

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	Paul O'Shea
<i>Address</i>	29 Ard Caoin, Clonmel, Co. Tipperary, E91 DK11.
<i>Telephone No.</i>	
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	Ailtiri Architects
<i>Address</i>	Unit 4, Anglesea House, Anglesea St., Clonmel, Co. Tipperary, E91 N6Y6
<i>Telephone No.</i>	052 612 8966
<i>E-mail</i>	info@ailtiri.ie
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>]	Agent [<input checked="" type="checkbox"/>]

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Unit 2, Davis Road Shopping Centre, Davis Road, Clonmel, Co. Tipperary.
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4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

The proposed development is for the internal fit out of Unit 2 Davis Road Shopping Centre, consisting of;
Demolition of existing internal partition walls, blocking off rear entrances, and construction of No.2 Medical
Consultation Rooms, accessible W/C, reception and waiting area.
Proposed floor area of proposed works/uses: 68 sqm

5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner	B. Occupier ✓
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	N/A	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Mr. Hubert Burke Address: Salisbury House, Salisbury, Marfield, Clonmel, Co.Tipperary, E91 D1K5.	

Kenneth Hennessy (AGENT)

Signature of Applicant(s) _____

Date: 04.04.2024

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

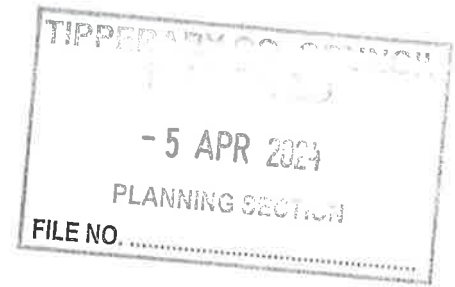
Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00
Receipt No 1451025.
Date 5/4/24.
Received by _____

02nd April 2024



Planning Department,

Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary

Re: Proposed works at Davis Road Shopping Centre – S5 Application

To whom it may concern,

We wish to confirm that the agent, Kenneth Hennessy of Kenneth Hennessy Architects Ltd. T/A Ailtiri Architects, Anglesea House, Anglesea Street, Clonmel, Co. Tipperary, has the power to act on our behalf in the matter of applications for Planning, FSC and DAC, including any required signatures on Forms and Drawings.

Should you require any further clarification, please do not hesitate to contact the undersigned,

Yours sincerely,

A handwritten signature in cursive script that reads "Paul O'Shea".

Paul O'Shea

Projection / Spatial Reference:
 IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X,Y = 621480.2941,622703.6414

Data Extraction Date:
 04-Apr-2024

Product Version:
 1.3

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Description:
 Historic 6" Latest Edition

Publisher / Source:
 Ordnance Survey Ireland (OS)

Data Source / Reference:
 TY077
 Revision Date =
 Survey Date =
 Levelled Date = 31-Dec-1906

TY083
 Revision Date =
 Survey Date = 31-Dec-1951
 Levelled Date = 31-Dec-1954

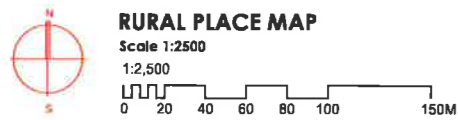
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 Survey Date = 31-Dec-1923
 Levelled Date = 31-Dec-1927

WD002
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 Survey Date = 31-Dec-1922
 Levelled Date = 31-Dec-1928

File Format:
 Tagged Image File Format (TIFF)

File Name:
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Clip Extent / Area of Interest (AOI):
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 URX,URY= 623941.2941,624520.6414



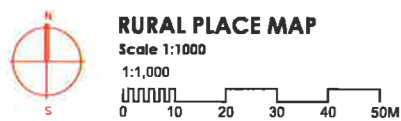
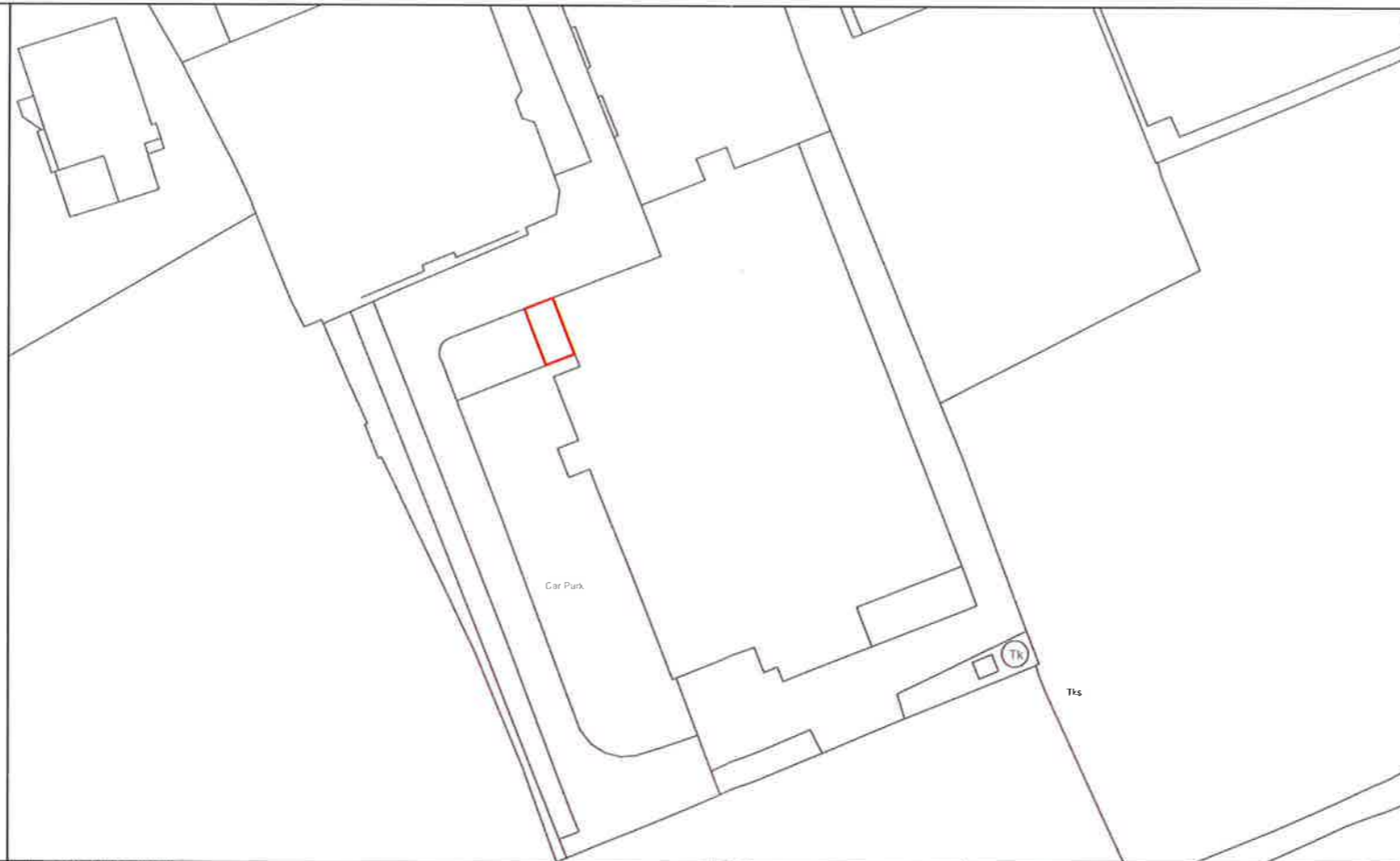
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STANDARD INSTRUCTIONS

1 THE MAIN CONTRACTOR, SUB-CONTRACTOR OR SUPPLIER SHALL:
 VERIFY ALL DIMENSIONS ON SITE AND IMMEDIATELY REPORT TO THE ARCHITECT ANY DISCREPANCIES ON THE DRAWINGS
 WHERE NO FIGURED DIMENSIONS ONLY (EXCEPT WHERE FULL SIZE DETAILS ARE PROVIDED) NOT VARY ANY WORK SHOWN ON THE DRAWINGS WITHOUT OBTAINING PRIOR APPROVAL FROM THE ARCHITECT
 BE RESPONSIBLE FOR REQUESTING FROM THE ARCHITECT ANY ADDITIONAL INFORMATION REQUIRED
 SUPPLY TO THE ARCHITECT ALL SHOP DRAWINGS, ILLUSTRATIONS, SPECIFICATIONS ETC. OF ALL SPECIALIST WORK TO BE INCORPORATED IN THE MAIN CONTRACT WORKS

2 THIS DRAWING SUPERSEDES ALL PREVIOUS ISSUES OF THE SAME DRAWING NUMBER WITH EARLIER REVISIONS
 3 THIS DRAWING IS COPYRIGHT © EMMETH HENNESSY ARCHITECTS LTD. AND THE CONTENTS MUST NOT BE DISCLOSED TO ANYONE WITHOUT PRIOR AGREEMENT.

GENERAL NOTES

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 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS AND DRAWINGS
 IN THE EVENT OF ANY DISCREPANCIES BETWEEN DRAWINGS THE CONTRACTOR IS TO INFORM THE ARCHITECT IMMEDIATELY
 DO NOT SCALE. USE FIGURED DIMENSIONS ONLY.
 ALL WORK TO COMPLY WITH CURRENT BUILDING REGS & S.S.

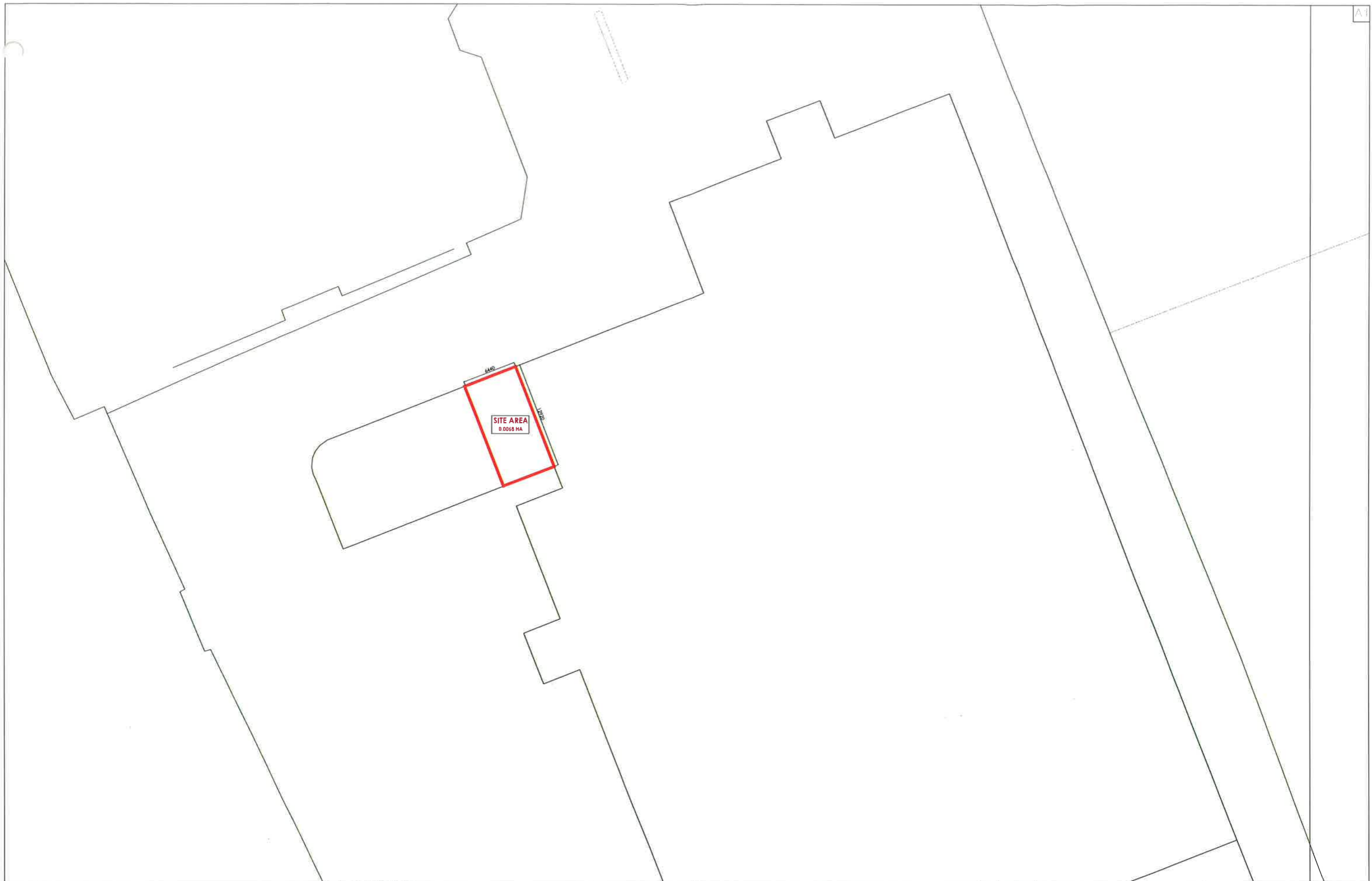
REVISION REGISTER

REV	DATE	DESCRIPTION	DESIGNED	CHECKED	APPROVED
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	04/04/2024	SITE LOCATION MAPS	SKM	-	-



SCALE: STATUS: PLANNING

CLIENT	PAUL O'SHEA
PROJECT	PROPOSED FIT OUT FOR DAVIS ROAD MEDICAL CLINIC, CLONMEL, CO. TIPPERARY.
DRAWING TITLE	SITE LOCATION MAPS
24005AA	ZZ 00 DR A P 0001 S1 00



SITE AREA
0.0068 HA

SITE LAYOUT
Scale 1:200

STANDARD INSTRUCTIONS

1 THE MAIN CONTRACTOR, SUB-CONTRACTOR OR SUPPLIER SHALL...
VERIFY ALL DIMENSIONS ON SITE AND IMMEDIATELY REPORT TO THE ARCHITECT ANY DISCREPANCIES ON THE DRAWINGS.
WORK TO FIGURED DIMENSIONS ONLY (EXCEPT WHERE FULL SET DETAILS ARE PROVIDED).
NOT VARY ANY WORK SHOWN ON THE DRAWINGS WITHOUT OBTAINING PRIOR APPROVAL FROM THE ARCHITECT.
BE RESPONSIBLE FOR REQUESTING FROM THE ARCHITECT ANY ADDITIONAL INFORMATION REQUIRED.
SUPPLY TO THE ARCHITECT ALL SHOP DRAWINGS, FABRICATION SPECIFICATIONS, ETC. OF ALL SPECIALLY MADE WORK TO BE INCORPORATED IN THE MAIN CONTRACT WORKS.

IMMEDIATELY INFORM THE ARCHITECT IF ANY WORK SHOWN ON THIS DRAWING IS NOT IN ACCORDANCE WITH THE RELEVANT CODES OF PRACTICE, RECOGNISED GOOD PRACTICE (INCLUDING THE INDUSTRY AND DOES NOT COMPLY WITH THE RELEVANT LOCAL AUTHORITY BY-LAWS OR BUILDING REGULATIONS).
IMMEDIATELY ADVISE THE ARCHITECT / JOINTLY SUBMITTER OF THE EFFECT UPON PROGRAMME AND COST OF ANY ALTERATIONS TO THE PROPOSED WORKS SHOWN ON THIS DRAWING.

2 THE DRAWING SUPERSEDES ALL PREVIOUS ISSUES OF THE SAME DRAWING NUMBER WITH EARLIER REVISIONS.

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ALL WORK TO COMPLY WITH CURRENT BUILDING REGS & B.S.

REVISION REGISTER

REV	DATE	DESCRIPTION	DRAWN	CHECKED	APPROVED
00	02/04/2024	SITE LAYOUT	SKM	-	-

Tipperary Office
Angela O'Shea, Architect
Carmel Co. Tipperary, RTM18
T. 037 473 8918 - info@aitiri.ie

Cork Office
Duff's Water's Edge, Adashan,
Cork, Co. Cork, T23 4223
T. 037 4626 15 - info@aitiri.ie

RTM

CLIENT: **PAUL O'SHEA**

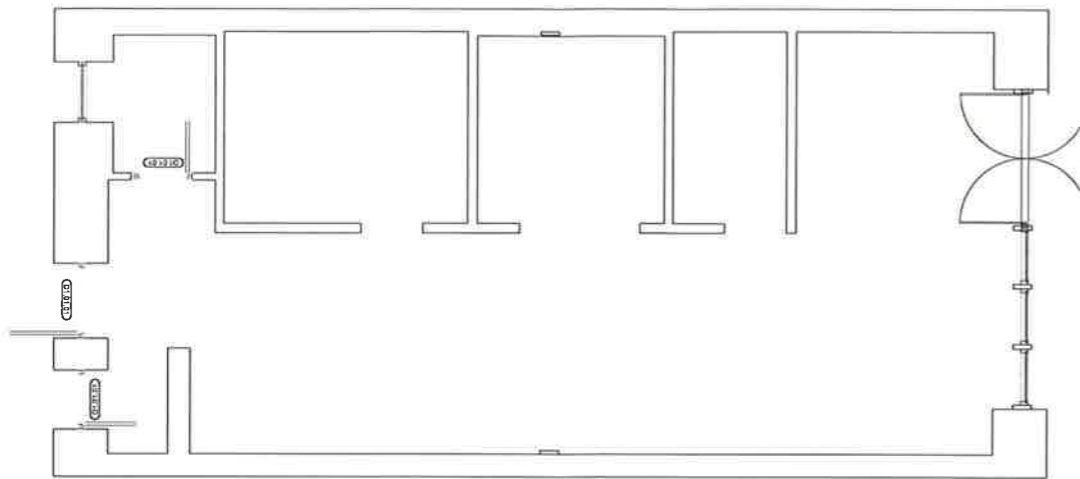
PROJECT: **PROPOSED FIT OUT FOR DAVIS ROAD MEDICAL CLINIC, CLONMEL, CO. TIPPERARY.**

DRAWING TITLE: **EXISTING AND PROPOSED FLOOR PLANS AND ELEVATIONS**

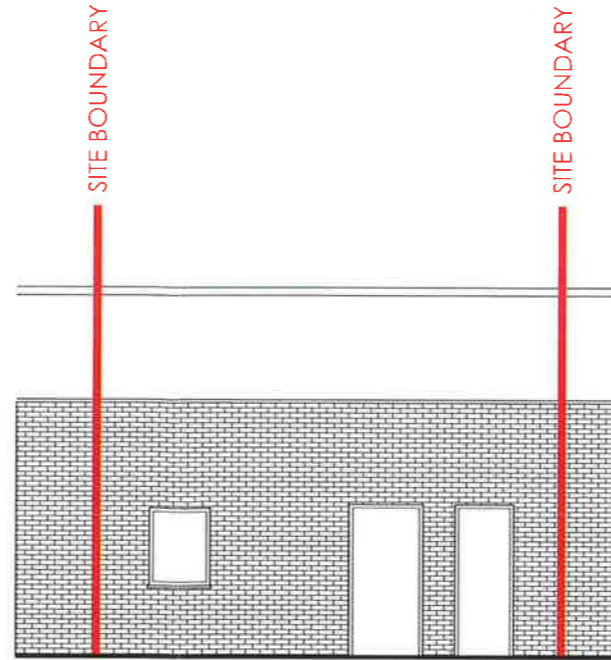
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STATUS: **PLANNING**

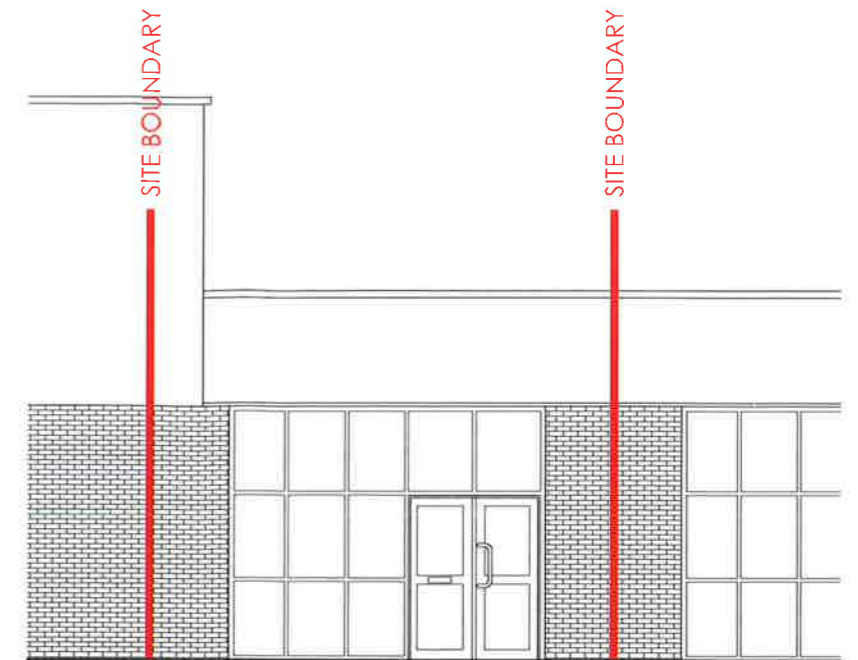
2400 \$ 22.00 DR A P 1000 \$1 T01



EXISTING FLOOR PLAN 1:50



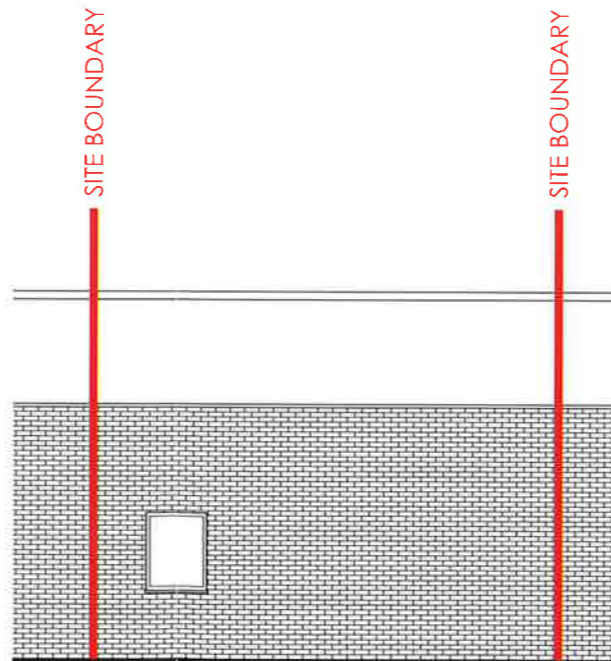
EXISTING REAR ELEVATION 1:50



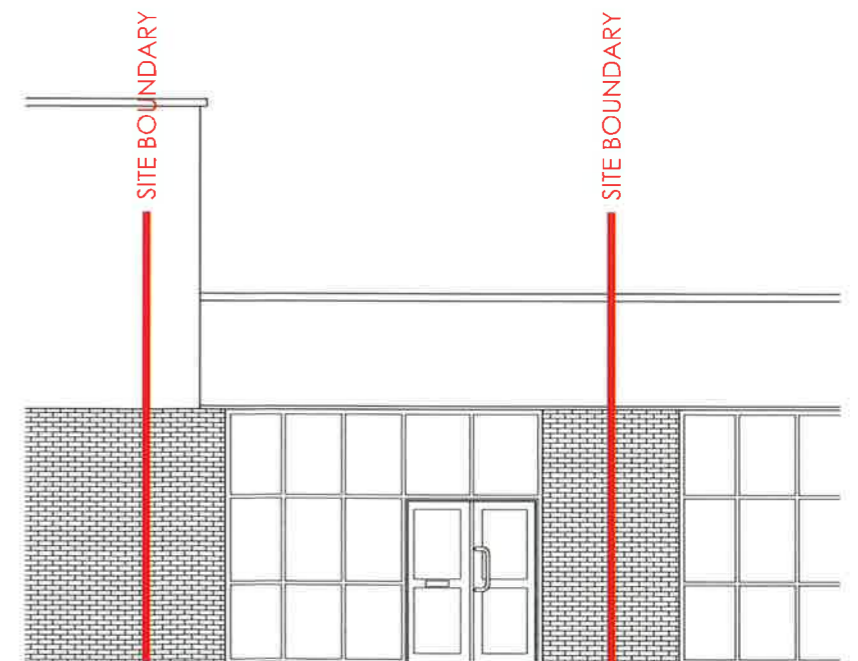
EXISTING FRONT ELEVATION 1:50



PROPOSED FLOOR PLAN 1:50



PROPOSED REAR ELEVATION 1:50



PROPOSED FRONT ELEVATION 1:50

FLOOR AREA: 68.10 m/sq

EXISTING AND PROPOSED FLOOR PLANS AND ELEVATIONS

Scale 1:50



STANDARD INSTRUCTIONS

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- WORKER TO INCLUDE DIMENSIONS ONLY IDENTIFY WHERE ALL, BUT DETAILS ARE PROVIDED. NOT VARY ANY WORK SHOWN ON THE DRAWINGS WITHOUT OBTAINING PRIOR APPROVAL FROM THE ARCHITECT.
- BE RESPONSIBLE FOR REQUESTING FROM THE ARCHITECT ANY ADDITIONAL INFORMATION REQUIRED.
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- IMMEDIATELY ADVISE THE ARCHITECT / QUANTITY SURVEYOR OF THE EFFECT UPON PROGRAMME AND COST OF ANY ALTERATIONS TO BE PROPOSED WORKS SHOWN ON THE DRAWING.
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REVISION REGISTER

REV	DATE	DESCRIPTION	DRAWN	CHECKED	APPROVED
00	02/04/2024	Existing and Proposed General Drawings	SKM	-	-



Tipperary Office:
 Arlington House, Arlington Street
 Clonmel, Co. Tipperary, E87 1A7E
 T: 0527 872 8888 - E: info@aitiri.ie
 Cork Office:
 6/13, Water's Edge, Anderson's
 Quay, Cork, T12 AC33
 T: 0204 483810 - E: info@aitiri.ie

CLIENT: **PAUL O'SHEA**
 PROJECT: **PROPOSED FIT OUT FOR DAVIS ROAD MEDICAL CLINIC, CLONMEL, CO. TIPPERARY.**
 DRAWING TITLE: **EXISTING AND PROPOSED FLOOR PLANS AND ELEVATIONS**

SCALE: 1:50

STATUS: **PLANNING**

24005 \$A Z Z O D S A P 1100 \$1 T01



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 9th April 2024 Our Ref: S5/24/43 Civic Offices, Nenagh

**Paul O'Shea,
C/o Ailtiri Architects
Unit 4, Anglesea House,
Anglesea St
Clonmel
Co. Tipperary, E91 N6Y6**

SCANNED

**Re: Application for a Section 5 Declaration – Unit 2 Davis Rd
Shopping Centre, internal fit out**

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 5th April, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours faithfully

for **Director of Services**



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
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Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
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t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 2nd May, 2024

Our Ref: S5/24/43

Civic Offices, Nenagh

Paul O'Shea
C/O Ailtiri Architects
Unit 4, Anglesea House
Anglesea St
Clonmel
Co. Tipperary
E91 N6Y6

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 5th April, 2024, in relation to the following proposed works:

the internal fit out of Unit 2 Davis Road Shopping centre, consisting of demolition of existing internal partition walls, blocking off rear entrances, and construction of 2 medical consultation rooms, accessible W/C, reception and waiting area at Unit 2 Davis Rd Shopping Centre, Davis Rd, Clonmel, Co. Tipperary

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

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

A question has arisen as to whether the following;

- the internal fit out of Unit 2 Davis Road Shopping centre, consisting of demolition of existing internal partition walls, blocking off rear entrances, and construction of 2 medical consultation rooms, accessible W/C, reception and waiting area, and,
- the change of use of the unit from a shop to medical consultation rooms

constitutes development and if so does it constitute exempted development.

Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- a) Sections 3 and 4 of the Planning and Development Act 2000 (as amended),
- b) Schedule 2 Part 4 of the Planning and Development Regulations 2001, (as amended)
- c) The planning history on site,
- d) the details pertaining to the development as set out by the querist.

Based on the assessment set out above, the Planning Authority has concluded that the existing structures on site falls under the definition of a shop.

The change of use of a shop to a medical consultation room constitutes a material change of use.

There is no exemption allowing for this change of use (from Class 1 to Class 8). As the internal works and works to the rear elevation are to facilitate a change of use which requires a grant of planning permission same are not exempted development.

Determination

Accordingly, having considered the information received, the Planning Authority has determined that

- the internal fit out of Unit 2 Davis Road Shopping centre, consisting of demolition of existing internal partition walls, blocking off rear entrances, and construction of 2 medical consultation rooms, accessible W/C, reception and waiting area, and,
- the change of use of the unit from a shop to medical consultation rooms

constitutes development and is **not considered to be "exempted development"**.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/43** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Paul O'Shea, C/O Ailtiri Architects, Unit 4, Anglesea House, Anglesea St, Clonmel, Co., re: the internal fit out of Unit 2 Davis Road Shopping Centre, consisting of demolition of existing internal partition walls, blocking off rear entrances, and construction of 2 medical consultation rooms, accessible W/C, reception and waiting area at Unit 2 Davis Rd Shopping Centre, Davis Rd, Clonmel, Co. Tipperary is development and is exempted development.

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

A question has arisen as to whether the following;

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- the change of use of the unit from a shop to medical consultation rooms

constitutes development and is **not considered to be "exempted development"**

Signed:



Sharon Kennedy
Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District

Date: 02/05/2024