

MAIN STREET,
TEMPLEMORE,
CO. TIPPERARY.

Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary.

08-05-'26

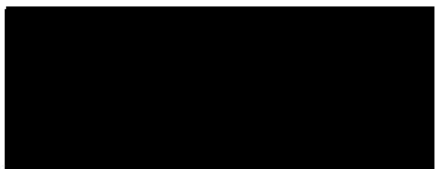
RE: APPLICATION FOR A SECTION 5 DECLARATION – 20 PARNELL STREET, THURLES.

Dear Planning,

Please see the attached application.

Should you have any queries do not hesitate to contact the undersigned.


Yours sincerely,



Michael Stapleton
PH: 





PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	MICHAEL STAPLETON
Address	MAIN STREET, TEMPLEMORE, CO. TIPPERARY.
Telephone No.	[REDACTED]
E-mail	

2. Agent's (if any) address:

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant <input checked="" type="checkbox"/>	Agent []

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	20 PARNELL STREET THURLES, CO. TIPPERARY. E41 W894
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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.

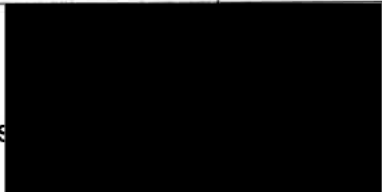
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

PROPOSED CONVERSION OF VACANT COMMERCIAL
PREMISES TO 2 NO. APARTMENTS UNDER
ARTICLE 10(6) OF THE PLANNING AND DEVELOPMENT
REGULATIONS. I CONFIRM THE PROPERTY HAS BEEN
VACANT IN EXCESS OF 2 YEARS.
Proposed floor area of proposed works/uses: 133 sqm

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

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Occupier
	C. Other <input checked="" type="checkbox"/>	
Where legal interest is 'Other', please expand further on your interest in the land or structure	PROPOSED PURCHASE	
If you are not the legal owner, please state the name and address of the owner	Name: JULIAN STAPLETON Address: RATHLEASTY, DEEN THURLES, CO. TIPPERARY	

Signature of Applicant(s)



Date: 18-05-26

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	OR	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

Fee Recd. € <u>80</u>	DATE STAMP
Receipt No <u>137533</u>	TIPPERARY CO. COUNCIL RECEIVED 20 MAY 2026
Date <u>20/5/26</u>	
Received by _____	
	PLANNING SECTION FILE NO. <u>55/26/77</u>

Planning Pack Map

658998

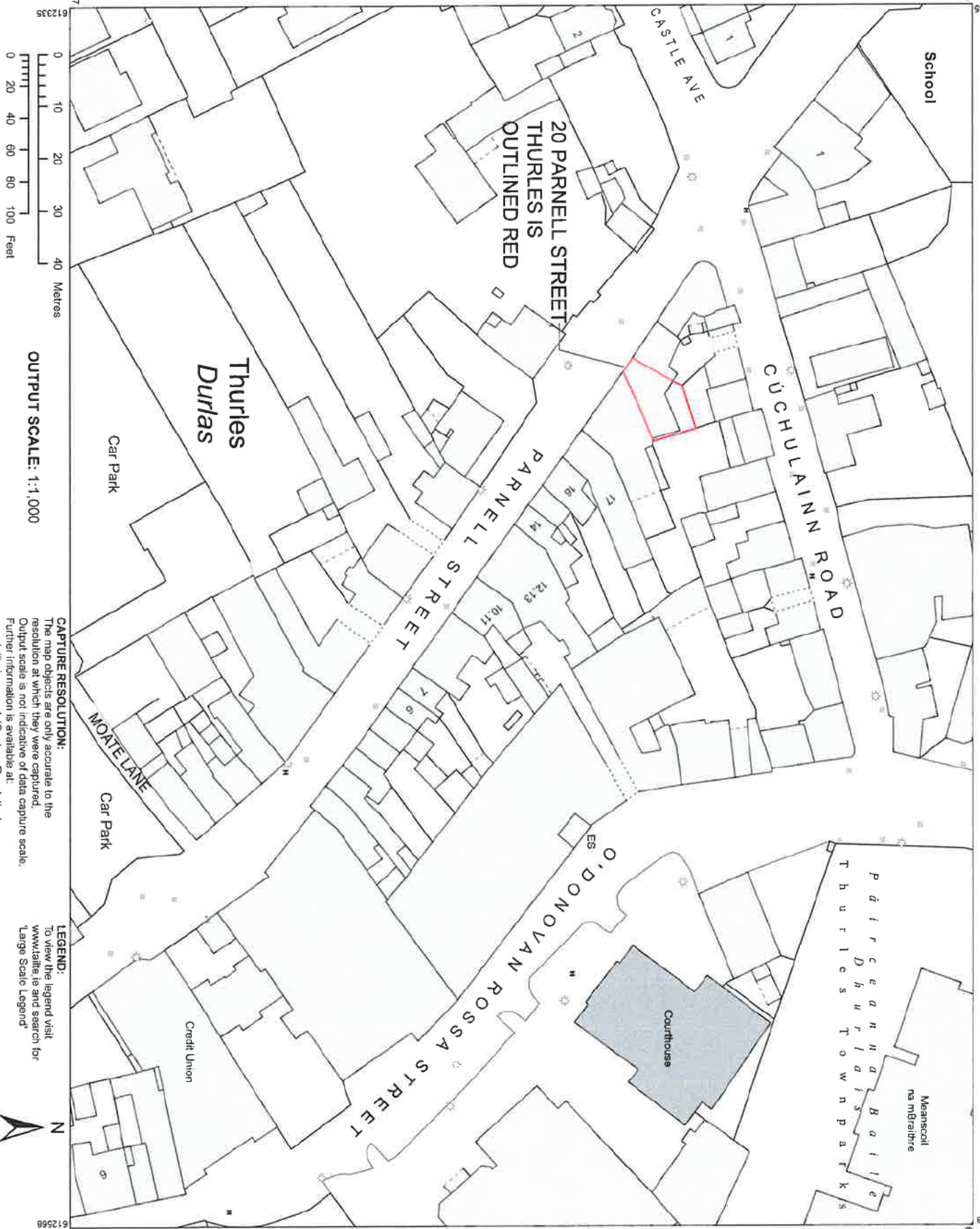
612335

612568

658999



Tailte Éireann



CENTRE COORDINATES:
ITM 612452,658813

PUBLISHED: 18/05/2026
ORDER NO.: 50536571_1

MAP SERIES: 1:1,000
MAP SHEETS: 4696-06, 4696-11

MICHAEL STAPLETON & ASSOC
MAIN STREET, TEMPLEMORE,
CO. TIPPERARY

18-05-26

COMPILED AND PUBLISHED BY:
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This topographic map does not show any legal property boundaries nor does it show physical features, ownership or physical features.

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20 MAY 2026
SECTION
FILE 55/26/T

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:
www.tailte.ie, search 'Capture Resolution'

LEGEND:

To view the legend visit
www.tailte.ie and search for 'Large Scale Legend'

OUTPUT SCALE: 1:1,000

0 10 20 30 40
Metres
0 20 40 60 80 100
Feet

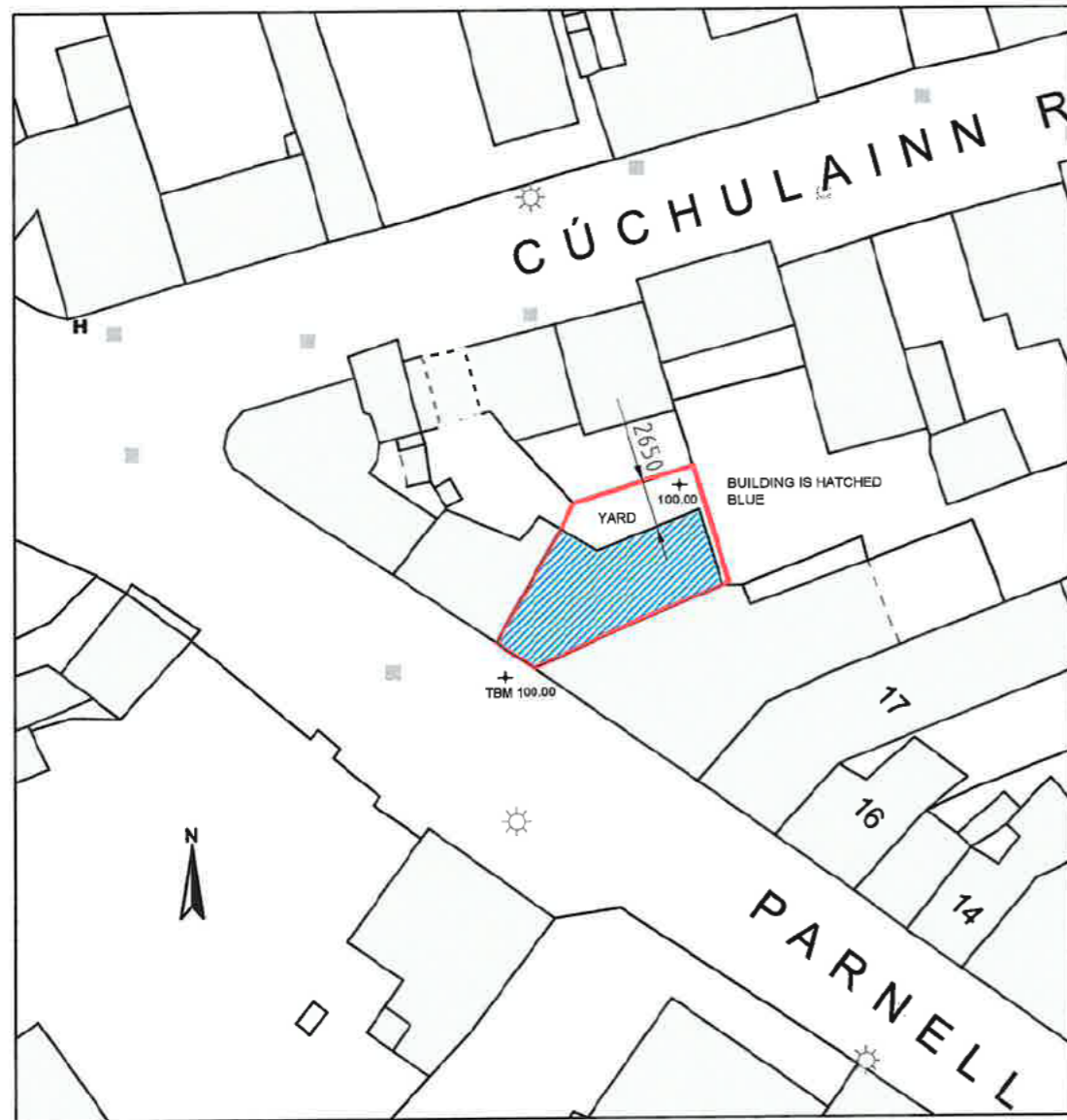


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SITE PLAN - SCALE 1:500

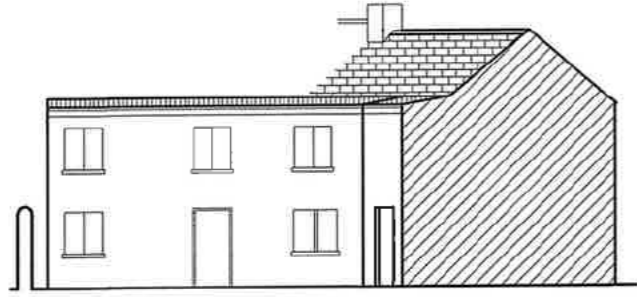


VIEW OF EXISTING SHOPFRONT

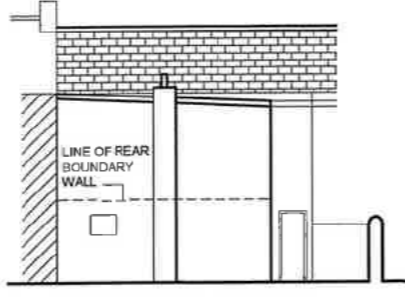
TIPPERARY CO. COUNCIL
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 PLANNING SECTION
 FILE NO. *23/26/11*



EXISTING FRONT ELEVATION
-SCALE 1:200



EXISTING SIDE ELEVATION FROM YARD AT REAR
- SCALE 1:200



EXISTING REAR ELEVATION
- SCALE 1:200



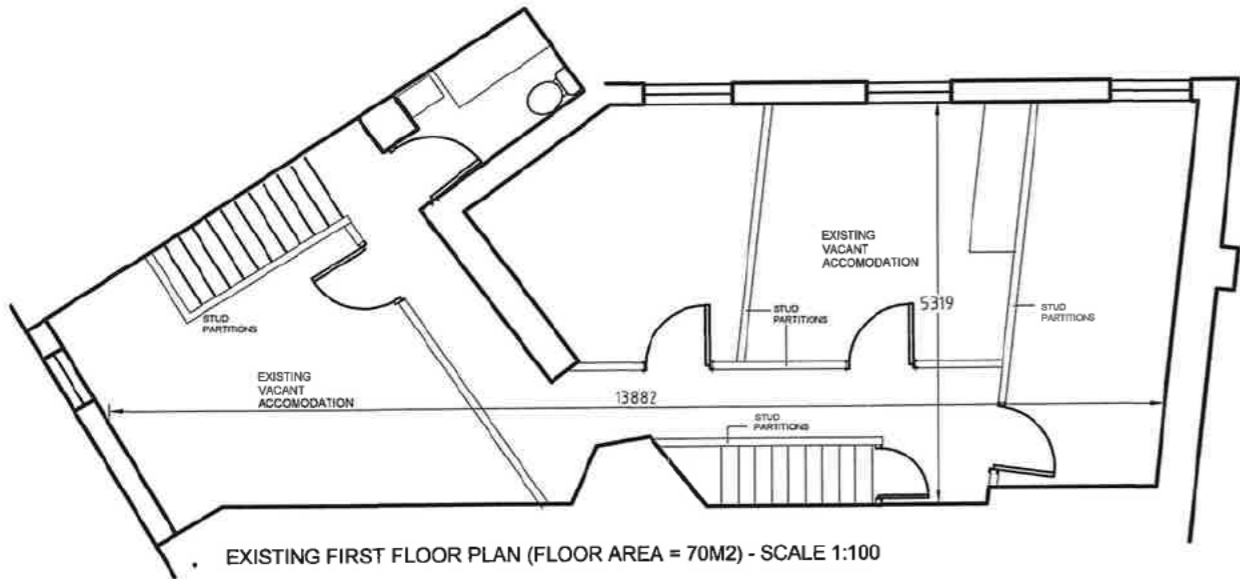
PROPOSED FRONT ELEVATION
- SCALE 1:200



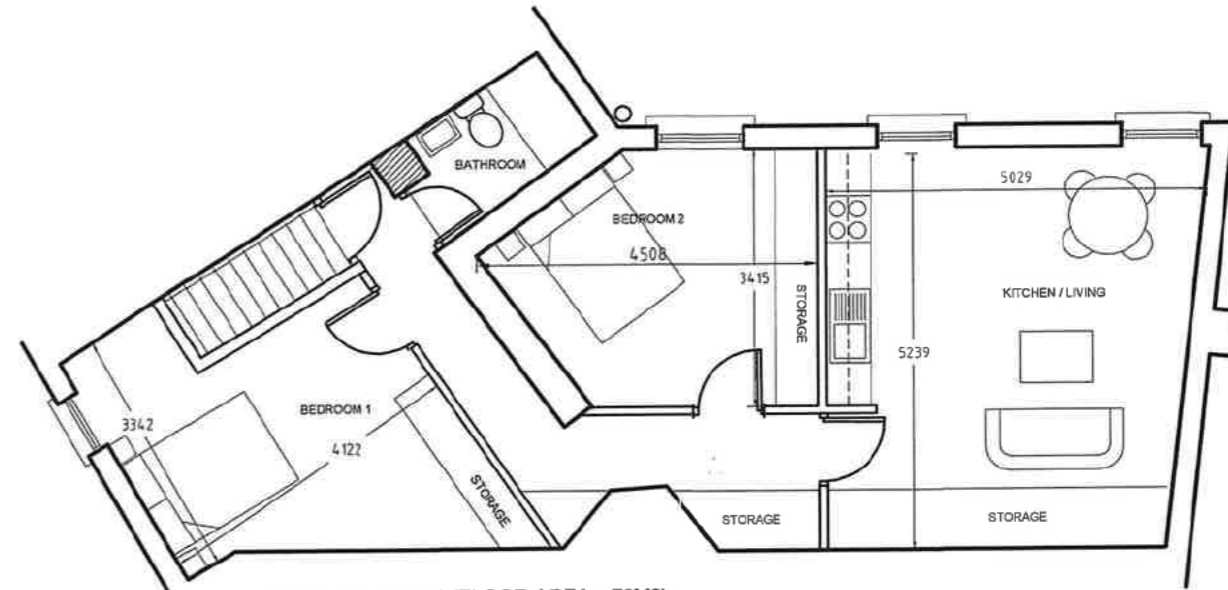
EXISTING SIDE ELEVATION FROM YARD AT REAR
- SCALE 1:200



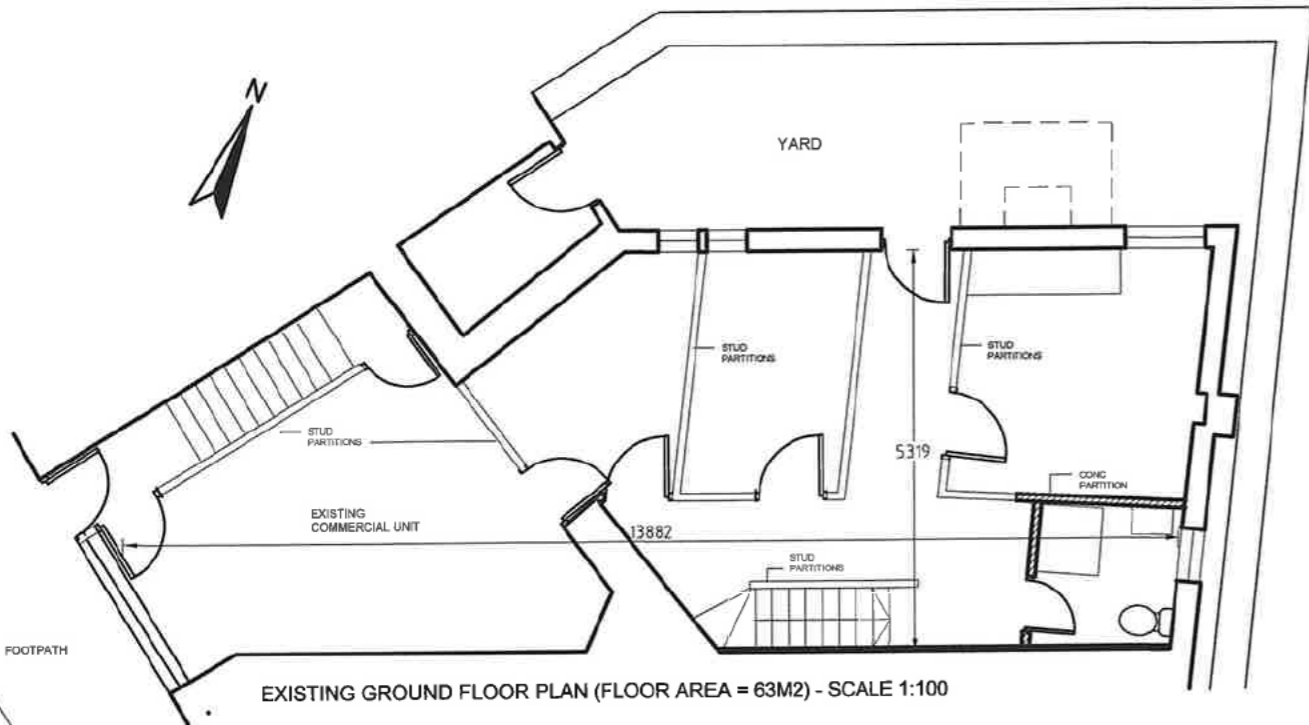
PROPOSED REAR ELEVATION
-SCALE 1:200



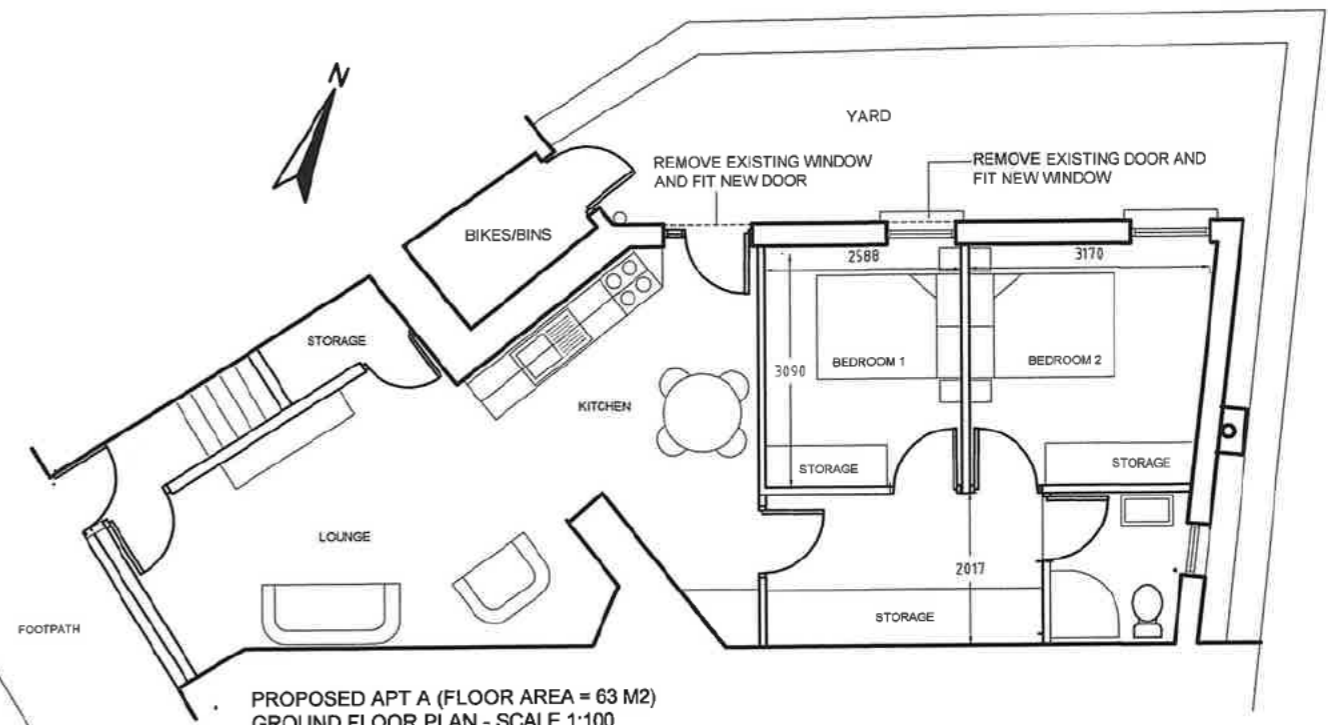
EXISTING FIRST FLOOR PLAN (FLOOR AREA = 70M2) - SCALE 1:100



PROPOSED APT B (FLOOR AREA = 70M2)
FIRST FLOOR PLAN - SCALE 1:100



EXISTING GROUND FLOOR PLAN (FLOOR AREA = 63M2) - SCALE 1:100



PROPOSED APT A (FLOOR AREA = 63 M2)
GROUND FLOOR PLAN - SCALE 1:100

TIPPERARY CO. COUNCIL
RECEIVED
20 MAY 2026
PLANNING SECTION



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

t 0818 06 5000/600
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 21st May 2026 Our Ref: S5/26/77 Civic Offices, Nenagh

Michael Stapleton
Main Street
Templemore
Co. Tipperary

Re: Application for a Section 5 Declaration – Proposed conversion of vacant commercial premises to 2 no apartments under article 10(6) of the planning and development regulations. Property has been vacant in excess of 2 years at 20 Parnell Street, Co. Tipperary.

Dear Michael,

I acknowledge receipt of your application for a Section 5 Declaration received on 20th May 2026, in connection with the above.

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

Yours sincerely



for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Ref: S5.26.77

Applicant: Michael Stapleton

Development Address: 20 Parnell Street, Thurles

Proposed Development: Conversion of vacant commercial premises to 2 no. apartments under Article 10.6(a) of the Planning and Development Regulations.

1. GENERAL

On 20.05.2026 the Planning Authority received a request for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether or not the following works constituted development and if so, whether same was exempted development:

Conversion of vacant commercial premises to 2 no. apartments under Article 10.6(a) of the Planning and Development Regulations

2. STATUTORY PROVISIONS

In respect of the proposed change of use, the following statutory provisions are relevant to this referral case;

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:-

"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.

Article 10 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions for changes of use.

Article 10 states:

10(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempt development for the purposes of the Act, provided that the development, if carried out will 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,
- (viii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or
- (ix) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100sqm 00 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.

(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 8 February 2018 until 31 December 2028.

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

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

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(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.

(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 47 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 sub-paragraph (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 paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to 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,

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and

(III) the Eircode for the relevant property,

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, 2022, 2023, 2024, 2025 and 2026 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).

3. ASSESSMENT

a. *Site Location*

The site is located at 20 Parnell Street, Thurles, Co. Tipperary. The structure is not a Protected structure and is not situated within an Architectural Conservation Area (ACA) or a zone of archaeological interest.

b. *Relevant Planning History*

TH1217: Planning permission granted C. Hackett for the erection of a TV satellite dish at Parnell Street.

c. *Assessment*

A) "Is or is not Development"

I consider the proposal would involve the material change of use of the building. The proposal constitutes *development* as defined by the Planning and Development Act 2000, as amended.

B) "Is or is not Exempted Development"

The PLANNING AND DEVELOPMENT ACT (EXEMPTED DEVELOPMENT) REGULATIONS 2022 S.I. no 75 of 2022 introduced an exemption that allows for change of use of certain classes of development to residential provided the requirements as set down under the legislation is satisfied. With regard to the details submitted and requirements of the legislation I note as follows:

Article 10 (6) (b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 of the Planning and Development Regulations.

'relevant period' means the period from the making of these Regulations until 31 December 2028.

Class 1,2,3, 6 and 12 of Part 4 of Schedule 1 are as follows:

CLASS 1 - Use as a shop.

CLASS 2 - Use for the provision of—

(a) financial services,

(b) professional services (other than health or medical services),

(c) any other services (including use as a betting office),

where the services are provided principally to visiting members of the public.

CLASS 3 - Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

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

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

Article 10 (6) (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,

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

(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 application refers to the existing use of the building for commercial use. The planning history relevant to the site relates only to the erection of a TV Satellite Dish. It is noted from google maps that the building is referred to as Hacketts Bookmakers. It is acknowledged that the applicant states that the existing use is commercial and that the premises has been vacant for at least 2 years. This is supported from available images from Google maps which show the building vacant from 2009 onwards. The previous use as a bookmakers would come under Class 2.

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

The applicant has confirmed that the commencement date of works is 30.08.2026 with work to be completed by 30.12.2028 (discussion with Michael Stapleton on 16.06.2028 and to be confirmed in writing).

(ii) Subject to sub-paragraph

(iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures

The elevations provided show the proposed front elevation with the existing sign removed and the existing shop window replaced with a similar 3-pane large window with opening top-lights to 2 outer panes. It is considered that the proposed elevations do not materially affect the external appearance of the structure. The works primarily effects the interior of the structure and more than 50% of the external fabric of the structure is being retained.

The works to the side building elevation do not materially affect the external appearance of the structure

(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.

The proposed fenestration details are consistent with the architectural and streetscape character of the remainder of the structure and 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.

The proposal does not conflict with the above. The site is not situated within the Primary Retail Area therefore the development is not subject to Policy 3.5.

(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.

The proposal is for 2 no. residential units.

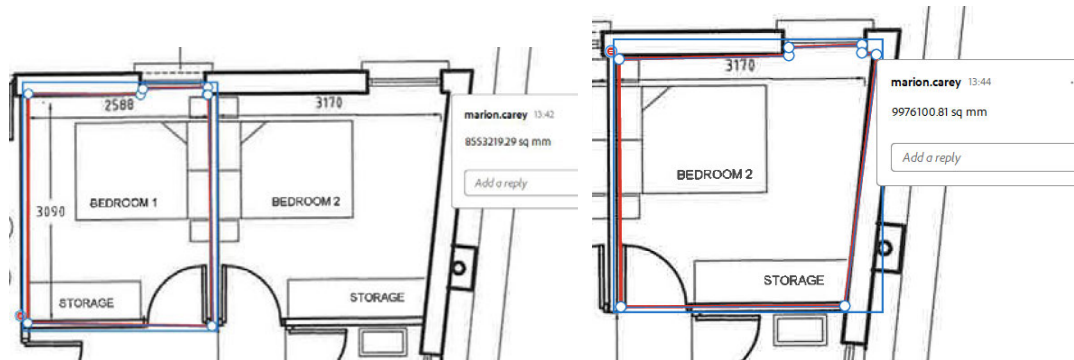
(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated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

The proposed apartments do not meet with the overall floor area and minimum storage space requirements as set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. See table and drawings below.

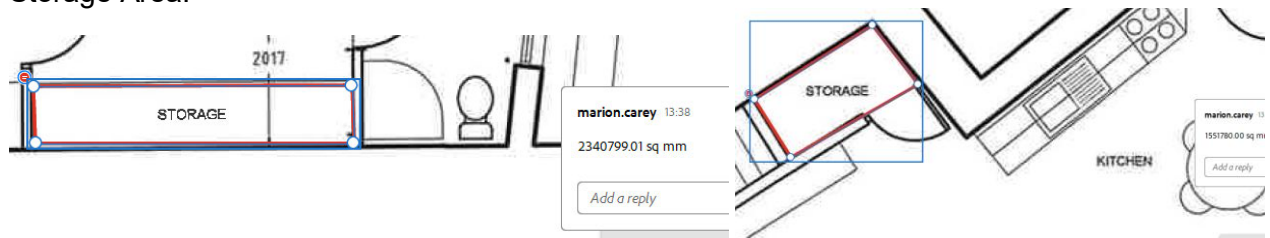
	Minimum Floor Areas and Standards for 2 bed apartments (4 persons)	Ground Floor Apartment	First Floor Apartment
Overall apartment floor area	73sqm	63sqm	70sqm
Aggregate floor areas for living/dining/kitchen room	30sqm	29.59sqm	21.97
Minimum bedroom floor areas (double bedroom including storage areas))	11.4sqm	Bedroom 1 – 9.97sqm Bedroom 2 – 8.77sqm	Bedroom 1 – 14.7sqm Bedroom 2 – 12.37sqm
Minimum aggregate bedroom floor areas	24.4	18.74sqm	27.07
Minimum storage space requirements	6sqm	1.55 + 2.34 = 3.89sqm	4.94sqm

Ground floor areas

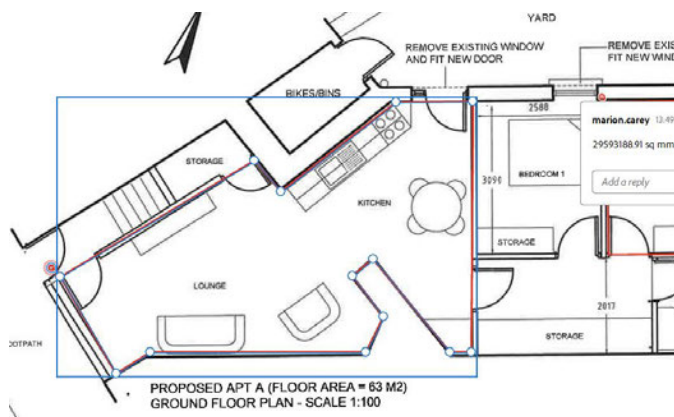
Bedrooms (including storage areas):



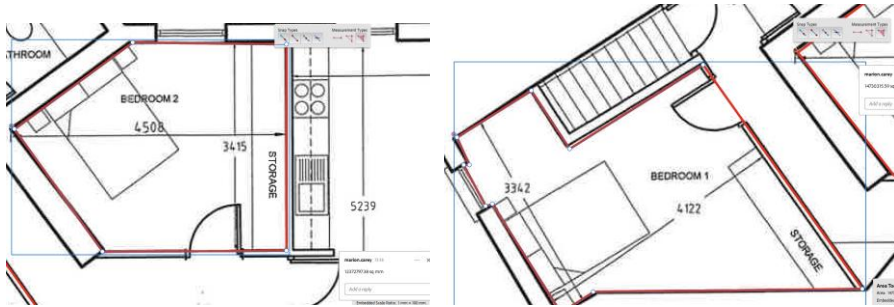
Storage Area:



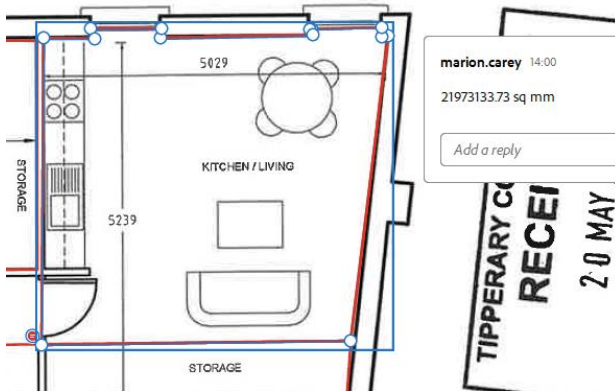
Kitchen/Living/Dining Area



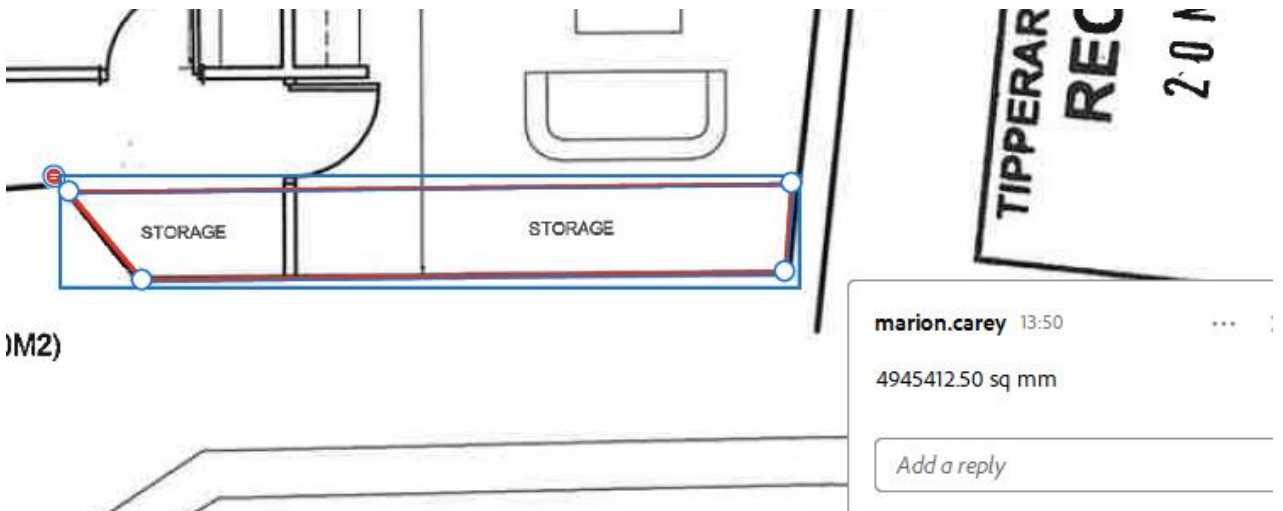
First Floor Areas:
Bedrooms (including storage areas)



Kitchen/Living/Dining Area



Storage Areas



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

The habitable rooms 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.

The building is not a protected 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.

The proposed change of use does not appear to contravene a condition attached to any 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

The proposal is not limited by the above requirements.

(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.

I confirm that the restrictions under (iv), (vii), (viiA) (viiB), (viiC),(viii) would not apply. The development is not within a Zone of Archaeological Potential, and ACA etc.

The development is removed from any European Site. I have undertaken an Appropriate Assessment Screening which concludes that significant effects of the development on any Natura 2000 sites can be excluded. The restriction under (viiB) does not apply.

The restrictions under (ix) do not 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.

The development does not include the provision of an on-site wastewater treatment and disposal system.

(e)(i) Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to 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,
(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and
(III) the Eircode for the relevant property, 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**

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The proposal has been screened as to the requirements for AA and the screening assessment (attached) considers that the proposal does not impact on any Natura 2000 site.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

4. RECOMMENDATION

It is recommended that the following is issued:

A question has arisen as to whether Conversion of vacant commercial premises to 2 no. apartments under Article 10.6(a) of the Planning and Development Regulations IS “development” and “exempted development”

Tipperary County Council in considering this referral had regard particularly to-

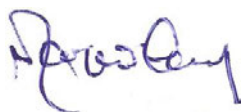
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Article 10 of the Planning and Development Regulations
- (d) The details as submitted with the Declaration application

Tipperary County Council has concluded that Conversion of vacant commercial premises to 2 no. apartments under Article 10.6(a) of the Planning and Development Regulations constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is **NOT** “exempted development”.

The development is **NOT** exempted development as does not satisfy the minimum floor areas and storage areas set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and does not satisfy the requirements of Article 10 (6) c) part vi) which requires that

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.

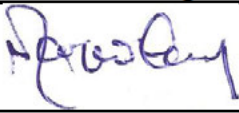
District Planner:



Date: 15.06.2026

Senior Executive Planner: Jonathan Flood

Date: 16/6/2026

EIA Pre- Screening			
Planning Reference:	S5.26.77		
Site location:	Parnell Street, Thurles, Co Tipperary		
Proposed Development:	Change of use from commercial to 2 no. apartments under 10.6.a		
1. Does the Development constitute an EIA Project?		YES:	
		NO: ✓	
2. If YES, Does the development fall within a class of Development set out in Part 1 or Part 2, Schedule 5 of the Planning & Development Regulations?			
Tick	Threshold	Comment	Result
No	✓		No EIA or Screening for EIA Required
Yes	Exceeds/		EIAR Required
	Is Equal To		
	No Threshold		
	Sub Threshold		EIA Screening Required (Issue letter to statutory consultees if IPC/Waste/ IED licence required)
Conclusion			
Development is not within Part 1 or Part 2, Schedule 5. No EIA/ Screening is required.			✓
Development is within Part 1 or Part 2 and is greater than, equal to, or there is no threshold. EIAR Required.			
Development is within Part 1 or Part 2 but is less than the threshold. EIA Screening Required.			
Name:			Date: 15.06.2026
Position	District Planner		

**HABITATS DIRECTIVE ASSESSMENT SCREENING REPORT
FOR PLANNING APPLICATIONS**

Planning Application Ref. No.: s5.26.77

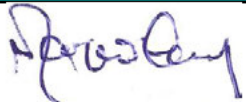
(A) DESCRIPTION OF PROJECT AND LOCAL SITE:	
Site location:	Parnell Street, Thurles, Co Tipperary
Proposed development:	Change of use from commercial to 2 no. apartments
Floor Area of Proposed Development:	
Is the application accompanied by EIS	No
(B) IDENTIFICATION OF THE RELEVANT NATURA 2000 SITE(S):	
Natura 2000 site(s) within 15km and distance to same:	River Suir SAC Site Code: 002137
Sites within the zone of influence:	
Conservation objectives/qualifying interests of the site and the factors that contributes to the conservation value of the site: (which are taken from the Natura 2000 site synopses and, if applicable, a Conservation Management Plan: (all available at www.npws.ie) (ATTACH INFO if necessary)	<i>This section is to be completed with respect to the Natura 2000 site within the zone of influence</i>
Key Environmental conditions to support site integrity.	

(C) POSSIBLE IMPACTS ARISING FROM THE PROJECT:	
Consider the potential for direct impacts on habitats Consider proposed developments within 200m of the SAC/SPA	Y/N and Comment

1.1	Could the proposed project give rise to direct loss of habitats for which the SAC/SPA is designated, or other habitats occurring within the SAC/SPA?	n
1.2	Could the proposed project give rise to increased human usage/access to the site, which could potentially cause deterioration of certain habitat types eg woodlands, wetlands or riverbanks. Consider proposals for development of a large scale within 1km of sensitive woodlands eg large scale residential development or hotels. Consider proposals for the development of paths or cycleways along the river.	n
1.3	Does the proposed project involve development of drainage systems? If yes, could this cause drying out of wetland or woodland habitats within the SAC/SPA?	n
Consider the potential for impacts on water quality within the SAC/SPA <i>Consider all proposed developments within the catchment of the SAC/SPA</i>		Y/N and Comment
2.1	Are there any rivers, streams or drains connecting the proposed development site and the SAC/SPA? If yes, consider whether there is potential for construction related impacts on water quality.	n
2.2	Would the proposed project result in surface water or other discharges to rivers, streams or drains directly connected to the SAC/SPA? If yes, consider whether the discharges could give rise to increased eutrophication or other pollution risk within the cSAC/SPA. Consider whether increased surface water discharge could give rise to increased risk of downstream storm water surges.	n
2.3	Would the proposed project require an industrial waste water discharge license? If yes, consider the potential impacts of the discharge on water quality in the SAC/SPA.	n
2.4	Is the proposed project located within a flood zone? If yes, consider whether there is potential for construction or operational related impacts on water quality in the SAC/SPA; consider whether the proposed project increases flood risk elsewhere in the catchment and particularly the cSAC/SPA; or increases the risk of stormwater surges downstream.	n
2.5	Are the proposals for waste water treatment in compliance with EPA requirements?	n/a
2.6	Could the proposed project contribute to cumulative negative impacts on water quality? Consider the current status of the freshwater system (see www.wfdireland.ie).	n
2.7	Would the proposed project involve dredging (construction or ongoing maintenance related)?	n
Consider potential for impact on species		Y/N and Comment
<i>Freshwater Pearl Mussel</i>		
3.1	Protection of this species will be achieved by the protection of water quality (see section 2 above), by the protection of river habitats (see section 1 above), and by the maintenance of free passage for fish.	n
<i>Freshwater Crayfish</i>		

3.2	Protection of this species will be achieved by the protection of river habitats (see section 1 above).	n
<i>Fish species including Salmon, Lamprey spp. and Twaite Shad</i>		
3.3	Protection of these species will be achieved by the protection of water quality (see section 2 above), by the protection of river habitats (see section 1 above), and by the maintenance of free passage for fish.	n
<i>Otter</i>		
3.4	Would the proposed project result in any interference with river banks within the SAC/SPA?	n
3.5	Would the proposed project result in increased levels of disturbance to the habitat of the Otter?	n
<i>Bats</i>		
3.6	Would the proposed project involve the removal of trees, hedgerow or woodland?	n
3.7	Does the proposed project involve the repointing of old bridges or the restoration or demolition of old buildings or other structures?	n

D) NPWS ADVICE:	
Summary of advice received from NPWS:	none

(E) SCREENING CONCLUSION:	
Screening concludes that : (Tick [✓] the appropriate box A, B or C)	
A) Appropriate Assessment is not required because the project is directly connected with or necessary to the nature conservation management of the site.	
B) No potential for significant effects therefore Appropriate Assessment is not required.	✓
C) Significant effects are certain, likely or uncertain. (In this situation seek a Natura Impact Statement under Section 177T(5) of the Act from the applicant or reject the project. Reject if too potentially damaging or inappropriate.)	
Name:	
Position:	District Planner
Date:	15.06.2026

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/77** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, 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. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Michael Stapleton, Main Street, Templemore, Co. Tipperary, re:

Conversion of vacant commercial premises to 2 no. apartments under Article 10.6(a) of the Planning and Development Regulations at 20 Parnell Street, Thurles, Co Tipperary is development and is exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Article 10 of the Planning and Development Regulations
- (d) The details as submitted with the Declaration application

Tipperary County Council has concluded that Conversion of vacant commercial premises to 2 no. apartments under Article 10.6(a) of the Planning and Development Regulations constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT** "exempted development".

The development is **NOT** exempted development as does not satisfy the minimum floor areas and storage areas set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and does not satisfy the requirements of Article 10 (6) c) part vi) which requires that: *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.*

Signed:



Brian Beck
Director of Services

Date: 16/06/2026



Date: 16th June 2026

Our Ref: S5/26/77

Civic Offices, Nenagh

**Michael Stapleton
Main Street
Templemore
Co. Tipperary**

Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.

Dear Michael,

I refer to your application for a Section 5 Declaration received on 20th May 2026 in relation to the following proposed works:

Conversion of vacant commercial premises to 2 no. apartments under Article 10.6(a) of the Planning and Development Regulations at 20 Parnell Street, Thurles, 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) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Article 10 of the Planning and Development Regulations
- (d) The details as submitted with the Declaration application

Tipperary County Council has concluded that Conversion of vacant commercial premises to 2 no. apartments under Article 10.6(a) of the Planning and Development Regulations constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is **NOT** “exempted development”.

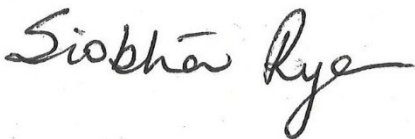
The development is **NOT** exempted development as does not satisfy the minimum floor areas and storage areas set out in the Sustainable Urban

Housing: Design Standards for New Apartments Guidelines for Planning Authorities and does not satisfy the requirements of Article 10 (6) c) part vi) which requires that:

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.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún 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

A handwritten signature in black ink that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**

CC: Julian Stapleton, Rathleasty, Drom, Thurles, Co Tipperary.