

WICKLOW COUNTY COUNCIL

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

Director of Services Order No: 466/2023

Reference Number: EX 14/2023

Name of Applicant: Greystones Montessori Preschool C/O Lucy Jones

Nature of Application: Section 5 Referral as to whether "The use of the upper room of Parish Hall as a Montessori pre-school at St Patrick Parish Hall, Church Road, Greystones, Co Wicklow" is or is not exempted development.

Location of Subject Site: St Patrick Parish Hall, Church Road, Greystones, Co Wicklow

Report from Edel Bermingham SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "The use of the upper room of Parish Hall as a Montessori pre-school at St Patrick Parish Hall, Church Road, Greystones, 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) Planning Permission Register Reference PRR 02/7392.
- c) Sections 2 & 3 of the Planning & Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

The use of the Upper room of St Patrick's Parish Hall as a Montessori pre-school would accord with the community uses identified under Planning Register Reference PRR 02/7392, and is considered similar in character to those existing/identified uses, and would have similar impacts in terms of traffic, noise, and hours of use. The Montessori/preschool would accord with the development permitted on site, and would not result in any material change of use given scale, and would therefore not be development having regard to the provisions of Section 3 (1) of the Planning and Development Act 2000 (as amended).

Recommendation

The Planning Authority considers that “The use of Upper room of Parish Hall as a Montessori pre-school at St Patricks Parish Hall, Church Road, Greystones, Co Wicklow” **is not development** as recommended in the planning reports.

Signed Ester Rios Dated 10th day of March 2023

ORDER:

That a declaration to issue stating:

That "The use of Upper room of Parish Hall as a Montessori pre-school at St Patricks Parish Hall, Church Road, Greystones, Co Wicklow" is not development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
Director of Services
Planning Development & Environment

Dated 13 day of March 2023



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Greystones Montessori Preschool
C/O Lucy Jones

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

13th March 2023

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 14/2023

Applicant: Greystones Montessori Preschool C/O Lucy Jones

Nature of Application: "The use of the upper room of Parish Hall as a Montessori pre-school at St Patrick Parish Hall, Church Road, Greystones, Co Wicklow"

Location: St Patrick Parish Hall, Church Road, Greystones, 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**

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

Applicant: Greystones Montessori Preschool C/O Lucy Jones

Location: St Patrick Parish Hall, Church Road, Greystones, Co Wicklow

DIRECTOR OF SERVICES ORDER NO

A question has arisen as to whether "The use of the upper room of Parish Hall as a Montessori pre-school at St Patrick Parish Hall, Church Road, Greystones, Co Wicklow" is or is not exempted development.

Having regard to:

- a) The details submitted with this Section 5 Application.
- b) Planning Permission Register Reference PRR 02/7392.
- c) Sections 2 & 3 of the Planning & Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

The use of the Upper room of St Patrick's Parish Hall as a Montessori pre-school would accord with the community uses identified under Planning Register Reference PRR 02/7392, and is considered similar in character to those existing/identified uses, and would have similar impacts in terms of traffic, noise, and hours of use. The Montessori/preschool would accord with the development permitted on site, and would not result in any material change of use given scale, and would therefore not be development having regard to the provisions of Section 3 (1) of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that "The use of Upper room of Parish Hall as a Montessori pre-school at St Patricks Parish Hall, Church Road, Greystones, Co Wicklow" is not development.

Signed:

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Dated: 13 March 2023

Section 5 Application EX 14/2023

Date : 9th March 2023.

Applicant : Greystones Montessori Preschool

Address : Church Road, Greystones, Co. Wicklow.

Exemption Whether or not :

The Use of Upper room of Parish Hall as a Montessori pre-school at St Patrick Parish Hall , Church Road, Greystones, Co. Wicklow

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

Site Location

The subject site located within the town of Greystones.

Planning History :

02/7392 Permission granted for a 542sqm single storey with part first floor parish centre at St. Patrick's Church, Church road, Greystones. The parish hall was indicated to be used for housing of badminton, meals on wheels, horticultural society, artists exhibitions, youth activities etc.

Relevant precedent cases:

06.D. RL3443:

An Bord Pleanála, decides that the use of a previous school building as an afterschool/montessori facility at the Apres School Club, corner of Adelaide and Lower Eden Road, Glasthule, County Dublin is not development.

An Bord Pleanála has concluded that - (a) there is no provision for exemption within any of the classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, for a change of use from a previous school building to an after school and montessori facility under the exempted development provisions of those Regulations, (b) the use of the building as a Montessori school constitutes a change of use, but in this particular case is not a material change of use, having regard to the characteristics of the site and site layout and to the character of development in the vicinity of the site, and (c) the change of use, not being material, is not development: NOW THEREFORE

06.D.RL 3446

An Bord Pleanála, decided that the use of the primary school for grind classes in the evenings, nights, weekends, and at holiday times at Oatlands Primary School (Scoil Mhuire), Woodlands Avenue, Stillorgan, County Dublin is development and is not exempted development.

An Bord Pleanála concluded that :

(a) the established/permitted use of the subject premises is as a primary school, as established in the 1950's and as extended pursuant, inter alia, to planning permission planning register reference number D13A/0113, (b) this use as a primary school had a particular pattern of usage, including traffic movements at certain times during the mornings and afternoons on weekdays through entrances both onto Oatlands Avenue/Woodlands Avenue and out on to the old Dublin Road through the adjoining Oatlands Secondary School,

(c) on the basis of the evidence submitted by the parties to this referral, the use of the primary school as a grind school for grind classes since 2014 has involved significant traffic movements at other times than those that had been established by the primary school, including in the evenings, nights and at weekend and during holiday periods, and such movements have taken place principally through the existing entrance onto Oatlands Avenue/Woodlands Avenue, (d) the use of the established/permitted primary school as a grind school at such times, and involving such additional traffic movements at such times, constitutes an intensification of the primary use of the subject premises as a primary school, which use as a grind school is, in the particular circumstances of this case, a change of use, (e) this change of use, having regard to the location of the subject site largely within a residential area, having regard to the use of the entrance onto Oatlands Avenue/Woodlands Avenue, which is a narrow residential road with limited parking and carriageway capacity, and having regard to the pattern and times of traffic movements, raises external issues that are material in planning terms, and accordingly this use as a grind school is a material change of use in this particular instance, and is, therefore, development, (f) there are no exemptions provided, in the Planning Acts and Regulations, by which such material change of use would constitute exempted development, (g) the question as to whether the unilateral change in traffic flow and management, by closing of all access to the internal avenue thereby forcing school traffic up and down Oatlands Avenue, link road and Drive (which are narrow residential cul-de-sacs), is an authorised development, is a matter of compliance with the terms and conditions of planning permission planning register reference number D13A/0113, or a matter for enforcement of such planning permission, and is, therefore, not a matter within the scope of a referral under section 5 of the Planning and Development Act, 2000, as amended

An Bord Pleanála Reference RL 3507 (EX 51/16)

WHEREAS a question has arisen as to whether the change of use of part of a school building for use as a fitness centre/gym is or is not a material change of use, and is or is not development or is or is not exempted development at the former De La Salle School, Wicklow Town, County Wicklow:

AND WHEREAS An Bord Pleanála has concluded that:

(a) the established use of the subject premises is as a school,

(b) this use as a school had a particular pattern of usage, including traffic movements at certain times during the morning and afternoons on weekdays, and within term time. The use of part of the school as a fitness centre/gym has a differing pattern of usage, which is not limited to those hours or times of the year;

(c) the use of part of the school as a fitness centre/gym would not be ancillary to the established use of the subject premises as a school, but would be a separate and substituting use;

(d) the use of part of the school as a fitness centre/gym, therefore, raises issues which would be external matters that are material in planning terms and accordingly this use constitutes a material change of use in this particular instance and, is, therefore, development;

(e) this use does not come within the scope of Class 15 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as it is not an occasional use, and, having regard to the documentation submitted as part of the referral, does not come within the scope of Class 20C of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(f) there are no other exemptions provided in the Planning Acts and Regulations, by which the development would constitute exempted development:

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

(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)*;

"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) 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:

(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;

(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).

Assessment

The applicant seeks a declaration as to whether the use of part of Use of Upper room of Parish Hall as a Montessori pre-school is or is not exempted development.

The applicant currently operates Greystones Montessori from the upper floor of the Parish Centre permitted by reference to PRR 02/7392. The Parish Hall adjoins the existing Church on the grounds, and sits to the north of the Church. The plans for the Parish Centre under PRR 02/7392 show a meeting room, rectory office, quiet room and kitchen on ground floor, with a further meeting room on the upper floor of c. 56sqm.

The main issue for adjudication is whether or not a change of use has occurred. The Parish centre was to be used for a variety of uses, including badminton, meals on wheels, horticultural society, artists exhibitions, youth activities etc. The overall use of the structure was clearly for church/ community usage. The current use of the Upper floor meeting room as a Montessori pre-school would it is considered be a use which would be community based. The Montessori/ preschool is considered similar in character to those existing/ identified uses, and would have similar impacts in terms of traffic, noise, and hours of use. In addition the scale of the operations is limited to one room within the overall structure. It is therefore considered that the preschool use given it's scale would not result in a material change of use to the current Community Use of the existing Parochial Hall, and therefore no material change of use has occurred.

Recommendation

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

The Use of Upper Room of Parish Hall as a Montessori pre-school at St Patrick Parish Hall , Church Road, Greystones, 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 Upper room of Parish Hall as a Montessori pre-school at St Patrick Parish Hall , Church Road is not development.

Main Considerations with respect to Section 5 Declaration:

- (a) The details submitted with this Section 5 Application,
- (b) Planning Permission Register Reference PRR 02/7392.
- (c) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),

Main Reasons with respect to Section 5 Declaration:

The use of the Upper room of St Parick's Parish Hall as a Montessori pre-school would accord with the community uses identified under planning register reference PRR 02/7392, and is considered similar in character to those existing/ identified uses, and would have similar impacts in terms of traffic, noise, and hours of use. The Montessori/ preschool would accord with the development permitted on site, and would not result in any material change of use given scale, and would therefore not be development having regard to the provisions of Section 3 (1) of the Planning and Development Act 2000 (as amended).

Michael Cunningham
7/3/2023

Agreed
BAC
DOS:
13/3/23

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
Senior Executive Planner

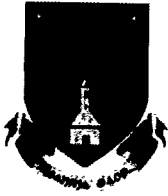
FROM: Crystal White
Assistant Staff Officer

**RE:- EX 14/2023 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Montessori Preschool operates in the upper room of St Patrick Parish Hall,
whether the operation of the school is exempted development at St
Patrick's Parish, Church Road, Greystones, Co Wicklow**

I enclose herewith for your attention application for Section 5 Declaration
received 23rd of February 2023.

The due date on this declaration is the 22nd of March 2023.


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
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23/02/2023

**Greystones Montessori Preschool
C/O Lucy Jones**

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 14/2023

Montessori preschool operates in upper room of St Patrick Parish Hall whether the operation of the school is exempted development at St Patricks Parish, Church Road, Greystones, Co Wicklow

A Chara

I wish to acknowledge receipt on the 23rd of February 2023 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 22/03/2023.

Mise, le meas

**SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**



22nd February 2023

Dear Sir/Madam,

I am the owner of Greystones Montessori preschool which operates from the Upper Room of St. Patrick's Parish Hall in Greystones.

The school has been in operation since September 2005 when the building of the hall was completed. It operates from 9:00 – 12:30, providing the ECCE scheme for local families. It is open for 38 weeks of the year in line with local primary school holidays. The school is registered with Túsla and fully compliant with the Preschool Regulations.

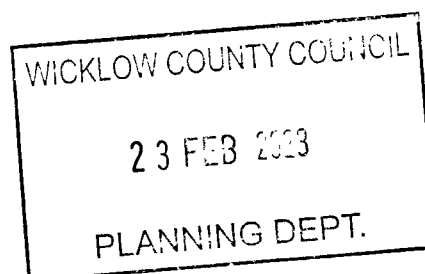
I wish to seek clarification as to whether the school is exempted development. No works or material change were carried out to accommodate the preschool in 2005 or subsequently and the Upper Room is used for other activities by the parish outside of preschool hours and during the school holidays.

I enclose a copy of drawings from the original planning application.

I look forward to hearing from you.

Kind regards,

Lucy Jones



Wicklow County Council
County Buildings
Wicklow
0404 20100

23/02/2023 14:33:23

Receipt No L1/0/309245

***** REPRINT *****

GREYSTONES MONTESSORI
ST PATRICK PARISH
CHURCH ROAD
GREYSTONES
CO WICKLOW

EXEMPTION CERTIFICATE-S	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Cheque	80.00

Change	0.00
--------	------

Issued By Annmarie Ryan
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: LUCY JONES

Address of applicant _____

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____

Address of Agent : _____

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

- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? YES.
- vii. List of Plans, Drawings submitted with this Declaration Application PLANNING APPLICATION FIRST FLOOR / ROOF PLAN
- viii. Fee of € 80 Attached ? YES

Signed : Luca Jones Dated : 22/2/23

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

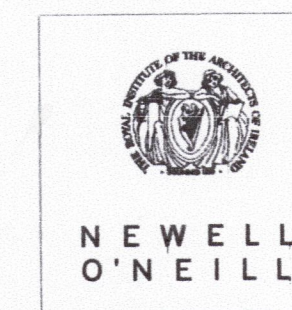
3. Declaration Details

- i. Location of Development subject of Declaration ST. PATRICK'S
PARISH HALL, CHURCH ROAD, GREYSTONES,
CO. WICKLOW
- 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 ST. PATRICK'S CHURCH, GREYSTONES.
CEC DIOCESE OF DUBLIN & GLENDALOUGH
RECTOR: CANON DAVID MURPHY
- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration WHETHER GREYSTONES MONTESSORI PRESCHOOL
WHICH OPERATES FROM THE UPPER ROOM OF
ST PATRICK'S PARISH HALL IS EXEMPTED
DEVELOPMENT

Additional details may be submitted by way of separate submission.

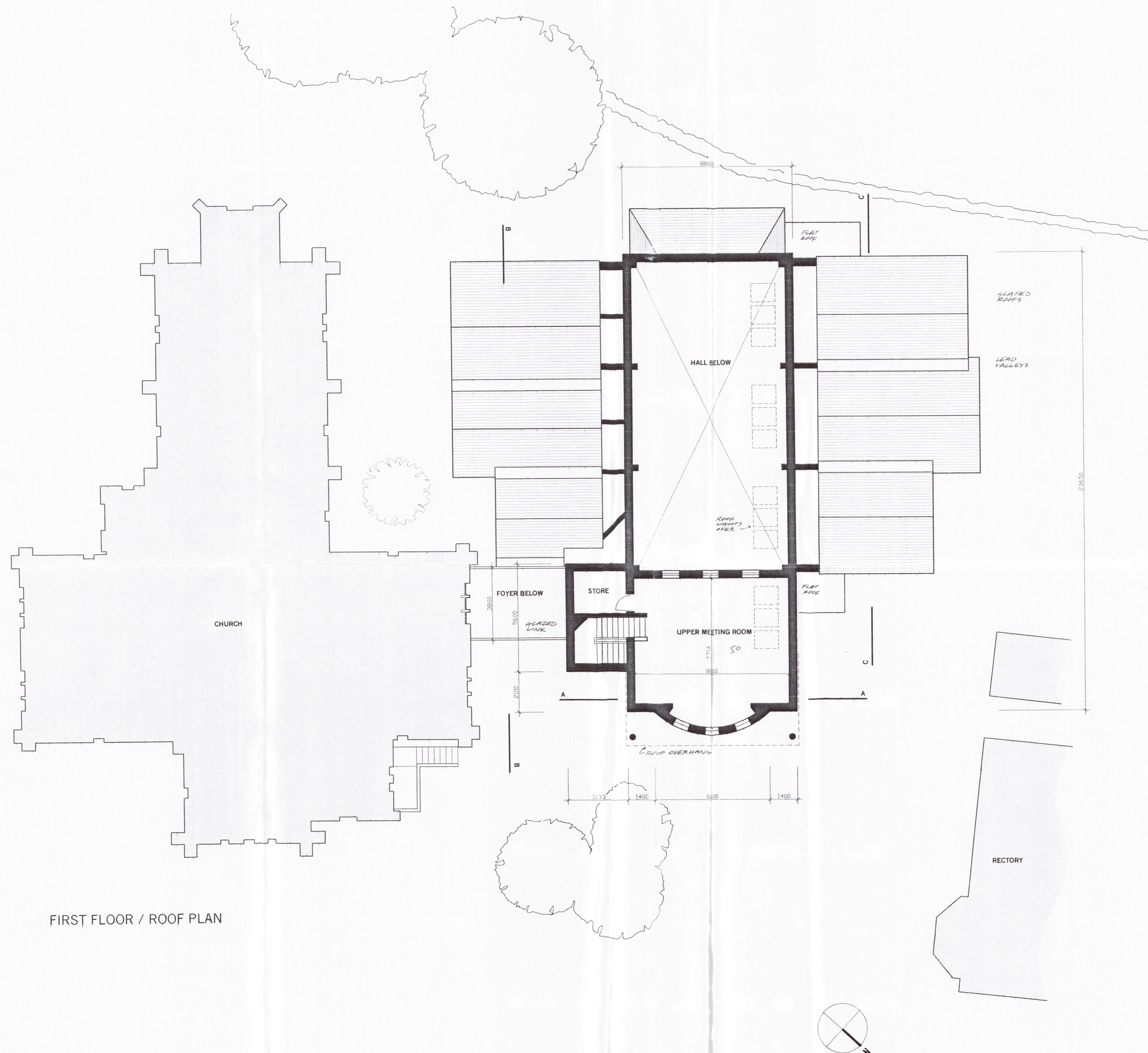
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration SECTIONS 2, 3 AND 4 OF THE PLANNING &
DEVELOPMENT ACT
ARTICLES 6, 9, 10 AND PART 4 OF THE
PLANNING REGULATIONS

Additional details may be submitted by way of separate submission.



NOTE:
THIS DRAWING IS FOR PLANNING APPLICATION PURPOSES
ONLY, NOT FOR CONSTRUCTION OR OTHER PURPOSES

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FIRST FLOOR / ROOF PLAN

WICKLOW COUNTY COUNCIL
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PROJECT
CLIENT
STAGE
TITLE
SCALE
DATE

PARISH CENTRE
GREYSTONES
ST. PATRICK'S CHURCH

01003
P8

PLANNING APPLICATION
FIRST FLOOR / ROOF PLAN

1:100
DEC 2002

