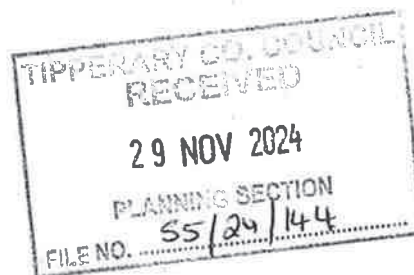




Comhairle Contae Thiobraid Árann
Tipperary County Council



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

**Application for a Section 5 Declaration
Development / Exempted Development**

1. Applicant's address/contact details:

Applicant	Joe Fewer
Address	
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	Liam Judge
Address	Beakstown, Thurles, Co. Tipperary
Telephone No.	086 8224069
E-mail	liam@lja.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:

Postal Address or Townland or Location (as may best identify the land or structure in question)	No.2 Liberty Square, 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 ground floor of the premises from its previous use as a retail shop to a hair salon
Proposed floor area of proposed works/uses: 46 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 yes	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s) liam judge

Date: 29/11/24

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.

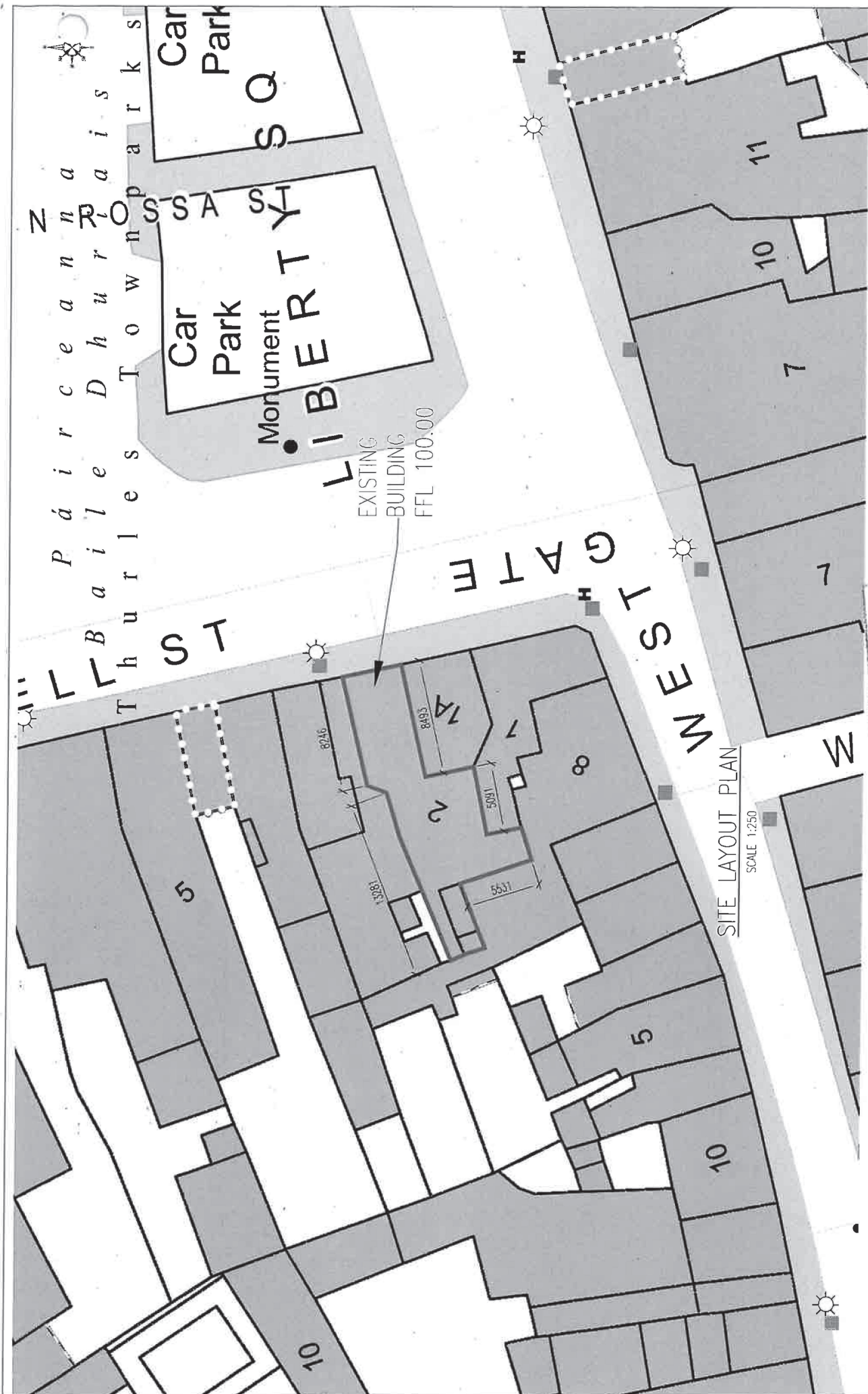
This application form and relevant fee should be submitted to:

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 CLONMEL/0/187551
Date 2/12/24
Received by Catherine Sheehy



Páirc na nAis
Baile na nAis
Thurles

Car Park
Monument
LIBERTY ST

EXISTING BUILDING
FFL 100.00

WEST GATE

SITE LAYOUT PLAN
SCALE 1:250

NOTE:
ALL MEASUREMENTS IN MILLIMETERS
ALL LEVELS RELATIVE TO LOCAL DATUM
SITE BOUNDARY OUTLINED IN RED
SITE AREA: 110m²

LEGEND:
— BOUNDARY
+ 99.18 DENOTES EXISTING LEVELS
DENOTES EXISTING BUILDINGS

RECEIVED
29 NOV 2024
PLANNING SECTION
FILE NO. 55/24/144

LJA Civil & Structural
Consulting Engineers
Liam Judge Associates Ltd.
Reekstown,
Thurles,
Co. Tipperary
T: 0504 8224089
E: liam@lja.ie

PROPOSED SITE
LAYOUT PLAN

Project Name	PROPOSED DEVELOPMENT AT NO. 2 LIBERTY SQUARE, THURLES, CO. TIPPERARY
Client	JOE FEWSTER
Drawn By	PLANNING
Checked By	PLANNING
Date	24/11/2024
Scale	1:250
Sheet No.	24/11/2024
PL	

Planning Pack Map



**Tailte
Éireann**

CENTRE COORDINATES:
ITM 612478.658610

PUBLISHED: 29/11/2024
ORDER NO.: 50437102_1

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

TIPPERARY CO. COUNCIL
RECEIVED

29 NOV 2024

PLANNING SECTION
55/24/144

COMPILED AND PUBLISHED BY:
Tailte Éireann
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

Any unauthorised reproduction infringes Tailte Éireann copyright.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

©Tailte Éireann, 2024.
All rights reserved.



612594

612361

658524

658524

LEGEND:
To view the legend visit www.tailte.ie and search for '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 www.tailte.ie, search 'Capture Resolution'

OUTPUT SCALE: 1:1,000

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

Thurlas Durlas
G a r r a i h i n
M h i c L é i t h i n
G a r r y v l i c h e n

Ryan, Siobhan Anne

From: Liam Judge <liam@lja.ie>
Sent: 29 November 2024 20:20
To: Planning Group
Subject: [External] Section 5 Application - No. 2 Liberty Square, Thurles.
Attachments: PL-001 - Proposed Site Layout Plan.pdf; PL-100 - Proposed Floor Plans & Elevations.pdf; Site Location Map.pdf; Section 5 Declaration.pdf

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.

Sirs,

Please see attached Section 5 application in relation to a premises at No.2 Liberty Square, Thurles.
We shall pay the €80 fee on Monday through the cash desk.

Kind Regards

Liam Judge B.Eng(Hons), MIEI

Liam Judge Associates Ltd

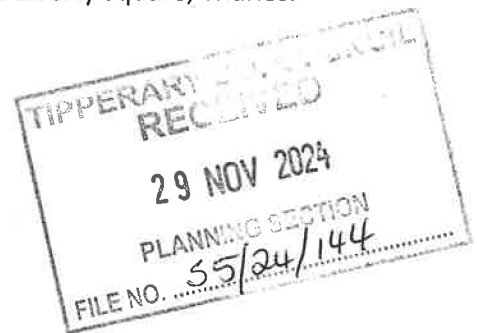
Beakstown, Thurles, Co. Tipperary

E41 E304

T: 0504 43491

M: 086 8224069

W: www.lja.ie



LJA Civil & Structural
Consulting Engineers
Liam Judge Associates Ltd.

 **ENGINEERS
IRELAND**

The information contained in this email and in any attachments is confidential and is designated solely for the attention and use of the intended recipient(s). This information may be subject to legal and professional privilege. If you are not an intended recipient of this email, you must not use, disclose, copy, distribute or retain this message or any part of it. If you have received this email in error, please notify the sender immediately and delete all copies of this email from your computer system(s). Reasonable precautions have been taken to ensure that this e-mail has been swept for viruses, however Liam Judge Associates Ltd do not accept liability for any related loss or damage that may result as a consequence of this transmission



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
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 3rd December, 2024 Our Ref: S5/24/144 Civic Offices, Nenagh

Joe Fewer
C/O Liam Judge
Beakstown
Thurles
Co. Tipperary

Re: Application for a Section 5 Declaration – Change of use of ground floor of the premises from its previous use as a retail shop to a hair salon at No 2 Liberty Square, Thurles, Co. Tipperary.

Dear Mr Fewer,

I acknowledge receipt of your application for a Section 5 Declaration received on 2nd Decembr, 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.: S5/24/144

Applicant: Joe Fewer

Development Address: 2 Liberty Square, Thurles, Co. Tipperary

Proposed Development: Change of use of ground floor of the premises from its previous use as a retail shop to a hair salon.

1. GENERAL

On 29.11.2024 a request was made 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:

Change of use of ground floor of the premises from its previous use as a retail shop to a hair salon.

No physical alterations are required to the building layout and the proposal relates to a change of use only. The stated area of the ground floor is 46sqm

2. SITE VISIT PHOTOGRAPH



Figure 1: Photograph taken on 05.12.2024 showing premises closed

3. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended:

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.

Planning and Development Regulations 2001, as amended:

Article 6 of the Planning and Development Regulations 2001,

Article 6, as amended states in relation to Exempted Development.

6. (1) 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 10 of the Planning and Development Regulations 2001, as amended

Article 10 provides an exemption for development which consists of a change of **use within any one of the classes of use specified in Part 4 of Schedule 2**, 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

Schedule 2, Part 1 ‘Exempted Development - General:

Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended sets out planning exemptions of changes of use. There is no exemption under this Class for the change of use from a retail shop to a hairdresser.

Schedule 2, Part 4 ‘Exempted Development – Classes of Use:

Class 1: Use as a shop

Definition of “shop” as defined under Article 5(1) of the P & D Regulations, 2001 as amended includes use for (a) the retail sale of goods and (e) hairdressing.

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 8: Use (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),

4. ASSESSMENT

a. Site Location

The site is located at 2 Liberty Square, Thurles, Co. Tipperary

b. Relevant Planning History

84540971 – Planning permission granted on 20/10/1984 for change of ground floor to opticians

S5.24.121 – Change of use from residential to commercial use as tattoo parlour/beauty salon (application relates to first floor)

c. Assessment

A) “Is or is not Development”

It is noted that planning permission was granted for the change of use of the building as an opticians under planning reference 84540971, however it is not clear if this change of use was ever invoked.

It is noted from images available on Google Streetview that the property was operating as a shop (Longs Newsagents) for a significant period, from at least 2009-2011, and possibly until 2018 (although images show the name over the door, the shop appears not to be operational at this time). It is noted that the premises was operating as a 'Brow and Lash Clinic' in 2022, although it appears same was without the benefit of planning permission.



2009 Google Streetview Image. Premises operating As Longs Newsagents.



2018 Google Streetview Image. Premises operating As Longs Newsagents.



**Brennan's Stationery and Tobacco Shop, 2 Liberty Square, Thurles, Co. Tipperary
Historic image of 2 Liberty Square as a Shop.**

Class 1, Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended) is relevant. Under this class it is considered that the change of use from a shop to a hairdressers would not be a material change of use, (both fall under definition of a shop as set down under the Planning and Development Regulations 2001 as amended) and therefore would not be considered 'development' within the meaning of the Planning and Development act 2000, as amended

B) "Is or is not Exempted Development"

N/a as the proposal is not development.

C) Restrictions under Article 9

N/a as no exemption under Article 6 confirmed.

D) Environmental Assessments

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

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

A question has arisen as to whether the following is development and is or is not exempted development;

Change of use of ground floor of the premises from its previous use as a retail shop to a hair salon.

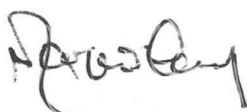
Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6,9 and 10 of the Planning and Development Regulations 2001, as amended.

Tipperary County Council has concluded that –

The proposed development as presented on the details and drawings provided with the Declaration application Is not "**Development**".

District Planner:



Date: 6/1/2025

A/Senior Executive Planner:



Date: 06.1.2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S/24/144
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/a

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	<u>Lower River Suir SAC</u> <u>National Parks & Wildlife Service</u>	Within 10km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition 	None.

<ul style="list-style-type: none"> • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
--	--

<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None.
--	-------

In-combination/Other	None.
----------------------	-------

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None.
---	-------

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement


The assessment of significance of effects:
 Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

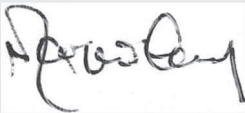
On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a

significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:		Date: 6/1/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:		S5/24/144	
Development Summary:		As per planners report	
Was a Screening Determination carried out under Section 176A-C?		<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> 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)			
<input type="checkbox"/> Yes, specify class _____		EIA is mandatory No Screening required	
<input checked="" type="checkbox"/> 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)			
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		No Screening required	
<input type="checkbox"/> 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	
No, the project is not of a type listed but is <i>sub-threshold</i>:		Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required	
Signature and Date of Recommending Officer:			Date: 6/1/2025

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/44** **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. 40781 dated 2nd January, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Joe Fewer, C/o Liam Judge, Beakstown, Thurles, Co. Tipperary re: change of use of ground floor of the premises from its previous use as a retail shop to a hair salon at No. 2 Liberty Square, Thurles, Co. Tipperary is not 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 6,9 and 10 of the Planning and Development Regulations 2001, as amended.

Tipperary County Council has concluded that the proposed development as presented on the details and drawings provided with the Declaration application is **not "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: 06/01/2025



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
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 6th January, 2025

Our Ref: S5/24/144

Civic Offices, Nenagh

Joe Fewer,
C/o Liam Judge,
Beakstown,
Thurles, Co. Tipperary.

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

Dear Mr. Fewer,

I refer to your application for a Section 5 Declaration received on 29th November, 2024 and the 2nd December 2024, in relation to the following proposed works:

**change of use of ground floor of the premises from its previous use as a
retail shop to a hair salon at No. 2 Liberty Square, 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, 9 and 10 of the Planning and Development Regulations 2001, as amended.

Tipperary County Council has concluded that the proposed development as presented on the details and drawings provided with the Declaration application is **not "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**

