

# Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

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

December 2024

Planning & Design Services Giffin's Way Clonattin Gorey Co. Wexford

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX99/2024 – Altura Credit Union

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 Pleanala 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 ECONOMIC & RURAL DEVELOPMENT







# Comhairle Contae Chill Mhantáin Ulicklow County Council

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

Applicant: Altura Credit Union

Location: Main Street, Avoca, Co. Wicklow

Reference Number: EX99/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/15

Section 5 Declaration as to whether "the change of use from a credit union office to a dwelling unit" at Main Street, Avoca, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

#### Having regard to:

- i. The details received on 07/11/2024 and Further Information received on 10/12/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6, 9, 10 (6), and Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- iv. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities: July 2023

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

- a) The change of use from a Credit Union to use as a dwelling unit is development, having regard to section 3(1)(a) of the Planning & Development Act 2000 (as amended), as it would result in a material change of use given that the use as a permanent home would be different in character and the nature of the use would have material different planning considerations to use as a credit union.
- b) The Change of use from a Credit Union Office to a dwelling unit would be compliant with the provisions of Article 10 (6).

The Planning Authority considers that ""the change of use from a credit union office to a dwelling unit" at Main Street, Avoca, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

ADMINISTRATIVE OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated December 2024





# WICKLOW COUNTY COUNCIL PLANNING & DEVELOPMENT ACTS 2000 (As Amended) SECTION 5 CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1505

Reference Number:

EX99/2024

Name of Applicant:

Altura Credit Union

Nature of Application:

Section 5 Declaration request as to whether or not: -

"the change of use from a credit union office to a dwelling unit" is or is not development and is or is not exempted

development.

Location of Subject Site:

Main Street, Avoca, Co. Wicklow

Report from Billy Slater, AP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the change of use from a credit union office to a dwelling unit" at Main Street, Avoca, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- i. The details received on 07/11/2024 and Further Information received on 10/12/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6, 9, 10 (6), and Schedule 2 of the Planning and Development Regulations 2001 (as amended):
- iv. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities: July 2023

Main Reason with respect to Section 5 Declaration:

- a) The change of use from a Credit Union to use as a dwelling unit is development, having regard to section 3(1)(a) of the Planning & Development Act 2000 (as amended), as it would result in a material change of use given that the use as a permanent home would be different in character and the nature of the use would have material different planning considerations to use as a credit union.
- b) The Change of use from a Credit Union Office to a dwelling unit would be compliant with the provisions of Article 10 (6).

Recommendation:

The Planning Authority considers that "the change of use from a credit union office to a dwelling unit" at Main Street, Avoca, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed \_

Dated of December 2024

ORDER:

I HEREBY DECLARE THAT "the change of use from a credit union office to a dwelling unit" at Main Street, Avoca, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

Senior Engineer

Planning, Economic & Rural Development

Dated) day of December 2024



**To:** Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.

From: Billy Slater A.P.

Type: Section 5 Application

**REF:** EX 99/2024

**Applicant:** Altura Credit Union Ltd

**FI Received:** 10/12/2024 **Decision Due Date:** 08/01/2025

Address: Main Street, Avoca, Co. Wicklow

**Exemption Query:** Change of use from a Credit Union Office to a dwelling unit.

#### Assessment:

The issued further information sought clarification with regard to the following.

1. In order to confirm that the change of use comes within the definition of Article 10(6) of the Planning and Development Regulations 2001(as amended) further information is required concerning:

- a) How long the existing structure has been vacant.
- b) The date on which the change of use will be completed.
- c) Final floor plan detailing compliance 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.

In response to above concerns, the applicant has provided the following information;

- The Existing structure has been vacant since September 12<sup>th</sup> 2022.
- It is expected to complete the works by February 2025.
- Amended floor plans provided.

In light of the Further Information submitted it is noted that the property has been vacant for in excess of two years as required per Article 10 (6) (c). As per the requirements of Article 10 (6) (d), the development is to be completed within the relevant period (i.e. completed prior to 31 December 2025). However, on review of the floor plans and GFA details provided it is concluded that the proposal would not be in compliance 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" noting that the development provides below the aggregate minimum floor area required for a one-bed apartment (see table of compliance below).

. Apartment / Room	Minimum Requirement For 1 bed apartment	Proposed dwelling
Overall Apartment Area	45sqm	53sqm
Bedroom Area (aggregate)	11.4sqm	11.2sqm
Bedroom Width	2.8m	2.8m

Living/Dining/Kitchen Area	23sqm	c.28.5sqm total
Separate kitchen	6.5sqm	7.5sqm
Living/Dining/Kitchen Width	3.3m	4m
Storage Area	3sqm	3sqm

#### **Conclusion:**

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether the;

• Change of use from a Credit Union Office to a dwelling unit

at Main Street, Avoca, Co. Wicklow is or is not exempted development:

#### The Planning Authority considers that:

The change of use from a Credit Union Office to a dwelling unit at Main Street, Avoca, Co. Wicklow is Development and is Not Exempted Development.

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

- i. The details received on 07/11/2024 and Further Information received on 10/12/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6, 9, 10 (6), and Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- iv. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities: July 2023

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

- (a) The change of use from a Credit Union to use as a dwelling unit is development, having regard to section 3(1)(a) of the Planning & Development Act 2000 (as amended), as it would result in a material change of use given that the use as a permanent home would be different in character and the nature of the use would have material different planning considerations to use as a credit union.
- (b) The Change of use from a Credit Union Office to a dwelling unit would not be compliant with the provisions of Article 10 (6) (d) of the Planning and Development Regulations 2001 (as amended) as it would not achieve the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities".



#### 20/12/2024

Note the report of the Assistant Planner, however the bedroom is indicated as a single bedroom, and the floor area for a single room is defined as having a minimum floor area of 7.1sqm under the SUH. Design Standards for Apartments, the 11.4sqm relates to a double bed bedroom. The change of use is therefore exempted development as it would meet the requirements of Article 10(6).

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25/2/24

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## Comhairle Contae Chill Mhantáin Wicklow County Council

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### **MEMORANDUM**

### WICKLOW COUNTY COUNCIL

TO: Billy Slater
Assistant Planner

FROM:

**Nicola Fleming** 

**Staff Officer** 

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX99/2024

I enclose herewith application for Section 5 Declaration received completed on 11/11/2024 along with FI received on 10/12/2024.

The due date on this declaration is 8<sup>th</sup> January 2025.

Staff Officer

Planning, Economic & Rural Development







## Comhairle Contae Chill Mhantáin Ulicklow County Council

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12<sup>th</sup> December 2025

Planning & Design Services Griffin's Way Clonattin Gorey Co. Wexford

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX99/2024 – Altura Credit Union, Main Street, Avoca, Co. Wicklow

#### A Chara

I wish to acknowledge receipt on 11/11/2024 details supplied by you in respect of the above Section 5 application and Further Information received on 10/12/2024. A decision is due in respect of this application by 8<sup>th</sup> January 2025.

Mise, le meas

Nicola Fleming Staff Officer

Planning, Economic & Rural Development





## Planning & Design Services;

Architectural Technologist & Chartered Building Engineers Griffin's Way, Clonattin, Gorey, Co. Wexford.

Telephone 087-3648844



Planning Section, Wicklow County Council, County Buildings, WICKLOW

9th December 2024

Re; Application for Certificate of Exemption EX99/2024

Dear Sir or Madam,

We refer to your letter of the 3rd December regarding this application and now wish to deal with each item as raised in same:

- A) The existing structure has been vacant since September 12th 2022.
- B) It is expected to complete the change of use works by February 2025
- C) We attach an amended Floor Plan of Existing Building
  - 1: Internal floor area of 53 sq m internally. (45 min recommended)
  - 2: We propose to develop a One Bedroom Dwelling,
  - 3: We propose an internal storage space of 3.0 sq m.
  - 4: We propose an external domestic store of 7.2 sq m
  - 5: The is an open area to the rear of the building of circa 84 sq m.
  - 6: Ample space for to park 2 cars to front of building

To conclude we trust that we have provided the information you require to make a decision on this application. If you require any further clarification we will be glad to provide same.

Yours sincerely,

PLANNING & DESIGN SERVICES,

Thomas A Fortune,

B.Sc (Hons) Sustainable Architectural Technology

Chartered Building Engineer.

Principal.

WICKLOW COUNTY COUNCIL

1 0 DEC 2024

PLANNING DEPT.





## Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe **Planning, Economic and Rural Development** 

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3<sup>rd</sup> December 2024

Planning & Design Clonattin Gorev Co. Wexford

Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX99/2024 for Altura Credit Union Ltd, Avoca

A Chara

In accordance with Section 5(1)(b) of the Planning and Development Act 2000(as amended) the following information is requested to fully assess the query with respect of your application under Section 5 of the Planning and Development Act 2000(as amended), received on 11<sup>th</sup> November 2024.

In order to confirm that the change of use comes within the definition of Article 10(6) of the Planning and Development Regulations 2001(as amended) further information is required concerning:

- a) How long the existing structure has been vacant.
- b) The date on which the change of use will be completed.
- c) Final floor plan detailing compliance 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.

Mise, le meas

**Nicola Fleming** 

**Staff Officer** 

Planying, Economic & Rural Development







## WICKLOW COUNTY COUNCIL PLANNING DEPARTMENT

**To:** Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.

From: Billy Slater A.P.

Type: Section 5 Application

**REF:** EX 99/2024

**Applicant:** Altura Credit Union Ltd

**Date of Application:** 07/11/2024 **Decision Due Date:** 08/11/2024

Address: Main Street, Avoca, Co. Wicklow

**Exemption Query:** Change of use from a Credit Union Office to a dwelling unit.

**Application Site:** The application site is located on the Main Street of the level 6 settlement of

Avoca Village, and is occupied by a detached single storey structure current in use as a Credit Union, with parking facilities to the front and yard to the rear. The application site is located within a 'Primary Development Area' zoning and is bound by private dwellings to the north and south, with

woodlands present to the rear (east).

#### Aerial / Site Image





#### **Relevant Planning History:**

Ref 81/6469

Applicant Avonmore Credit Union

Development Alteration and extension to premise

Decision Grant

Ref 82/8138

Applicant Avonmore Credit Union

Development Alteration to shop/store and credit union

Decision Grant

#### Question:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether the;

• Change of use from a Credit Union Office to a dwelling unit

at Main Street, Avoca, Co. Wicklow is or is not exempted development:

#### **Legislative Context:**

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

Section 2(1) of the Act states the following in respect of the following:

"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, and

"works" includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 3(1) of the Act states the following in respect of 'development':

"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 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

#### Section 4 (1) (h) is relevant for the purposes of this declaration:

"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)** makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

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

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

#### Article 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—
  - (i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act,
  - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
  - (iii) Endanger public safety by reason of traffic hazard or obstruction of road users,

And so on,

#### Article 10

- (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not
  - a) involve the carrying out of any works other than works which are exempted development,
  - b) contravene a condition attached to a permission under the Act,
  - c) be inconsistent with any use specified or included in such a permission, or
  - d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

#### (6) (a) In this sub-article—

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

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

- (b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.
- (c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)
  - i. the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,
  - ii. the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and
  - iii. the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d)

- i. The development is commenced and completed during the relevant period.
- ii. Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall
  - I. primarily affect the interior of the structure,
  - II. retain 50 per cent or more of the existing external fabric of the building, and
  - III. not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.
- iii. Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.
- iv. No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

- v. No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.
- vi. Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.
- vii. Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.
- viii. No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.
- ix. No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- x. No development shall relate to any structure in any of the following areas:
  - I. an area to which a special amenity area order relates;
  - II. an area of special planning control;
  - III. within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.
- xi. No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.
- xii. No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

(e)

- i. Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;
- ii. Details of each notification under subparagraph (i), which shall include information on—
  - I. the location of the structure,
  - II. the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and
  - III. the Eircode for the relevant property,
  - shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.
- iii. During the years 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026 each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).

Part 4 (Classes 1-11) of Schedule 2 details classes of development of which a change of use within any one of the classes of use specified shall be exempted development for the purposes of the Act.

#### CLASS 2

Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services),
- (c) any other services (including use as a betting office),

where the services are provided principally to visiting members of the public.

#### Details submitted in support of the application:

- House floorplans and elevations (inclusive of extension which was clarified is not to be assessed under the subject Section 5 assessment).
- Site layout plan and site location map.

#### **Assessment:**

The Section 5 declaration application seeks an answer with respect to the following question:

Whether the change of use from a Credit Union Office to a dwelling unit at Main Street, Avoca, Co. Wicklow is or is not exempted development.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2000 (as amended). In this regard, Section 3 of the Planning and Development Act provides that:

"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.

As such the change of use from a Credit Union to use as a dwelling is development, having regard to section 3(1)(a) of the Planning & Development Act 2000 (as amended), as it would result in a material change of use given that the use as a permanent home would be different in character and the nature of the use would have material different planning considerations to use as a credit union.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations. Article 10 (6) of the Planning and Development Regulations 2001 (as amended) relates to the change of use from a number of specified classes of uses to that of a residential use. The below assessment sets out compliance with respect to each element of Article 10 (6):

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	1

Article 10 (6) (c)	
(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

Yes – previous use as a Credit Union falling within Class 2(a) of Schedule 2: Part 4 of the Planning Regulations 2001 (as amended).

(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,

Not stated, street view imagery shows structure vacant as of June 2023.

#### Article 10 (6) (d)

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

The relevant period is the 18th February 2018 until 31 December 2025 - no indication when works will be completed.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall—
(I) primarily affect the interior of the structure,
(II) retain 50 per cent or more of the existing external fabric of the building, and
(III) not materially affect the external appearance of the structure so as to render its appearance

inconsistent with the character of the structure or

of neighbouring structures.

The works will primarily affect the interior of the structure. In excess of 50 per cent of the existing external fabric of the building is to be retained. The proposed front elevation is deemed to be consistent 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.

Proposed front elevation is 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.

Yes.

(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.

Single unit only.

(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

Final floor plans areas are not identified as it is noted within the application that the subject section 5 application relates to the change of use of the structure only and excludes the shown rear

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	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.	N/A
(xi) No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.	N/A
(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.	

#### Conclusion:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether the:

• Change of use from a Credit Union Office to a dwelling unit

at Main Street, Avoca, Co. Wicklow is or is not exempted development:

#### The Planning Authority considers that:

The change of use from a Credit Union Office to a dwelling unit at Main Street, Avoca, Co. Wicklow is development and that Further Information is required in order to determine if the development is Exempted Development as from review it would appear that the change of use would come within the provisions of Article 10(6) subject to confirmation of vacancy, completion of works, and submission of final floor plan detaining compliance 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.

#### **Recommendation:**

#### **FURTHER INFORMATION**

- 1. In order to confirm that the change of use comes within the definition of Article 10(6) of the Planning and Development Regulations 2001(as amended) further information is required concerning:
  - a) How long the existing structure has been vacant.
  - b) The date on which the change of use will be completed.
  - c) Final floor plan detailing compliance 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.

Billy Slater A.P. 02/12/2024

SINA SPILLES

### **MEMORANDUM**

## **WICKLOW COUNTY COUNCIL**

TO: Billy Slater
Assistant Planner

FROM:

Nicola Fleming Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX99/2024

I enclose herewith application for Section 5 Declaration received completed on 11/11/2024

The due date on this declaration is 8<sup>th</sup> December 2024.

**Staff Officer** 

Planning, Economic & Ruyal Development

#### icola Fleming

From:

Nicola Fleming

Sent:

Wednesday 13 November 2024 09:20

To:

'Tom Fortune'

Subject:

RE: Application for Exemption from Planning Permission

Thank you for the clarification Tom.

I acknowledge receipt of your Section 5 application which is due on 08/12/2024

From: Tom Fortune [mailto:tfortune@alturacu.ie]

Sent: Tuesday 12 November 2024 14:47

**To:** Nicola Fleming **Cc:** Thomas Fortune

Subject: Application for Exemption from Planning Permission

#### External Sender - From: (Tom Fortune < tfortune@alturacu.ie>)

This message came from outside your organisation.

CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms Fleming,

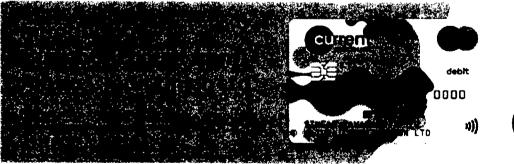
We refer to our Section 5 Application and wish to confirm the following:

We do NOT require an exemption certificate for the proposed extensions to the Rear of the building at this time,

I trust that this is the information you require.

Tom Fortune. B.Sc(Hons)Arch, Facilities Manager Chartered Building Engineer

#### 087 3648844





This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

#### icola Fleming

From:

Tom Fortune <fortune@alturacu.ie>

Sent:

Tuesday 12 November 2024 12:50

To:

Nicola Fleming

Cc:

Thomas Fortune

Subject:

RE: EX99/2024 for Altura Credit Union, Main Street, Avoca, Co. Wicklow

#### External Sender - From: (Tom Fortune < tfortune@alturacu.ie>)

This message came from outside your organisation.

CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Nicola,

Thank you for your email, to be truthful I am not sure as to how best I can answer the question but the following sets out the need for this application.

"Change of Use from a Credit Union Office to a dwelling unit and referring to our Self Declaration (Notification WCC 30) we need confirmation that we meet the exemptions set out in the Planning & Development Act (Exempted Development) Regulations 2022 for this property to be used as a dwelling"

I trust that the above will answer you question.

Yours sincerely,

Tom Fortune

From: Thomas Fortune < tomfortunebcms@gmail.com >

**Sent:** Tuesday 12 November 2024 08:08 **To:** Tom Fortune < <a href="mailto:trip-right">tfortune@alturacu.ie</a>>

Subject: Fwd: EX99/2024 for Altura Credit Union, Main Street, Avoca, Co. Wicklow

CAUTION: This email originated from outside of the Credit Union. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: **Nicola Fleming** < <u>NFleming@wicklowcoco.ie</u>>

Date: Mon, 11 Nov 2024 at 11:10

Subject: EX99/2024 for Altura Credit Union, Main Street, Avoca, Co. Wicklow

To: Thomas Fortune < tomfortunebcms@gmail.com>

I refer to your application for the above. Can you advise what question you are asking us in relation to the Section 5 application. You have not set out your query under iv on the application form these needs to be completed in order for us to assess this application.

Regards,

Nícola Fleming

Staff Officer

Planning, Economic & Rural Development

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

Ph**雷**: +353 (0404) 20148 | ⊠: <u>nfleming@wicklowcoco.ie</u>

Website: <a href="http://www.wicklow.ie">http://www.wicklow.ie</a>



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#### **Nicola Fleming**

From:

Nicola Fleming

Sent:

Monday 11 November 2024 11:02

To:

'Thomas Fortune'

Subject:

EX99/2024 for Altura Credit Union, Main Street, Avoca, Co. Wicklow

I refer to your application for the above. Can you advise what question you are asking us in relation to the Section 5 application. You have not set out your query under iv on the application form these needs to be completed in order for us to assess this application.

Regards,

Nicola Fleming

**Staff Officer** 

Planning, Economic & Rural Development

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

Ph**2**: +353 (0404) 20148 | ⊠: <u>nfleming@wicklowcoco.ie</u>

Website: http://www.wicklow.ie





Wicklow County Council County Buildings Wicklow 0404-20100

1 k 2000

11/11/2024 10 22 29

Receipt No L1/0/336990

ALTURA CREDIT UNION LTD MCDERMOT STREET GOREY CO WEXFORD

EXEMPTION CERTIFICATES
GOODS 80 00
VAT Exempt/Non-vatable

80 00

Total

80 00 EUR

Tendered Cheque

80 00

Change

0 00

Issued By Annmarie Ryan From Customer Service Hub Vat reg No 0015233H

WICKLOW COUNTY COUNCIL

1 1 NOV 2024

PLANNING DEPT.





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

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

<u>1. Ap</u>	plicant Details
(a)	Name of applicant: ALTURA CREDIT LINION LTD
	Address of applicant: MC DERMOT Street,
	GOREY, CO. WEXFORD
Note	Phone number and email to be filled in on separate page.
2. Ag	ents Details (Where Applicable)
(b)	Name of Agent (where applicable) PLANNING & DESIGN SERVICES  Address of Agent: CLOWATTIN, GOREY, CO. WEXFORD
<b>N</b> I-4-	Phone number and email to be filled in on separate page.



#### 3. Declaration Details

Are you the owner and/or occupier of these lands at the location Yes/No. YES  If 'No' to ii above, please supply the Name and Address of occupier	
Section 5 of the Planning and Development Act provides tha arises as to what, in any particular case, is or is not development exempted development, within the meaning of this act, ar payment of the prescribed fee, request in writing from the authority a declaration on that question. You should therefor which you seek the Section 5 Declaration	on under i. above
arises as to what, in any particular case, is or is not development exempted development, within the meaning of this act, are payment of the prescribed fee, request in writing from the authority a declaration on that question. You should therefor for which you seek the Section 5 Declaration	
Additional details may be submitted by way of separate submiss Indication of the Sections of the Planning and Developmen Regulations you consider relevant to the Declaration	ent and is or is r y person may, relevant planning e set out the que
Indication of the Sections of the Planning and Development Regulations you consider relevant to the Declaration	
Regulations you consider relevant to the Declaration	sion.

List of Pla	ns, Drawings sul	bmitted with this	Declaration App	lication
HOH	SE LAYOU	FPLANS -	AS EXISTING	& Exts fo K
S11	E LOCATI	ON HAP	<u> </u>	ess than 40
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#### **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



## Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Eagraíochta | AD | Corparáideach Organisational Development | HR | Corporate Áras An Chontae / County Buildings Cill Mhantáin / Wicklow Guthán / Tel: (0404) 20159 Faics / Fax: (0404) 20112

Rphost / Email: Payroll@wicklowcoco ie Rphost / Email: SuperanQueries@wicklowcoco.ie

Suíomh / Website: www.wicklow.ie

12th March 2024

Tom Fortune,
Facilities Manager,
Altura Credit Union Ltd.,
McDermott Street,
Gorey,
Co. Wexford.

Re:

Planning & Development (Amendment ) ( No 2) Regulations 2018

Change of use of existing structures used as shop, financial/professional services/office or as a Residential club/guesthouse/hostel to residential use.

Class 1, 2, 3 or 6 of Part 4 to Schedule 1 Planning & Development Regulations 2001 as

amended.

Applicant: Altura Credit Union, Change of use of premises at Main Street, Avoca, Co. Wicklow Y14 HE19 1 x 2 bed unit.

**NOTIFICATION NO 30** 

A Chara,

I wish to acknowledge receipt of your notification received on the 1<sup>st</sup> March 2024 with regard to the change of use of the above premises to residential use.

Please find attached copy of the Planning & Development (Amendment) (No 2) Regulations 2018 and Planning & Development (Exempted Development) Regulations 2022. It is noted that you are declaring that you are fully compliant with these Regulations which are subject to numerous conditions and caveats. Please be aware that the Planning Authority has not carried out an examination for compliance of the proposed change of use with these Regulations.

If you wish the Planning Authority to examine whether or not you meet the exemptions set out under the Regulations, you must make a Section 5 Referral to the Planning Authority, further details which are available on the Council's website at

https://www.wicklow.ie/Living/Services/Planning/Planning-applications/Exempted development. The Section 5 referral should include sufficient details in order to assess the proposal. Alternatively you may wish to seek your own independent planning advice in relation to this exemption.

The Planning Authority will enter on record this notification which shall be available for inspection at the office of the Planning Authority during its office hours and on the Planning Authority's website.

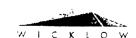
Mise le meas

**ADMINISTRATIVE OFFICER** 

PLANNING DEVELOPMENT & ENVIRONMENT.

Encls





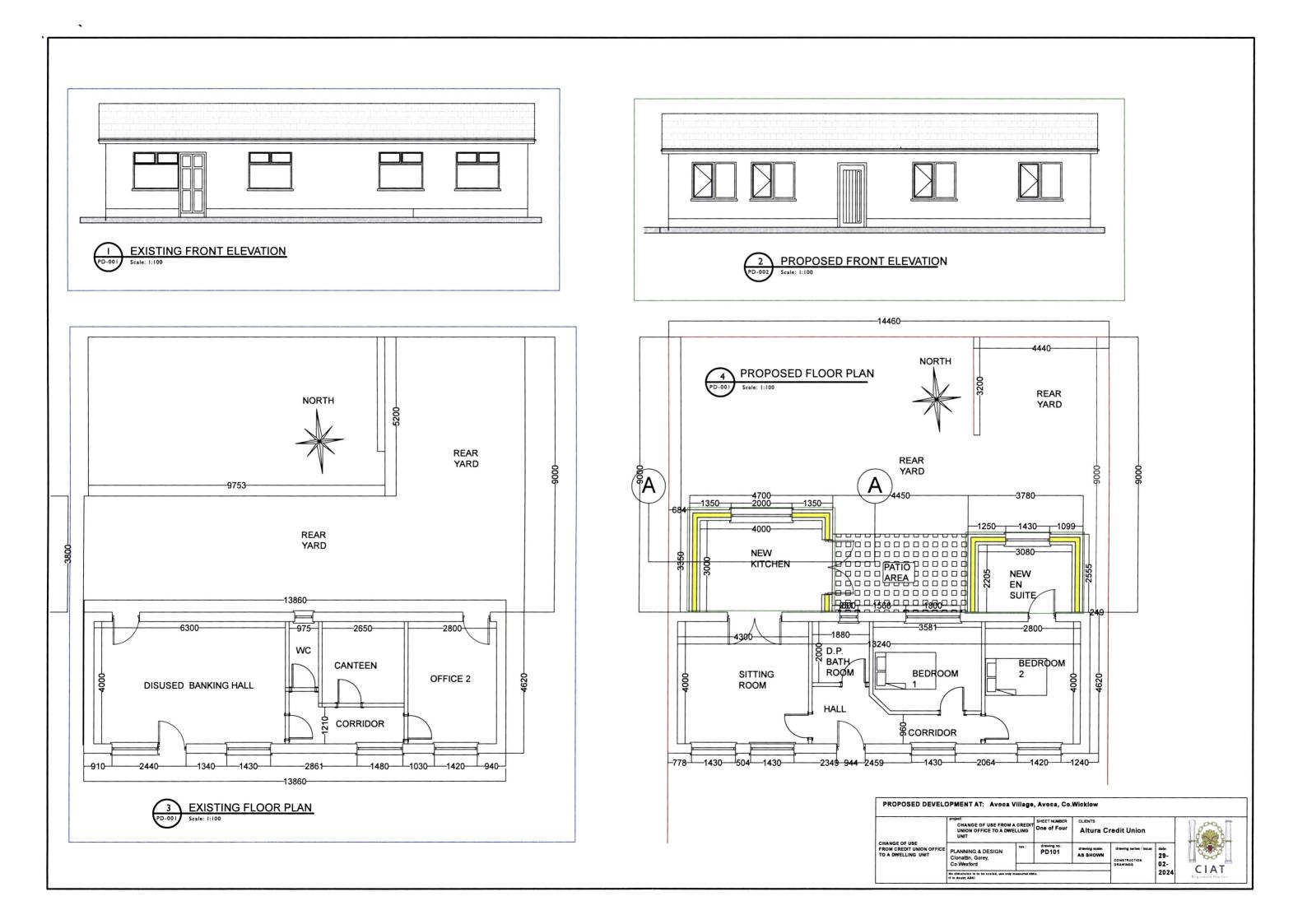
governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000( as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture)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

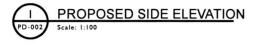
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

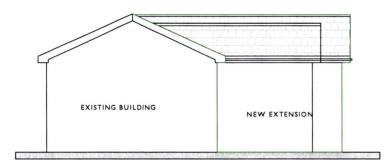
#### C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

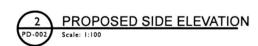
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
-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

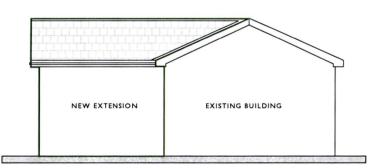
Applicants;













WALLS SHALL BE FORMED WITH 2x100mm X 7 SN MEDIUM DENSITY CONCRETE BLOCK LEAVES WITH 150mm CAVITY 145mm POLYISO INSULATION. THE INNER LEAF OF THE CAVITY WALLS SHALL BE FITTED WITH 22mm THERMAL WALLBOARD MECHANICALLY FIXED TO A 150mm SCRATCH COAT OF PLASTER (FOR AIR TIGHTNESS) GYPSUM SCRIMED TO FINISH.

THE EXTERNAL WALLS SHALL BE RENDERED EXTERNALLY WITH A 12mm NAPP RENDER COAT OVER A 10mm SCRATCH COAT OF SAND & CEMENT, ON SCUDDED WALLS. PAINT TO MATCH DWELLING.

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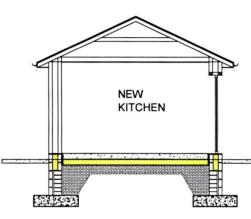
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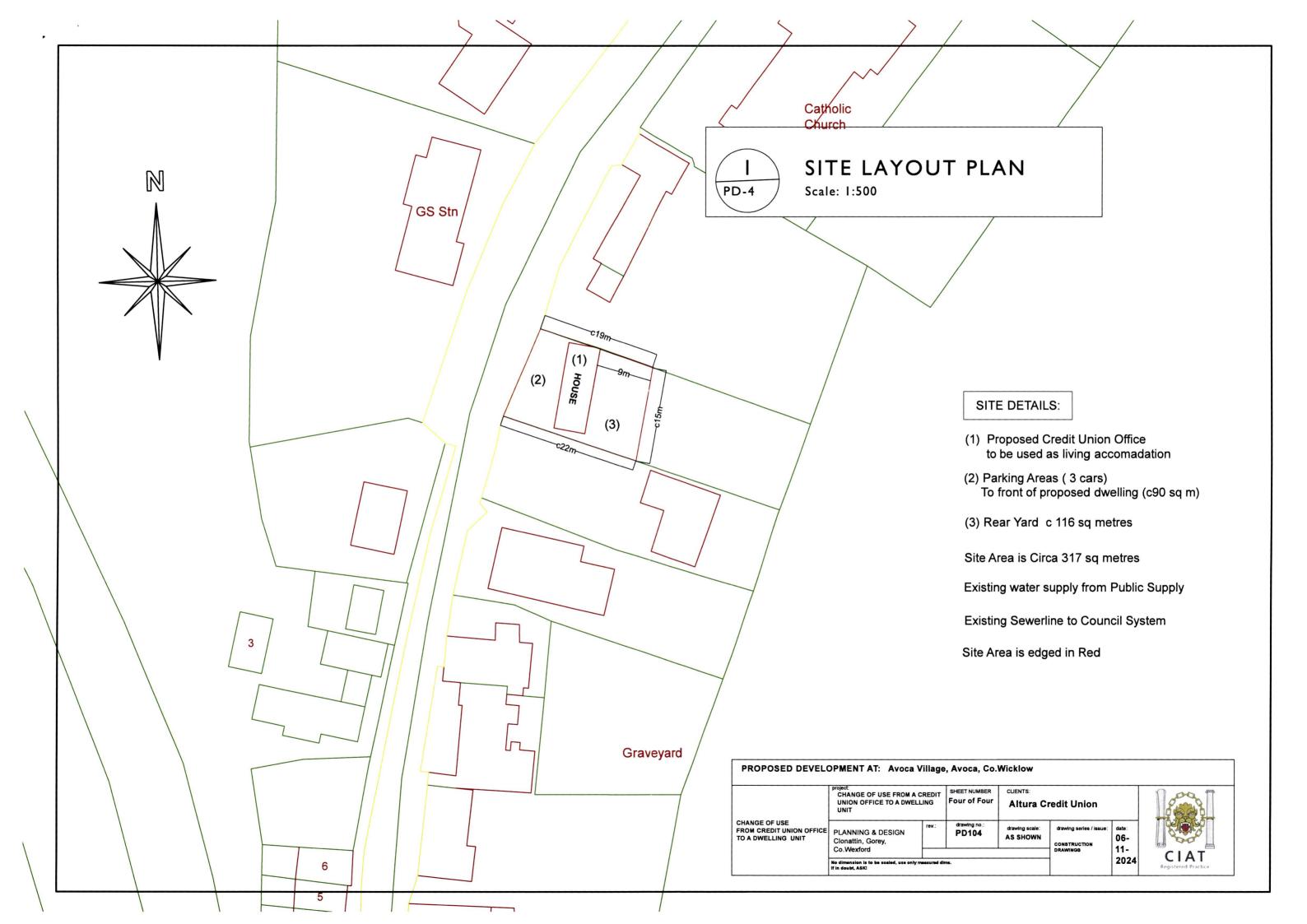
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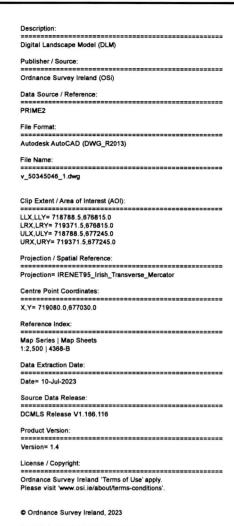
#### FLOORS:

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ON 150mm OF XTRATHERM XTOF FLOOR INSULATION
ON 50mm 5ame SAVELES SOMO OF XTRATHERM XTOF FLOOR INSULATION
ON 50mm 5ame SAVELES SOMO OF XTRATHERM XTOF FLOOR INSULATION
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FIT RADON SURP WITH 110mm DISCHARGE
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ON 50mm OF ANNEX E SR 21 FILL
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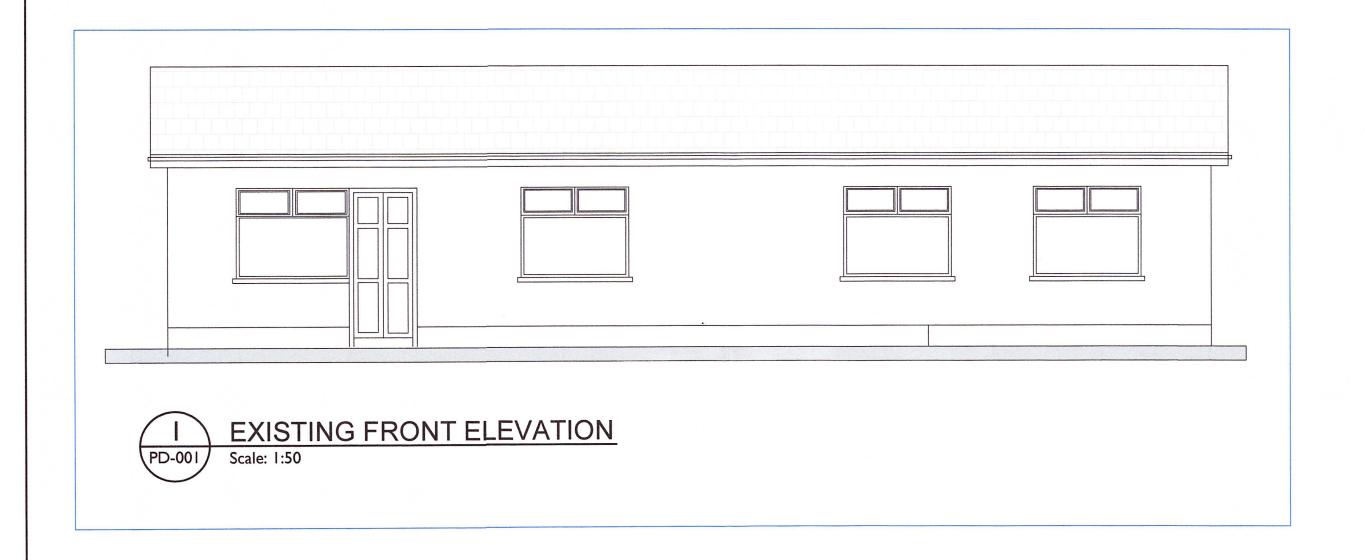
Suirbhéireacht Ordanáis Éireann, 2023

Arna thiomsú agus ama fhoilsiú ag Suirbhéireacht Ordanáis Éireann, Páirc an Fhionnuisce, Baile Átha Cliath 8, Éire.

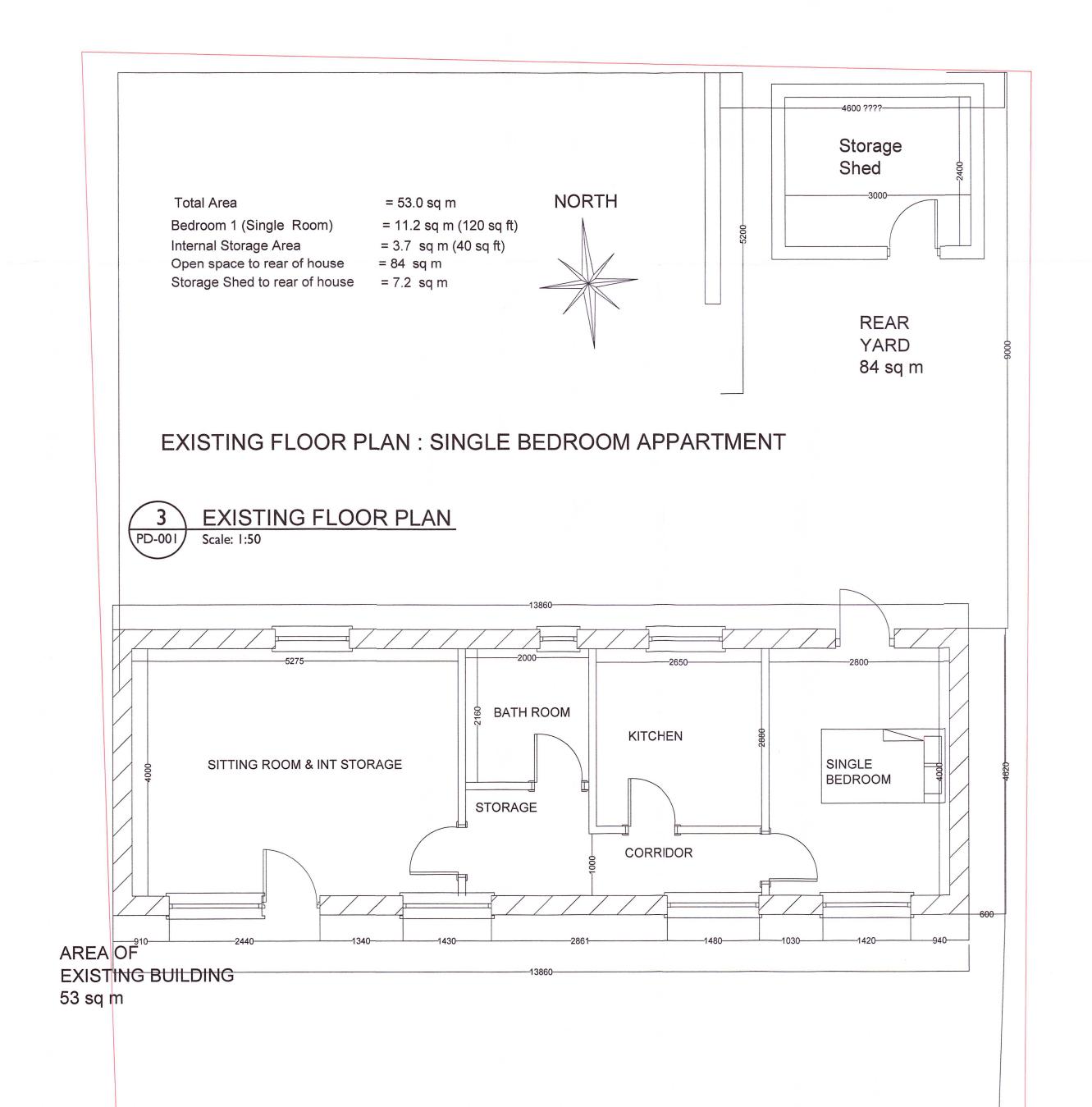
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2 PARKING SPACES TO FRONT OF BUILDING



RECEIVED 10 DEC 2024

PROPOSED DEVELO	OPMENT AT: Avoca \	/illage	, Avoca, Co.\	Nicklow			
CHANGE OF USE FROM CREDIT UNION OFFICE TO A DWELLING UNIT	project: CHANGE OF USE FROM A CREDIT UNION OFFICE TO A DWELLING UNIT		SHEET NUMBER One of Four	CLIENTS: Altura CI	redit Union		6
	PLANNING & DESIGN Clonattin, Gorey, Co.Wexford	rev.:	drawing no.: PD101	drawing scale: AS SHOWN	CONSTRUCTION	date: 07- 12-	CLAT
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