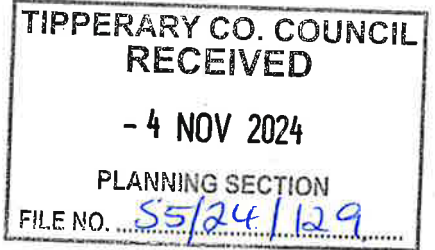




Comhairle Contae Thiobraid Árann
Tipperary County Council



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	Bernadette Lyons
<i>Address</i>	Busy Bees Preschool, Presentation Primary School, Room 1, Cathedral Street, Thurles, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	Donal Ryan
<i>Address</i>	DH Ryan Architects 1 Liberty Square, Thurles, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<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>	Busy Bees Preschool, Presentation Primary School, Room 1, Cathedral Street, Thurles, Co. Tipperary
--	--

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.)

Change of use of existing preschool (sessional use) room
for use as full day care service. The service will run between
the hours of 7.30am – 5pm, Monday to Friday during the
school term.
Proposed floor area of proposed works/uses: 42 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 <input checked="" type="checkbox"/>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Tenant	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Presentation Primary School Address: Cathedral Street, Thurles, Co. Tipperary	

Signature of Applicant(s) 
Agent - Donal Ryan on behalf of applicant

Date: 01.11.2024

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
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o 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 CLONMEL 10/186637
Date 4/11/2024
Received by Catherine Aherne

01.11.2024
Ref: 1994-DR02

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

Dear Sir/Madam,

Re: Application for a Section 5 Declaration for Busy Bees Preschool, Room 1, Presentation Primary School, Cathedral Street, Thurles, Co. Tipperary.

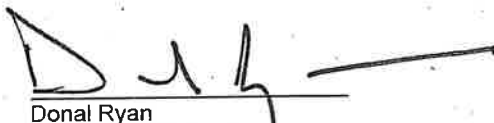
Please find enclosed;

1. Application for a Section 5 Declaration Form.
2. Payment to cover the application fee of €80 will be made by credit card.
3. 1 no. copy of the Planning Pack Map at scale of 1:1,000.
4. 1 no. copy of the Site Location Map at scale of 1:10,560.
5. 1 no. copy of the existing floor plan at scale of 1:100 @ A3. Area highlighted as Room 1 currently in use as a preschool room.

We are applying to seek clarification on whether a change of use of existing preschool room for use as a full day care service can be viewed as an exempt development. The service will operate between the hours of 7.30am – 5pm, Monday to Friday during the school term.

We hope the information listed above is sufficient for you to process this application. If you require any further information please do not hesitate to contact me.

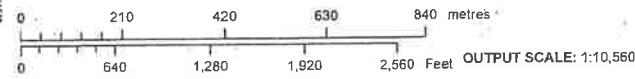
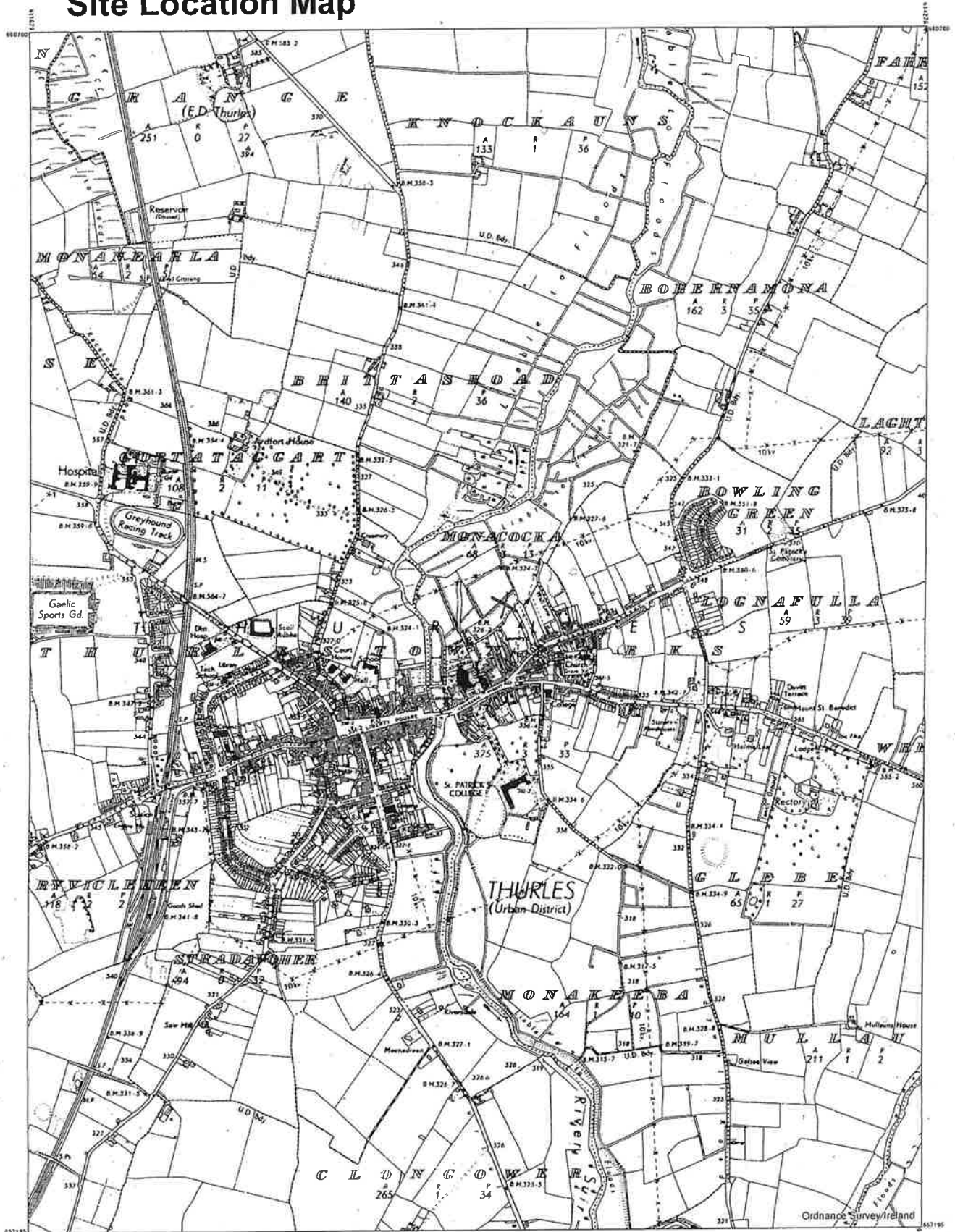
Your sincerely,


Donal Ryan
Registered Architect

Donal Ryan
Registered Architect
BA Arch(Hons) Pg Dip Arch MRIAI RIBA
Architect Accredited in Conservation G3
Accredited Planning Supervisor Design Process
Certified Passive House Designer
M. 086 8354336
E. donal@dhryan.ie

Hugh Ryan
Registered Architect
BA Arch(Hons) Pg Dip Arch MRIAI RIBA ARB
Accredited Planning Supervisor Design Process
M. 087 2958144
E. hugh@dhryan.ie

Site Location Map



CENTRE COORDINATES:
ITM 612978,658948

ORDER NO.:
50118144_1

MAP SERIES:
6 Inch Raster

PUBLISHED:
27/04/2020

MAP SHEETS:
TY041

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
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Dublin 8,
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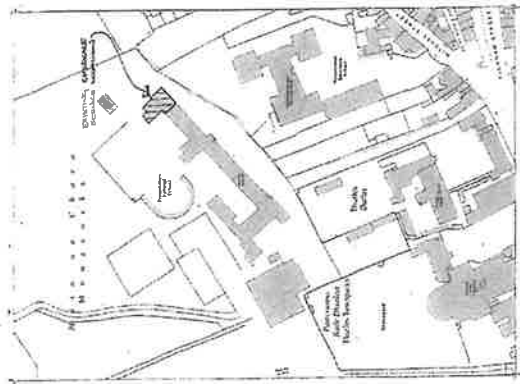
The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

CAPTURE RESOLUTION:
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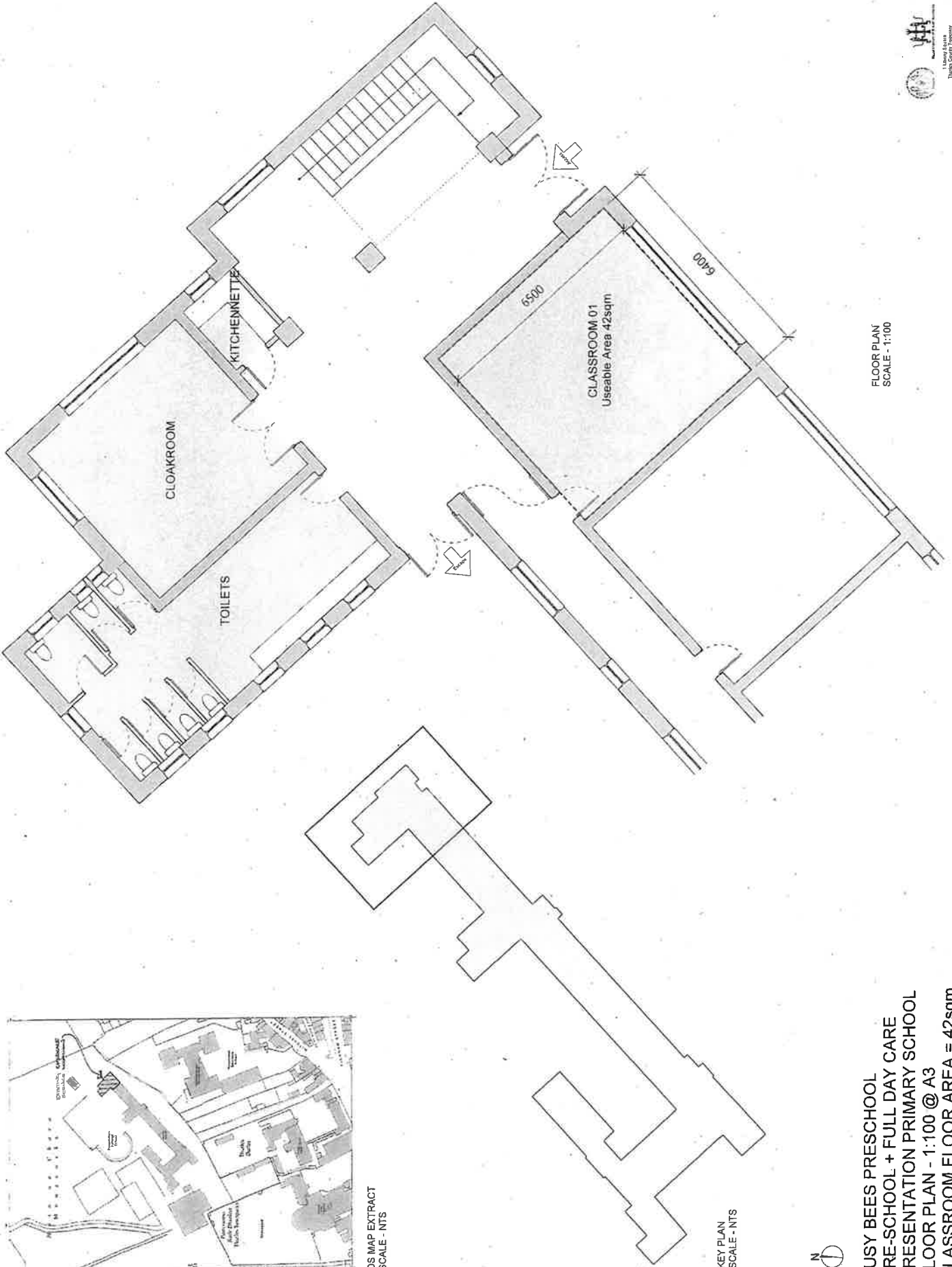
LEGEND:
<http://www.osi.ie>; search 'Large Scale Legend'

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OS MAP EXTRACT
SCALE - NTS



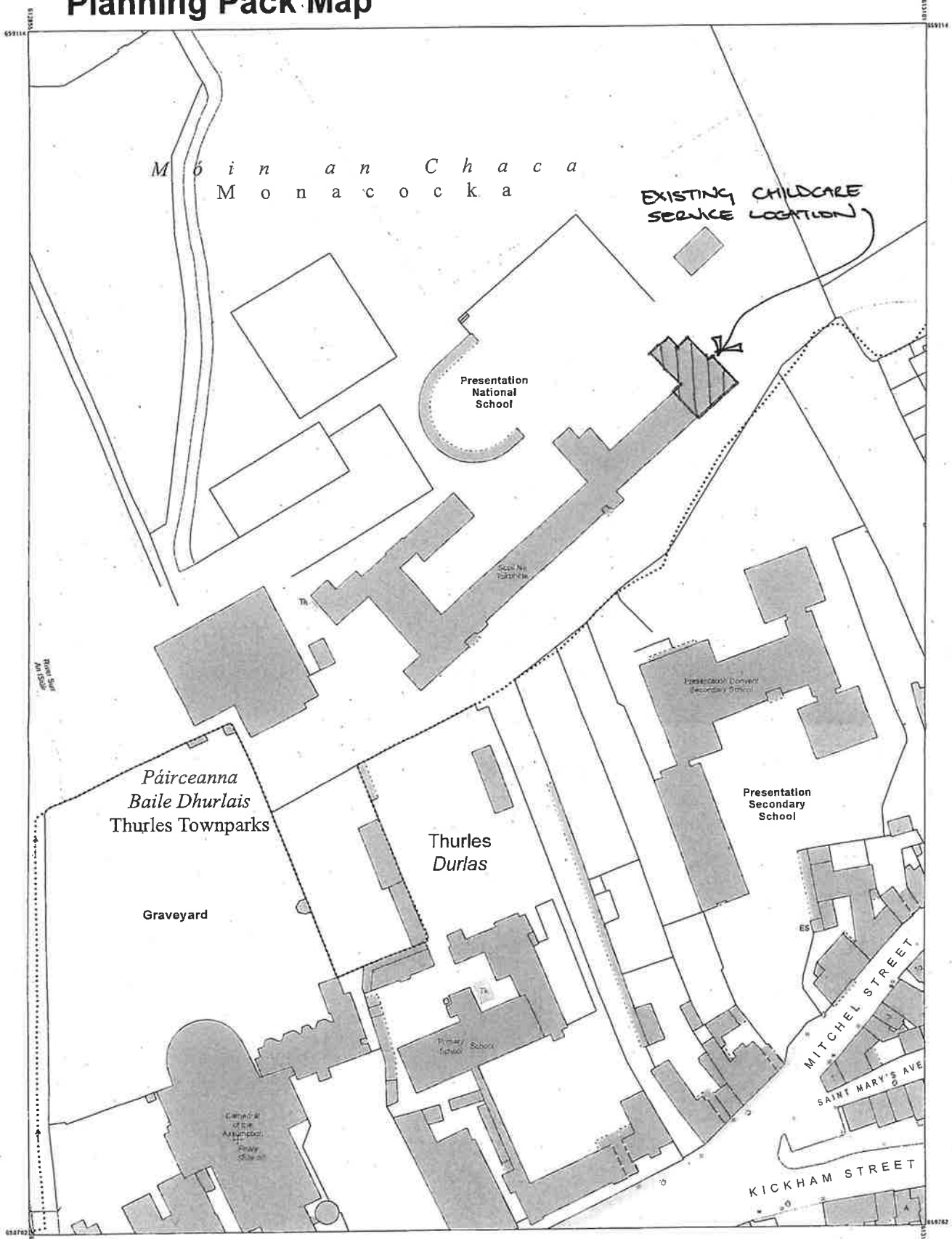
KEY PLAN
SCALE - NTS

FLOOR PLAN
SCALE - 1:100



BUSY BEES PRESCHOOL
 PRE-SCHOOL + FULL DAY CARE
 PRESENTATION PRIMARY SCHOOL
 FLOOR PLAN - 1:100 @ A3
 CLASSROOM FLOOR AREA = 42sqm

Planning Pack Map



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Ordnance Survey Ireland,
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CENTRE COORDINATES:
ITM 612978,658948

ORDER NO.:
50118144_1

PUBLISHED:
27/04/2020

MAP SERIES:
1:1,000
1:1,000

MAP SHEETS:
4696-07
4696-12

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





TIPPERARY COUNTY COUNCIL
Emmet Street
E91 N512

Tipperary County Council
Civic Offices
Clonmel
Co Tipperary

MERCHANT ID: *****3546
TERMINAL ID: *****4603
DATE: 04/11/2024 TIME: 10:46
BATCH: 000947-004 INVOICE: 004804
RRN: 430910440441 AUTH NO.: 327047
Visa Debit SALE
*****2908 *

04/11/2024 10:46:51

Receipt No. : CLONMEL/0/186637

SALE AMOUNT €80.00

CUSTOMER NOT PRESENT

I agree to pay the final amount according
to the card/merchant issuer agreement

DONAL RYAN
D H RYAN ARCHITECTS
1 LIBERTY SQUARE
THURLES
CO TIPPERARY
(RE BUSY BEES PRESCHOOL)

SECTION5 EXEMPTION DECLARATION 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : CATHERINE AHERN
From : CLONMEL TOWN RECEIPTS DESK
Vat reg No.3259712MH

Ryan, Siobhan Anne

From: Planning Group
Sent: 04 November 2024 09:34
To: Ryan, Siobhan Anne
Subject: FW: [External] Section 5 Declaration Application - Busy Bees Preschool, Presentation Primary School, Thurles
Attachments: Section 5 Declaration Application Form + Cover Letter.pdf; Section 5 Declaration Application Drawings.pdf

From: Donal Ryan <Donal@dhryan.ie>
Sent: 01 November 2024 16:36
To: Planning Group <planning@tipperarycoco.ie>
Cc: busybeespreschoolthurles@gmail.com
Subject: [External] Section 5 Declaration Application - Busy Bees Preschool, Presentation Primary School, Thurles

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam,

Please find attached a Section 5 Declaration for Busy Bees Preschool, Presentation Primary School, Cathedral Street, Thurles.

Cover Letter / Application Form and drawings attached separately. I will make contact on Monday to arrange payment by credit card.

I received advice on the required contents of this application from Ms Marion Carey on the 10th of October last.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Donal

Donal Ryan

Registered Architect

Architect Accredited in Conservation G3

Certified Passive House Designer

BA Arch(Hons), Pg Dip Arch, MRIAI, RIBA

P:0504 28850 M:086 8354336 E:donal@dhryan.ie

DH Ryan Architects, 1 Liberty Square, Thurles, Co. Tipperary





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: 4th November, 2024

Our Ref: S5/24/129

Civic Offices, Nenagh

Bernadette Lyons
C/O Donal Ryan
DH Architects
1 Liberty Square
Thurles
Co. Tipperary

Re: Application for a Section 5 Declaration – Change of use of existing preschool (sessional use) room for use as full day care service between 7:30am and 5pm, Monday to Friday at Busy Bees Preschool, Presentation Primary School, Room 1, Cathedral Street, Thurles, Co. Tipperary

Dear Ms Lyons,

I acknowledge receipt of your application for a Section 5 Declaration received on 4th November, 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 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.: S5/24/129

Applicant: Bernadette Lyons

Development Address: Presentation Primary School, Room 1, Cathedral Street, Thurles, Co. Tipperary

Proposed Development: Change of use from preschool l(sessional) room to full use as day service.

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Presentation Primary School, Room 1, Cathedral Street, Thurles, Co. Tipperary

Change of use from preschool(sessional) room to full use as day service. The service is to run from 7.30AM to 5PM Monday to Friday during the school term.

The area to which the Declaration relates is the northeastern end of the Presentation Primary School building, Thurles.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

and,

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

Section 3 (1) 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 4 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended.

Section 4(2)(a) of the same Act states that 'the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4(4) states that notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Article 5 (Interpretation for this Part) of the Planning and Development Regulations 2001, as amended, states

'school' has the meaning assigned to it by the Education Act 1998.

The Education Act 1998 under Section 2 (Interpretation) states;

"school" means an establishment which—

- (a) provides primary education to its students and which may also provide early childhood education, or
- (b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training, but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991;

3. ASSESSMENT

Site Location – The site comprises the Presentation Primary School, Cathedral St, Thurles.

Relevant Planning History –

PI Ref 20/649-Grant of permission for the existing gates and fencing around the astroturf pitch and the two shelters on the astro pitch. Planning permission for fencing and gates around the basketball courts and fencing and gates around the boundaries for security purposes and associated works, all at the Presentation Secondary Schools sports ground to the rear and side of the Presentation Primary School.

PI Ref 19600548- Permission granted to alter and extend school.

PI Ref 06/540046- Permission granted for a sports hall.

Assessment

A) "Is or is not Development"

It is considered that the proposed change from pre-school (sessional) to full day service use is not “development”. This is based on the consideration that the proposal is not a material change of use having regard to the characteristics of the site and nature and extent of use proposed.

A similar case was considered by An Bord Pleanala under RL 3443. This case related to a proposed change of a previous school building to use as an afterschool/montessori.

An Bord Pleanala concluded that the use of the building as a constitutes a change of use, but the change of use was not material having regard to the characteristics of the site, the site layout and to the character of development in the vicinity of the site.

This consideration has been previously accepted by Tipperary County Council under reference S5/23/87, S5/23/51, S5/20/70 and S5/19/51.

B) “Is or is not Exempted Development”

This consideration does not arise as the proposal does not constitute development.

C) “Restrictions to exemptions under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended”

None applicable.

Appropriate Assessment (AA):

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area,
- the consequent absence of a pathway to the European site,

It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

Tipperary County Council, in considering this Declaration had regard particularly to -

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- Article 5 the Planning and Development Regulations, 2001 as amended.
- Section 2 of the Education Act 1998
- The nature and extent of use proposed and planning history of the site

Tipperary County Council has concluded that –

The proposed development as presented on the drawings provided with the Declaration application, is not "**development**" within the meaning of the Planning and Development Act 2000, as amended.

A/Senior Executive Planner:  **Date:**20/11/2024

Senior Planner:  **Date** 22/11/2024

EIA PRE-SCREENING
Establishing a development is a 'sub-threshold development'

File Reference: S5/24/129

Development Summary: See Planners Report for development description

Was a Screening Determination carried out under Section 176A-C?

Yes, no further action required

No, Proceed to **Part A**

A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?
 (Tick as appropriate)

Yes, specify class _____

EIA is mandatory
No Screening required

No

Proceed to Part B

B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?
 (Tick as appropriate)

No, the development is not a project listed in Schedule 5, Part 2

No Screening required

Yes the project is listed in Schedule 5, Part 2 **and** meets/exceeds the threshold, specify class (including threshold):

EIA is mandatory
No Screening required

Yes the project is of a type listed **but** is *sub-threshold*:

Proceed to Part C

C. If Yes, has Schedule 7A information/screening report been submitted?

Yes, Schedule 7A information/screening report has been submitted by the applicant

Screening Determination required

No, Schedule 7A information/screening report has not been submitted by the applicant

Preliminary Examination required



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

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Thiobraid Árann,
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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: 25th November, 2024

Our Ref: S5/24/129

Civic Offices, Nenagh

Bernadette Lyons
C/O Donal Ryan
DH Architects
1 Liberty Square
Thurles
Co. Tipperary

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

Dear Ms Lyons,

I refer to your application for a Section 5 Declaration received on 4th November, 2024, in relation to the following proposed works:

Change of use from preschool I(sessional) room to full use as day service at Presentation Primary School, Room 1, Cathedral 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 –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- Article 5 the Planning and Development Regulations, 2001 as amended.
- Section 2 of the Education Act 1998
- The nature and extent of use proposed and planning history of the site

Tipperary County Council has concluded that –

The proposed development as presented on the drawings provided with the Declaration application, is not **"development"** within the meaning of the Planning and Development Act 2000, as amended

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

Geraldine Quinn
for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/129** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/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 Bernadette Lyons, C/O Donal Ryan, DH Architects, 1 Liberty Square, Thurles, Co. Tipperary re: Change of use from preschool I(sessional) room to full use as day service at Presentation Primary School, Room 1, Cathedral Street, Thurles, Co. Tipperary 17 Prior Park Hill, Clonmel, Co. Tipperary is not a development.

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- Article 5 the Planning and Development Regulations, 2001 as amended.
- Section 2 of the Education Act 1998
- The nature and extent of use proposed and planning history of the site

Tipperary County Council has concluded that –".

The proposed development as presented on the drawings provided with the Declaration application, is not "**development**" within the meaning of the Planning and Development Act 2000, as amended.

Signed:



Date: 25/11/2024

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