

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

Director of Services Order No: 1625/2022

Reference Number: EX 51/2022

Name of Applicant: NUA Healthcare Services

Nature of Application: Section 5 Referral as to whether Conversion of an existing dwelling to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Stone Acre, Crehelp, Dunlavin, Co Wicklow is or is not exempted development.

Location of Subject Site: Stone Acre, Crehelp, Dunlavin, Co Wicklow

RECOMMENDATION: Report from Holly O'Connor AP & Suzanne White SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether Conversion of an existing dwelling to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Stone Acre, Crehelp, Dunlavin, Co Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details submitted with this Section 5 Application.
- b) Sections 2 & 3 of the Planning & Development ACT 2000 (as amended),
- c) Schedule 2, Part 1, Class 14 of the Planning & Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The permitted dwelling under 99/204 and compliance of same;
2. The purposed use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons as detailed in the submission;
3. Schedule 2, Part 1, Class 14(f) of the Planning & Development Regulations as amended.


The Planning Authority considers that Conversion of an existing dwelling to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Stone Acre, Crehelp, Dunlavin, Co Wicklow is development and is exempted development

ORDER:

That a declaration to issue stating:

That Conversion of an existing dwelling to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Stone Acre, Crehelp, Dunlavin, Co Wicklow is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended) .

Signed:



Director of Services
Planning Development & Environment

Dated 5 day of October 2022



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

Nua Healthcare Services
The Atrium
John's Lane
Naas
Co Kildare
W91 WC78

5th October 2022

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

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

Exemption Ref. No: EX 51/2022

Applicant: NUA Healthcare Services

Nature of Application: Conversion of an existing dwelling to a community
residence for persons with an intellectual or physical
disability or mental illness and persons providing
care for such persons at Stone Acre, Crehelp,
Dunlavin, Co Wicklow

Location: Stone Acre, Crehelp, Dunlavin, Co Wicklow

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.





**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: NUA Healthcare Services

Location: Stone Acre, Crehelp, Dunlavin, Co Wicklow

DIRECTOR OF SERVICES ORDER NO. 1625/2022

A question has arisen as to whether Conversion of an existing dwelling to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Stone Acre, Crehelp, Dunlavin, Co Wicklow is or is not exempted development.

Having regard to:

- d) The details submitted with this Section 5 Application.
- a) Sections 2 & 3 of the Planning & Development ACT 2000 (as amended),
- b) Schedule 2, Part 1, Class 14 of the Planning & Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The permitted dwelling under 99/204 and compliance of same;
2. The proposed use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons as detailed in the submission;
3. Schedule 2, Part 1, Class 14(f) of the Planning & Development Regulations as amended.

The Planning Authority considers that Conversion of an existing dwelling to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Stone Acre, Crehelp, Dunlavin, Co Wicklow is development and is exempted development.

Signed: 

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Dated 5th October 2022



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO:	FERGAL KEOGH S.E. / EDEL BERMINGHAM S.E.P
FROM:	HOLLY O'CONNOR A.P.
SUBJECT REF:	EX 51/2022
DECISION DATE:	10/10/2022
APPLICANT:	NUA HEALTHCARE SERVICES
ADDRESS:	STONE ACRE, CREHELP, DUNLAVIN, CO. WICKLOW
EXEMPTION:	USE OF RESIDENTIAL DWELING TO COMMUNITY RESIDENCE

Site Location:

The site is located within the rural townland of Crehelp, c.4km to the north-east of Dunlavin Town. The site is along the Local Road L8336-28, which adjoins the National Road N81 to the east of the site. The subject site consists of a detached single storey dwelling with a large garden.

Planning History:

99/204: Planning permission granted for bungalow.

05/4367: Planning permission granted for ground floor extensions to both sides and front of existing bungalow type dwelling house with windows and patio door to the sides and all ancillary works.

Relevant legislation:

Planning and Development Act 2000 (as amended)

"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

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

Section 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.

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

Planning and Development Regulations 2001(as amended)

Part 2

“care” means personal care, including help with physical, intellectual or social needs;

“house” does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

Section 10: Change of Use;

(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.

Article 6(1) states that certain classes of development which are specified in Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Part 1- Exempt Development Classes of Use

CLASS 14

Development consisting of a change of use—

- (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

Conditions and limitations

the number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Article 9(1) (a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act, specifically (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

Submission:

The applicants are applying for a Section 5 Exemption in relation to the following;

Conversion of an existing dwelling to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Stone Acre, Crehelp, Dunlavin, Co. Wicklow.

Assessment:

The dwelling was permitted under PRR: 99/204 as a residential dwelling for a person(s) who qualified for rural housing under the 1999 CDP, a burden was registered against the property in 2000

and the details of same were provide to the Planning Authority. The S.47 period (10 years) has now expired and the order has been discharged from the folio so at this time the property is not subject to an occupancy agreement. The applicant is seeking the change of use to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. It is stated that that the dwelling will accommodate 3 no. resident service users with 2-4 full time staff working in shifts but not residing on site. CLASS 14 allows for a change of use from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons with the no. of residences limited to 6 and resident carers limited to 2, the proposal is in line with the limitations. There are no circumstances applicable in this instance under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

Recommendation:

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

The conversion of an existing dwelling to a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Stone Acre, Crehelp, Dunlavin, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

The Planning Authority considers that:

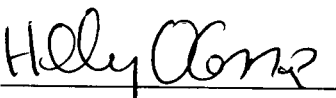
The use of a the dwelling for community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons is development and is exempt development.

Main Considerations with respect to Section 5 Declaration:

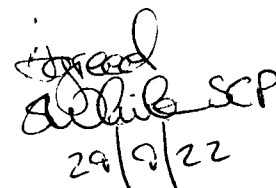
- (a) The details submitted with this Section 5 Application.
- (b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (c) Schedule 2, Part 1, Class 14 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The permitted dwelling under 99/204 and compliance with conditions of same;
2. The proposed use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons as detailed in the submission;
3. Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulations 2001 as amended.



Holly O'Connor A.P. Date: 26/09/2022.



MEMORANDUM

WICKLOW COUNTY COUNCIL

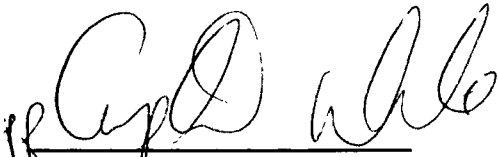
**TO: Holly O'Connor
Assistant Planner**

**FROM: Crystal White
Assistant Staff Officer**

**RE:- EX51 20/2022 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Nua Healthcare Services change of use from a dwelling to a
community residence at Stone Acre, Crehelp, Dunlavin, Co Wicklow**

I enclose herewith for your attention application for Section 5 Declaration received 13th of September 2022.

The due date on this declaration is the 10th October 2022.



**Senior 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
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

13/08/2022

Nua Healthcare
Unit 7 The Atrium
John's Lane
Naas
Co Kildare
W91 WC78

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 51/2022
Change of use from a dwelling to a community residence at Stone Acre, Crehelp, Dunlavin Co Wicklow W91 HH34.

A Chara

I wish to acknowledge receipt on the 13th of September 2022 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 10/10/2022.

Mise, le meas

SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council
County Buildings
Wicklow
0404-20100

13/09/2022 13 59 47

Receipt No L1/0/301603
***** REPRINT *****

SHARON LIU
NUA HEALTHCARE
UNIT 7 THE ATRIUM
JOHN'S LANE
NAAS
CO KILDARE
W91 WC78

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

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

Tendered Credit Card BY PHONE	80 00
-------------------------------------	-------

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

Issued By Cashier5MW
From Customer Service Hub
Vat reg No 0015233H



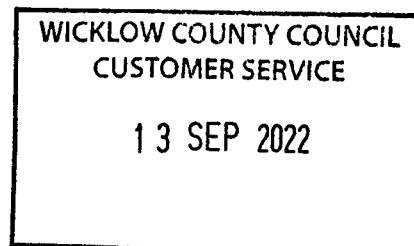
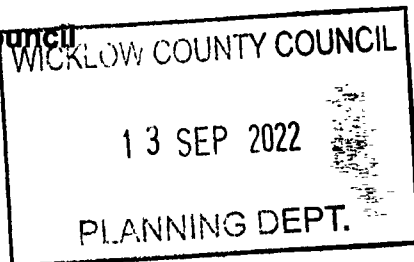
The Atrium, John's Lane
Naas, Co. Kildare

P: 045 856 592

F: 045 879 860

E: info@nuahealthcare.ie
www.nuahealthcare.ie

Wicklow County Council
County Building
Whitegates
Wicklow Town
Co. Wicklow
A67 FW96



8th September 2022

Re: Section 5 Declaration on Exempted Development

Dear Sir/ Madam,

We, Nua Healthcare Services, of The Atrium, John's Lane, Naas, Co. Kildare are applying for a Section 5 declaration in respect of a conversion of an existing Dwelling to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at

Stone Acre, Crehelp, Dunlavin, Co Wicklow W91 HH34

In support of our application please find enclosed the following:

- Completed Application Form

2 copies of the following:

Ordnance survey Map no: 3838(scale 1:2500)

Scaled drawings of development

- Site Plan 098-01
- Floor Plans 098-02
- Front & Side Elevations 098-03
- Rear Elevation & Sections 098-04

Application Fee of €80: please contact me on 087-9932016 or number provided on the application form for payment of the application fee by credit card.

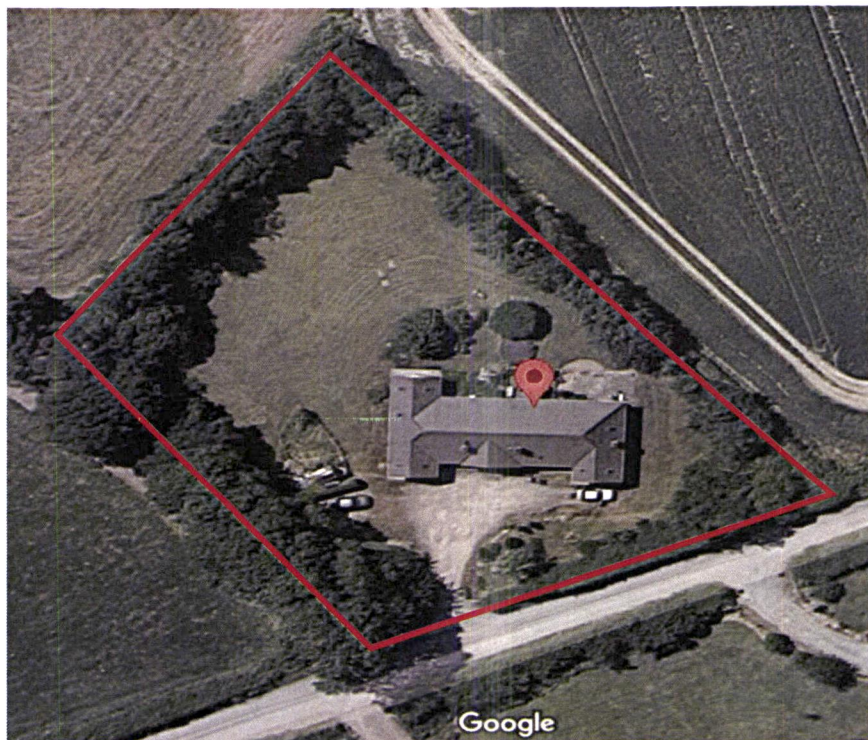
The application is to seek declaration as to *whether the change of use from a dwelling to a community residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons is development which is exempted development.*

SITE LOCATION AND DESCRIPTIONS

The location of the property is located just off the N81 and is c. 5km from the town of Dunlavin with all the usual amenities – shops, cafes and schools. The larger towns of Blessington and Baltinglass are a short drive away. Transport links include a Bus Eireann route nearby and Dublin Bus which travels through Ballymore Eustace.

The house is solid masonry construction, and the external walls are finished in a painted nap render. The front façade has a central projection with an A-frame front gable which houses the open porch with recessed front entrance door. PVC framed double glazed windows set on painted concrete sills complete the exterior.

Ariel View of Site



Front View of Dwelling



View from Public Road



View of Driveway & Entrance Gate



View from Rear



NUA HEALTHCARE SERVICES

Nua Healthcare Services was founded in 2004 to support clients with a range of Intellectual Disabilities and Mental Health presentations including challenging behaviours. Since then, the company provides community outreach, day services and residential care for persons with Intellectual Disabilities, Autism, Brain Acquired Injuries and Mental Health difficulties. The social model of care is delivered in normal community settings and not in hospital or high-density units and is in line with national Standards for Residential Services for Children and Adults with Disabilities 2013.

As with all competent organisations, Nua Healthcare Services operates a care model through a strong frontline staff team, robust management and supervision system. From humble beginnings, the company now operates services nationally in partnership with the HSE and employ in excess of 800 locally based staff caring for circa 200 clients.

Uniquely, more than 80% of Nua Healthcare Services frontline staff are degree qualified and the remaining 20% are working towards same. The clinical team comprises of respected Neuro and Forensic Psychiatrists, Psychologists, Psychotherapists, Behavioural Specialists, Occupational Therapists and are further complimented by nursing staff and a varied panel of other clinical professionals. The senior management team comprises of experienced management professionals who are responsible for the overall quality and governance of our services.

Nua Healthcare Services is widely acknowledged within the healthcare sector as the expert / leading provider of residential care programs for individuals with autism, intellectual disabilities and behavioural difficulties in the Island of Ireland. Residential care for persons with intellectual disabilities, Autism and Brain Injuries is a highly regulated space in Ireland. Every residential care home is required to be registered with HIQA and is inspected regularly against the National Standards for Residential Services for Children and Adults with Disabilities 2013. These standards cover a vast array of areas including, risk management, good governance and suitability of facilities / environment. The state has shut a significant number of facilities that are considered institutional and moved all individuals into settings similar to those provided by Nua Healthcare Services. Nua Healthcare Services is registered for Intellectual Disability services with HIQA.

Nua Healthcare is a private entity and service provider to the Health Service Executive, TUSLA, Individuals and their families. The model of services provided by Nua Healthcare is not determined by buildings or locations. While day services are provided at a variety of locations, Nua Healthcare subscribes to the concept of 'services without walls'. This concept does not restrict service provision to any one location but rather, it allows for the provision of supports in settings which best meet the identified needs of the service user in the most natural environment possible.

The referral process for Residential Care clients is as follows:

1. Initial contact is made by an individual, a family member, HSE Representative or Clinician
2. A formal referral is then made by the HSE / Clinician
3. Nua Healthcare Services conducts a provisional assessment to assess suitability for residential assessment
4. If suitable, a proposal is submitted to stakeholders for provision of 12 week Residential Assessment
5. If the above proposal is accepted, the appropriate documentation is signed with the individual, their family member and the HSE and a discharge date is set 12 weeks from the point of admission

There are c.10,000 individuals in Ireland with intellectual disabilities that are in need of a normal community residential care placement. Individuals with intellectual disabilities and autism are typically more vulnerable and therefore, open to manipulation by unsavoury individuals in the general population. A common reason for referral to our residential services is that of an existing family arrangement that has broken down. This can be due to behavioural difficulties in the home or changing health needs of the individual or parents.

In this context, Nua Healthcare Services seek out normal environments in excess of 2000 sq. ft. and within reasonable distance of local amenities, from a town or village. The following criterion is considered in determining suitable locations:

- Homely
- Secure / Private
- 4 to 6 Bedrooms
- Multiple living / common areas / social spaces
- 1 – 2 Acre sites
- Low arousal environment

Individuals with learning disabilities and / or autism cannot always live completely independently and so, where they cannot, suitable environments are required to be provided by trusted organisations such as Nua Healthcare Services.

PLANNING ASSEMENT

The floor area of the property is 269m² (2895 ft²) in total, which is within the requirements of dwellings in excess of 2000 ft².

The existing dwelling is to provide residential care services for people, both male and female, with intellectual disabilities, mental health issues and other disabilities. The house will function as close as possible to a traditional family home.

The building will accommodate up to a maximum of 3 resident service users in the 3no. bedrooms with a large communal kitchen/dining area & sitting room.

Typically a care home of this size will be staffed by approximately two to four full-time-day-care staff who typically work 12-14 hour shifts in addition to a team leader who

manages the house Monday to Friday 9-5. Note that only a maximum of 2 staff members will stay in the house overnight. The carers are not permanent residents but will work on a shift basis during the day and at night.

PLANNING HISTORY

A planning history search was carried out in respect of the property and the following planning application was discovered in relation to same;

Wicklow County Council Planning File Reference No. 054367

Planning Permission Granted – 2nd June 2006

LEGISLATIVE PROVISION

Planning and Development Act 2000, as amended

Section 3 - Development

In the 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(1) (Exempted Development)

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 the neighbouring structures.*

The works to the house, including changes to the internal layout, changes to the rear elevation are in our opinion within the definition of the above provisions and therefore exempted development.

Planning and Development Regulations 2000, as amended

Article 6 - Exempted Development

Subject to Article 9, development of a class specified in Column 1, part 1 of Schedule 2 shall be exempted development for the purposes of the Act provided that such development complies with the conditions and limitations specified in Column 2 of the said Part 1 opposite the mention of that Class in the said Column 1.

In relation to the restrictions on exemption as set out in Article 9 of the Planning and Development Regulations 2001, as amended, it can be concluded that:

- The proposed change of use does not contravene a condition attached to any previous permission pertaining to the property;
- No works to the access to the public road are proposed;
- The change of use will not endanger public safety by reason of traffic hazard;
- The front of the building will not be brought forward;
- There are no works proposed under the public road;

- The proposed change of use would not interfere with a landscape of view of special character, as the dwelling is existing and is not located in an area which attracts a High Value Landscape designation;
- The proposed change of use would not involve any works to a feature of archaeological, geological, or historical, scientific or ecological interest;
- The dwelling the subject of this referral is not unauthorised;
- The dwelling is not restricted by an objective for the continuance of an existing use; The proposed change of use does not involve the fencing or enclosure on the boundaries of any land habitually open or used by the public;
- The proposed change of use does not obstruct any public right of way;
- The dwelling is not located in an ACA and no works to the exterior are proposed; and
- No special amenity orders apply to the existing site.
- The dwelling is compliant with the planning permission granted in terms of layout, siting and overall heights
- The dwelling is compliant with the planning permission granted in terms of layout, siting and overall heights

Section b of this Article refers to areas where a special amenity order applies.

Article 10 relates to changes of use. 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, providing that the development if carried out would not

- a) Involve the carrying out of any works other than the 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 permission,
- d) Be a development where the existing use is an unauthorised use save where such a change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Schedule 2, Part 1 of Article 6 contains the following specific class of development under Class 14(f): -

Development consisting of changes of use from a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

The conditions and limitations in respect of this exemption include the following:

The number of persons with intellectual or physical disability or mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

The change of use of the house is in our opinion within the definition of the above provisions and therefore exempted development

PLANNING PRECEDENCE

Tipperary County Council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Mountainview, Coumroe (Ref: S5/19/135).

An Bord Pleanála Reference 06D.RL.2616, in respect of the change of use from a dwelling unit at 59A Kerrymount Rise, Foxrock, Dublin 18 to a residential care unit for persons with intellectual, physical disability or mental illness and persons providing care, where the Bord determined that it is development which is exempted development. In determining the referral, the Board had particular regard to Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended.

An Bord Pleanála Reference Number; PL25.RL3406 in respect of whether the use of a house as a residence for persons with an intellectual or physical disability is or is not development or is or not exempted development at Gainevale House, Multyfarnham, Co. Westmeath, determined that:

- a) The use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 to those Regulations, being a material change of use, which, therefore constitutes development, and
- b) Having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence, and in particular to the number of resident carers, this development complies with the Conditions and Limitations set out for that class of development, in the circumstances of this case.

And therefore, that the said use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Gainevale House, Multyfarnham, Co. Westmeath is development and is exempted development.

Kildare County Council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Alberg House, Kinsfurze Ave., Naas (Ref: ED/00531), The Meadows, Oldgrange, Athy (ED/00553), The Willows, Clonegath Monasterevin (ED00521), Hillview, Lackagh Beag, Monasterevin (ED/00562), Feighcullen, Rathangan (ED/00541) is development and is exempted development.

Cork County Council has determined that the change of use of a house and ancillary garage to a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Curraghvoe Co. Cork, reference D/212/17, is development and is exempted development.

CONCLUSION

In conclusion, having regard to the above, we submit that the change of use of this house to a community residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 of those Regulations, being a material change of use, which therefore constitutes development and having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence, and to the number of resident carers, this development complies with the Conditions and Limitations set out for that class of development.

We therefore would ask that you decide in our favour in relation to this application.

Yours faithfully



Sharon Liu

Sharon.Liu@nuahealthcare.ie

Architectural Assistant,
Nua Healthcare Services



**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: Nua Healthcare Services

Address of applicant The Atrium, John's Lane, Naas, Co. Kiladre W91 WC78

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Nua Healthcare Services

Address of Agent : The Atrium, John's Lane, Naas, Co. Kiladre W91 WC78

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

3. Declaration Details

i. Location of Development subject of Declaration
Stone Acre, Crehelp, Dunlavin, Co. Wicklow W91 HH34

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 _____
_____ N/A _____

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

Conversion of an existing Dwelling to a community residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Stone Acre, Crehelp, Dunlavin, Co Wicklow

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
Class 14 (f) of Schedule 2 Part 1 of the Planning and Development Regulations 2001 -
from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons


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 _____

098-01 Site Plan
098-02 Floor Plan
098-03 Front & Side Elevations
098-04 Rear Elevation & Sections
Ordnance Survey Map sheet no: 3838

viii. Fee of € 80 Attached ? Please call 087-9932016 for credit card payment

Signed :  Dated : 08/09/2022

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

B. Land Reclamation - N/A

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.

Planning Pack Map

CENTRE COORDINATES:
ITM 691661,702228

PUBLISHED: 03/08/2022
ORDER NO.: 50283541_1

MAP SERIES: 1:5,000
MAP SHEETS: 3838
1:5,000 3839
1:5,000 3896
1:5,000 3897

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

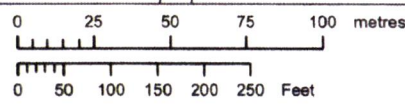
All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

© Suirbhéireacht Ordanáis Éireann,
2022
© Ordnance Survey Ireland, 2022
www.osi.ie/copyright

LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'



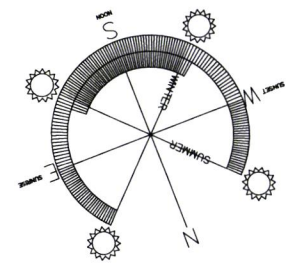
OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
<http://www.osi.ie>: search 'Capture Resolution'

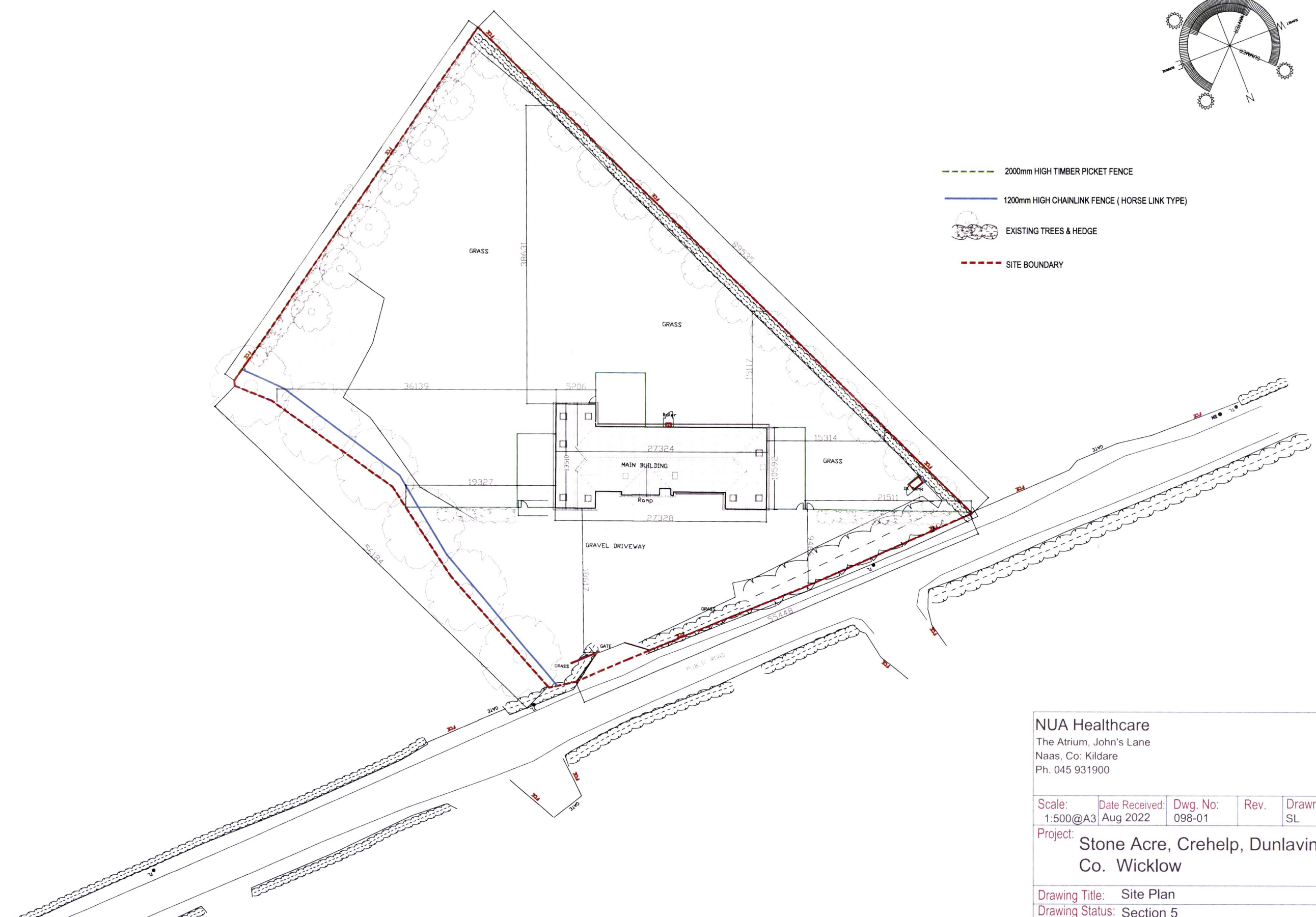


691369
443
2013
691366

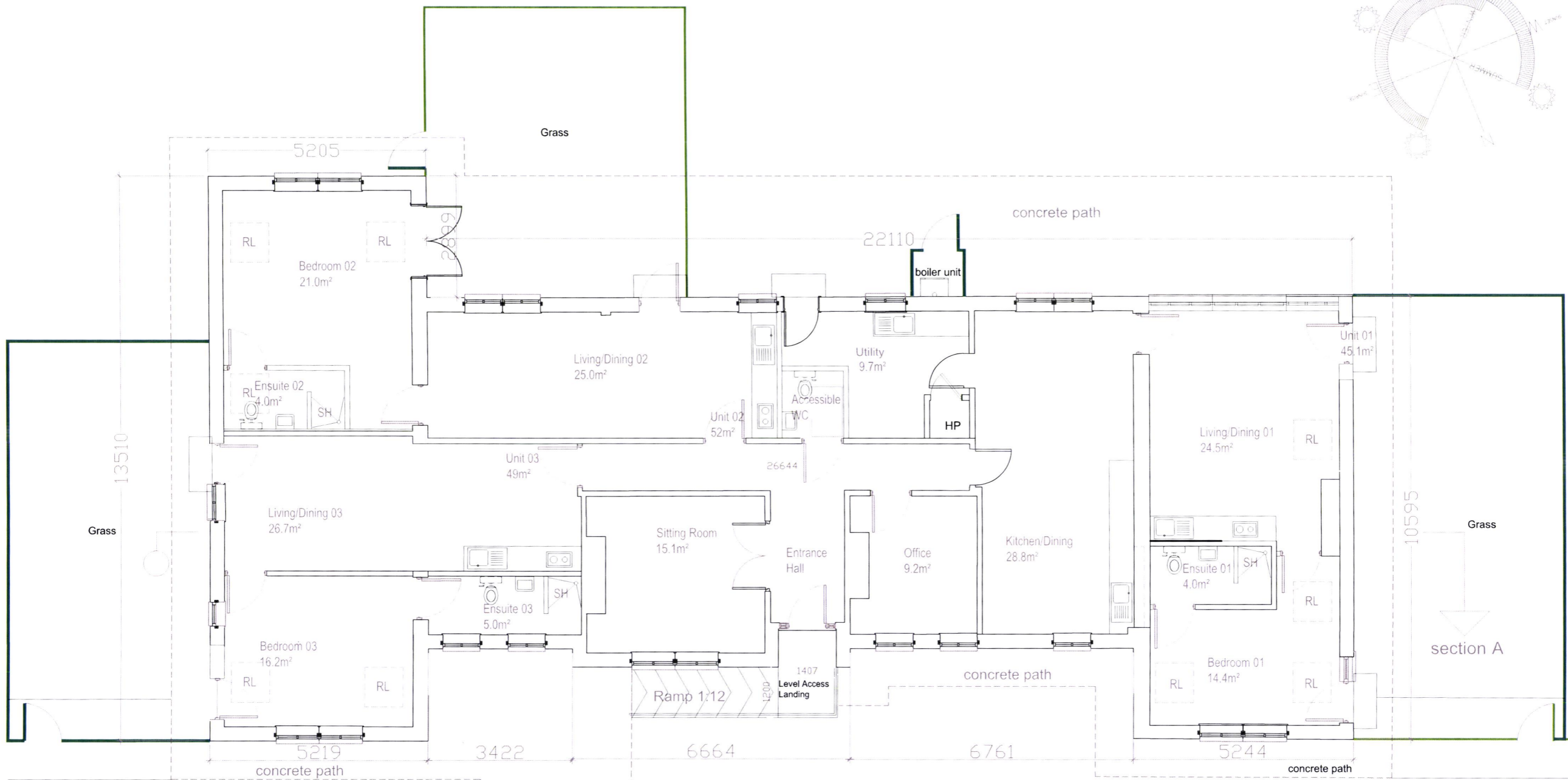
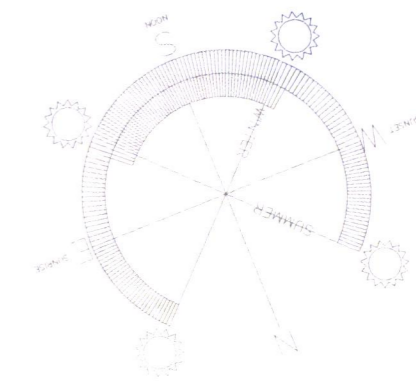
702443
691962
70213
691962



- 2000mm HIGH TIMBER PICKET FENCE
- 1200mm HIGH CHAINLINK FENCE (HORSE LINK TYPE)
- EXISTING TREES & HEDGE
- SITE BOUNDARY



NUA Healthcare The Atrium, John's Lane Naas, Co: Kildare Ph. 045 931900				
Scale: 1:500@A3	Date Received: Aug 2022	Dwg. No: 098-01	Rev.	Drawn by: SL
Project: Stone Acre, Crehelp, Dunlavin, Co. Wicklow				
Drawing Title: Site Plan				
Drawing Status: Section 5				



Ground Floor Plan

Total Floor Area 269.29m²

Concrete

NUA Healthcare

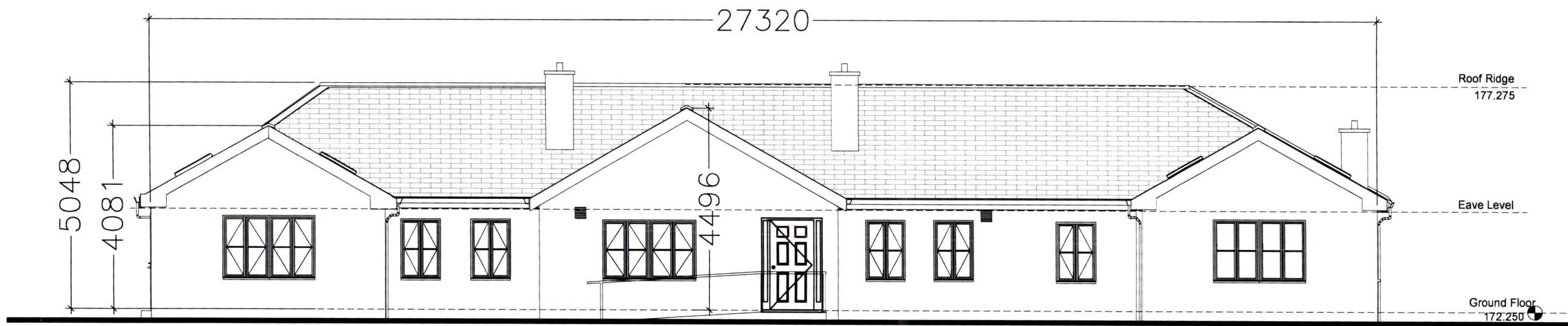
The Atrium, John's Lane
Naas, Co: Kildare
Ph. 045 931900

Scale: 1:100@A3	Date Received: Aug 2022	Dwg. No: 098-02	Rev.	Drawn by: SL
--------------------	----------------------------	--------------------	------	-----------------

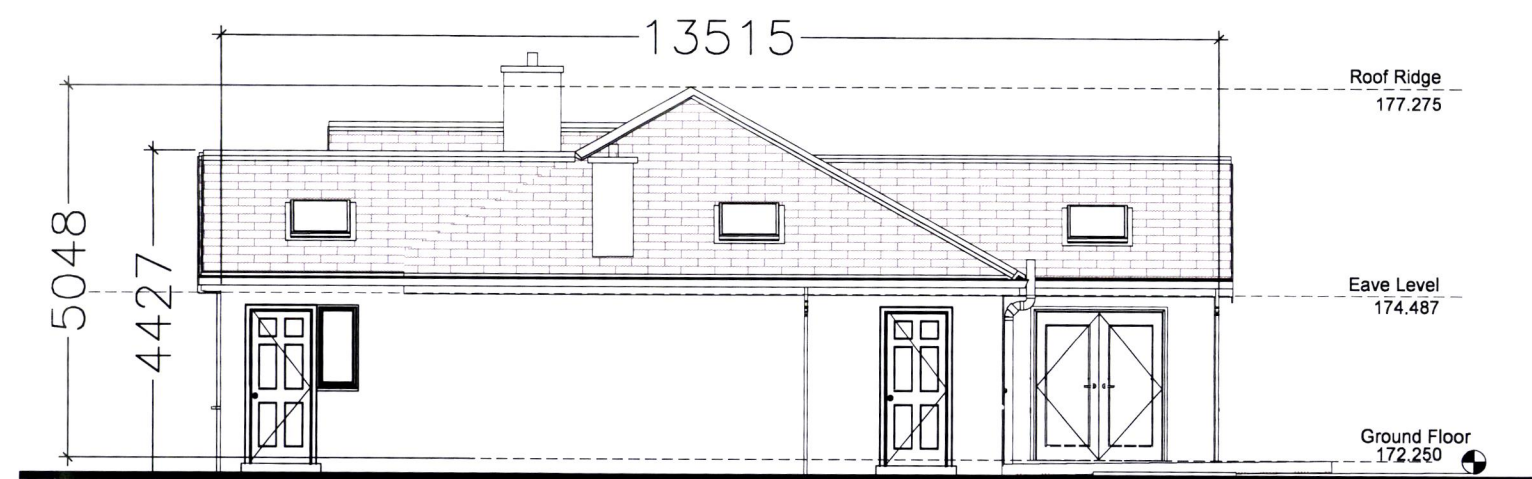
Project: **Stone Acre, Crehelp, Dunlavin, Co. Wicklow**

Drawing Title: Ground Floor Plan

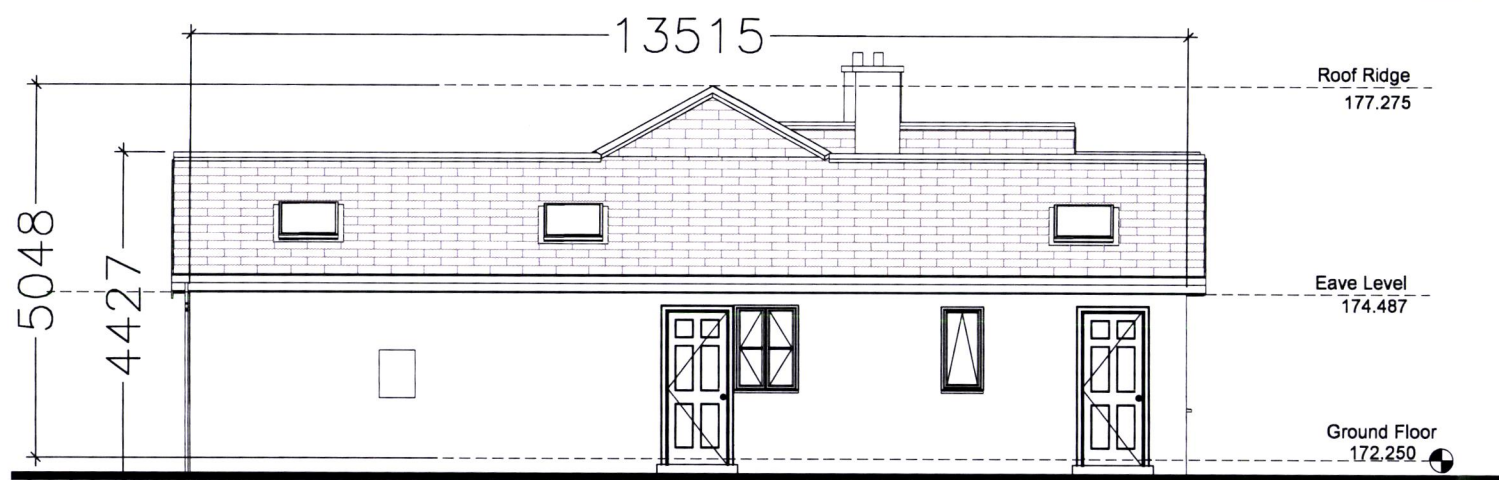
Drawing Status: Section 5



FRONT (NORTH) ELEVATION:



SIDE (WEST) ELEVATION:



SIDE (EAST) ELEVATION:

NUA Healthcare

The Atrium, John's Lane
Naas, Co: Kildare
Ph. 045 931900

Scale:	Date Received:	Dwg. No:	Rev.	Drawn by:
1:100@A3	Aug 2022	098-03		SL

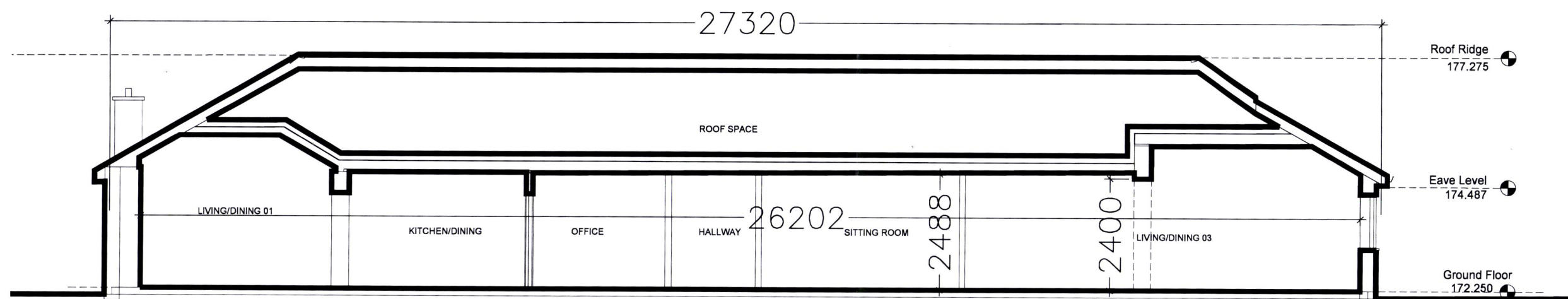
Project: **Stone Acre, Crehelp, Dunlavin,
Co. Wicklow**

Drawing Title: **Front & Side Elevations**

Drawing Status: **Section 5**



REAR (SOUTH) ELEVATION:



SECTION AA

NUA Healthcare
 The Atrium, John's Lane
 Naas, Co: Kildare
 Ph. 045 931900

Scale: 1:100@A3	Date Received: Aug 2022	Dwg. No: 098-04	Rev.	Drawn by: SL
--------------------	----------------------------	--------------------	------	-----------------

Project:
**Stone Acre, Crehelp, Dunlavin,
 Co. Wicklow**

Drawing Title: Rear Elevation & Section

Drawing Status: Section 5