



# Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol  
Planning Development and Environment**

Áras An Chontae / County Buildings  
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Guthán / Tel: (0404) 20148  
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Rphost / Email: [plandev@wicklowcoco](mailto:plandev@wicklowcoco)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

Ger Kelly  
Architectural Services  
Ballyknockan  
Valleymount  
Co. Wicklow

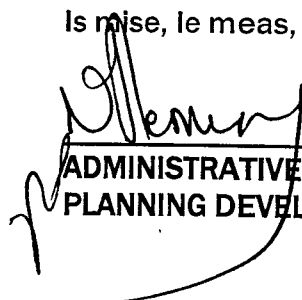
 6 November 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) – EX67/2023 for Martin McGinn**

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

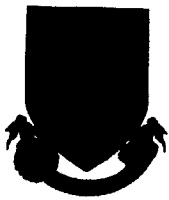
Is mise, le meas,

  
**ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT.**

*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.  
This document is available in alternative formats on request.*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Forbairt Pleanála agus Comhshaol.  
All correspondence should be addressed to the Director of Services, Planning Development & Environment.





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## DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

**Applicant:** Martin McGinn

**Location:** 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/1874/2023

A question has arisen as to whether “the conversion of vacant commercial unit to 3 apartments” at 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow” **is or is not exempted development.**

### Having regard to:

- The details received with this section 5 application (EX67/2023) on the 2<sup>nd</sup> October 2023.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).
- Article 10(6) and Schedule 2 Part 4 of the Planning and Development Regulations, 2001 (as amended)

### Main Reasons with respect to Section 5 Declaration:

1. The proposal for ‘The conversion of vacant commercial unit to 3 apartments’ at 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow, as set out in the documents lodged would be development, having regard to Section 3 of the Planning and Development Act 2000 (as amended), and would be exempted development having regard to the provisions of Article 10(6) of the Planning and Development Regulations 2001 (as amended).

**The Planning Authority considers that** “the conversion of vacant commercial unit to 3 apartments” at 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow **is development and is exempted development.**

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated  November 2023



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/1874/2023

Reference Number: EX 67/2023

Name of Applicant: Martin McGinn

Nature of Application: Section 5 Referral as to whether "the conversion of vacant commercial unit to 3 apartments" is or is not exempted development

Location of Subject Site: 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow

Report from Suzanne White, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the conversion of vacant commercial unit to 3 apartments" at 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details received with this section 5 application (EX67/2023) on the 2<sup>nd</sup> October 2023.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).
- Article 10(6) and Schedule 2 Part 4 of the Planning and Development Regulations, 2001 (as amended)

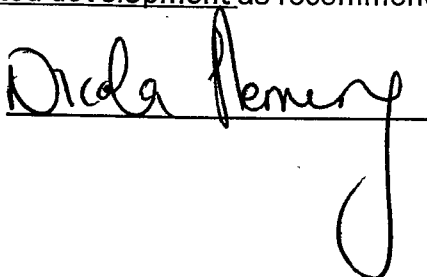
Main Reason with respect to Section 5 Declaration:

- 1) The proposal for 'The conversion of vacant commercial unit to 3 apartments' at 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow, as set out in the documents lodged would be development, having regard to Section 3 of the Planning and Development Act 2000 (as amended), and would be exempted development having regard to the provisions of Article 10(6) of the Planning and Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that "the conversion of vacant commercial unit to 3 apartments" at 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed



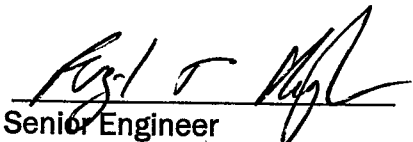
Dated 1<sup>st</sup> day of November 2023

ORDER:

I HEREBY DECLARE:

That "the conversion of vacant commercial unit to 3 apartments" at 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000

Signed:

  
Senior Engineer  
Planning Development & Environment

Dated 06 day of November 2023



## **Section 5 Application : EX 67/2023**

Date : 1<sup>st</sup> November 2023

Applicant : Martin Mc Ginn

Address : 1<sup>st</sup> Floor Civic Building, Blessington , Co. Wicklow.

Whether or not :

The conversion of vacant commercial unit to 3 apartments is development and is exempted development.

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This report relates to consideration of further information received on the 16<sup>th</sup> October 2023 and should be read in conjunction with the previous Planner's report.

### **Further information requested**

*In respect of you query under Section 5 of the Planning and Development Act 2000(as amended), the following information should be submitted to fully assess the query i.e.*

- i. *The storage area for Apartment 3 is 3sqm and below the Sustainable Urban Housing : Design Standards for New Apartments : Guidelines for Planning Authorities :DOE : December 2022 which provides that a 2 bedroomed/3person unit shall have a 5sqm storage area . Please address and show how the storage area will meet the standards of Apartment Guidelines .*
- ii. *Please confirm that both Apartment 1 and Apartment 3 are 2 bedroomed / 3 person apartments.*

### **Further information received**

- i) Cover letter from agent stating that Apartments 1&3 are both 2bed 3person units. Apartment 2 is a 1bed 2person unit.
- ii) Revised floorplan showing 2no. storage areas for Apartment 3, with a total area of 6sqm.

### **Assessment**

It is considered that the further information submitted has resolved the issues raised. It is also noted that the apartments continue to meet the other requirements of the Apartment Guidelines.

### **Recommendation:**

*With respect to the query under Section 5 of the Planning and Development Act 2000, as to:*

Whether or not 'The conversion of vacant commercial unit to 3 apartments is development and is exempted development' at 1<sup>st</sup> Floor Civic Building, Blessington , Co. Wicklow

### **The Planning Authority considers that:**

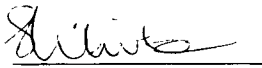
The proposal for the 'conversion of vacant commercial unit to 3 apartments' at 1<sup>st</sup> Floor Civic Building, Blessington, Co. Wicklow is development, and is exempted development.

**Main Considerations with respect to Section 5 Declaration:**

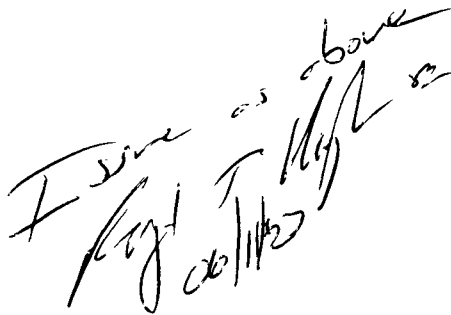
- The details received with this section 5 application (EX67/2023) on the 2<sup>nd</sup> October 2023.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).
- Article 10(6) and Schedule 2 Part 4 of the Planning and Development Regulations, 2001 (as amended)

**Main Reasons with respect to Section 5 Declaration:**

- 1) The proposal for *'The conversion of vacant commercial unit to 3 apartments' at 1st Floor Civic Building, Blessington, Co. Wicklow*, as set out in the documents lodged would be development, having regard to Section 3 of the Planning and Development Act 2000 (as amended), and would be exempted development having regard to the provisions of Article 10(6) of the Planning and Development Regulations 2001 (as amended).



Suzanne White  
Senior Executive Planner  
01/11/23



# **MEMORANDUM**

## **WICKLOW COUNTY COUNCIL**

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**TO: Suzanne White**  
**Senior Executive Planner**

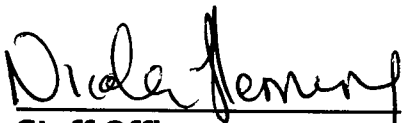
**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Act 2000 (as amended).  
EX69/2023 –**

I enclose herewith for your attention application for Section 5 Declaration received.

The due date on this declaration is the 06/11/2023.



**Staff Officer**  
**Planning Development & Environment**

## Nicola Fleming

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**From:** Nicola Fleming  
**Sent:** Tuesday 17 October 2023 12:13  
**To:** 'GKAS'  
**Subject:** RE: EX:67/2023

I acknowledge receipt of your email. Please note a decision is due on 06/11/2023.

Regards,

*Nicola Fleming*

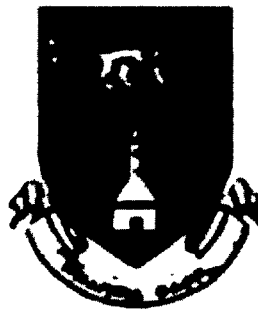
Staff Officer

Planning Department

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



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**From:** GKAS [<mailto:ger@gkas.ie>]  
**Sent:** Monday 16 October 2023 15:43  
**To:** Planning - Planning and Development Secretariat  
**Subject:** EX:67/2023

Dear Sir./Madam,

Please find attached further information for exempt development file EX67/2023

Kind regards,

Ger

*Ger Kelly  
Architectural Services  
Ballyknockan  
Blessington,*

Co. Wicklow

Ph: 045 867902

Mob: 0876639771

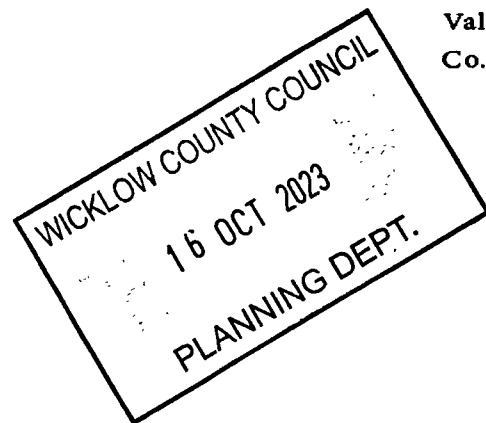
Fax 045 867902

Web: [www.gkas.ie](http://www.gkas.ie)



Ger Kelly  
Architectural Services  
Ballyknockan  
Valleymount  
Co. Wicklow

Wicklow Co Co.  
Planning dept,  
County buildings  
Wicklow Town,  
Co. Wicklow



16.10.2023

**Ref: Certificate of exemption for change of use from commercial to residential for 3 apartments at First Floor Civic Building, Main Street Blessington, Co. Wicklow**

Dear Sir/Madam,

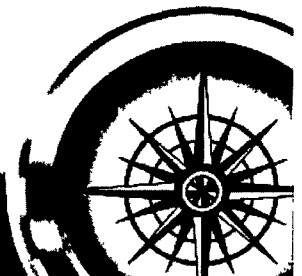
Please find enclosed further information (EX 67/2023) on the change of use from commercial to residential for 3 apartments. Apartments 1 and 3 are 2-bedroom s for 3 persons. Apartment 1 is 1 bedroom for 2 persons.

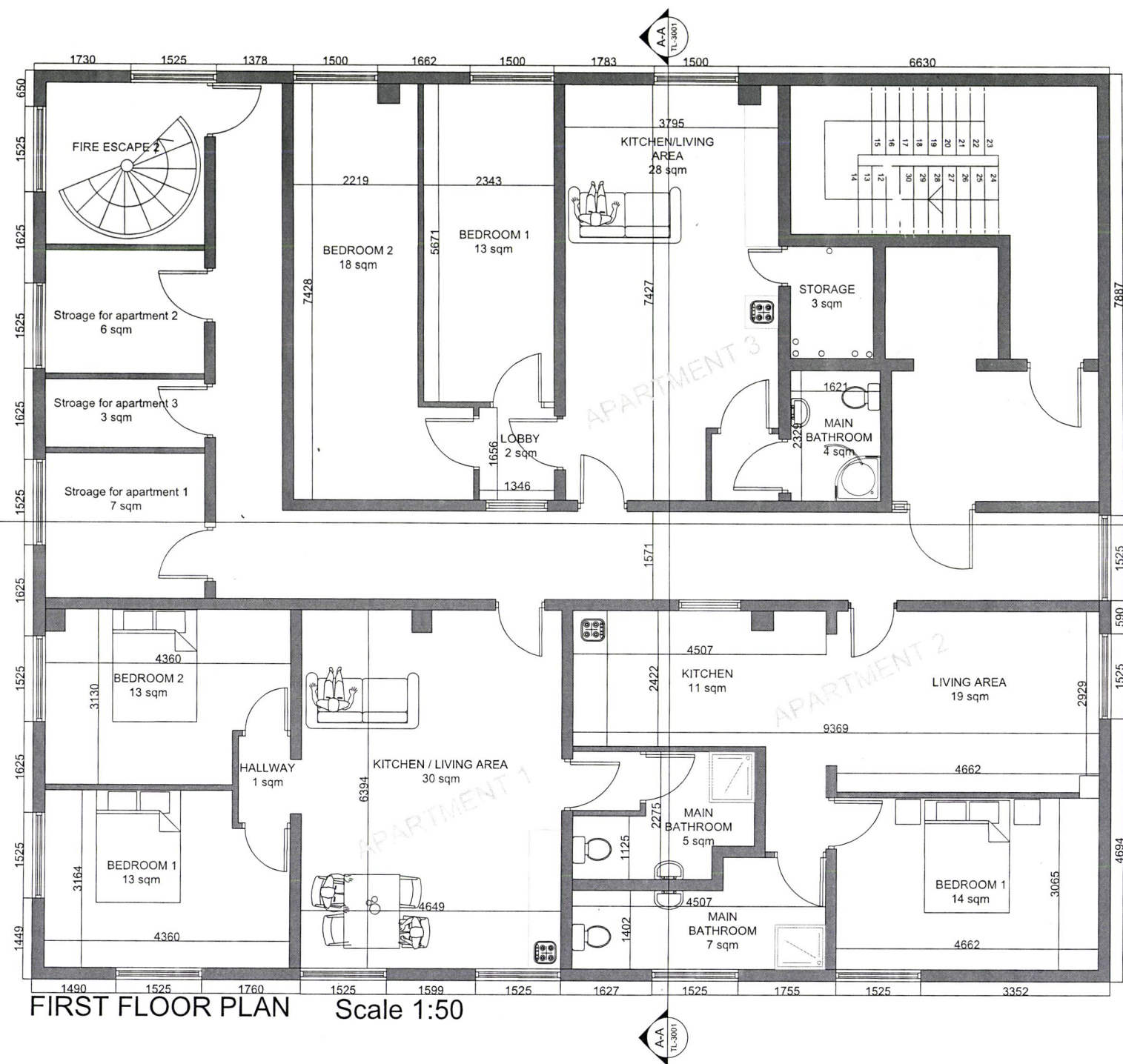
Should you have any queries please do not hesitate to contact me.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Ger Kelly", with a horizontal line extending to the right.

Ger Kelly  
BSc Hons Arch





### APARTMENT 1 (2 BED 3 PEOPLE 66 SQM)

Kitchen/ Living Area	30sqm
Main Bathroom	5sqm
Bedroom 1	13sqm
Bedroom 2	13sqm
Storage (separate)	7sqm

### APARTMENT 2 (1 BED 52 SQM)

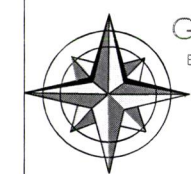
Kitchen/ Living Area	30sqm
Main Bathroom	7sqm
Bedroom 1	14sqm
Storage (separate)	6sqm

### APARTMENT 3 (2 BED 3 PEOPLE 72 SQM)

Kitchen/ Living Area	28sqm
Main Bathroom	4sqm
Bedroom 1	13sqm
Bedroom 2	18sqm
Storage (separate)	6sqm(Total)

FI: EX 67/2023

Planning Drawings



**Gerard Kelly**  
Ballyknockan, Vallemount, Co. Wicklow.

Phone: 087 6639771  
Ph/Fax: 045-867902  
E: ger@gkas.ie  
W: www.gkas.ie

Client- Martin McGinn

Job- Apartment

Location- Blesington, Co. Wicklow

Title- Plans

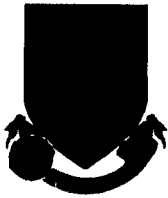
Date- September 2023

Scale- 1:50

Dwg no. 23.001A

Drawn by E.C

Architect



# Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol  
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10/10/2023

**Ger Kelly  
Architectural Services  
Ballyknockan  
Valleymount  
Co. Wicklow**

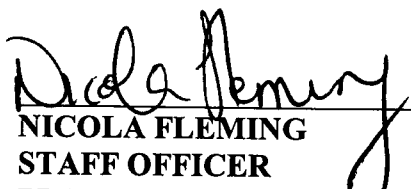
**RE: EX 67/2023  
Martin McGinn – First Floor Civic Building, Main Street, Blessington**

A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000(as amended), received on 25/09/2023 the following information should be submitted to fully assess the query i.e.

- i. The storage area for Apartment 3 is 3sqm and below the Sustainable Urban Housing: Design Standards for New Apartments : Guidelines for Planning Authorities :DOE : December 2022 which provides that a 2 bedroomed/3person unit shall have a 5sqm storage area . Please address and show how the storage area will meet the standards of Apartment Guidelines.
- ii. Please confirm that both Apartment 1 and Apartment 3 are 2 bedroomed / 3 person apartments.

Mise, le meas

  
**NICOLA FLEMING  
STAFF OFFICER  
PLANNING DEVELOPMENT AND ENVIRONMENT**





## **Section 5 Application : EX 67/2023**

Date : 6<sup>th</sup> October 2023

Applicant : Martin Mc Ginn

Address : 1<sup>st</sup> Floor Civic Building, Blessington , Co. Wicklow.

Whether or not :

The conversion of vacant commercial unit to 3 apartments is development and is exempted development.

### **Planning History :**

EX 51/2023 Conversion of vacant commercial unit to 3 apartments deemed not exempted development as

- The conversion would not come within the criteria set out under Article (6) (d) (vi) as the floor areas would not meet the minimum areas set out in the "Sustainable Urban Housing: Design Standards for New Apartment : Guidelines for Planning Authorities : December 2022" as
  - Two of the Apartment units are below the minimum overall apartment floor areas which provide two bedroom units ( 4 persons) should be 73sqm .
  - The Kitchen / Living Room area of all the apartments are below the minimum living / kitchen floor area requirements
  - A double Bedroom in one of the apartments is below the 11.4sqm minimum floor area for double rooms requirement.

PRR 11/4557 Permission granted for change of use from retail to office on first floor, merchant house, Blessington.

PRR 06/5936 Permission granted for change of use of ground level retail unit to restaurant.

PRR 05/2381 Amendment to previously approved town centre development ( PRR 01/4436 & PRR 03/9183 i.e. change of use of ground floor and lower ground floor of proposed civic/ commercial building to retail use.

PRR 01/4436 Town Centre development Blessington

### **Blessington Local Area Plan 2013-2019**

Chapter 11 Zoning and Land Use

Zoning Objective: TC: Town Centre

To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation.

### **County Development Plan 2022-2023**

## Retail – Town Centres

**CPO 10.12** To manage the provision of non retail uses at ground floor level within the retail core area of town centres in order to protect the retail viability of centres and to maintain the visual character of streets. This objective aims to prevent the proliferation of 'dead frontages' on key streets. In particular, active use of corner sites, particularly within larger centres, is considered pivotal in creating a sense of vibrancy.

## **Sustainable Urban Housing : Design Standards for New Apartments : Guidelines for Planning Authorities :DOE : December 2022.**

### Internal Storage

3.30 As part of required minimum apartment floor areas, provision should be made for general storage and utility. Minimum requirements for storage areas are set out in Appendix 1 and are intended to accommodate household utility functions such as clothes washing and the storage of bulky personal or household items.

3.31 Storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. In such cases this must be in addition to minimum aggregate living/dining/kitchen or bedroom floor areas. A store off a hallway or landing will facilitate access, but hot presses or boiler space will not count as general storage. As a rule, no individual storage room within an apartment should exceed 3.5 square metres.

3.32 Apartment schemes should provide storage for bulky items outside individual units (i.e. at ground or basement level). Secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful and planning authorities should encourage the provision of such space in addition to minimum apartment storage requirements. This form of storage may be used for equipment such as, for example, bicycles or bicycle equipment, children's outdoor toys or buggies. However, such storage does not satisfy bicycle parking requirements.

3.33 Where secure, allocated ground or basement level storage is provided, it may be used to satisfy up to half of the minimum storage requirement for individual apartment units, but shall not serve to reduce the minimum floor area required to be provided within each individual apartment unit, as set out in these guidelines. This is intended to enable greater flexibility in apartment design, whereby more living or bedroom space may be provided within the apartment unit in lieu of a portion of required internal storage space where such storage space has been provided elsewhere in the building.

## Required Minimum Floor Areas and Standards

### Minimum overall apartment floor areas

Studio	37 sq m (n/a)*
One bedroom	45 sq m (38 sq m)*
Two bedrooms (3 person)**	63 sq m (n/a)*
Two bedrooms (4 person)	73 sq m (55 sq m)*
Three bedrooms	90 sq m (70 sq m)*

\* Figures in brackets refer to 1995 guidelines

\*\*Permissible in limited circumstances

### Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms

Apartment type ***	Width of living/ dining room	Aggregate floor area of living / dining / kitchen area*
Studio	4m**	30 sq m**
One bedroom	3.3 m	23 sq m
Two bedrooms (3 person)	3.6m	28 sq m
Two bedrooms (4 person)	3.6 m	30 sq m
Three bedrooms	3.8 m	34 sq m

### Minimum bedroom floor areas/widths\*\*\*

Type	Minimum width	Minimum floor area
Studio	4m**	30 sq m**
Single bedroom	2.1 m	7.1 sq m
Double bedroom	2.8 m	11.4 sq m
Twin bedroom	2.8 m	13 sq m

\* Note: Minimum floor areas exclude built-in storage presses that are contributing to storage space requirements

\*\* Note: Combined living/dining/bedspace

Studio	3 sq m
One bedroom	3 sq m
Two bedrooms (3 person)	5 sq m
Two bedrooms (4 person)	6 sq m
Three or more bedrooms	9 sq m

#### **Minimum storage space requirements**

#### **Minimum floor areas for private amenity space**

An Bord Pleanála Referrals :

RL27.304765 in respect of the conversion of an existing retail unit to two number one bedroom apartments at 2 South Quay, Arklow, County Wicklow

An Bord Pleanála has concluded that –

(a) the external and internal works to facilitate the residential use of the ground floor unit would constitute “works” defined as “development” in section 3 of the Planning and Development Act 2000, as amended,

(b) the external and internal works and alterations come within the scope of Article 10 (6)(d)(ii) and (iii) of the Planning and Development Regulations, as amended, and are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure and are not considered to materially affect the external appearance of the structure,

(c) having regard to Article 10(6)(d)(iv) of the Planning and Development Regulations, as amended, the use of the ground floor unit for residential use complies with the TC Town Centre land use zoning objectives for the site as set out in the Arklow and Environs Local Area Plan 2018 – 2024, and development and is exempted development.

(d) having regard to Article 10(6)(d)(vi) and (vii), the amended plans and particulars submitted with the referral comply with the requirements of the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March, 2018, in terms of provision of storage for each unit and the rooms for use, or intended for use, as habitable rooms have adequate natural lighting:

## **Relevant Legislation :**

### *Planning and Development Act 2000 (as amended)*

Section 2 : (1) In this Act, except where the context otherwise requires—

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate,

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 :

3.—(1) In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

Section 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;

**(3);** A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in *subsection (1)*, or

(b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

### *Planning and Development Regulations 2001(as amended )*

Article 10(6) – inserted *by the* Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018), further amended by - Provision to provide an exemption for the change of use, and any related works, of certain vacant commercial premises to residential use.

Schedule 2 : Part 4

**Assessment :**

The querist seeks confirmation that the conversion of first floor commercial unit which has been vacant for over 2 years to 3 apartments is development and is exempted development.

From planning history permission was originally granted for usage of this first floor as retail and subsequently permission was granted for its use as offices. The use of the first floor as offices to a residential use would it is considered give rise to a different pattern of usage which is materially different to use as an office. Therefore, the change of use of the first floor from offices to residential would be development as such a change of use would be a material change of use, and would come within the definition of development as set out under Section 3 of the Planning and Development Act 2000 (as amended)

The next question is therefore would the conversion come within the provisions set out under Article 10 (6), and the following sets out compliance with respect to each element of 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 2

Yes- proposals is for the change of use from office to residential.

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

Yes - structure was completed prior to the 8<sup>th</sup> February 2018

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

Yes

(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).

Yes – indicated that the unit has been vacant for 2 years

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

Yes - The relevant period is the 18<sup>th</sup> February 2018 until 31 December 2025 and therefore the indicated works will be completed by 31<sup>st</sup> December 2025.

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

Works are not to impact on the external façade.

(d) (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.

Not applicable

(d) (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

(d) (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.

3 apartments to be provided.

(d) (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.

Apartment 1 – 2 bed -66sqm

Bedroom 1 – 13sqm Bedroom 2 – 13sqm Kitchen/Living Room 30sqm Storage 9sqm.

Apartment 2 – 1 bed - 52sqm

Bedroom 1 -14sqm Kitchen/ Living 26sqm Storage 9sqm

Apartment 3 -2 bed - 72sqm

Bedroom 1 – 13sqm Bedroom 2 -18sqm Kitchen/ Living Area 28sqm Storage 3sqm

From review of the floor areas in respect of The Sustainable Urban Housing : Design Standards for New Apartments : Guidelines for Planning Authorities :DOE : December 2022 it is noted that Apartment 3

storage is still below the minimum, and the apartments should be confirmed to be for 3 persons only to comply with the guidance.

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

Yes.

(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.

N/A

(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 development will not contravene a condition.

(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.

Not Applicable

(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.

Not Applicable.

(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.

Not Applicable.

From review of the submitted details further details should be requested.



**Recommendation :**

In respect of your query under Section 5 of the Planning and Development Act 2000(as amended), the following information should be submitted to fully assess the query i.e.

- i. The storage area for Apartment 3 is 3sqm and below the Sustainable Urban Housing : Design Standards for New Apartments : Guidelines for Planning Authorities :DOE : December 2022 which provides that a 2 bedroomed/3person unit shall have a 5sqm storage area . Please address and show how the storage area will meet the standards of Apartment Guidelines .
- ii. Please confirm that both Apartment 1 and Apartment 3 are 2 bedroomed / 3 person apartments.

*Shel Nyl*  
80P  
6/10/23



# Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol  
Planning Development and Environment

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Faics / Fax: (0404) 69462  
Rphost / Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

## MEMORANDUM

### WICKLOW COUNTY COUNCIL

---

**TO: Edel Bermingham**  
**Senior Executive Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

---

**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX67/2023 – Martin McGinn**

I enclose herewith application for Section 5 Declaration received 2<sup>nd</sup> October 2023.

The due date on this declaration is 30<sup>th</sup> October 2023.

  
\_\_\_\_\_  
**Staff Officer**  
**Planning Development & Environment**





# Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol  
Planning Development and Environment**

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
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Rphost / Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

3<sup>rd</sup> October 2023

Ger Kelly  
Architectural Services  
Ballyknockan  
Valleymount  
Co. Wicklow

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended).  
Ex 67/2023 – Martin McGinn**

A Chara

I wish to acknowledge receipt on 02/10/2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 30/10/2023

Mise, le meas

**NICOLA FLEMING  
STAFF OFFICER  
PLANNING DEVELOPMENT AND ENVIRONMENT**



Ger Kelly  
Architectural Services  
Ballyknockan  
Valleymount  
Co. Wicklow

WICKLOW COUNTY COUNCIL  
CUSTOMER SERVICE

25 SEP 2023

Wicklow Co Co.  
Planning dept,  
County buildings  
Wicklow Town,  
Co. Wicklow

15.09.2023

**Ref: Certificate of exemption for change of use from commercial to residential for 3 apartments at First Floor Civic Building, Main Street Blessington, Co. Wicklow**

Dear Sir/Madam,

Please find enclosed a section 5 application for the above property. We previously applied for a section 5 which was refused, we are now re-apply but have submitted proposed drawings showing how each apartment will comply.

Should you have any queries please do not hesitate to contact me.

Yours Sincerely



Ger Kelly  
BSc Hons Arch

WICKLOW COUNTY COUNCIL  
25 SEP 2023  
PLANNING DEPT.



nty Council  
ings

0404-20100

02/10/2023 11 21 14

Receipt No L1/0/319598

Ger Kelly  
Ballyknockan  
Blessington  
Co Wicklow

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
-------	-----------

Tendered	
Credit Card	80 00
EX67/2023	

Change	0 00
--------	------

Issued By Marian Jameson  
From Customer Service Hub  
Vat reg No 0015233H



Wicklow County Council  
County Buildings  
Wicklow  
Co Wicklow  
Telephone 0404 20148  
Fax 0404 69462

**Office Use Only**

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

**APPLICATION FORM FOR A  
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &  
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT  
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

**1. Applicant Details**

(a) Name of applicant: Martin McGinn

Address of applicant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Note Phone number and email to be filled in on separate page.

**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) Ger Kelly

Address of Agent : Ballyknockan, Blessington , Co Wicklow \_\_\_\_\_

Note Phone number and email to be filled in on separate page.

### **3. Declaration Details**

i. Location of Development subject of Declaration First Floor Civic, Main Street  
Co. Wicklow

ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
Yes/ ☒

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or  
occupier \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iv. Section 5 of the Planning and Development Act provides that : If any question  
arises as to what, in any particular case, is or is not development and is or is not  
exempted development, within the meaning of this act, any person may, on  
payment of the prescribed fee, request in writing from the relevant planning  
authority a declaration on that question. You should therefore set out the query  
for which you seek the Section 5 Declaration **Applicant converted a vacant  
commercial unit for over 2 years to 3 apartments was originally refuse a  
section 5, we are now proposing to change the layout to the proposed  
drawings to comply with regulations.**

\_\_\_\_\_  
*Additional details may be submitted by way of separate submission.*

v. Indication of the Sections of the Planning and Development Act or Planning  
Regulations you consider relevant to the Declaration \_\_\_\_\_  
**Article 10(6) of the planning and development regs 2001 as inserted  
by article 2 of the planning and development (amendment No.2 regulation  
2018**

\_\_\_\_\_  
*Additional details may be submitted by way of separate submission.*

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure ( or proposed protected structure) ? No

vii. List of Plans, Drawings submitted with this Declaration Application \_\_\_\_\_

23-001 Proposed plans

23-002 Elevations

23-003 Elevations

23.004 Os map

23.005 Existing layout

viii. Fee of € 80 Attached ? €80.00

Signed : \_\_\_\_\_ Dated : \_\_\_\_\_

**Additional Notes :**

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -



The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000( as amended) there is a certification process with respect to land reclamation works as set out under the European Communities ( Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

**C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.**

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

Surveyed 1998  
Revised 2005-2006  
Levelled

# Rural PLACE Map



298438

214578

ITM CENTRE PT. COORDS.

698077,714394

DESCRIPTION

MAP SHEETS

1:2500

3610-D 3610-C

ORDNANCE  
SURVEY  
IRELAND



Produced by National Map Centre,  
34 Aungier Street, Dublin 2  
On behalf of Ordnance Survey Ireland,  
Phoenix Park, Dublin 8

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den fhóilseachán seo a chóipeáil, a áirgead nó  
a tharhair in aon fhorm ná ar aon bhealach gan  
cead i scríbhinn roimh reo uiníri an chóipchit.  
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06.002

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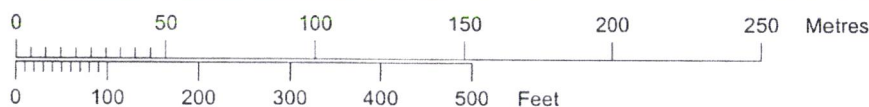
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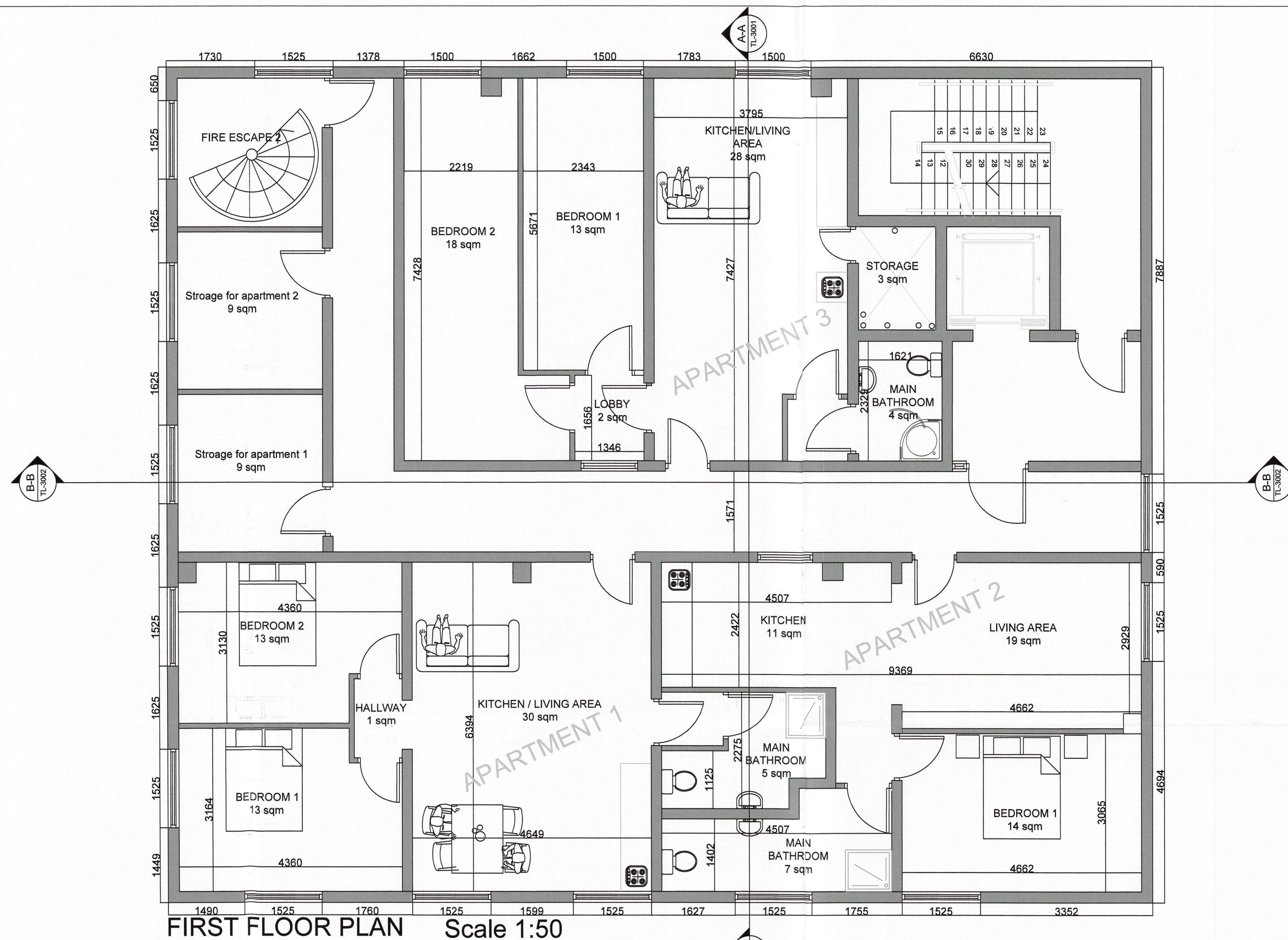
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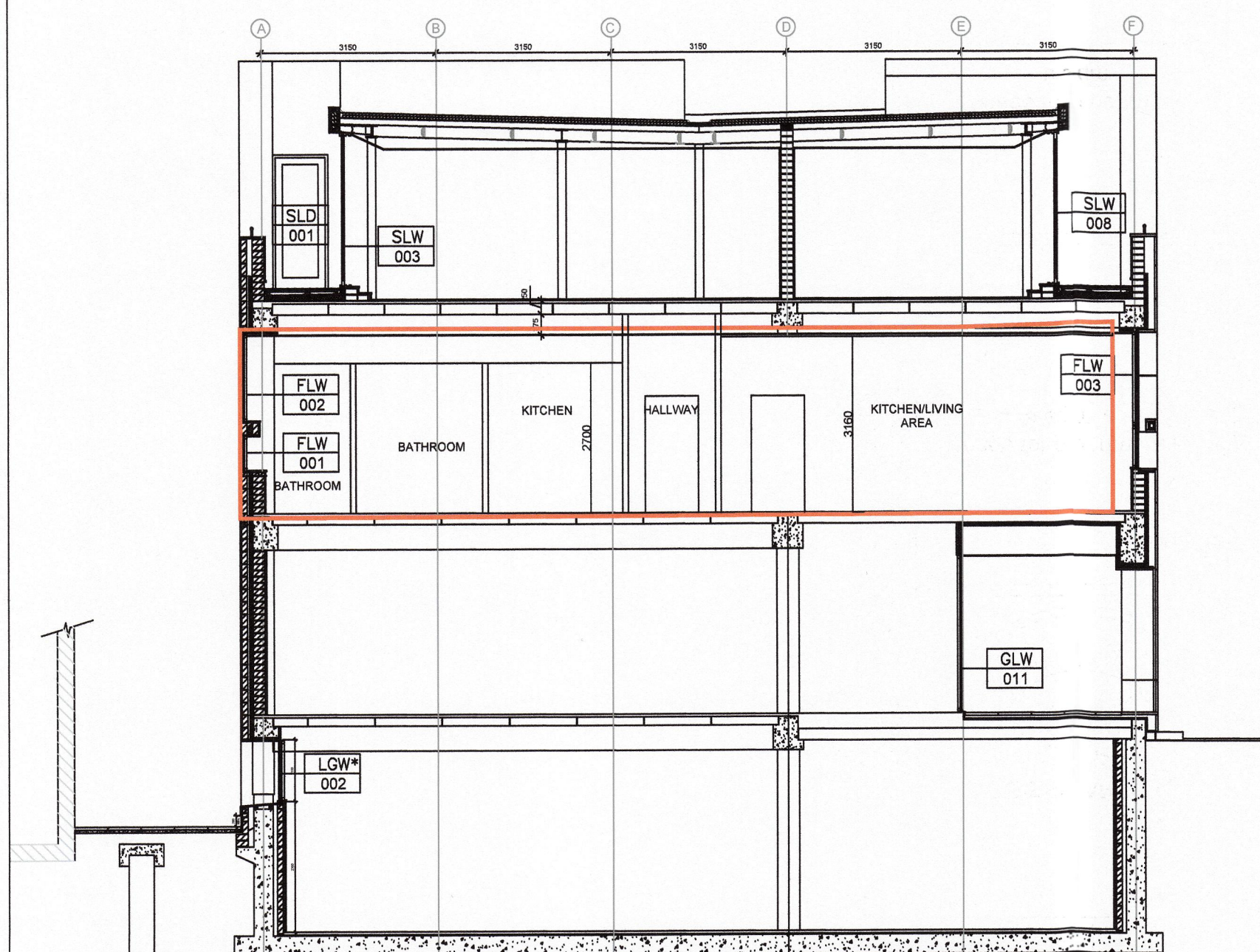
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Plot Date 29-JUN-2006



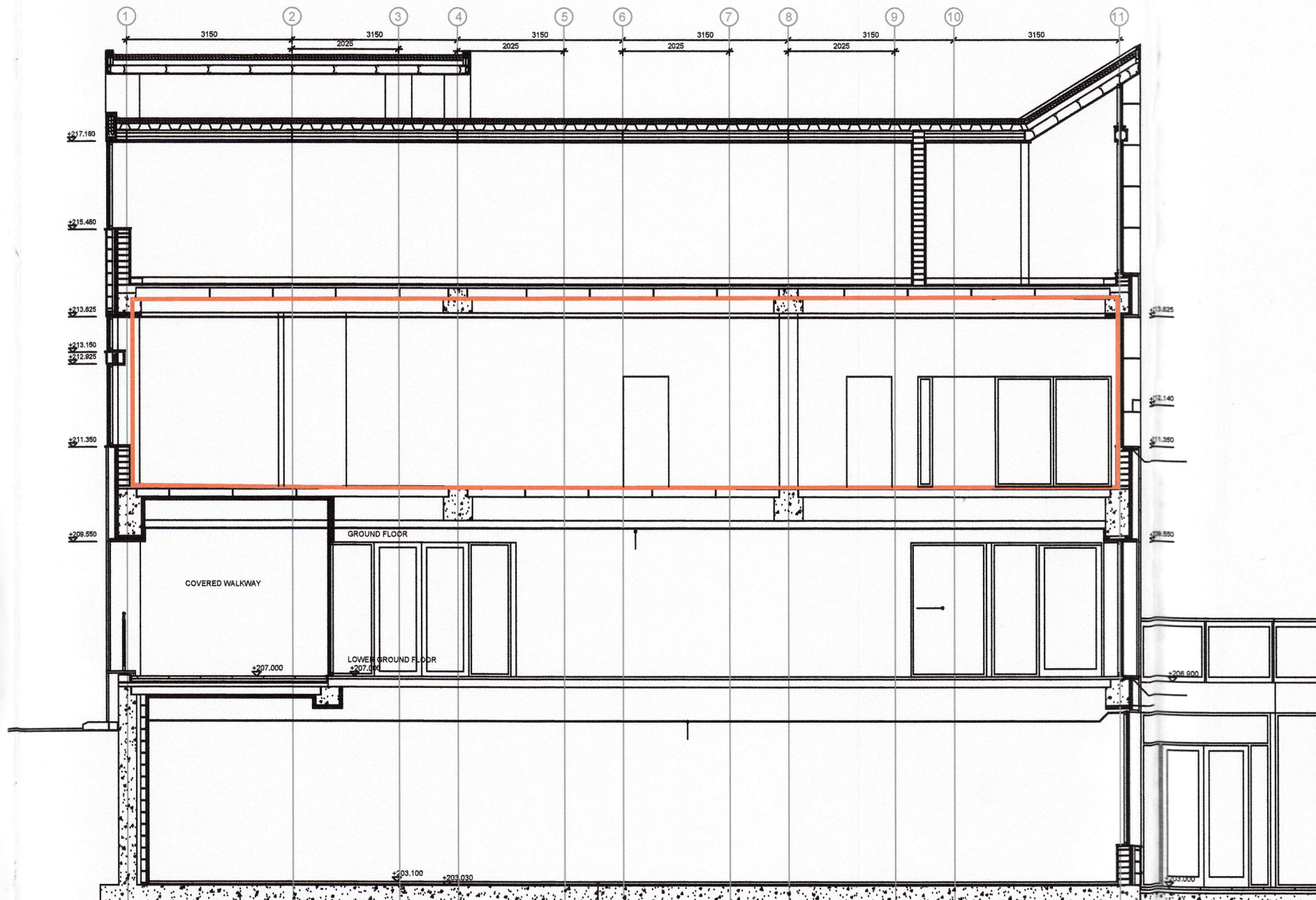


FIRST FLOOR PLAN Scale 1:50

APARTMENT 1 (2 BED 66 SQM)	
Kitchen/ Living Area	30sqm
Main Bathroom	5sqm
Bedroom 1	13sqm
Bedroom 2	13sqm
Storage (separate)	9sqm
APARTMENT 2 (1 BED 52 SQM)	
Kitchen/ Living Area	30sqm
Main Bathroom	7sqm
Bedroom 1	14sqm
Storage (separate)	9sqm
APARTMENT 3 (2 BED 72 SQM)	
Kitchen/ Living Area	28sqm
Main Bathroom	4sqm
Bedroom 1	13sqm
Bedroom 2	18sqm
Storage	3sqm

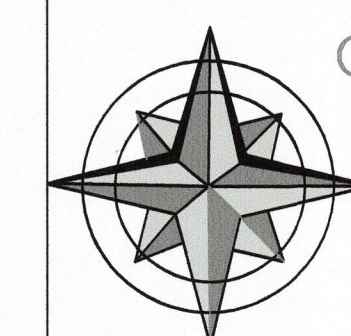


SECTION A-A Scale 1:100



SECTION B-B Scale 1:100

Planning Drawings



Gerard Kelly  
Ballyknockan, Valleysmount, Co. Wicklow.

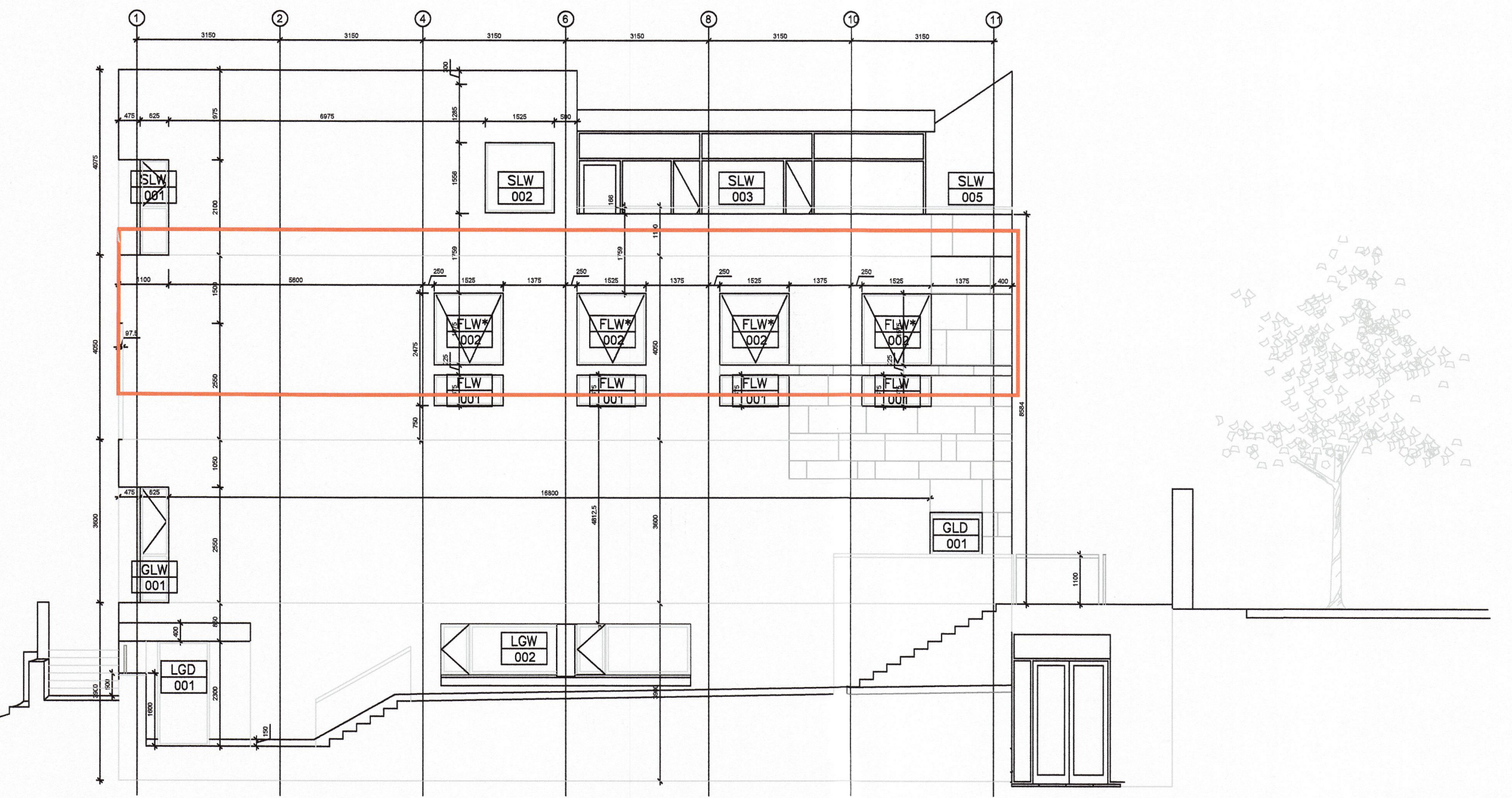
Phone: 087 6639771  
Ph/Fax: 045-867902  
E: ger@gkas.ie  
W: www.gkas.ie

Client- Martin McGinn  
Job- Apartment  
Location- Blesington, Co. Wicklow  
Title- Plans and Sections  
Date: September 2023  
Dwg no. 23.001

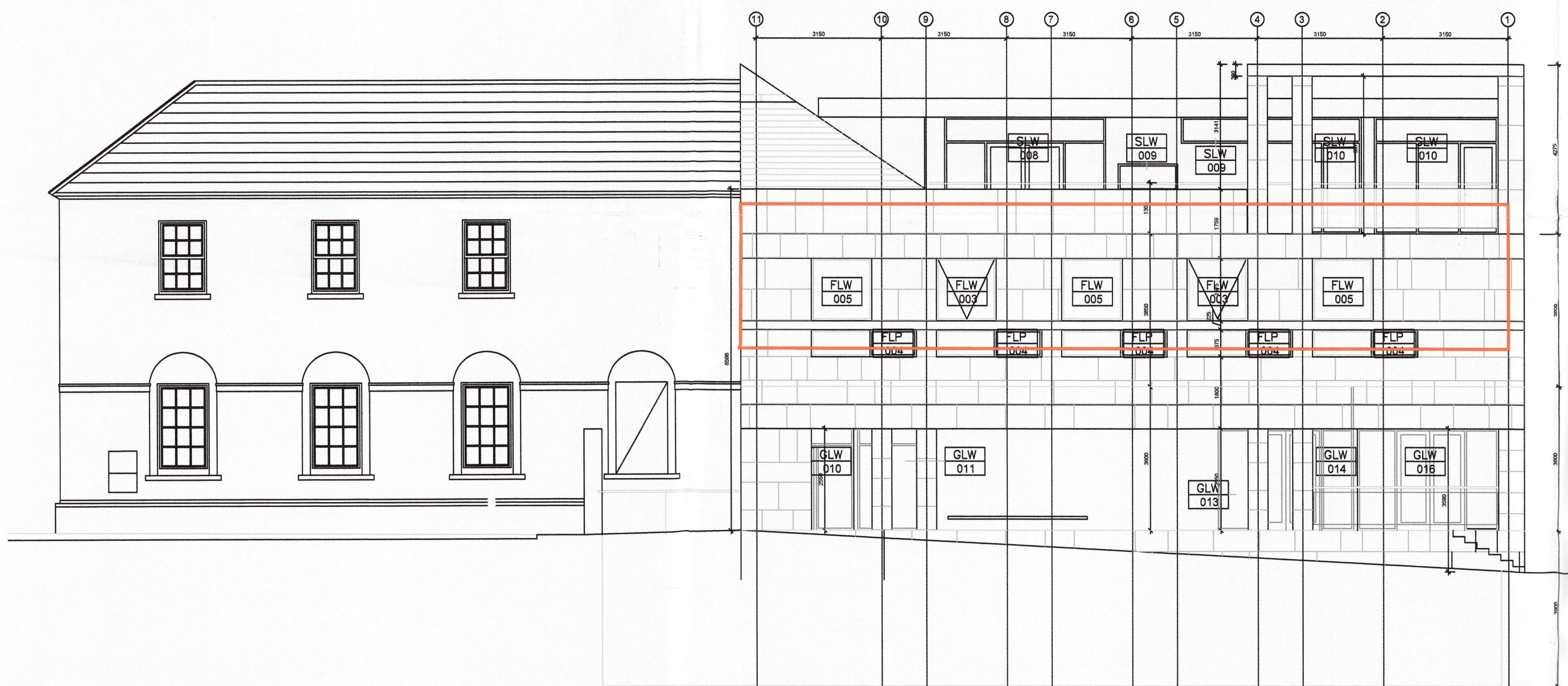
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Drawn by E.C

Arch Services





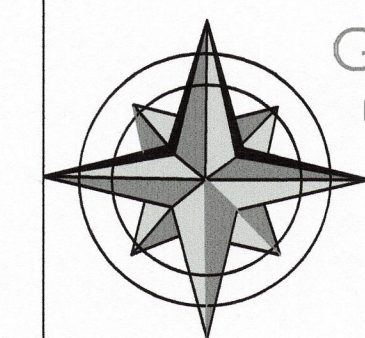
SOUTH WEST ELEVATION



NORTH EAST ELEVATION



## Planning Drawings



**Gerard Kelly**  
Ballyknockan, Vallemount, Co. Wicklow.

Phone: 087 6639771  
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Client- Martin McGinn

Job- Modified Apartment Layouts

Location- Blesington, Co. Wicklow

Title- Elevations

Date: September 2023

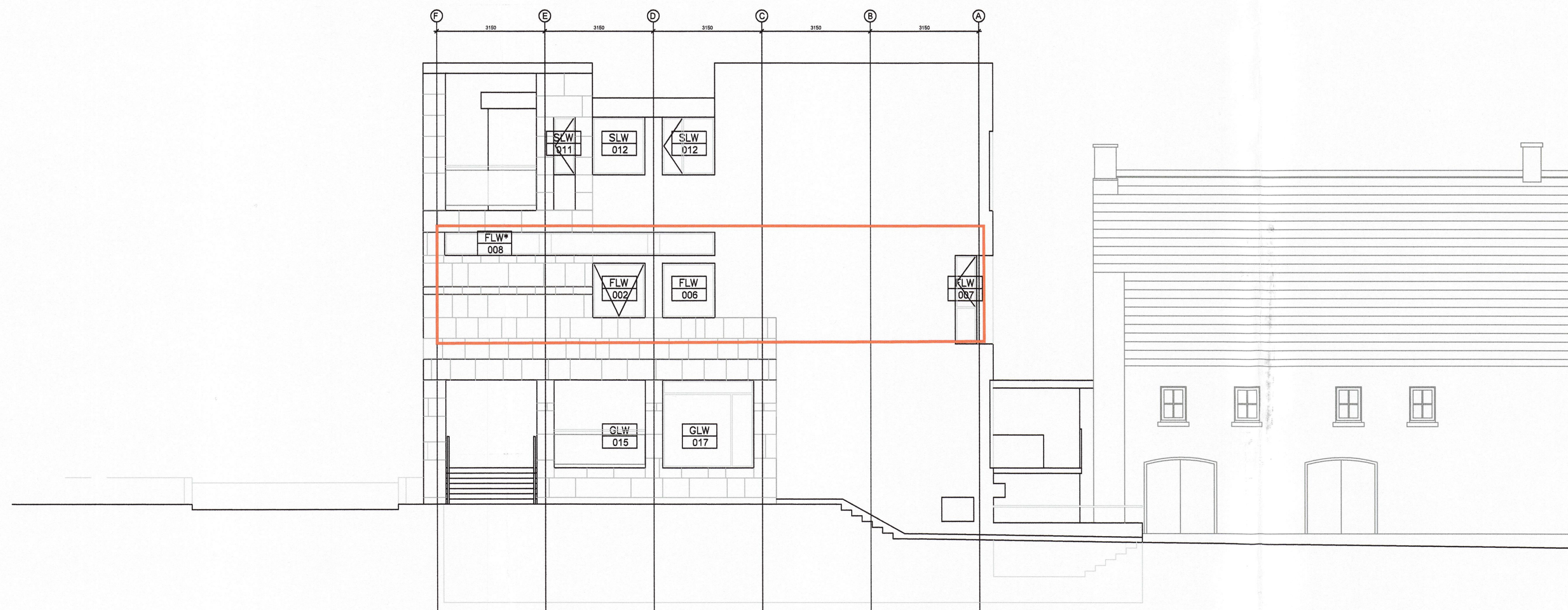
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Drawn by E.C

Arch  
Services



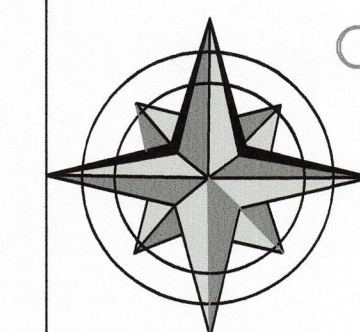


NORTH WEST ELEVATION



SOUTH EAST ELEVATION

## Planning Drawings



**Gerard Kelly**  
Ballyknockan, Valkeymount, Co. Wicklow.

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W: www.gkas.ie

Client- Martin McGinn

Job- Modified Apartment Layouts

Location- Blesington, Co. Wicklow

Title- Elevations

Date- September 2023

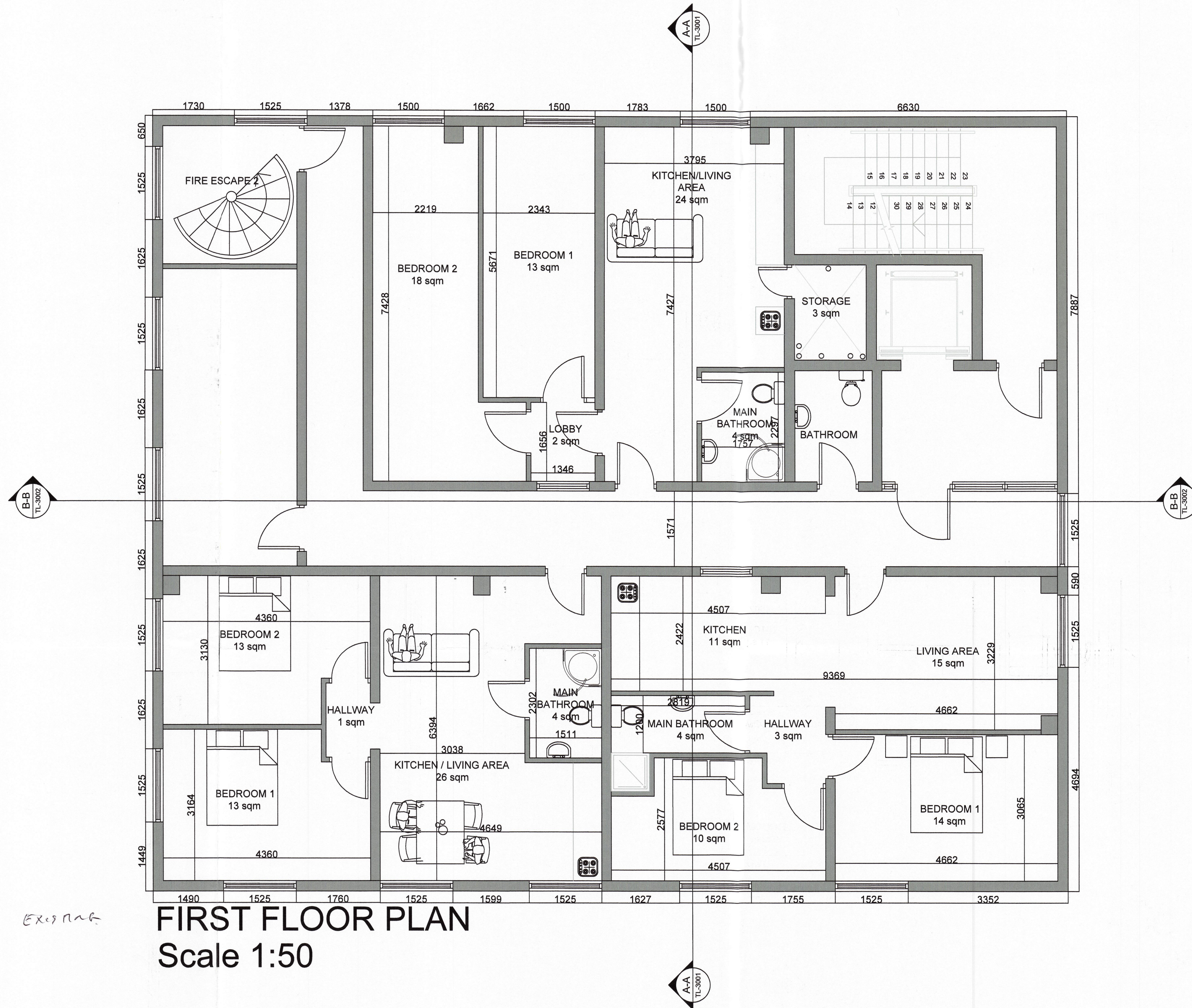
Scale- 1:100

Dwg no. 23.003

Drawn by E.C

Arch  
Services





**Gerard Kelly**  
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 W: [www.gkas.ie](http://www.gkas.ie)

Arch Services

Client- Martin McGinn	
Job- Conversion from commercial to residential	
Location- Blesington, Co.Wicklow	
Title- Existing Plans and Sections	
Date: September 2023	Scale- 1:50, 1:100
Dwg no. 23.005	Drawn by E.C