey addition to west, and two-bay three-storey former house with late twentieth-century pub front to east. Pitched roofs with felt covering to main block, slate to other blocks, rendered chimneystacks and eaves course and cast-iron rainwater goods. Painted roughcast rendered walls with painted render plinth to main block. Square-headed window openings throughout, with stone sills. Timber sliding sash six-over-six pane windows to lower floors of main block, replacement uPVC elsewhere.

Round-headed entrance opening having timber canopy with moulded cornice and dentils and supported by fluted Ionic columns. Glazed timber double-leaf entrance door with sidelights and cobweb fanlight, accessed by limestone steps and flanked by wrought-iron railings and pair of cast-iron lamp bases c. 1860 with late twentieth-century heads. Low painted rendered boundary wall to façade with late twentieth-century tubular steel railings and tiled pavement.

Furthermore, the former function room is also located within an Architectural Conservation Area and Zone of Archaeological Potential.

As per the assessment under the declaration Reference S5/24/86, there is little available in relation to the history of the function room. The Times Hotel or the adjoining property to the west are not registered on www.landdirect.ie. The Municipal District Office previously confirmed the subject area was a function room/dance hall which was originally accessed from the recessed entrance on the Main Street.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this 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 the following:-

“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 4(1) of the Planning and Development Act, 2000, as amended states:

4.- (1) The following shall be exempted developments for the purposes of this Act—

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

Section 4 (2) (a) of the Planning and Development Act 2000, as amended, states as follows:-

(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4 of the Planning and Development Act 2000, as amended, states as follows:-

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an

environmental impact assessment or an appropriate assessment of the development is required.

Section 57 of the Planning and Development Act 2000, as amended, states as follows:-

Works affecting character of protected structures or proposed protected structures.

57. (1) Notwithstanding section 4(1)(a), (h), (i), (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

Section 82 of the Planning and Development Act 2000, as amended, states as follows:-

Development in architectural conservation areas.

82.—*(1) F483 [Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.*

(2) In considering an application for permission for development in relation to land situated in an architectural conservation area, a planning authority, or the Board on appeal, shall take into account the material effect (if any) that the proposed development would be likely to have on the character of the architectural conservation area.

Planning and Development Regulations 2001, as amended

Article 5 of the Planning and Development Regulations 2001, as amended states:

Interpretation for this Part.

5. (1) In this Part—

“business premises” means—

(b) a hotel, hostel (other than a hostel where care is provided) or public house, or

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

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

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

Article 10 of the Planning and Development Regulations 2001, as amended sets out changes of use and states:

(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 2028.’

- (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*
- (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 subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.
- (xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

S.I. No. 648 of 2025 extends the provisions of Article 10(6) by amending the 'relevant period' from 31st December 2025 to 31st December 2028.

Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025
[Planning Design Standards for Apartments 080725 FINAL.pdf](#)

3. **ASSESSMENT**

a. **Site Location**

The site comprises of a structure situated at Bank Place, Tipperary Town Co. Tipperary. The application states the structure was used as the Function Room for the Times Hotel. The photographs provided by the Councils' Architectural Conservation Officer (Eamonn Hunter) (dated 31/07/2024 under S5/25/78 assessment) confirm same. The subject function room is unusual in that whilst it served the Times Hotel it is located to the rear of the adjoining property to the west, Bank Place House. The Times Hotel is a Protected Structure RPS Ref:95 as contained within the Tipperary Town and Environs Development Plan 2013, as varied.

b. **Relevant Planning History**

S5/24/78 – Determined that the development consisting of *the change of use of Hotel Function Room for the housing of International Protection Applicants (IPAs) to include 15 bedrooms with dining, recreation and kitchenette* 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.

S57/24/19 lodged with the following development description:

Former Hotel Function Room, Built c. 1963. Cavity block, rendered. We have been in contact with the DCEDIY/ IPAS for the housing of IPAs in the property. A rough sketch is included herein. The former function room is open plan at present. We proposed to divide this area into 15 bedrooms with dining, recreation and kitchenette. The exterior will require repainting and re-glazing etc. The premises is single storey and mostly carpentry work will be required.

Section 57 Declaration not issued to date.

c. **Assessment**

The question posed under the Section 5 Declaration application is whether 9 no. apartments with ancillary areas in the former function room of the Times Hotel and interior works mainly required is development and is exempted development.

The cover letter states the applicant no longer wishes to use the building for International Protection Applicants or avail of the exemption as per the declaration issued under S5/24/78.

i) "Is or is not Development"

It is considered that the above listed proposal constitutes "works" as understood by the Planning and Development Act 2000, as amended. The proposal also constitutes a material change of use. The above listed proposal therefore constitutes "development" within the meaning of the Planning and Development Act 2000, as amended.

ii) "Is or is not Exempted Development"

Noting there is a number of limitations under Article 10(6), I have assessed individually hereunder.

(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 2028.'

The Article 10(6)(a) notification (in the appropriate form) was not submitted to the Planning Authority.

(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

The last known use of the structure subject to this Section 5 was as a dance hall/ function room associated with the Times Hotel. For the purposes of this assessment, I consider the Planning Authority must consider the last legitimate use which appears to have been a hotel. I note that a **hotel** does not fall under Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 1 of the Planning and Development Regulations 2001, as amended. While Class 6 encompasses guest houses, residential clubs, and hostels, it does not extend to hotels.

Therefore, a hotel use is not prescribed a commercial use for the purposes of Article 10(6) i.e. same does fall under Class 1, 2, 3, 6 or 12. This was previous view taken by Tipperary County Council under S5/24/78.

(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,

The structure was completed prior to the making of the 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 and

The subject structure was historically used as a function room/dance hall ancillary to the Times Hotel. I not consider that a function room or dance hall falls under Class 1, 2, 3, 6 or 12.

(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,

The applicant has not provided any details to confirm that the structure concerned, has been vacant for a period of 2 years.

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.

The development will be completed within 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.***

I note that 50 per cent or more of the external fabric of the building will be retained. The submitted plans limited works to the external of the structure.

(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.

N/A.

(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.

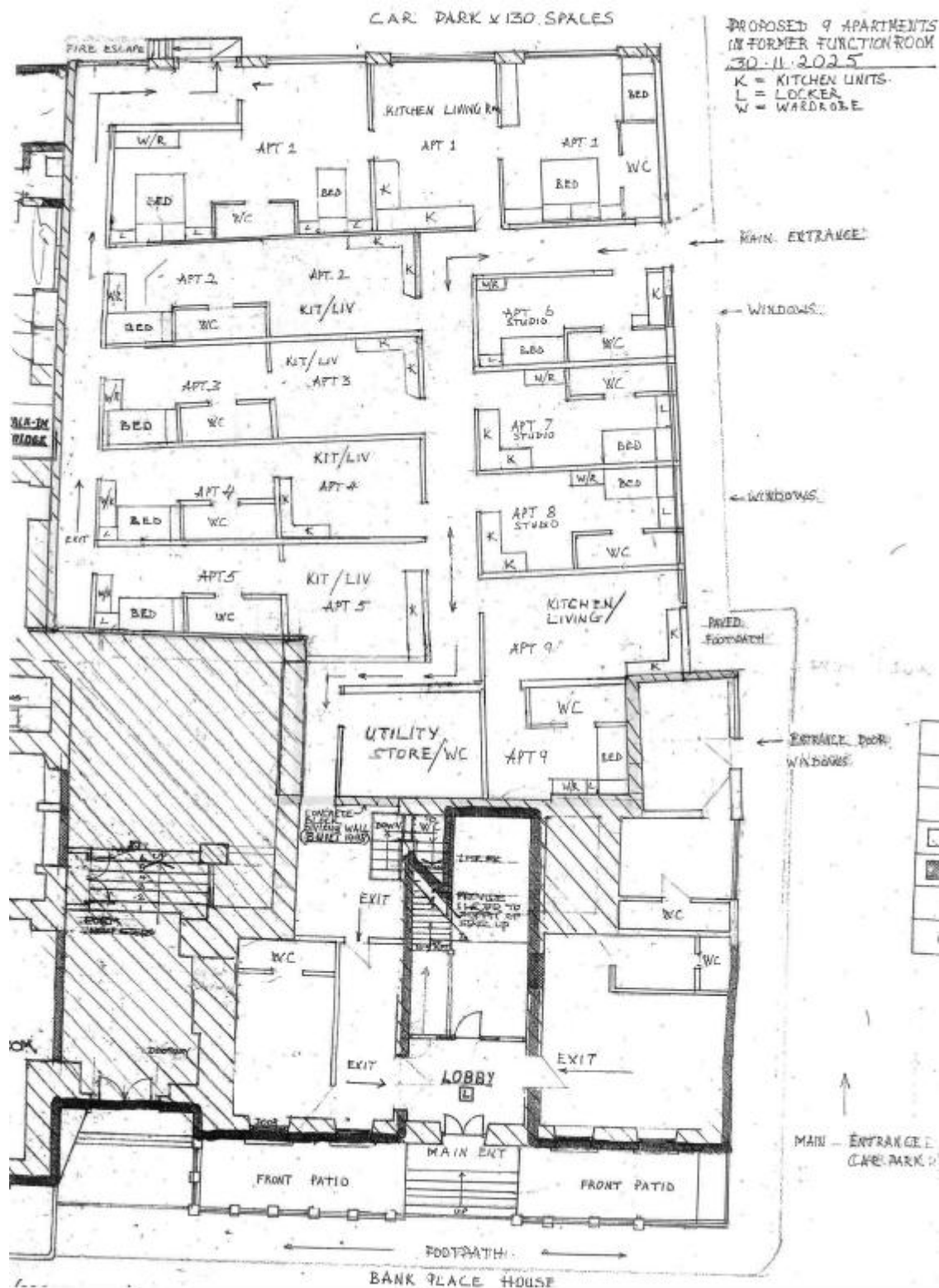
Not applicable. The existing use is not retail.

(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 related to 9 no. unit only. The provisions of Article 10(6)(d)(v) does not therefore apply.

(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 floor area of each unit has not been provided and given the quality of the floor plan drawing I cannot confirm if each unit achieves the minimum floor area requirement.



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

There is not sufficient natural lighting serving all 9 units. It appears that some units have no windows.

(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 unit is Protected Structure RPS Ref:95 as contained within the Tipperary Town and Environs Development Plan 2013, as varied as such the provisions of Article 10(6)(d)(viii) therefore apply. The applicant is not in receipt of a Section 57 Declaration for the works.

(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.

This proposal would not be inconsistent with a specified use. The provisions of Article 10(6)(d)(ix) does not therefore apply.

(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

None of the above apply to this property or location. The provisions of Article 10(6)(d)(x) does not therefore 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.

Development subject to this Section 5 is located within a Zone of Archaeological Potential (ZAP) and the restriction set out under (viiA) applies.

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 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 property is to be served by public wastewater. The provisions of Article 10(6)(d)(xii) do not therefore apply.

iii) Restrictions under Article 9

I note no other restrictions under Article 9 i.e. aside from those referenced above, that would apply.

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

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached.

EIA

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 also for Environmental Impact Assessment (EIA) preliminary examination screening report attached.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the provision of 9 no. apartments with ancillary areas in the former function room of the Times Hotel and interior works at Bank Place, Main Street, Tipperary Town, Co. Tipperary is “development” and is or is not “exempted development”

AND WHERE AS Tipperary County Council in considering this referral had regard particularly to -

- (a) Section 2, 3, 4 & 57 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025,
- (d) The Architectural Heritage Protection 2011 Guidelines For Planning Authorities
- (e) Tipperary Town and Environs Development Plan 2013, as varied
- (f) The nature and use of the building

AND WHEREAS Tipperary County Council has concluded that the provision of 9 no. apartments with ancillary areas at the former function room of the Times Hotel and interior works at Bank Place, Main Street, Tipperary Town, Co. Tipperary constitutes works and a material change of use and is “development” within the meaning of the Planning and Development Act 2000, as amended and **IS NOT** “exempted development”.

Reason:

- The Applicant has not provided the Article 10(6) notification application form to avail of the exemption
- The Planning Authority considers that the proposal does not meet the conditions of Article 10(6)(b) and 10(6)(c)(ii) of the Planning and Development Regulations 2001, as amended, as the proposal does not consist of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 of the above cited Regulations.
- The Planning Authority is not satisfied that the proposal meets the requirements of Article 10(6)(c)(iii), Article 10(6)(d)(vi), Article 10(6)(d)(vii), Article 10(6)(d)(viii) and Article 10(6)(c)(xi), of the same Regulations.

District Planner:



Date: 12/01/2026



Senior Executive Planner:

Date: 15.1.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5/25/160
(b) Brief description of the project or plan:	9 no. apartments with ancillary areas at the former function room of the Times Hotel. Interior works mainly required.
(c) Brief description of site characteristics:	Urban Serviced Area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European (code)	Site	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137	Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	No
002162	River Barrow & River More SAC	https://www.npws.ie/protected-sites/sac/002162	Within 10km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits) Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests 	No potential impacts. Change of use only
Operational phase e.g. <ul style="list-style-type: none"> Direct emission to air and water Surface water runoff containing contaminant or sediment 	No potential impacts. Change of use only

<ul style="list-style-type: none"> • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 		
In-combination/Other	No potential impacts	
(b) Describe any likely changes to the European site:		
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No potential impacts	
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
STEP 4. Screening Determination Statement		
The assessment of significance of effects:		
Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.		
The proposed development is not likely to have significant effects.		
Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/160
Development Summary:	9 no. apartments with ancillary areas at the former function room of the Times Hotel. Interior works mainly required.
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

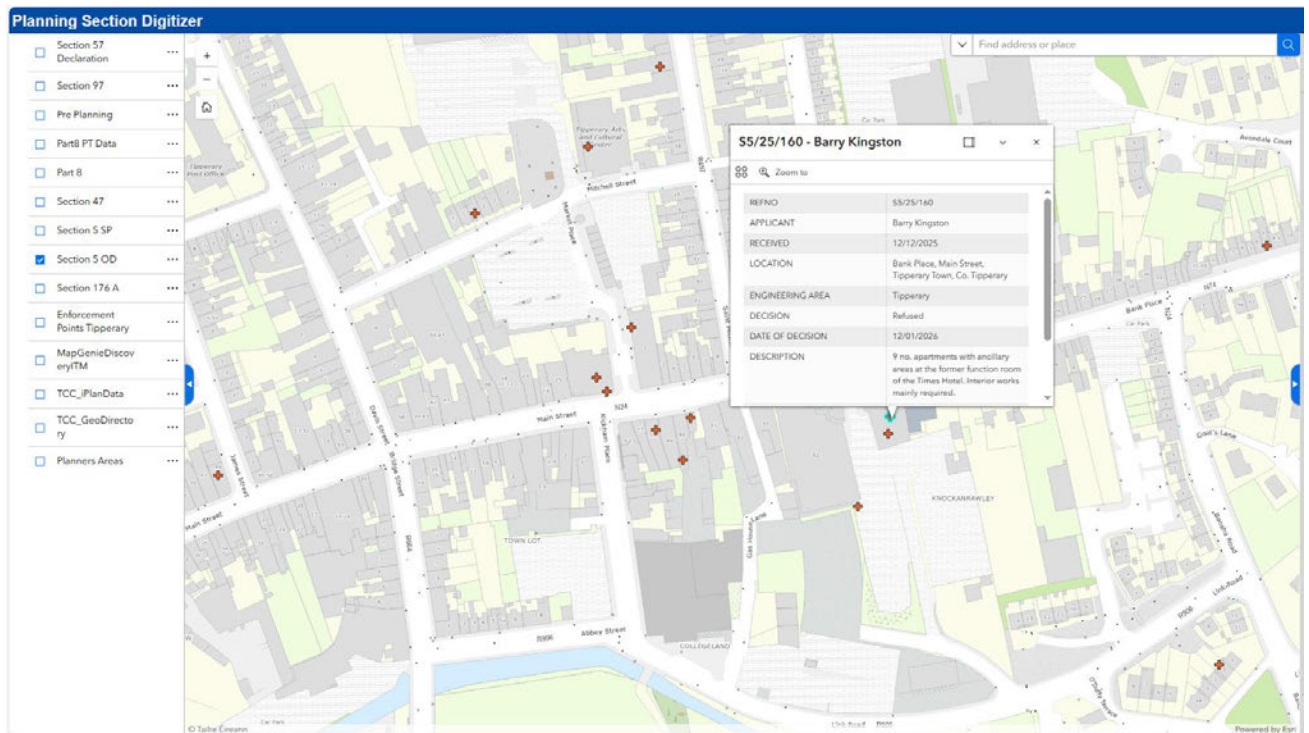


Figure 4 Planning Register

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/160**

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 Barry Kingston, Kenton House, St Michael Street, Tipperary Town, Co Tipperary re: 9 no. apartments with ancillary areas at the former function room of the Times Hotel. Interior works mainly required at Bank Place, Main Street, Tipperary Town, Co. Tipperary is development and is exempted development.

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

- (a) Section 2, 3, 4 & 57 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025,
- (d) The Architectural Heritage Protection 2011 Guidelines For Planning Authorities
- (e) Tipperary Town and Environs Development Plan 2013, as varied
- (f) The nature and use of the building

Tipperary County Council has concluded that the provision of 9 no. apartments with ancillary areas at the former function room of the Times Hotel and interior works at Bank Place, Main Street, Tipperary Town, Co. Tipperary constitutes works and a material change of use and is "development" within the meaning of the Planning and Development Act 2000, as amended and **IS NOT** "exempted development".

Reason:

- The Applicant has not provided the Article 10(6) notification application form to avail of the exemption
- The Planning Authority considers that the proposal does not meet the conditions of Article 10(6)(b) and 10(6)(c)(ii) of the Planning and

Development Regulations 2001, as amended, as the proposal does not consist of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 of the above cited Regulations.

- The Planning Authority is not satisfied that the proposal meets the requirements of Article 10(6)(c)(iii), Article 10(6)(d)(vi), Article 10(6)(d)(vii), Article 10(6)(d)(viii) and Article 10(6)(c)(xi), of the same Regulations.

Signed:

A handwritten signature in black ink, appearing to read 'Brian Beck', written over a horizontal line.

Brian Beck
Director of Services

Date: 19/1/2026



Date: 19th January 2026

Our Ref: S5/25/160

Civic Offices, Nenagh

**Barry Kingston,
Kenton House,
St Michael Street,
Tipperary Town,
Co Tipperary.**

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

Dear Barry,

I refer to your application for a Section 5 Declaration received on 12th December 2025 in relation to the following proposed works:

9 no. apartments with ancillary areas at the former function room of the Times Hotel. Interior works mainly required at Bank Place, Main Street, Tipperary Town, 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 –

- (a) Section 2, 3, 4 & 57 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025,
- (d) The Architectural Heritage Protection 2011 Guidelines For Planning Authorities
- (e) Tipperary Town and Environs Development Plan 2013, as varied
- (f) The nature and use of the building

AND WHEREAS Tipperary County Council has concluded that the provision of 9 no. apartments with ancillary areas at the former function room of the Times Hotel and interior works at Bank Place, Main Street, Tipperary Town, Co. Tipperary constitutes works and a material change of use and is "development" within the meaning of the Planning and Development Act 2000, as amended and **IS NOT** "exempted development".

Reason:

- The Applicant has not provided the Article 10(6) notification application form to avail of the exemption
- The Planning Authority considers that the proposal does not meet the conditions of Article 10(6)(b) and 10(6)(c)(ii) of the Planning and Development Regulations 2001, as amended, as the proposal does not consist of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 of the above cited Regulations.
- The Planning Authority is not satisfied that the proposal meets the requirements of Article 10(6)(c)(iii), Article 10(6)(d)(vi), Article 10(6)(d)(vii), Article 10(6)(d)(viii) and Article 10(6)(c)(xi), of the same Regulations.

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 M Keaveney
for **Director of Services**