



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
Suíomh / Website: www.wicklow.ie

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

Applicant: Lin Shao

Location: 36 Main Street, Bray, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/1681/2023

A question has arisen as to whether “the change of use on the first floor from the currently vacant office to residential use – one one bed apartment, along with internal alternations and associated ancillary site works” at 36 Main Street, Bray, Co. Wicklow is or is not exempted development.

Having regard to:

- The details received with this section 5 application (EX64/2023) on the 6th September 2023 and 21st September 2023.
- Sections 2, 3 4 of the Planning and Development Act 2000(as amended).
- Article 10 (6), and Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities

Main Reasons with respect to Section 5 Declaration:

- i. The conversion of office to residential use is a material change of use.
- ii. The conversion of the office to 1 bed residential use would come within the provision of Article 10(6) of Planning and Development Regulations 2001 (as amended).

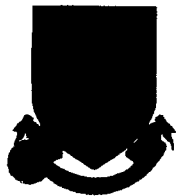
The Planning Authority considers that “the change of use on the first floor from the currently vacant office to residential use – one one bed apartment, along with internal alternations and associated ancillary site works” at 36 Main Street, Bray, Co. Wicklow is development and is exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated  September 2023





Comhairle Contae Chill Mhantáin Wicklow County Council

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Planning Development and Environment**

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**Ben Ng on behalf of Besler Design
1 St Attracta Road
Dublin 7**

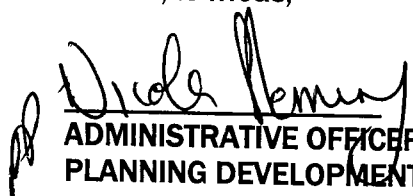
21st September 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX64/2023**

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.



WICKLOW COUNTY COUNCIL

**PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5**

CHIEF EXECUTIVE ORDER NO. CE/PDE/1681/2023

Reference Number: EX 64/2023

Name of Applicant: Lin Shao

Nature of Application: Section 5 Referral as to whether “the change of use on the first floor from the currently vacant office to residential use – one one bed apartment, along with internal alternations and associated ancillary site works” is or is not exempted development

Location of Subject Site: 36 Main Street, Bray, Co. Wicklow

Report from Aisling McNamara, EP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether “the change of use on the first floor from the currently vacant office to residential use – one one bed apartment, along with internal alternations and associated ancillary site works” at 36 Main Street, Bray, 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 (EX64/2023) on the 6th September 2023 and 21st September 2023.
- Sections 2, 3 4 of the Planning and Development Act 2000(as amended).
- Article 10 (6), and Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities

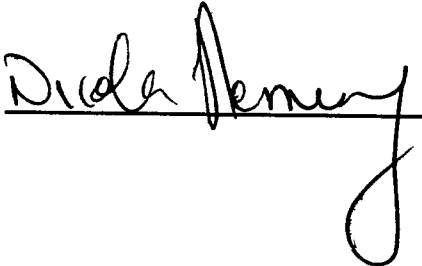
Main Reasons with respect to Section 5 Declaration:

- (i) The conversion of office to residential use is a material change of use.
- (ii) The conversion of the office to 1 bed residential use would come within the provision of Article 10(6) of Planning and Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that "the change of use on the first floor from the currently vacant office to residential use – one one bed apartment, along with internal alternations and associated ancillary site works" at 36 Main Street, Bray, Co. Wicklow **is development and is exempted development.** as recommended in the report by the EP.

Signed



Dated 27th day of September 2023

ORDER:

I HEREBY DECLARE:

That "the change of use on the first floor from the currently vacant office to residential use – one one bed apartment, along with internal alternations and associated ancillary site works" at 36 Main Street, Bray, Co. Wicklow **is development and is exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:


Senior Engineer

Planning Development & Environment

Dated: 27th day of September 2023



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF:	EX64/2023
NAME:	LIN SHAO
DEVELOPMENT:	CHANGE OF USE FIRST FLOOR FROM VACANT OFFICE TO ONE BED APARTMENT
LOCATION:	36 MAIN STREET, BRAY

The site

36 Main Street Bray

Planning History

No planning applications

Section 5's – none identified on iplan

Unauthorised development – none identified on iplan.

Question

The applicant has applied to see whether or not the following is or is not development and exempted development:

- The change of use on the first floor at 36 Main Street Bray from the currently vacant office to residential use – one one bed apartment, along with internal alterations and all associated ancillary works.

Legislative Context

Planning and Development Act, 2000 (as amended):

Section 2

“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

“exempted development” has the meaning specified in section 4;

“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 (b) in relation to a protected structure or proposed protected structure, includes— (i) the interior of the structure, (ii) the land lying within the curtilage of the structure, (iii) any other structures lying within that curtilage and their interiors, and (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“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(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(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.

Section 4(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.

Section 4 (4) Notwithstanding *paragraphs (a), (i), (ia) and (l) of subsection (1)* and any regulations under *subsection (2)*, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

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)* - *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

CLASS 2

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

CLASS 3

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

Assessment

Is or is not development

The change of use from office to residential would be development given that it would be a material change of use.

Is or is not exempted development

The Regulation set out exemptions. Article 10 relates to change of use. Article 10(6) is of relevance.

The following set out compliance with respect to each element of Article 10(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

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

Yes – the development is within the 'relevant period'

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

Yes

(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,

Yes – letter states first floor office has been vacant for more than 10 years.

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

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

Complies - Commencement date is 9th October 2023 and completion date is 5th April 2024.

(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,

Complies

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

Complies

(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.

Complies

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

n/a Does not alter the existing ground floor shop front

(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.

Complies

(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.

Complies

(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.

Complies

(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.

Complies

(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.

No planning history recorded on iplan or Bray UD system

(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.

Complies

(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.

Complies

(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.

Complies

Other:

Environmental impact assessment or an appropriate assessment of the development would not be required.

Conclusion:

The conversion of the office to residential use would come within the provisions of the Planning and Development Act 2000(as amended).

Recommendation

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

The change of use of the first floor at 36 Main Street Bray from the currently vacant office to residential use / 1 no. one bed apartment, along with internal alterations and all associated ancillary works.

is or is not development, and is or is not exempted development.

The Planning Authority considers that:

The change of use of the first floor at 36 Main Street Bray from the currently vacant office to residential use / 1 no. one bed apartment, along with internal alterations and all associated ancillary works.

IS development and IS exempted development

Main Considerations with respect to Section 5 Declaration:

- The details received with this section 5 application (EX64/2023) on the 6th September 2023 and 21st September 2023.
- Sections 2, 3 4 of the Planning and Development Act 2000(as amended).
- Article 10 (6), and Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities

Main Reasons with respect to Section 5 Declaration:

The development described in the documents received is in accordance with the following provisions of the Planning and Development Act 2000 (as amended) for the following reasons:

- (i) The conversion of office to residential use ~~is development~~ *is a material change of use*
- (ii) The conversion of the office to 1 bed residential use would come within the provision of Article 10(6) of Planning and Development Regulations 2001 (as amended).

A. MacNamara
ex P1.
21.09.2023

Issue declaration as modified
Reg 1 T Reg 2 SE
27/09/23

Aisling Mac Namara

From: beslerdesigngroup <beslerdesigngroup@gmail.com>
Sent: Thursday 21 September 2023 11:45
To: Aisling Mac Namara
Subject: 36 Main street, Bray

Attention: Ms Ashling MacNamara

Re: Section 5 Declaration for Change of Use Exemption

Hi Ashling,

Further to our phone conversation earlier today, I can confirm that the commencement date for the mentioned development is 9th October 2023. The expected completion date is 5th April 2024.

I hope the above reply to your satisfaction.

If you require any further information, please do not hesitate to contact me.

Kind regards,
Ling Kwok

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Aisling McNamara
Executive Planner

FROM: Nicola Fleming
Staff Officer

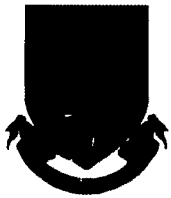
**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Act 2000 (as amended).
EX64/2023 – Lin Shao**

I enclose herewith for your attention application for Section 5 Declaration
received 6th September 2023

The due date on this declaration is the 3rd October 2023.



Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Suíomh / Website: www.wicklow.ie

12th September 2023

**Besler Design
1 St. Attracta Road
Dublin 7
Co. Dublin**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended).
Ex 64/2023 – Mr. Lin Shao – 36 Main Street, Bray**

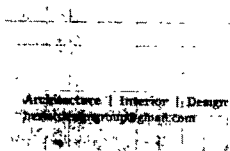
A Chara

I wish to acknowledge receipt on 6th September 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 3rd October 2023.

Mise, le meas

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





Besler Design
1 St. Attracta Road,
Dublin 7
Co. Dublin

Wicklow County Council
County Buildings
Wicklow
Co Wicklow
01/09/2023

Re: Development at 36, Main Street, Bray A98 T2R4

The development will consist of change of use on the first floor at 36 Main Street, Bray A98T2R4, from the existing vacant office to residential use with internal alterations and all associated ancillary works.

Dear Sir/Madam,

On behalf of our client Mr Lin Shao, who is the tenant of the mentioned address, we wish to submit this Section 5 Declaration for Change of Use Exemption application for the described development. In support of this application, we have included the following documentation:

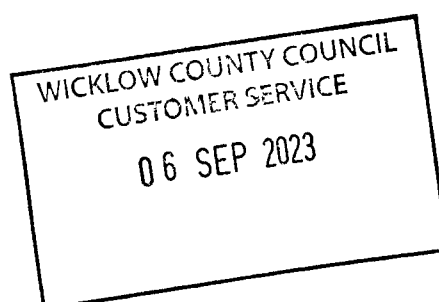
1. Completed Wicklow County Council Section 5 Declaration application form
2. 1 No. copy of the drawings as listed in the drawing schedule
3. Cheque for €80
4. A consent letter from the landlord
5. A supporting document

Please note that the first-floor office at the address mentioned above has been vacant for more than 10 years. (see the attached supporting document) Given the ongoing housing shortage in Ireland, our client would like to apply for an exemption for changing the use of the aforementioned space from an office to a one-bedroom apartment. We sincerely hope that you will consider this application favourably.

If there are any omissions in this submission, we would be grateful if you would inform us as soon as possible.

Yours sincerely,

Ben Ng
Besler Design



Wicklow County Council
County Buildings
Wick
046 90100

06/09/2023 10:51:54

Receipt No L1/0/318414

BESLER DESIGN
1 ST ATTRACTA RD
DUBLIN 7

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Postal Order	80.00

Change	0.00
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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: Lin Shao
Address of applicant: _____

Wicklow County Council

06 SEP 2023

PLANNING DEPT.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) Ben Ng on behalf of Besler Design
Address of Agent : 1 St Attracta Road, Dublin 7

3. Declaration Details

- i. Location of Development subject of Declaration 36 Main Street, Bray A98T2R4
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
~~Yes~~/ No.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier — Kenneth O'Connor Fairfield, King Edward Road, Bray Co. Wicklow
- 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, an

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

The development will consist of change of use on the first floor at 36 Main Street, Bray A98T2R4, from the currently vacant office to residential use – one one bedroom apartment, along with internal alterations and all associated ancillary works.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

Section 5 Declaration for Change of Use Exemption

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

2325-SURVEY-01 Existing Floor Plans

2325-SURVEY-02 Existing Elevations

2325-PL-FP-01 Proposed Floor Plans & Section A A

2325-SLM-01 Site Location Map

2325-SLP-01 Site Layout Plan

viii. Fee of € 80 Attached ? Yes

Signed :  _____ Dated : 01/09/2023

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.

Kenneth O'Connor
36 Main Street, Bray,
Co. Wicklow
29/08/2023

Planning Department and Environment
Wicklow County Council
County Buildings,
Co. Wicklow

Re: Letter of Consent for the Development at 36 Main Street, Bray, Co. Wicklow

I, Kenneth O'Connor, hereby authorize Mr. Ben Ng of Besler Design to apply for an Exemption Application for my property at 36 Main Street, Bray, Co. Wicklow.

Yours sincerely,

KENNETH
O'CONNOR

Kenneth O'Connor

Josh Moran

t/a Moran Financial Services

36 Main Street, Bray, Co Wicklow.
Telephone: 01 2828020 Fax: 01 2724034 Email: moranfs@eircom.net

Ken O' Connor
'Fairfield'
King Edward Road
Bray
Co. Wicklow

7th December 2012

Dear Ken,

Further to our recent discussions, we regret to inform you that due to the current business climate we have to now formally confirm to you our intentions to vacate the premises at 36 Main Street, Bray, Co. Wicklow as of the 31st of January 2013.

We would like to thank you for all your support to us in the years we have been renting the office and wish you all the best for the future.

We would be grateful if you would give us permission to leave some of our files, equipment etc. at the office until we can make arrangements to move it all please?

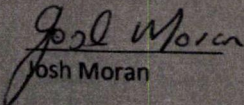
If you are successful in leasing the office, we will of course remove all our equipment immediately.

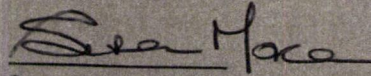
We would be willing to pay €100 per month for the duration of our files etc.. being left at the premises and would only occasionally need access to the files .

We enclose a cheque for the November payment due and will forward you the payment for December in due course.

If our business fortunes change going forward, we would be very happy to discuss the availability of the premises for our use.

Best regards and thanks


Josh Moran


Susan Moran

PLANNING APPLICATION DRAWINGS SUBMISSION



email: beslerdesigngroup@gmail.com

Issued by LK

[illegible]

e = email pg = progress c = comment i = information q = for quotation fc = fire certificate pl = exemption planning t = tender cn = construction r = revision

PL

Day
Month
Year

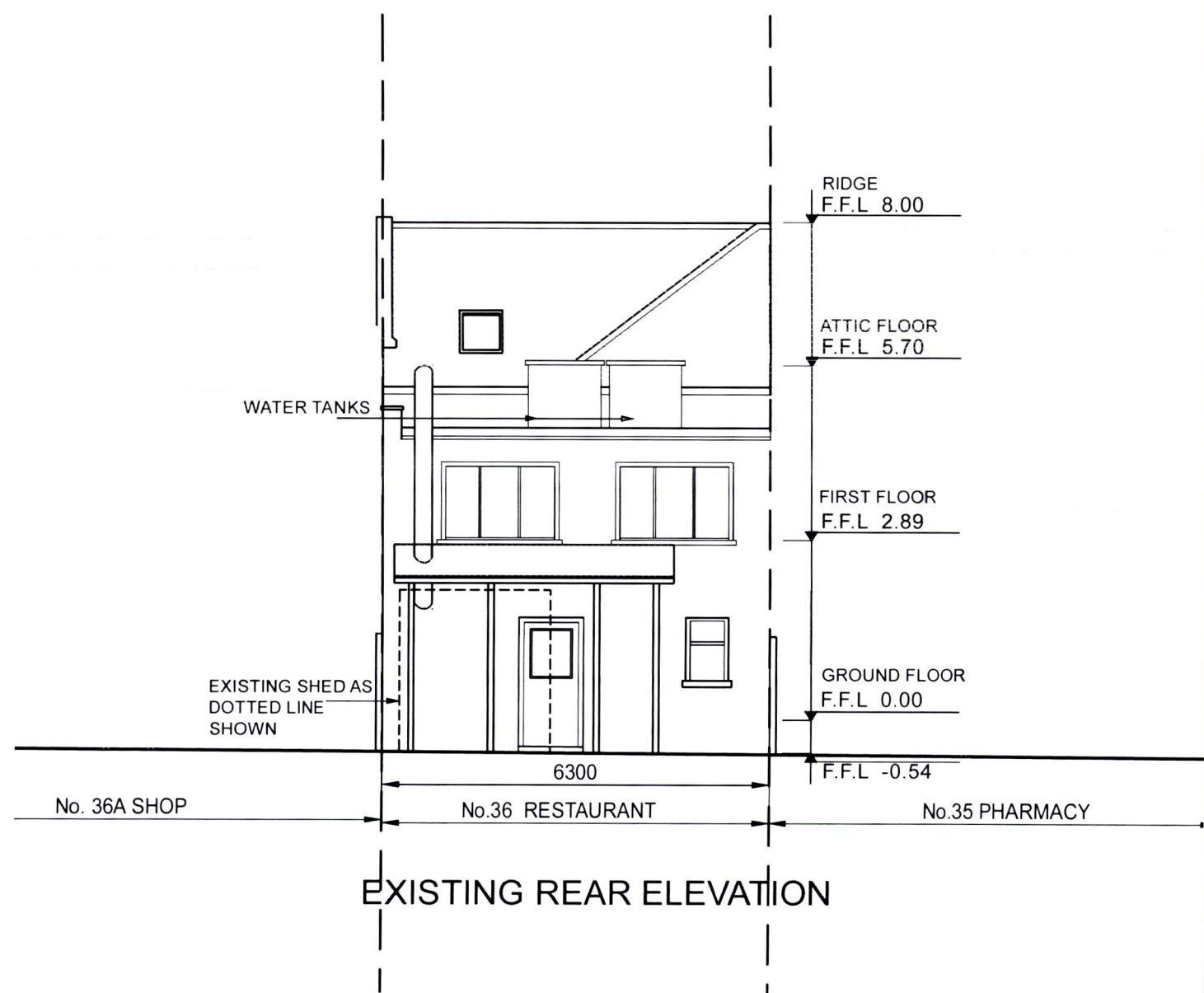
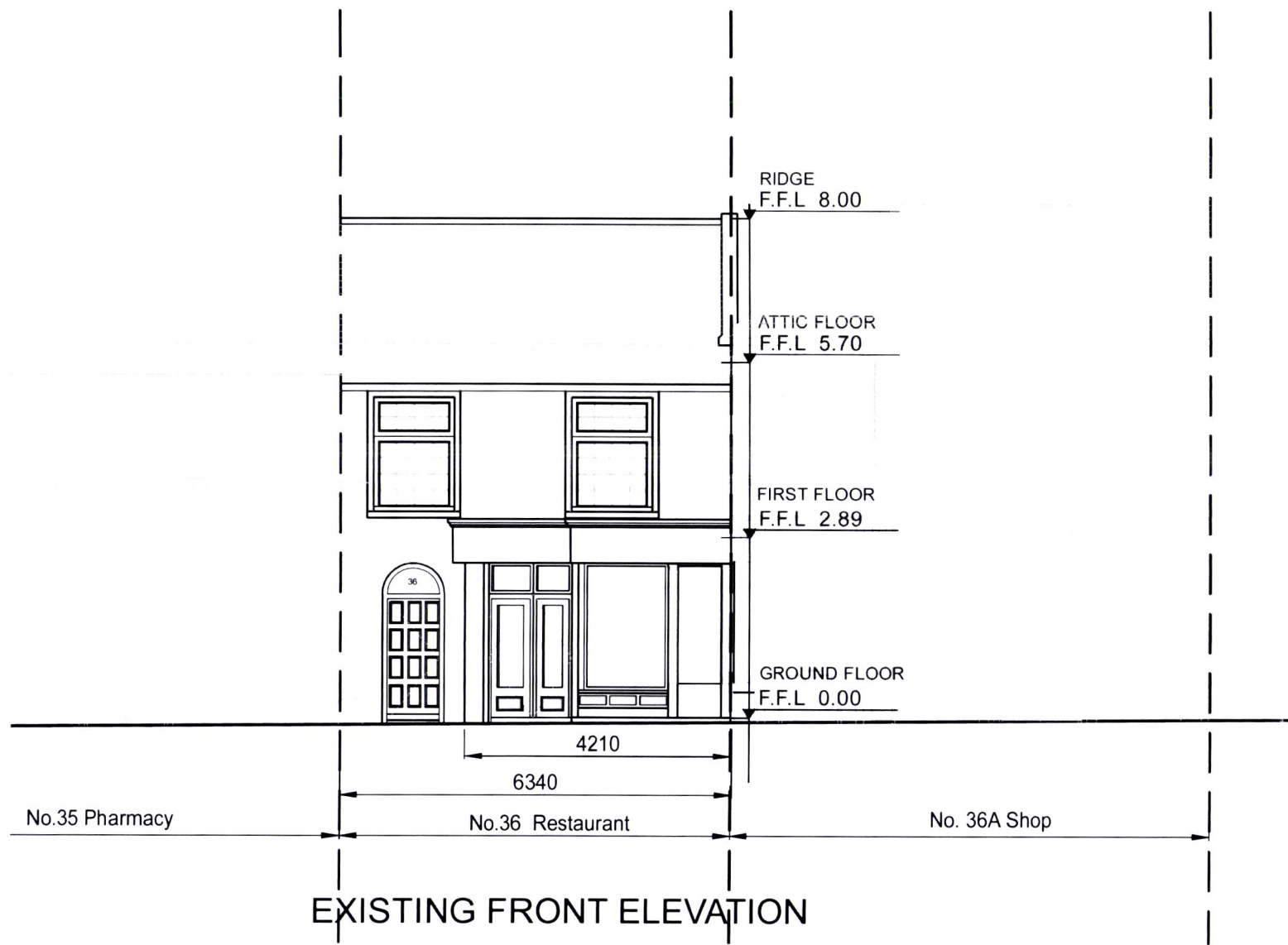
29
08
23

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[illegible]



EXEMPTION APPLICATION

drawings prepared by: Ling Kwok
address: 1, St. Attracta Road, Dublin 7
contact no.: 01 5212589
email: beslerdesigngroup@gmail.com

rev	note	date	initial

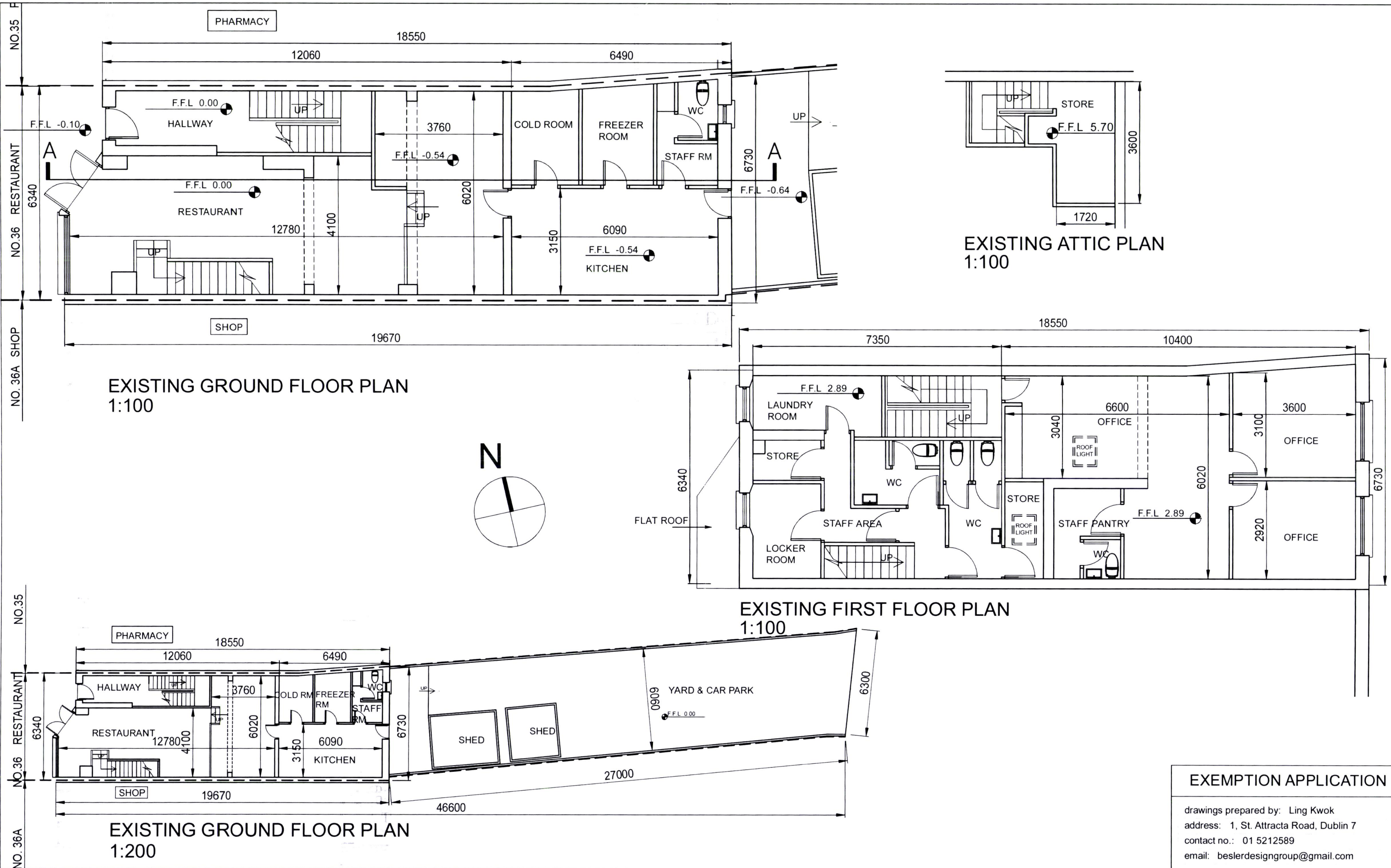
BESLER
Architecture | Interior | Design
1, st. attracta road, dublin 7, ireland
00353 1 5212589
beslerdesigngroup@gmail.com

client
MR LIN SHAO

project title
DEVELOPMENT AT 36 MAIN STREET, BRAY

drawing title
EXISTING ELEVATIONS

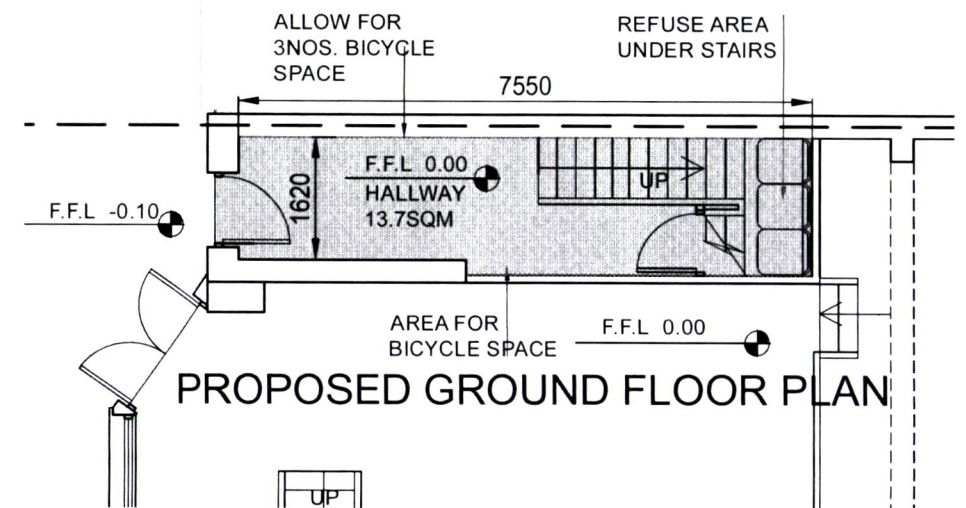
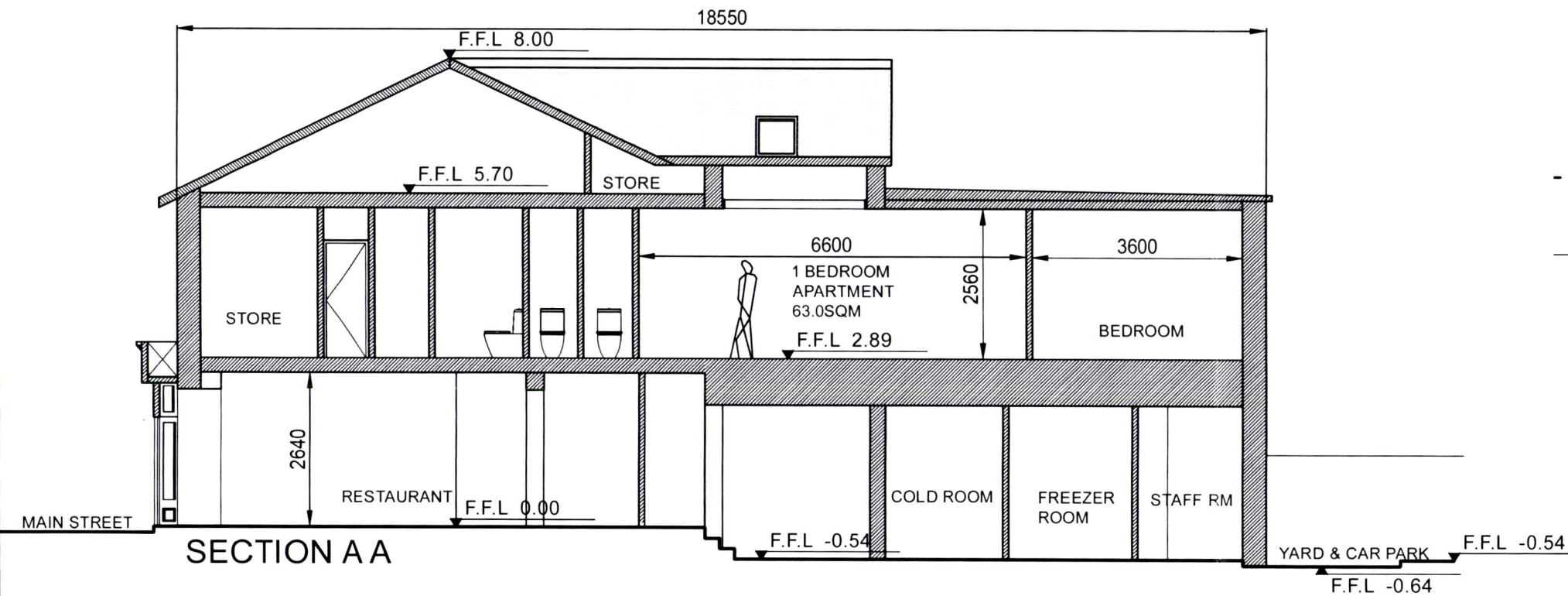
stage EXEMPTION APPLICATION	drawing number 2325-SURVEY-02
date 28.08.2023	drawn by LK
scale 1:100@A3	checked by name
	revision -



EXEMPTION APPLICATION

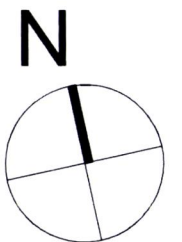
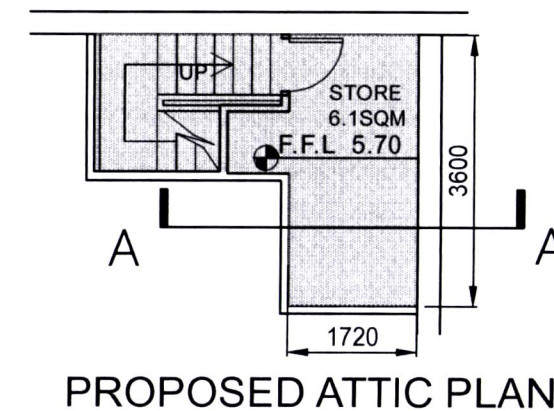
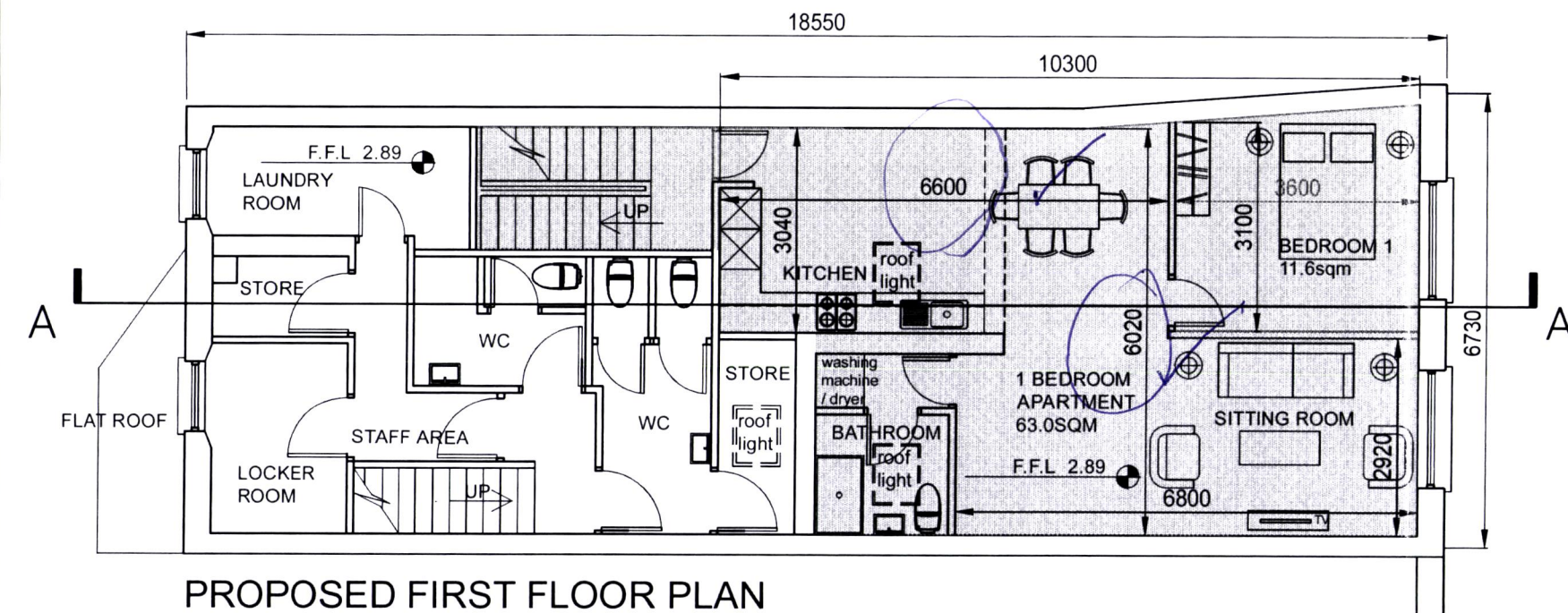
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rev	note	date	initial	client	stage	drawing number
				MR LIN SHAO	EXEMPTION APPLICATION	2325-SURVEY-01
				project title	date	
				DEVELOPMENT AT 36 MAIN STREET, BRAY	29.08.2023	drawn by
				drawing title	scale	BN / LK
				EXISTING FLOOR PLANS	1:100 & 1:200 @ A3	checked by
						revision
						-



SCHEDULE OF ACCOMMODATION

ONE BEDROOM APARTMENT ON 1/F		GROSS INTERNAL FLOOR AREA
		SQM
STORE		6.1
BATHROOM		5.3
LIVING / DINING ROOM / KITCHEN (6.6MW X 3.0ML) +(6.8MW X 2.9ML)		40.0 ✓
BEDROOM (3.6MW X 3.1ML) ✓		11.6 ✓
TOTAL GROSS FLOOR AREA		63.0
LOBBY + STAIRCASE		13.7SQM+6.3SQM+3.8SQM = 23.8SQM
		23.8



EXEMPTION APPLICATION

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rev note date initial

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client
MR LIN SHAO
project title
DEVELOPMENT AT 36 MAIN STREET, BRAY
drawing title
PROPOSED FLOOR PLANS & SECTION A A

stage
EXEMPTION APPLICATION
date
31.08.2023
scale
1:100 @ A3
drawing number
2325-PL-FP-01
drawn by
LK
checked by
name
revision
-

Land Registry Compliant Map



Taithe
Éireann

**CENTRE
COORDINATES:**
ITM 728267,718534

PUBLISHED: 28/08/2023 **ORDER NO.:** 50353874_1

MAP SERIES: 1:1,000 **MAP SHEET:** 3568-13
1:1,000 3568-14



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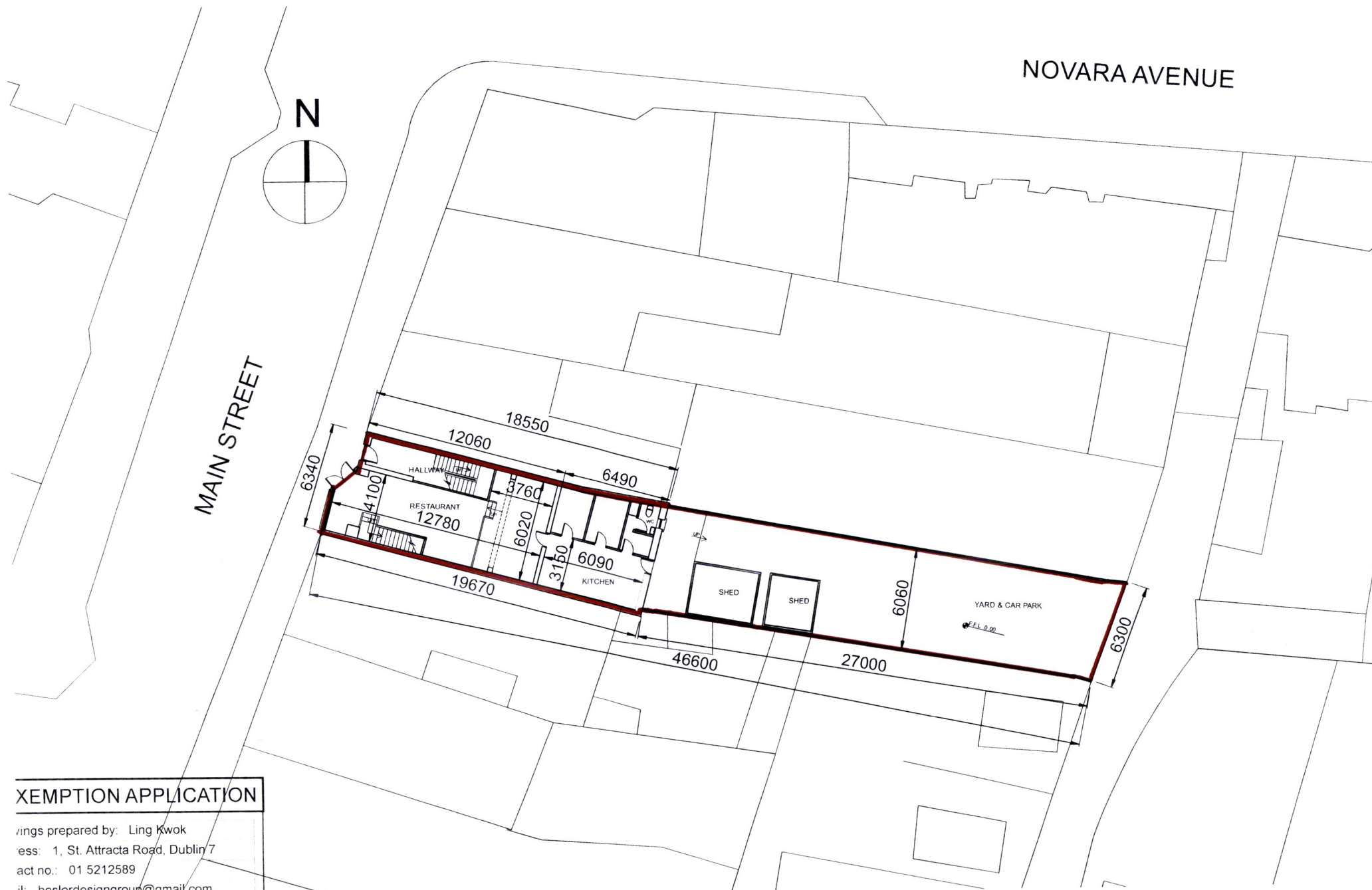
date initial notes



client
MR LIN SHAO
project title
DEVELOPMENT AT 36 MAIN STREET, BRAY
drawing title
SITE LOCATION MAP

stage
EXEMPTION APPLICATION
date
28.08.2023
scale
1:1000@A4

drawing number
2325-SLM
drawn by
BN
checked by
name
revision
-



EXEMPTION APPLICATION

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date	initial	notes

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 drawing title
 SITE LAYOUT PLAN

stage
 EXEMPTION APPLICATION
 date
 29.08.2023
 scale
 1:300@A4

drawn by
 LK
 checked by
 name

drawing number
 2325-SLP-01
 revision
 -

(v) as a scrap yard, or a yard for the breaking of motor vehicles,

(vi) for the storage or distribution of minerals,

(vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,

(viii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or

(ix) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.

(3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.

(4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(5) Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act.

(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.

Commented [j51]: Sub-article 10(6) is substituted by article 3 of S.I. No. 75/2022 Planning and Development Act (Exempted Development) Regulations 2022

use as office

(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,

yes

(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

(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,

yes

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 exempt

Waiver then

(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,

yes

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

yes

(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.

yes

(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 a

(iv) No development shall consist of or
comprise the carrying out of works to the ground
floor area of any structure which conflicts with
any objective of the relevant local authority
development plan or local area plan, pursuant to
the Part 1 of the First Schedule to the Act, for
such to remain in retail use, with the exception of
any works the purpose of which is to solely
provide on street access to the upper floors of the
structure concerned.

complies

(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.

complies

(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.

storage - 6.1 m² ✓
complies

(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.

not to
protected
structure

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(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).

Saver for
certain
development.

11.

Development commenced prior to the coming into operation of this Part and which was exempted development for the purposes of the Act of 1963 or the 1994 Regulations, shall notwithstanding the repeal of that Act and the revocation of those Regulations, continue to be exempted development for the purposes of the Act.

PART 3

PLANS AND GUIDELINES

Sites prescribed
under section
10(2)(c) of Act.

12.

The sites prescribed for the purposes of section 10(2)(c) of the Act shall be—

(a) any area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act, 2000 (No. 38 of 2000), and

(b) any area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act, 2000.

Authorities
prescribed
under sections

13.

The prescribed authorities for the purposes of sections 11, 12 and 13 of the Act shall be—

Commented [j52]: Article 13 was substituted by article 3 of S.I. No. 262/2011 Planning and Development (Amendment) Regulations 2011