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COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Pat Hogan
Rushane
Kilnamona
Co. Clare

Your Client: Alan Cummins Ltd

25th January, 2022

Section 5 referral Reference R21-72 – Alan Cummins Ltd

Is the change of use of the ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare), to residential use, considered to be development and if so, is it exempted development?

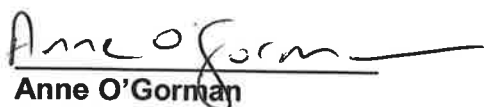
A Chara,

I refer to your application received on 21st December 2021 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R21-72



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R21-72

Is the change of use of the ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare), to residential use, considered to be development and if so, is it exempted development?

AND WHEREAS, Alan Cummins Ltd has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

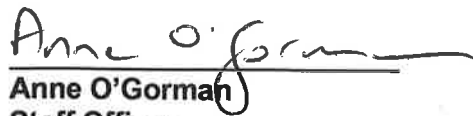
- (a) Sections 2, 3 and 4(1) (h) of the Planning and Development Act, 2000, as amended
- (b) The Definition of a "Business Premises" which include a building used as a public house
- (c) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended and in particular the Classes specified under Article 6 (c)(ii) of those Regulations
- (d) Class 14 as specified under Schedule 2 Article 6 Part 1 of the Planning and Development Regulations, 2001 as amended
- (e) The inclusion of the subject building – No. 70 Upper O'Connell Street, Ennis in the Record of Protected Structures attached to the Clare County Development Plan 2017 – 2023, as varied
- (f) The absence of a Section 57 Declaration in relation to the subject building
- (g) The Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities', Dec. 2020.

And whereas Clare County Council has concluded:

the change of use of ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare) to residential use is development having regard to Article 10 of Planning and Development Regulations, 2001 as amended.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the change of use of ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare) to residential use is development which is not exempted development. as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman
Staff Officer

Planning Department
Economic Development Directorate

25th January, 2022

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

79107

Reference Number:

R21-72

Date Referral Received:

21st December 2021

Name of Applicant:

Alan Cummins Ltd

Location of works in question:
Clare

No. 70, Upper O'Connell Street, Ennis, Co.

Section 5 referral Reference R21-72 – Alan Cummins Ltd

Is the change of use of the ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare), to residential use, considered to be development and if so, is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4(1) (h) of the Planning and Development Act, 2000, as amended
- (b) The Definition of a "Business Premises" which includes a building used as a public house
- (c) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended and in particular the Classes specified under Article 6 (c)(ii) of those Regulations
- (d) Class 14 as specified under Schedule 2 Article 6 Part 1 of the Planning and Development Regulations, 2001 as amended
- (e) The inclusion of the subject building – No. 70 Upper O'Connell Street, Ennis in the Record of Protected Structures attached to the Clare County Development Plan 2017 – 2023, as varied
- (f) The absence of a Section 57 Declaration in relation to the subject building
- (g) The Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities', Dec. 2020.

AND WHEREAS Clare County Council has concluded:

the change of use of ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare) to residential use is development having regard to Article 10 of Planning and Development Regulations, 2001 as amended.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Garreth Ruane, Senior Executive Planner, hereby declare that the change of use of ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare) to residential use is development which is not exempted development.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER A.G.

Date: 25th January, 2022

**CLARE COUNTY COUNCIL
SECTION 5 REFERRAL REPORT**

Reference No:	R21 72
Applicant:	Alan Cummins Ltd
Location:	70 Upper O'Connell Street, Ennis
Proposal:	Whether the change of use of ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare) to residential use is development and if so, is exempted development.
Due Date:	2nd June 2021 26 th Jan 22

Introduction

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 as amended to determine whether or not the following constitutes exempted development.

Whether the change of use of ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare) to residential use is or is not development and is / is not exempted development.

The subject building is located within a terrace of two story buildings, which generally comprise of commercial units on the ground floor with residential overhead. Adjoining to the North is a two story public house with residential element (O'Dea's), while to the South is a convenience retail unit with adjoining public house. Construction works is currently being carried out on the subject building. The building fronts onto O'Connell Street, with a footpath running along the front of same.



The building is included on the Record of Protected Structures as contained within the Clare County Development Plan 2017 – 2023, as varied.

RPS No.: 783	Name: 70 Upper O'Connell Street	NGR: 133757 ; 177137
NIAH No.: 20001101	Area: Ennis	Map: Volume 2
Structure: Shop and House	Townland: Clonroad Beg	Map reference: I7
Date: 1880-1900	Summary description: Terraced six-bay two-storey public house, c.1890, with decorative plasterwork, architraves to openings c.1930, and former carriageway to left.	
In use as: Public House	Categories of special interest: Group, Vernacular, Detail, Design	
Additional Use: N/A		
Historical Use: Residence and Commercial		
Rating: Local		



Clare County Development Plan 2017- 2023, as varied

The site is located in the settlement of Ennis as per the Clare County Development Plan 2017-2023, as varied and is zoned for "Mixed Use". It is within the designated "Town Centre Area" and is designed "Core Shopping Area" and is also within the Ennis "Architectural Conservation Area", within a recorded monument zone of notification, and within Flood Zone A. As noted above the building is a 'Protected Structure'.

Onsite Planning History

On site

P21 775 Application by Alan Cummins Ltd for planning permission to construct a two-storey building incorporating 6 No. 1-Bedroom apartments, and a single storey building incorporating 6 storage sheds to be used in conjunction with the apartments, connection to public services and all associated site works to accommodate the development, all accessed by means of an existing covered passage way (Bow-way). Decision pending.

Site to the North (Ennis Cathedral)

P12 21035 Application by St. Flannan's (Killaloe) Diocesan Trust for planning permission to demolish part of the Maria Assumpta Hall and to construct new parish offices with meeting rooms and ancillary facilities including site works and to carry out alternations to the retained portion of the Maria Assumpta Hall, Station Road, Ennis. The proposed developments within the curtilage of the protected structures of Ss. Peter and Paul's Cathedral and the Presbytery. Permission granted subject to 8 no. conditions.

P13 21028 Application by St Flannan's (Killaloe) Diocesan Trust for planning permission to demolish the Maria Assumpta Hall and to construct new parish offices with meeting rooms and ancillary facilities including site works. The proposed development is within the curtilage of the protected structure of St. Peter & Paul Cathedral and the Presbytery. Permission granted subject to 8 no. conditions.

P14 21014 Application by St Flannan's (Killaloe)Diocesan Trust for planning permission to change use of part of building, formerly used as a cinema, to workroom for apostolic society and to carry out minor alterations. The proposed development is within the curtilage of the protected structures of St Peter and Paul Cathedral and the presbytery. Permission granted subject to 2 no. conditions.

P18 762 Application by Ennis Scout Group for planning permission to a) demolish lower part of existing Scout Hall which consists of a single storey wooden structure and b) replace same with a two storey structure consisting of Recreation / Activity / Rooms, Meeting Rooms, Sanitary facilities and Storage Areas, including all associated site works and services. (Some minor alterations and refurbishment of the existing adjoining Scout Hall are also to be carried out). The proposed development is located within the curtilage of the Protected Structure, namely St. Peter and Paul's Cathedral and the adjacent Presbytery building. Permission granted subject to 4 no. conditions.

P20 746 Application by St Flannan's (Killaloe) Diocesan Trust for planning permission for the following; a. Existing softwood cupboards in the mortuary chapel to be removed. b. Proposed 2 no. sets of bronze plated columbarium units to be fitted into the vacated space. c. White oak trims to units and white oak veneer mdf paneling to the surround of the Columbarium units. The Cathedral is a Protected Structure, RPS No.781. Permission granted subject to 2 no. conditions.

Pre-planning History

None.

Section 5 Declaration History

There were no previous Section 5 declarations made in respect of the subject buildings. However it is noted that a notification as received under Art. 10(6) of the Planning and Development Regulations 2001, as amended, was received in relation to the following:

Change of use from commercial to 7 residential units

The applicant was advised of the following in relation to same:

In considering this notification the Planning Authority has had regard to the following:

- a) Sections 2, 3 and 4(1) (h) of the Planning and Development Act, 2000, as amended.*
- b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended and in particular Appendix 1 Planning and Development (Amendment)(No. 2) Regulations 2018 (S.I. No. 30 of 2018).*
- c) Part 4 Article 10 Exempted Development – Classes of use, Class 1, 2,3, and 6.*
- d) The Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities', Dec 2020.*

*Having regard to the above the Planning Authority concludes that the change of use of vacant commercial unit (formerly public house on the ground floor) at O'Connell St, Ennis, Co. Clare constitutes works and development that is **not exempted development** as the compliance with requirement of Article 10 (6) (b) of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) (as amended) is not achieved.*

*Having regard to the above the Planning Authority concludes that the change of use of vacant first floor (formerly a class 2 office house) at O'Connell St, Ennis, Co. Clare constitutes works and development that is **exempted development** as the compliance with requirement of Article 10 (6) (b) of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) (as amended) is achieved.*

Details Received

- Site location map.
- Site layout plan.
- Drawings consisting of:
 - Existing/proposed front elevation,
 - Proposed floor plan.
- Detail regarding the history of use of the building.
- Details of proposed works and alterations.

Background

Planning and Development Act, 2000 (as amended)

Section 2

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"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

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.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)(H)

Section 4 (1)(H) states that the following shall be exempted development for the purpose of the Act.-

‘development consisting for the carrying out of works for maintenance, improvement or other alterations 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 neighbouring structures’.

Section 6 - (a) The Board shall keep a record of any decision made by it on a referral under this section and the main reasons and considerations on which its decision is based and shall make it available for purchase and inspection.

(c) The Board shall, from time to time and at least once a year, forward to each planning authority a copy of the record referred to in paragraph (a).

Section 7 - A planning authority, before making a declaration under this section, shall consider the record forwarded to it in accordance with subsection (6)(c).

Planning & Development Regulations, 2001, as amended

Part 2 Exempted Development

Article 6 (1) states

‘Subject to article 9, development of a class specified in column 1 of 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’.

Article 9 -Restrictions on Exemptions

‘Under Article 9 (1) of the same Regulations, development to which Article 10 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

- i. contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act
- ii. consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- iii. endanger public safety by reason of traffic hazard or obstruction of road users,
- iv. except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front

- wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- v. consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
 - vi. interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.
 - vii. (a)
consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,
 - vii. (b)
comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
 - vii. (c)
consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."
 - 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,
 - ix. consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
 - x. consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
 - xi. obstruct any public right of way,
 - xii. further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area'.

Article 10 Change 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, 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.
- (2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.
- (b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—
- (i) as an amusement arcade,
 - (ii) as a motor service station,
 - (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,
 - (iv) for a taxi or hackney business or for the hire of motor vehicles,
 - (v) as a scrap yard, or a yard for the breaking of motor vehicles,
 - (vi) for the storage or distribution of minerals,
 - (vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,
 - (vii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or
 - (viii) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.
- (3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.
- (4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- (5) Development consisting of the use of a house for child minding

shall be exempted development for the purposes of the Act.

Planning & Development Regulations, Amendment no. 2 Regulations 2018, (s.i.no 30 of 2018)

Article 2 of these Regulations amends Article 10 of the Principal Regulations, by inserting a new sub-article, to provide that development consisting of the change of use, and any related works, from an existing specified use class to residential use, in certain circumstances and subject to conditions and limitations, is exempt from the requirement to obtain planning permission. The exemption shall apply from when these Regulations come into force until 31 December 2021.

Article 10 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by inserting the following sub-article after sub-article (5):

“(6) (a) In this sub-article—‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from the making of these Regulations until 31 December 2021.

(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 or 6 of Part 4 to Schedule 1.

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018, Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 13th February 2018.[30]

3(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, and

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d). (d) (i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

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

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

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

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing:

Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

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

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

- (II) an area of special planning control;
- (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.
- (xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.
- (xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.
- (e) (i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.
- (ii) Details of each notification under subparagraph (i), which shall include information on—
- (I) the location of the structure, and
- (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.
- (iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii)."

Schedule 2 Article 6 Part 1 Exempted Development

CLASS 14

Development consisting of a change of use—

- (a) from use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop,
- (b) from use as a public house, to use as a shop,**
- (c) from use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop,
- (d) from use to which class 2 of Part 4 of this Schedule applies, to use as a shop,
- (e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
- (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.
- 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.*

Appendix 1 Planning and Development (Amendment)(No. 2) Regulations 2018 (S.I. No. 30 of 2018)

Minimum Requirements for Residential Units

The Regulations set out some minimum standards that apply to any residential units being provided, including minimum floor areas, storage space and the provision of natural light.

- A maximum of 9 residential units can be provided in any structure.
- The minimum floor area and minimum storage space requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities', 2017* must be complied with. This ensures that apartments will be of adequate size and will include adequate storage. The minimum floor areas allowed are:

Minimum overall apartment floor areas

- Studio apartment 37 sq.m
- 1-bedroom apartment 45 sq.m
- 2-bedroom apartment (3 person) 63sq.m
- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment 90 sq.m

Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms

- Studio apartment 30 sq.m
- 1-bedroom apartment 23 sq.m
- 2-bedroom apartment (3 person) 28 sq.m
- 2-bedroom apartment (4 persons) 30 sq.m
- 3-bedroom apartment 34 sq.m

Minimum bedroom floor areas

- Studio 30sqm
- Single bedroom 7.1 sq.m
- Double bedroom 11.4 sq.m
- Twin bedroom 13 sq.m

Minimum aggregate bedroom floor areas

- 1-bedroom apartment 11.4 sq.m
- 2-bedroom apartment (3 person) 20.1 sq.m
- 2-bedroom apartment (4 persons) 24.4 sq.m
- 3-bedroom apartment 31.5 sq.m

Minimum storage space requirements

- Studio apartment 3 sq.m
- 1-bedroom apartment 3 sq.m
- 2-bedroom apartment (3 person) 5 sq.m
- 2-bedroom apartment (4 person) 6 sq.m
- 3-bedroom apartment 9 sq.m

* amended by Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities December 2020

Assessment

Primary legislation

Having regard to the details submitted it is considered that the proposal constitutes 'works' as defined by section 2 of the Act. It is also considered that the proposal constitutes 'development' having regard to the definition of development which includes for making of any material change in the use of any structures. In respect of Section 4 (1)(H) of the Act, it is noted that while the section makes provision for development consisting for the carrying out of works for maintenance, improvement or other alterations 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 neighbouring structures' to be considered exempted development, it does not expressly clarify that the internal alterations can result in a change of use and that this new use is exempted development. I therefore consider that section 4 (1) (h) is not relevant to the query.

Under Section 7 of the Planning and Development Act 2000, as amended, the Planning Authority is required to consider any relevant decision as made by An Bord Pleanála. I have searched and examined the Board's database of referrals and can find no comparable referrals.

Planning and Development Regulations 2001, as amended

- I refer to Schedule 2 Part 1 Article 6 Exempted Development – General, wherein Class 14 sets out changes of use that are considered to be exempted development. I do not consider that the proposed change of use falls under the provision of Class 14 (b) of the Planning and Development Regulations 2001 as amended as the only exempted change of use is public house is to use as a shop. The last known use of the subject unit was that of a public house.
- I refer to part 2 Article 6 (1) Exempted Development and Article 9 Restrictions on Exemptions. I note Article (9) (1) (a) (iii) states the following:

*Development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would—
endanger public safety by reason of traffic hazard or obstruction of road users,*

It is noted that no onsite parking has been provided on site. However public off street parking is available in the vicinity of the site.

- I refer to Article 10 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) as amended by the Planning and Development Regulations 2018 (no 2). Article 10 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by inserting the following sub-article after sub-article (5):

“(6) (a) In this sub-article—‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from the making of these Regulations until 31 December 2021.

It is noted that the subject application was received by the Planning Authority on 21st Dec. 2021, which was prior to the expiry of the ‘relevant period’.

- (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 or 6 of Part 4 to Schedule 1.*

The structure was previously used as a public house. The definition of a “shop” as provided for under the Planning and Development Regulations 2001, as amended specifically excludes a public house. The definition of a “business premises” under the same Regulations provides for a “public house”. A public house does not fall under any of the Classes as outlined in Art. 10 (6)(b) of the Regulations.

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018. Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 13th February 2018.[30].

The structure has been in existence prior to the coming in to effect of the amendment.

(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, and (iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

The structure has previously been used as business premises (public house) and has been vacant for in excess of 2 years.

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

The applicant advised that it is intended to commence works immediately. However as the relevant period has since expired, works cannot be commenced and completed within same.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall 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.

Having regard to the drawings submitted it is noted that the applicant has not shown any external alterations will take place. It is noted however that external alterations have take place to the structure (i.e. replacement of windows) on the front elevation.

(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.

No changes are proposed to the ground floor elevation fronting onto Abbey Street.

(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.

There is no objective in the County Development Plan requiring the retention of business premises in Ennis. It is noted that the area is designated as ‘Core Shopping Area’ however there is no policy objective in relation to same.

(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.

One residential unit is proposed. It is noted that seven units were the subject of an Art 10(6) Notification (as outlined earlier in this report). Therefore the aggregate number of apartments in this structure does not exceed 9.

(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. This document was up dated in December 2020.*

Minimum overall floor area

1 bed Apartment 45sqm.

The stated floor area of the proposed studio apartment is 51.5 sqm.

Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms

- 1-bedroom apartment 23 sq.m

The stated floor area of the proposed living / dining / kitchen in the proposed apartment is not stated however the gross floor space would appear to be in excess of the aforementioned standard.

Minimum bedroom floor areas

- Double bedroom 11.4 sq.m

The stated floor area of the proposed bedroom in the proposed apartment is 11.6sqm.

Minimum storage space requirements

- 1-bedroom apartment 3 sq.m

The stated floor area of the proposed storage space in the proposed apartment is 4.69sqm.

(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.

The structure is a protected structure, for which a Section 57 Declaration has not been sought.

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

Not applicable.

(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;

Not applicable.

(ii) an area of special planning control;

The site is located within the Ennis Architectural Conservation Area. Having regard to the drawings as submitted no adverse impacts on the character of the area are envisaged. However it is noted that the windows within the building have been replaced without the benefit of planning permission.

It is also located within an archaeological complex and recorded monument. As no ground works are proposed and external works are considered minor, no adverse impacts are envisaged.

(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), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

The proposal complies with the above requirements.

(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.

The building is connected to public sewer.

(e) (i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.

(ii) Details of each notification under subparagraph (i), which shall include information on—

(I) the location of the structure, and

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

Notification by the applicant is pending the determination by the Planning Authority or An Bord Pleanála that the section 5 query re proposed change of use is considered to be exempted development.

(iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii)."

Noted.

Article 9

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

*(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. **Not applicable.***

*(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, **Not applicable.***

*(iii) endanger public safety by reason of traffic hazard or obstruction of road users, **Not applicable.***

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is

proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan. Not applicable

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan, Not applicable.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended, Not applicable.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site, Not applicable.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000." Not applicable.

(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, It is noted that there is a UD file open on the subject site – UD21 93 refers. Same is still under investigation.

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, Not applicable.

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, Not applicable

(xi) obstruct any public right of way, Not applicable.

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area. The site is located within the ACA of Ennis. However no external alterations are proposed, as per the submitted drawings.

Environmental Impact Assessment

In assessing this application I have had regard to the provisions of EU Directive 2014/52/EU (which amends EU Directive 2011/92/EU), and which has been transposed into Irish legislation by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI No. 296 of 2018). The subject development does not fall within the mandatory requirements for EIA as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended. I therefore consider that the proposal constitutes a sub-threshold development and note the requirements of Article 103 (1)(a) and (b) of the Planning and Development Regulations 2001, as amended. As such having regard to the nature and scale of the proposed development and the nature of the receiving environment I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination.

Appropriate Assessment

The subject building is located approx. 15m from the Lower River Shannon SAC. Having regard to the nature of the development as proposed under the subject Section 5 declaration application, it is considered that there will be no adverse impacts on the Lower River Shannon SAC.

Flood Risk

It is noted that the site is located within Flood Risk Zone A. There is no provision in the Regulations to declare a development such as that proposed under the subject Section 5 declaration 'not exempt' because of same.

Conclusion

With reference to the above assessment the proposed development may be considered development which is not exempted development.

Recommendation

Having regard to Article 10, of the Planning and Development Regulations, 2001, as amended.

WHEREAS a question has arisen as to whether change of use of ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare) to residential use is / is not development and is / is not exempted development

AND WHEREAS Clare County Council in considering this referral, had regard particularly to –

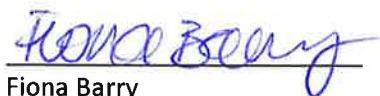
- (a) Sections 2, 3 and 4(1) (h) of the Planning and Development Act, 2000, as amended
- (b) The Definition of a "Business Premises" which includes a building used as a public house
- (c) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended and in particular the Classes specified under Article 6 (c)(ii) of those Regulations
- (d) Class 14 as specified under Schedule 2 Article 6 Part 1 of the Planning and Development Regulations, 2001 as amended
- (e) The inclusion of the subject building – No. 70 Upper O'Connell Street, Ennis in the Record of Protected Structures attached to the Clare County Development Plan 2017 – 2023, as varied
- (f) The absence of a Section 57 Declaration in relation to the subject building
- (g) The Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities', Dec. 2020.

AND WHEREAS Clare County Council has concluded that –

the change of use of ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare) to residential use is development having regard to Article 10 of Planning and Development Regulations, 2001 as amended.

NOW THEREFORE Clare County Council, in exercise of the powers conferred on it by section 5(2) (a) of the 2000 Act, hereby decides that the change of use of ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare) to residential use is development which is not exempted development.

Signed



Fiona Barry

Executive Planner

Date: 21st Jan. 2022

Signed



Garreth Ruane

Senior Executive Planner

21/01/22



COMHAIRLE
CONTAE AN CHLÁIR

CLARE
COUNTY COUNCIL

Pat Hogan
Rushane
Kilnamona
Co. Clare

Your Client: Alan Cummins Ltd

21/12/2021

Section 5 referral Reference R21-72 – Alan Cummins Ltd

Is the change of use of the ground floor unit of the building fronting onto O'Connell Street (No. 70, Upper O'Connell Street, Ennis, Co. Clare), to residential use, considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 21st December 2021 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Tadhg Holmes

Tadhg Holmes
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

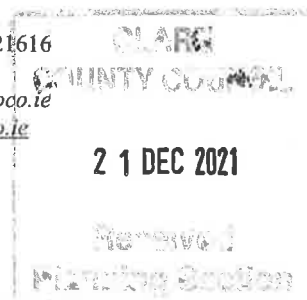


P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	ALAN CUMMINS LTD. RINERZINAGH, FOUNTAIN, ENNIS, CO. CLARE.
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	PAT HOGAN RUSHANE KILNAMONA CO. CLARE.

2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?

IS THE CHANGE OF USE OF THE GROUND FLOOR UNIT OF THE BUILDING FRONTING ONTO O'CONNELL STREET, TO RESIDENTIAL USE, CONSIDERED TO BE EXEMPTED DEVELOPMENT.

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

APPLICANT IS PRESENTLY DEVELOPING APARTMENTS IN THE SECTIONS OF THE BUILDING WHICH HE WAS SATISFIED CAME UNDER USE CLASSES 1, 2, 3 AND 4 OF PART 4 OF THE PLANNING REGULATIONS. NOTICE OF SAME WAS GIVEN ON 21/12/2020. THE SECTION THAT HE NOW PROPOSES TO USE AS AN APARTMENT WAS EXCLUDED FROM THE WORKS UNDERWAY BECAUSE OF A DOUBT IN RELATION TO THE USE OF THIS SECTION OF THE BUILDING AFTER IT WAS NO LONGER USED AS A PUBLIC HOUSE, AND THE FACT THAT THE UNIT HAD BEEN GUTTED INTERNALLY AT THE TIME IT WAS PURCHASED BY THE PRESENT OWNER. NO CHANGES TO THE PROPOSED BUILDING ELEVATIONS ARE PROPOSED.

- (c) List of plans, drawings etc. submitted with this request for a declaration:

(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

2 SETS OF DOCUMENTATION INCLUDING: SITE LOCATION MAP ELEVATIONS AND PLANS.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	No 70 UPPER J'CONNELL ST, ENNIS, CO. CLARE.
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	EXTERNAL PLASTER MOULDINGS ARE PROTECTED.
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	APPLICANT WORKS IN CONJUNCTION WITH OWNER, A. MADIGAN PROPERTIES LTD.
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	A. MADIGAN PROPERTIES LTD., LOWER MARROW ST., LIMERICK.
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES.
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	WARNING LETTER ISSUED BUT APPLICANT WAS NOT CARRYING OUT ANY UNAUTHORISED DEVELOPMENT
(g) Were there previous planning application/s on this site? If so please supply details:	CURRENT APPLICATION ON SECTION OF SITE TO THE REAR P21-775.
(h) Date on which 'works' in question were completed/are likely to take place:	WORKS WILL COMMENCE IMMEDIATELY.

SIGNED: Rattha (Agent)DATE: 21/12/2021

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:.....			

Land Registry Compliant Map

CENTRE
COORDINATES:
ITM 533744, 677166

PUBLISHED:
17/11/2020

ORDER NO.:
50155959_1

MAP SERIES:
1:1,000

MAP SHEETS:
4322-08

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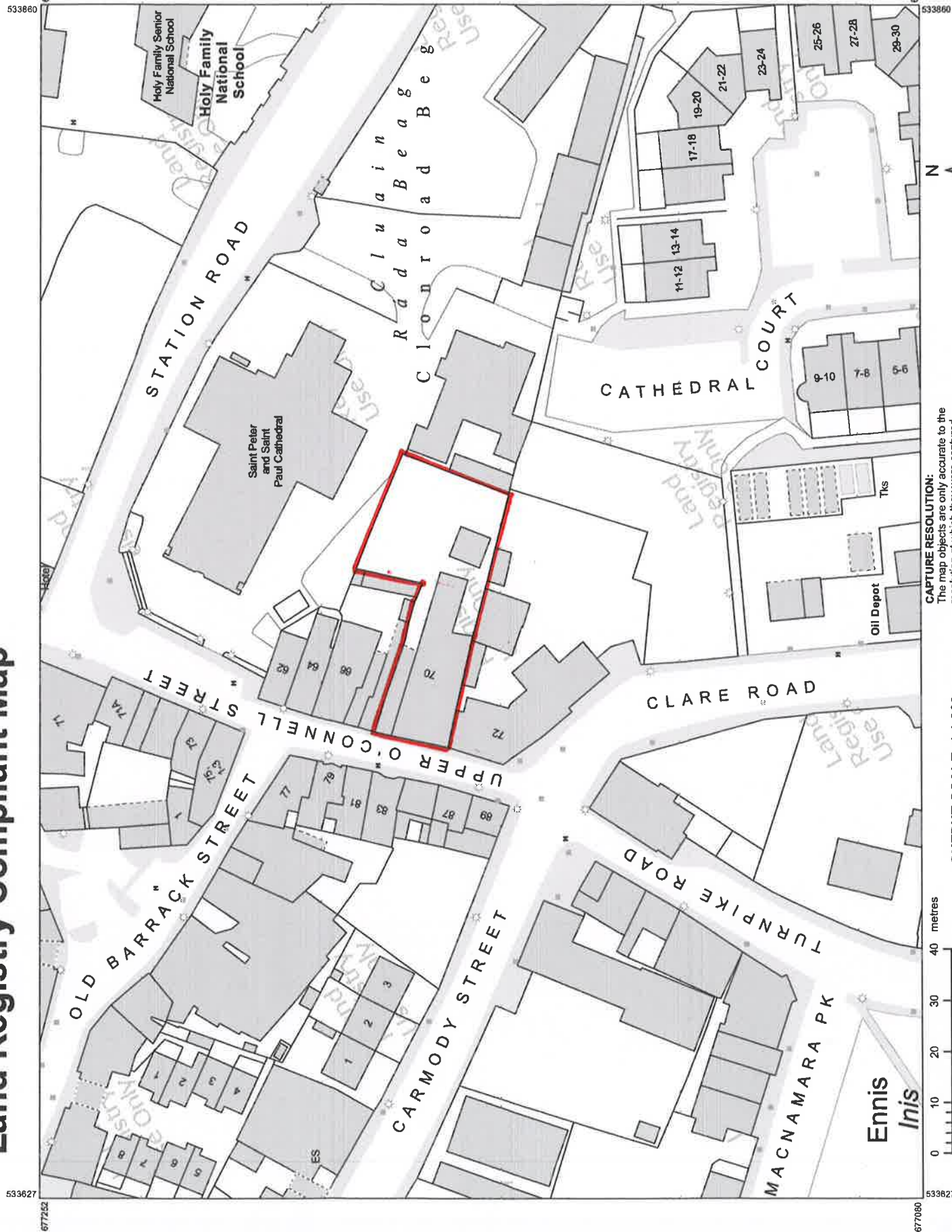
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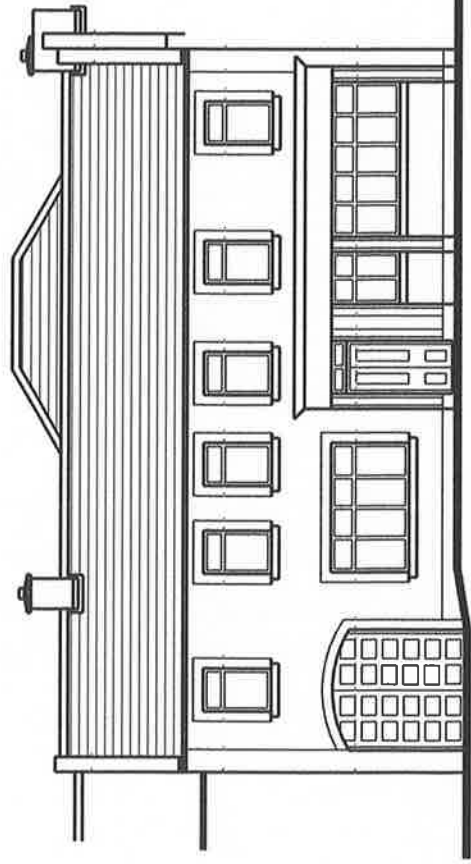
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LEGEND:
<http://www.osi.ie>,
search 'Large Scale Legend'

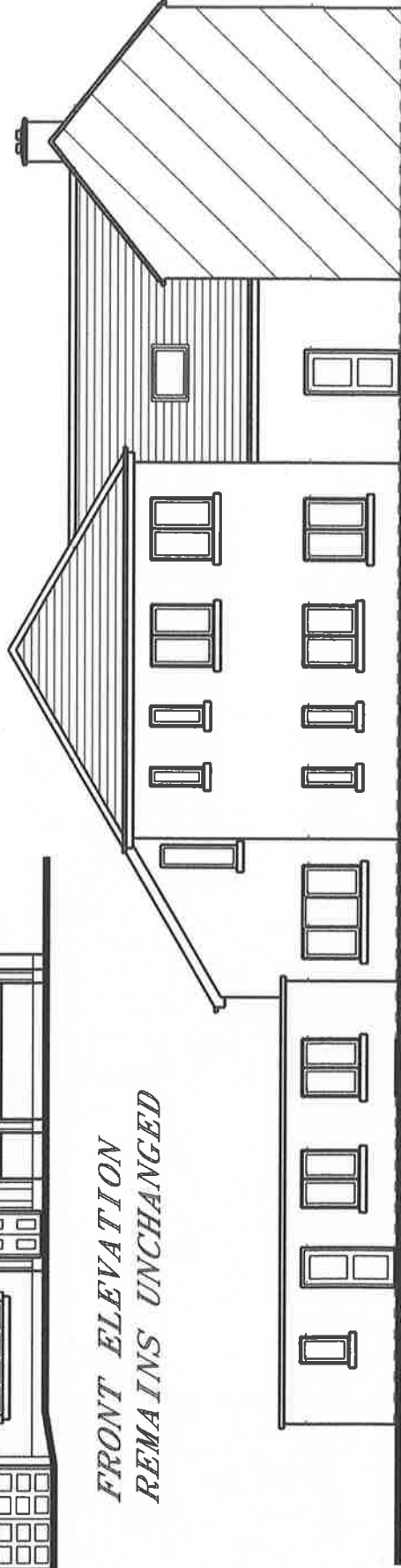


CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
<http://www.osi.ie>, search 'Capture Resolution'

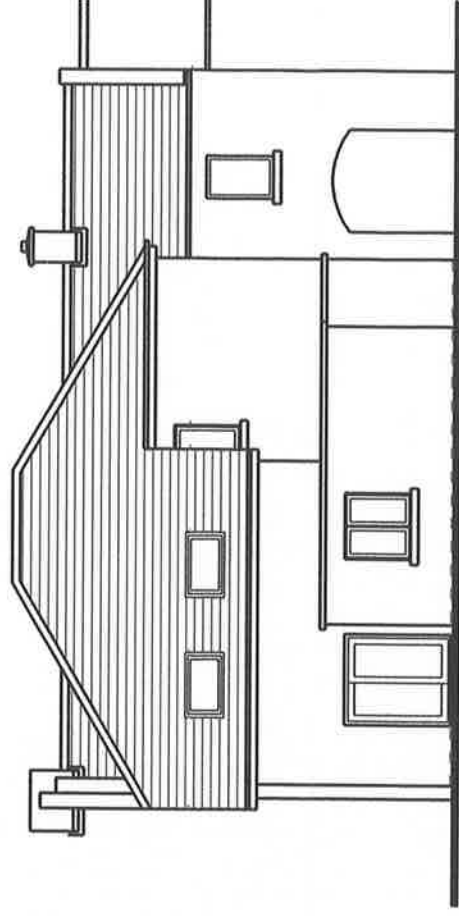
OUTPUT SCALE: 1:1,000



FRONT ELEVATION
REMAINS UNCHANGED



SIDE ELEVATION
REMAINS UNCHANGED



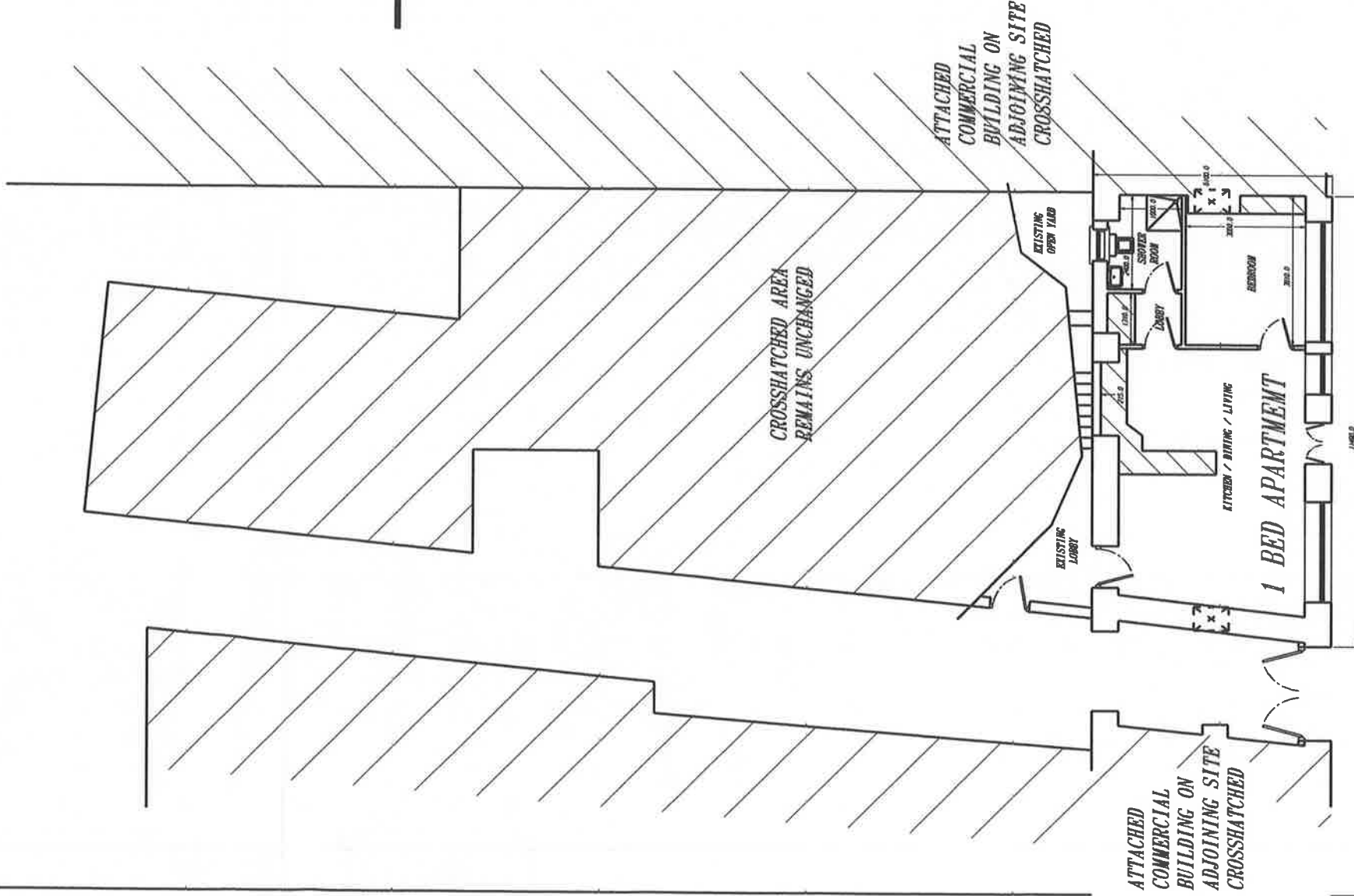
REAR ELEVATION
REMAINS UNCHANGED

FIRST FLOOR
REMAINS UNCHANGED



NORTH

DESCRIPTION	DESCRIPTION	AREA (m.sq.)	AREA (m.sq.)
APARTMENT	1 BEDROOM	51.50	4.69
			STORAGE



PROPOSED WORKS AT, NO. 70 UPPER
O'CONNELL ST. ENNIS, CO. CLARE.
PROPOSED FLOOR PLANS & ELEVATIONS
FOR ALAN CUMMINS LTD
DRAWN BY PAT HOGAN, KILNAMONA, ENNIS, CO. CLARE
(N.C.C.S. X/M. TECH.)
SCALE 1/150
DATE DECEMBER 2021

Clare County Council
Aras Contae an Chláir
New Road
Ennis
Co Clare

21/12/2021 09:09:11

Receipt No. : LICASH/0/326360

REPRINT

ALAN CUMMINS LTD
RINERRINAGH
FOUNTAIN
CO. CLARE

SECTION 5 REFERENCES: 80.00
GOODS 80.00
VAT Exempt/Non-variable

Total : 80.00 EUR

Tendered :
Cash 100.00

Change : 20.00

Issued By : LICASH - DEIRDRE FRENCH
From : MAIN CASH OFFICE LODGEMENT AREA
Vat reg No.0033043E

