

Comhairle Contae Chill Mhantáin Uicklow 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

19th May 2025

Planning & Design Services Griffins Way Clonattin Gorey Co. Wexford

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX48/2025 – Altura Credit Union Ltd

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

RLANNING ECONOMIC & RURAL DEVELOPMENT







Comhairle Contae Chill Mhantáin Wicklow 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: Togherbeg, Ashtown, Roundwood, Co. Wicklow

Reference Number: EX48/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/487

Section 5 Declaration as to whether "Change of use from Credit Union Office to use as a Dwelling unit" at Togherbeg, Ashtown, Roundwood, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- a) The details submitted with the Section 5 Declaration.
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 10 (6), and Schedule 2: Part 4 of the Planning and Development Regulations 2001 (as amended).
- f). Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities: DOE: July 2023

Main Reasons with respect to Section 5 Declaration:

- i. The change of use from the use as credit union offices to use as a residence would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as an office.
- ii. The change of use would be material, and therefore development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- iii. The change of use would not accord with the limitation set out in Article 10 (6) (c)(iii) of the Planning and Development Regulations 2001 (as amended) as the structure concerned has only been vacant for 7 months, and therefore would not be vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, as such works would have to be completed by the 31st December 2025.

The Planning Authority considers that "Change of use from Credit Union Office to use as a Dwelling unit" at Togherbeg, Ashtown, Roundwood, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: VOICE THE SINGLE OF THE

PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated | May 2025





WICKLOW COUNTY COUNCIL PLANNING & DEVELOPMENT ACTS 2000 (As Amended) SECTION 5 CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/487

Reference Number:

EX48/2025

Name of Applicant:

Altura Credit Union

Nature of Application:

Section 5 Declaration request as to whether or not:"Change of use from Credit Union Office to use as a Dwelling unit" is or is not development and is or is not

exempted development.

Location of Subject Site:

Togherbeg, Ashtown, Roundwood, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "Change of use from Credit Union Office to use as a Dwelling unit" at Togherbeg, Ashtown, Roundwood, 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 the Section 5 Declaration.

d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

e) Article 10 (6), and Schedule 2: Part 4 of the Planning and Development Regulations 2001 (as amended).

f). Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities: DOE: July 2023

Main Reason with respect to Section 5 Declaration:

i. The change of use from the use as credit union offices to use as a residence would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as an office.

ii. The change of use would be material, and therefore development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as

amended).

The change of use would not accord with the limitation set out in Article 10 (6) (c)(iii) of the Planning and Development Regulations 2001 (as amended) as the structure concerned has only been vacant for 7 months, and therefore would not be vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, as such works would have to be completed by the 31st December 2025.

Recommendation:

The Planning Authority considers that "Change of use from Credit Union Office to use as a Dwelling unit" at Togherbeg, Ashtown, Roundwood, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed U

Dated 19 day of May 2025

Dated/9 day of May 2025

ORDER:

I HEREBY DECLARE THAT the "Change of use from Credit Union Office to use as a Dwelling unit" at Togherbeg, Ashtown, Roundwood, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

Senior Engineer

Planning, Economic & Rural Development

Section 5 Application: EX 48/2025

Date:

19th May 2025

Applicant:

Altura Credit Union,

Site Address:

Altura Credit Union, Main St, Roundwood, Co. Wicklow

Exemption

Whether or not:

Change of Use from Credit Union Office to use as a Dwelling unit

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History:

91/6761 Permission granted for retention & completion of extension to coffee shop & retention of sign

Sustainable Urban Housing : Design Standards for New Apartments : Guidelines for Planning Authorities :DOE : July 2023

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Relevant Legislation:

Planning and Development Act 2000 (as amended)

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

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

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

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

Section 3:

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

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

Section 4

- (1): The following shall be exempted developments for the purposes of this Act—
- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (3); A reference in this Act to exempted development shall be construed as a reference to development which is—
- (a) any of the developments specified in subsection (1), or
- (b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

Planning and Development Regulations 2001(as amended)

Article 10(6) – inserted by the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018) -

(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

< See Full Article for Restrictions >

Schedule 2: Part 4

CLASS 1-Use as a shop

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.

CLASS 6-Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 12-Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

Submission:

Internal Area = 91sqm

Bedroom 1 = 13.2ssqm

Bedroom 2 = 11.80sqm

Kitchen 15.88sqm

Sitting/ Dining = 28sqm

Bathroom 7.10sqm

Adequate Internal and external storage area.

Credit Unit has laid idle for about 7 months, now intend to have the premises converted from commercial to residential under SI No. 75 of 2022.

Assessment:

The queriest seeks confirmation that the change of use of credit union for use as a dwelling is development and is exempted development.

The change of use from the use as credit union offices to use as a residence would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as a an office. It is therefore considered that the change of use would be material, and therefore development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).

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

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

The structure was in use as a Credit Union office, and therefore Class 2 use.

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

Yes - structure was completed prior to the 8th February 2018

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

Yes

(c)(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).

No from the details the use as a Credit Union ceased c. 7 months ago, and therefore has not been vacant for over 2 years, and would not be vacant for 2 years prior to the 31 December 2025, which is the relevant date.

(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 but presumed it will happen by 31 December 2025.

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

The works will primarily effect the interior of the structure, and no details of works to exterior identified..

(a) (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

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

N/A

1

(d)(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

1 residential unit to be provided.

(d)(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

Floor Areas of Unit/ Bedrooms would meet the Guidelines. The storage areas not identified on layout but indicated in submission to be adequate.

(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 applicable

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

The development will not contravene a condition.

- (x) No development shall relate to any structure in any of the following areas:
- (I) an area to which a special amenity area order relates;
- (II) an area of special planning control;
- (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

Not Applicable

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

Not Applicable.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Conclusion:

As identified in the above assessment the change of use would not come within the provisions of Article 10(6) as the unit has not been vacant for 2 years.

Recommendation:

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

Change of Use from Credit Union Office to use as a Dwelling unit at Togherbeg, Ashtown, Roundwood, Co. Wicklow

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that the change of use from Credit Union Office to use as a Dwelling unit is Development and is **Not Exempted Development**

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration.
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 10 (6), and Schedule 2: Part 4 of the Planning and Development Regulations 2001 (as amended).
- f). Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities: DOE: July 2023

Main Reasons with respect to Section 5 Declaration :

- i. The change of use from the use as credit union offices to use as a residence would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as an office.
- ii. The change of use would be material, and therefore development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).

iii. The change of use would not accord with the limitation set out in Article 10 (6) (c)(iii) of the Planning and Development Regulations 2001 (as amended) as the structure concerned has only been vacant for 7 months, and therefore would not be vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, as such works would have to be completed by the 31st December 2025.

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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

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
Senior Executive Planner

FROM:

Nicola Fleming

Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX48/2025

I enclose herewith application for Section 5 Declaration received completed on 24/04/2025.

The due date on this declaration is 21st May 2025

Staff Officer

Planning, Economic & Rural Development







Comhairle Contae Chill Mhantáin Ulicklow 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

29th April 2025

Planning & Design Griffins Way Clonattin Gorey Co. Wexford

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Act 2000 (as amended). – EX48/2025 for Altura Credit Union Ltd, Togherbeg, Ashtown, Roundwood, Co. Wicklow

A Chara

I wish to acknowledge receipt on 24/04/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 21/05/2025.

Mise, le meas

Nicola Fleming

Planning, Economic & Rural Development





All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development

Vicklow County Council County Buildings Wicklow 0404-20100

24/04/2025 10 39 26

Receipt No. L1/0/344274

ALTURA CREDIT UNION LTD GIFFINS WAY COLLATTIN GOREY CO WEXFORD

EXEMPTION CERTIFICATES
GOODS 80 00
VAT Exempt/Non-vatable

Total 80 00 EUR

Tendered Cheque 80 00

80.00

Change 0.00

Issued By VANESSA PORTER 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: <u>Altura Credit Union Ltd</u>,

Address of applicant McDermot Street, Gorey, Co. Wexford

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

WICKLOW COUNTY COUNCIL CHATCMER SERVICE 2 4 APR 2025

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) <u>Planning & Design Services</u> Address of Agent : <u>Griffins Way, Clonattin, Gorey, Co. Wexford</u>

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

3. Declaration Details

i. Location of subject of Declaration Togherbeg, Ashtown, Roundwood Co.Wicklow

WICKLOW COUNTY COUNCIL

2 4 APR 2025

PLANNING DEPT.

Are you the owner and/or occupier of these lands at the location under i. above? Yes
If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier
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 current credit has now laid idle for about 7 months, we now intend to have the premises converted from commercial to residential Under SI No 75 of 2022as per the drawings and details provided.
Additional details may be submitted by way of separate submission.
Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration The change of use from a Credit Union Office for use as a dwelling unit having regard to Section 3(1)(a)
Additional details may be submitted by way of separate submission.
AREAS: The overall internal area of the building is 91 sq metres internally (Min Req =73sq m) Bedroom 1 is 13.2 sq m, Bedroom 2 is 11.80 sq m, Kitchen is 15.88 sq m, Sitting Dining area is 28.10 sq m. DP Accessable bathroom is 7.10 sq m. There is adequate inter and external storage areas
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
	Floor Plans and Elevations of existing credit union office. Floor Plans and
	Elevations of proposed new dwelling. Site Layout Plan and Site Location Map
viii.	
ix.	
Fee of	F € 80 Attached ? YES
X.	

Dated 24th April 2025

Additional Notes:

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

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

B. Land Reclamation -

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

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

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

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





PROPOSED DEVELO	DPMENT AT: Togherb	eg, As	shtown, Round	wood, Co.W	ficklow		
	project: CHANGE OF USE FROM A CREDIT UNION OFFICE TO A DWELLING UNIT		SHEET NUMBER Three of Three	e Altura Credit Union			
CHANGE OF USE FROM CREDIT UNION OFFICE TO A DWELLING UNIT	PLANNING & DESIGN Clonattin, Gorey, Co.Wexford	rev.:	drawing no.: PD103	drawing scale: AS SHOWN	drawing series / issue: CONSTRUCTION DRAWINGS	date: 22- 04-	
	No dimension is to be scaled, use only measured dim If in doubt, ASK!		15.			2025	Begisteren Fractise

