

COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
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Aisling Walsh
C/O Architects Workshop Ltd
Suite 1
Harcourt Street
Dublin
D02 H364

 August 2024

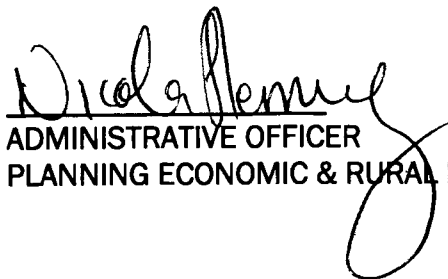
RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) - EX71/2024 - Aisling Walsh

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

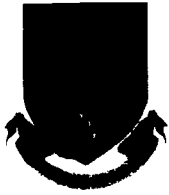
Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

The submitted drawings indicate various works to the existing building and its curtilage. These works were not referenced on the application form submitted as part of the Section 5 Declaration Details and therefore could not be considered as part of the Section 5 Declaration. However, the Planning Authority is of the view that these works would require planning permission.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT





COMHAIRLE CONTAE CHILL Mhantáin Wicklow County Council

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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Aisling Walsh

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1091

Section 5 Declaration as to whether “the use of the Parochial Hall, Novara Avenue, Bray, Co. Wicklow for pre-school and childcare use” constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

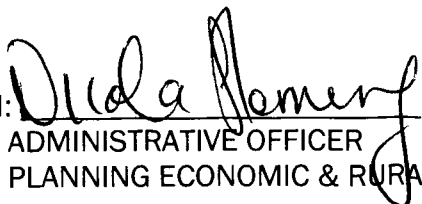
Having regard to:

- The details submitted with this Section 5 Application on the 09/08/2024.
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- Article 10, Part 2 and Schedule 2, Part 4 and Article 11 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- Having regard to the nature of the uses involved, it is considered that the proposed childcare/pre-school use would constitute a material change of use of the building from the existing established use as a parochial hall.
- The existing established use of the Hall would fall under Class 10(d) ‘public hall’ or Class 10(f) ‘social or community centre’, according to Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended).
- Uses described as ‘childcare’ and ‘pre-school’ would fall under Class 8 (b) and (c) respectively, according to Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended).
- Based on the documentation submitted and planning history of the site, there is no evidence to suggest that the Hall was in Class 8 use at the time of commencement of the Local Government (Planning and Development) Act 1963 or that planning permission has been granted for any change of use of the hall.
- Having regard to Article 10 of the Planning and Development Regulations 2001 (as amended), the change of use from ‘public hall’ or ‘social/community centre’ (Class 10 (d) and (f)) to ‘crèche/day nursery’ (Class 8 (b) & (c)) is not exempted development.

The Planning Authority considers that “the use of the Parochial Hall, Novara Avenue, Bray, Co. Wicklow for pre-school and childcare use” **is development and is NOT exempted development**

Signed: 
ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 29th August 2024



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1091

Reference Number: EX71/2024

Name of Applicant: Aisling Walsh

Nature of Application: Section 5 Declaration request as to whether or not: -
"the use of the Parochial Hall, Novara Avenue for pre-school and childcare use" is or is not development and is or is not exempted development.

Location of Subject Site: Parochial Hall, Novara Avenue, Bray, Co. Wicklow

Report from Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the use of the Parochial Hall, Novara Avenue, Bray, Co. Wicklow for pre-school and childcare use" is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- a) The details submitted with this Section 5 Application on the 09/08/2024.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Article 10, Part 2 and Schedule 2, Part 4 and Article 11 of the Planning and Development Regulations 2001 (as amended).

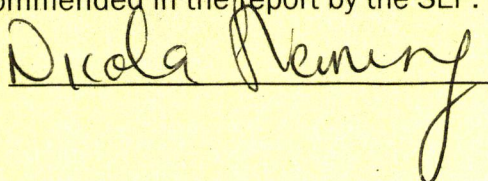
Main Reason with respect to Section 5 Declaration:

- i. Having regard to the nature of the uses involved, it is considered that the proposed childcare/pre-school use would constitute a material change of use of the building from the existing established use as a parochial hall.
- ii. The existing established use of the Hall would fall under Class 10(d) 'public hall' or Class 10(f) 'social or community centre', according to Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended).
- iii. Uses described as 'childcare' and 'pre-school' would fall under Class 8 (b) and (c) respectively, according to Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended).
- iv. Based on the documentation submitted and planning history of the site, there is no evidence to suggest that the Hall was in Class 8 use at the time of commencement of the Local Government (Planning and Development) Act 1963 or that planning permission has been granted for any change of use of the hall.
- v. Having regard to Article 10 of the Planning and Development Regulations 2001 (as amended), the change of use from 'public hall' or 'social/community centre' (Class 10 (d) and (f)) to 'crèche/day nursery' (Class 8 (b) & (c)) is not exempted development.

Recommendation:

The Planning Authority considers that "the use of the Parochial Hall, Novara Avenue, Bray, Co. Wicklow for pre-school and childcare use" is development and is NOT exempted development as recommended in the report by the SEP.

Signed



Dated 29th day of August 2024

ORDER:

I HEREBY DECLARE:

That "the use of the Parochial Hall, Novara Avenue, Bray, Co. Wicklow for pre-school and childcare use" is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: _____

Senior Engineer

Planning, Economic & Rural Development

Dated 29th day of August 2024



WICKLOW COUNTY COUNCIL
Planning Department

Section 5 – Application for declaration of Exemption Certificate

Ref:	EX 71/2024
Name:	Ms Aisling Walsh
Development:	Continued use of Parochial Hall for Pre School and Childcare
Location:	Parochial Hall, Novara Avenue, Bray, Co. Wicklow

Application Site

The site comprises of an existing parochial hall and its curtilage, which is located on the southern side of Novara Avenue. There is an existing laneway (not adopted) to the west and south of the site. The surrounding area is predominantly residential, though Bray Main Street is nearby to the west and the Civic Centre is in close proximity to the south.

Planning History

99/630185 - Planning application submitted by 'The Trustees and Select Vestry of Christ Church Bray' on the 29th of July 1999 for planning permission to "change the use of part of the land surrounding the Parochial Hall, Novara Avenue Bray to a car parking area to provide 32 parking spaces for renting to the public and incorporating a new vehicular entrance from Novara Avenue". On the planning application form it is advised that there are no previous planning applications for this site and that applicant is not a different party to the site owner. A notification to grant planning permission was issued by Bray Urban District Council on the 22nd of September 1999. That decision became the subject of a first party appeal to An Bord Pleanála [appeal ref-PL 39.11668]. The outcome of that appeal was a refusal of planning permission by An Bord on the 18th of February 2000.

Enforcement: No active enforcement file on the site.

Zoning and designations

Zoned TC 'Town Centre' in the Bray MD LAP 2018

Register of Protected Structures: RPS No. B61 (Bray Parochial Hall including detached house)

Register of Protected Structures: Nos. 1-11 Alexandra Terrace (RPS no. B57) adjacent to the east

NIAH description (Ref. no 16301180):

Detached five-bay single-storey parochial hall, built in 1886 to a design by T. Phillips Figgis. The hall is constructed in red brick with projecting string courses, buttresses and a squared granite rubble base. The foot print is roughly L-shaped. The panelled front door is recessed within a Gothic-arched opening which is set in a projecting gabled porch. Directly over is a triple lancet window. Other window openings have segmental-arched heads with paired or triple arched timber frames; the wing to the west side has flat-headed window openings with fixed four pane timber frames. To the crux of the L is a two-stage broach tower with an octagonal-based slated roof which incorporates an open bell-cote. The pitched roof is finished with rosemary tiles with cast-iron rainwater goods; there is a small fleche to the centre of the ridge. The building faces the road and is slightly set back behind a tall hedge with square brick gate pillars with 'gablet' caps.

Listed as being of Regional importance.

Question

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

“Applicant seeks confirmation of the following from Wicklow County Council. This planned use of the Hall would be a continuing usage of the hall from before the commencement of the Planning and Development Acts. In addition, the use would not only be consistent with the use of the Hall since before the commencement of the Planning and Development Acts to the present day but would also not be a material change in Planning terms. That is, it would not change the ‘planning effects’ of the existing continuous use with respect to residential amenity, traffic safety or congestion etc. Thus, the proposed usage does not require planning permission, as it is a continuing use from before the commencement of the Planning and Development Acts and is not materially different to previous such uses.”

It is considered that the question to which this section 5 declaration relates can be summarised as follows:

“Whether the use of the Parochial Hall, Novara Avenue for pre-school and childcare use is or is not development; and is or is not exempted development”

Note: The submitted plans indicate works to the existing structure, as follows:

Building

- Demolition of existing internal walls and steps
- Fire rating added to internal walls
- New fire exit door opening to external play area on south side of structure
- New internal partition walls
- Installation of new services (WCs, kitchen sinks etc)
- Basement access blocked up
- New fixed furniture (storage cabinets)

External

- Retention of container to east of structure
- Outdoor play area (130sqm) to rear of structure comprising of decking (0.447m height) with artificial grass finish
- Parking area for 2no. cars
- Footpath along eastern side of structure
- Gate to outdoor play area (attached to protected structure)
- External lighting attached to protected structure
- Fibrecement wall and handrail to ramp to western side of structure
- Planter box adjacent to ramp
- Handrail to entrance on east elevation of protected structure
- Canopy to outdoor play area, attached to protected structure

Legislative Context:

Planning and Development Act 2000 (as amended)

Section 2(1) of the Act states the following in respect of the following:

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situated,
- (b) in relation to a protected structure or proposed protected structure, includes—
 - (i) the interior of the structure,
 - (ii) the land lying within the curtilage of the structure,
 - (iii) any other structures lying within that curtilage and their interiors, and
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

‘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.”

“protected structure” means—

- (a) a structure, or
- (b) a specified part of a structure,

which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition;

“protection”, in relation to a structure or part of a structure, includes conservation, preservation and improvement compatible with maintaining the character and interest of the structure or part;

Section 3(1) of the Act states the following in respect of ‘development’:

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

Section 4 sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

Section 4(1)(h): *“Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”*

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

S57. (1) Notwithstanding *section 4(1)(a), (h), (i), (ia), (j), (k), or (l)* and any regulations made under *section 4(2)*, the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

- (a) the structure, or
- (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Planning and Development Regulations 2001 (as amended).

Part 2, Exempted Development

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations.

Article 9(1) (a) and (b) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

- (a) if the carrying out of such development would—
 - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
 - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
 - (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,
 - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Article 10 -Changes of Use

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 exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Article 11. Saver for certain development.

Development commenced prior to the coming into operation of this Part and which was exempted development for the purposes of the Act of 1963 or the 1994 Regulations, shall notwithstanding the repeal of that Act and the revocation of those Regulations, continue to be exempted development for the purposes of the Act.

Schedule 2: Part 4 Exempted Development –Classes of Use

CLASS 7

Use—

- (a) for public worship or religious instruction,
- (b) for the social or recreational activities of a religious body,
- (c) as a monastery or convent.

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),
- (b) as a crèche,
- (c) as a day nursery,
- (d) as a day centre.

CLASS 10

Use as—

- (a) an art gallery (but not for the sale or hire of works of art),
- (b) a museum,
- (c) a public library or public reading room,
- (d) a public hall,
- (e) an exhibition hall,
- (f) a social centre, community centre or non-residential club, but not as a dance hall or concert hall.

County Development Plan 2022-2028

Objective CPO 8.13 - To ensure the protection of all structures, items and features contained in the Record of Protected Structures.

Bray MD LAP 2018

AH1 To ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.

Assessment:

The submitted documentation includes 2no. letters relating to the use of the hall, as follows:

- 1) a letter from George Wilkin, member of the Select Vestry of Christ Church Bray since 1973 and involved with the running of the Parochial Hall. The letter states:
 - Hall operating since 1886, for multiple uses
 - Since 1973 used for drama, dancing, concerts, Feis Ceoil, dance classes, indoor sports, mother and baby groups, preschools, kindergarten, meetings, club uses, etc
 - Similar uses understood to have been ongoing for decades prior

- 2) A letter from Desmond O'Brien, Consulting Engineer and Planner. The letter states:
 - On the basis of the statement of George Wilkin, together with sample press cutting from the 1950s, and a synopsis of the registers dating from the 1990s, satisfied that there have been multiple uses of the Hall since before the commencement of the 1963 Planning and Development Act in October 1964, including for tuition of children from preschool upwards
 - Such uses not abandoned
 - The planned use of the hall would be a continuing usage of the hall from before the commencement of the Planning and Development Acts.
 - The use would not be a material change in Planning terms i.e. would not change the 'planning effects' of the existing continuous use with respect to residential amenity, traffic safety or congestion etc.

Note: press cuttings and synopsis of registers stated to be enclosed in Letter 2 are not on file.

The query seeks confirmation that the planned use of the Hall for pre-school and childcare use would be exempted development. It is stated that the planned use would be a continuation of the use of the hall from before the commencement of the Planning and Development Acts and, in addition, that it would not constitute a material change of use.

The first question to be asked is whether the use as pre-school and childcare use would result in a change of use and would that change of use be material. As noted above, there are no planning permissions relating to the site.

Having regard to the 2no. letters submitted with the application providing a description of the use of the building, it is noted that the building has been in use in recent decades for a mixture of community uses. In terms of a comparison between the existing/recent and proposed uses, the following is noted:

- a childcare/pre-school facility generally operates during set hours, during the daytime, 5 days a week, whereas a community hall typically has activities scheduled during the daytime and evening, usually for shorter periods and often adhoc or for a limited period. The pattern of use for childcare/pre-school would likely be different to the recent use of the site

- a childcare/pre-school facility will generate 'peak' times for trips, usually drop-off in the morning and collection in the early afternoon. The facility is stated to accommodate 55no. child places, and would likely result in a noticeable impact in terms of vehicles/pedestrians arriving/departing and the demand for parking on street at these times. It would not appear that there is space within the site for drop off and collection to serve a 55no. child place facility.

Consequently, it is considered that the proposed childcare/pre-school use (of 55.no child capacity) would constitute a material change of use from the existing established use as a parochial hall. Therefore, the proposed change of use is development.

The submitted description of the recent use of the building would suggest that the structure has been in use as a 'public hall' or 'social/community centre', falling within Class 10(d) and Class 10(f), respectively, of Schedule 2: Part 4 Exempted Development of the Planning Regulations 2001 (as amended). 'Creche' and 'day nursery' are uses falling within Class 8 of Schedule 2: Part 4 and are considered to include 'childcare and pre-school' use. Article 10 of the Planning Regulations provides for changes of use within the same class only and not between classes.

It is also noted that 'creche/day nursery' and 'public hall/social centre/community centre' were listed in separate classes of use under the Local Government (Planning and Development) Act 1963 (Exempted Development) Regulations 1964 and subsequent regulations and that a change of use between classes constituted development which was not exempted development under those and subsequent Regulations.

There is limited evidence to show what the use of the site was at the time of commencement of the Planning and Development Act 1963, however the statement of Mr. Wilkin indicates that it was used for a mix of community type uses since before 1963. In any case, there is no evidence to suggest that the Hall was in Class 8 use prior to the commencement of the Planning Acts.

It is further noted that the submitted drawings include a number of works, including demolition of internal walls, creation of new door opening, installation of services etc to a protected structure, which would not be exempted development. Consequently, if a change of use within the same use class were proposed, it would not be exempted development under Article 10(a).

Conclusion

The Section 5 declaration application seeks an answer with respect to the following question i.e.:

"Whether the use of the Parochial Hall, Novara Avenue for pre-school and childcare use, is or is not development, and is or is not exempted development"

Having regard to the foregoing assessment, and to the definition of 'development' as set out in Section 3 of the Planning and Development Act 2000 (as amended), I consider that the proposed use of the site for 'pre-school/childcare use' involves a material change of use to the existing building and land and therefore constitutes development.

Having regard to Article 10 of the Planning and Development Regulations 2001 (as amended), the change of use from public hall/social-community centre (Class 10 d/f) to crèche/day nursery (Class 8 b/c) is not exempted development.

RECOMMENDATION

On the basis of the above I consider the following Declaration should issue:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether:

“the use of the Parochial Hall, Novara Avenue for pre-school and childcare use, is or is not development, and is or is not exempted development”

The Planning Authority considers that:

“the use of the Parochial Hall, Novara Avenue for pre-school and childcare use, is development, and is not exempted development”

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with this Section 5 Application on the 09/08/2024.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Article 10, Part 2 and Schedule 2, Part 4 and Article 11 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i) Having regard to the nature of the uses involved, it is considered that the proposed childcare/pre-school use would constitute a material change of use of the building from the existing established use as a parochial hall.
- ii) The existing established use of the Hall would fall under Class 10(d) ‘public hall’ or Class 10(f) ‘social or community centre’, according to Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended).
- iii) Uses described as ‘childcare’ and ‘pre-school’ would fall under Class 8 (b) and (c) respectively, according to Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended).
- iv) Based on the documentation submitted and planning history of the site, there is no evidence to suggest that the Hall was in Class 8 use at the time of commencement of the Local Government (Planning and Development) Act 1963 or that planning permission has been granted for any change of use of the hall.
- v) Having regard to Article 10 of the Planning and Development Regulations 2001 (as amended), the change of use from ‘public hall’ or ‘social/community centre’ (Class 10 (d) and (f)) to ‘crèche/day nursery’ (Class 8 (b) & (c)) is not exempted development.

I recommend that the applicant be informed accordingly.

Note: please add the following note to the applicant within the covering letter enclosing the Planning Authority’s decision:

The submitted drawings indicate various works to the existing building and its curtilage. These works were not referenced on the application form submitted as part of the Section 5 Declaration Details and therefore could not be considered as part of the Section 5 Declaration. However, the Planning Authority is of the view that these works would require planning permission.



Suzanne White SEP
28/08/2024

Issue declaration is amended
by J. May 2nd
29/08/24



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

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Suíomh / Website: www.wicklow.ie

12th August 2024

Ms Aisling Walsh
c/o Architects Workshop Ltd
Suite 1,
20 Harcourt Street,
DUBLIN D02 H364

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX71/2024 – Ms. Aisling Walsh

A Chara

I wish to acknowledge receipt on 09/08/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 06/09/2024

Mise, le meas

Peggy King
Assistant Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

08/08/2024 15 26 28

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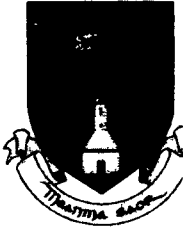
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**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

- (a) Name of applicant: Ms. Aisling Walsh
Address of applicant: Little Bunnies Pre-school and childcare, Parochial Hall,
Novara Avenue, Bray, Co. Wicklow, A98EK71.

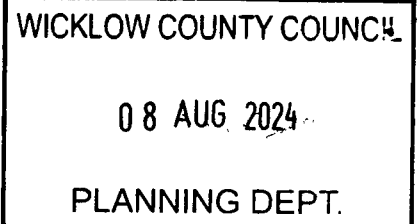
Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) Mr. Olan Crowley (Architects Workshop
Limited)

Address of Agent: Suite 1, 20 Harcourt street, Dublin 2, D02H364.

Note Phone number and email to be filled in on separate page.



3. Declaration Details

- i. Location of Development subject of Declaration: Parochial Hall, Novara Avenue,

Bray, Co. Wicklow, A98EK71.

- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier. N/A

- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration.

Applicant seeks confirmation of the following from Wicklow County Council.

This planned use of the Hall would be a continuing usage of the hall from before the commencement of the Planning and Development Acts. In addition, the use would not only be consistent with the use of the Hall since before the commencement of the Planning and Development Acts to the present day but would also not be a material change in Planning terms. That is, it would not change the 'planning effects' of the existing continuous use with respect to residential amenity, traffic safety or congestion, etc. Thus, the proposed usage does not require planning permission, as it is a continuing use from before the commencement of the Planning and Development Acts and is not materially different to previous such uses.

Additional details may be submitted by way of separate submission.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration:
As stated above the use for Pre School and Childcare is an established use for the hall and is there for a non-material change of use.

Additional details may be submitted by way of separate submission.

- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? Yes, Reference Number -B61.
- vii. List of Plans, Drawings submitted with this Declaration Application
See attached schedule

viii. Fee of € 80 Attached ? Yes, AWL cheque for 80.00

Signed :  Dated : 8th August 2024

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.


B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.

- 
- Gross floor area of the farm structure
 - Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
 - Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

Desmond O'Brien
Consulting Engineer and Planner

To Whom It May Concern


Re: Usage of The Parochial Hall, Novara Avenue Bray as a sessional Montessori School for
55 Participants

On the basis of the statement of George Wilkin, who has been involved with the running of this Hall since 1973 as an ongoing member of the Select Vestry, and his first hand recollections of older colleagues at the time stretching back several decades, together with sample press cutting from the 1950s, and a synopsis of the registers dating from the 1990s (all attached hereto), all of which have been presented to me, I am satisfied that there have been multiple uses of this Hall since before the commencement of the 1963 Planning and Development Act in October 1964, including for tuition of children from preschool upwards.

I have visited the Hall, and such uses have not been abandoned, as in supplanted by any other authorised or unauthorised uses, since the Hall has become less active.

In my opinion this planned use of the Hall would be a continuing usage of the hall from before the commencement of the Planning and Development Acts. In addition the use would not only be consistent with the use of the Hall since before the commencement of the Planning and Development Acts to the present day, but would also not be a material change in Planning terms. That is, it would not change the 'planning effects' of the existing continuous use with respect to residential amenity, traffic safety or congestion, etc.

Thus, in my opinion, the proposed usage does not require planning permission, as it is a continuing use from before the commencement of the Planning and Development Acts, and is not materially different to previous such uses.


Desmond O'Brien

14/3/2024

EX 71/2024

George Wilkin
1 Roselawn Drive
Boghall Rd
Bray
Co Wicklow

12th March 2024

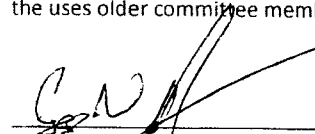
Re: Parochial Hall, Novara Avenue

To Whom It May Concern

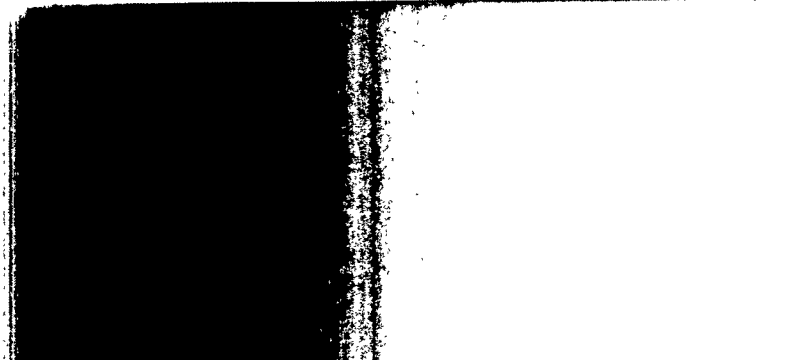
I, *George Wilkin*, age 70 years have been involved with the running of the Parochial Hall as a member of the Select Vestry of Christ Church Bray since 1973.

As far as I know the Parochial Hall has been operating since 1886 and has had multiple uses on an ongoing basis since then. In my time it was used for drama, dancing, concerts, Feis Ceoil, dance classes, indoor sports of a variety of codes, mother and baby groups, pre schools, kindergarten, meetings, club uses, etc. In fact any uses that the parish or the wider community or community focussed businesses sought, were accommodated. In my conversations with older committee members when I first became involved, it was clear that similar uses had been ongoing in their experience for several decades before that, and probably since the Hall was established.

I am also aware of the activities in the 1990s and 2000s, and the list of activities the hall was used from since then are consistent with the uses made of the Hall when I was active, and consistent with the uses older committee members had previously related.



George Wilkin



MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Suzanne White
SEP**

**FROM: Peggy King
Assistant Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX71/2024**

I enclose herewith application for Section 5 Declaration received completed on 09/08/2024.

The due date on this declaration is 06th September 2024.



**Assistant Staff Officer
Planning, Economic & Rural Development**

Planning Pack Map



Tailte Éireann



CENTRE COORDINATES:
ITM 726392,718519

PUBLISHED: 22/10/2023
ORDER NO.: 50364022_1

MAP SERIES: 1:1,000
MAP SHEETS: 3568-13, 3568-14

COMPILED AND PUBLISHED BY:
National Mapping Division of Tailte Éireann,
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Dublin 8,
Ireland.
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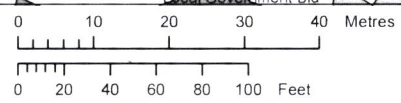
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OUTPUT SCALE: 1:1,000

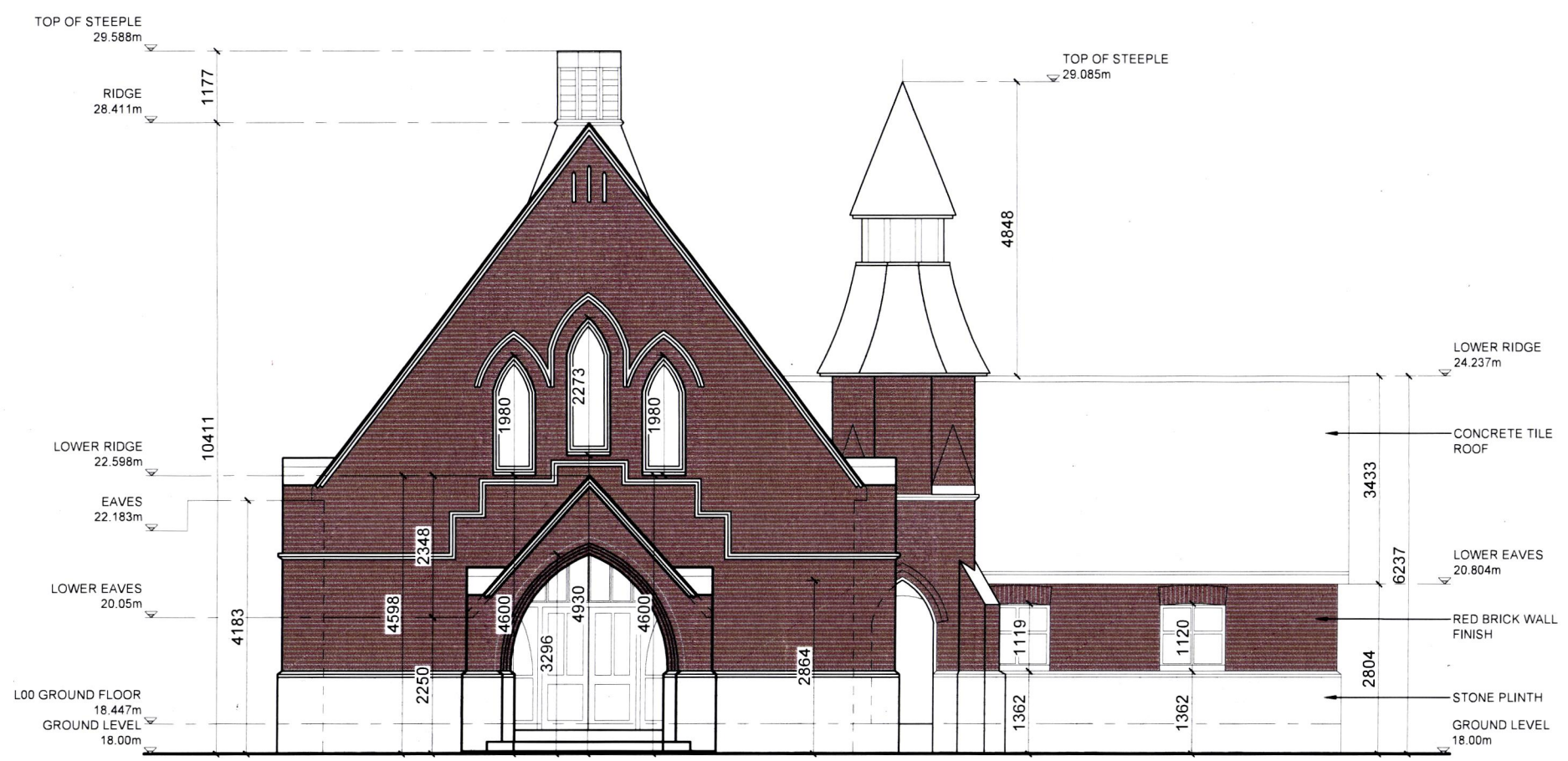
CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at www.osi.ie, search 'Capture Resolution'

LEGEND:
To view the legend visit www.osi.ie and search for 'Large Scale Legend'



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Rev	Date	Description	Rev	Date	Description
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EXISTING FRONT (NORTH) ELEVATION
Scale 1:100 @ A3



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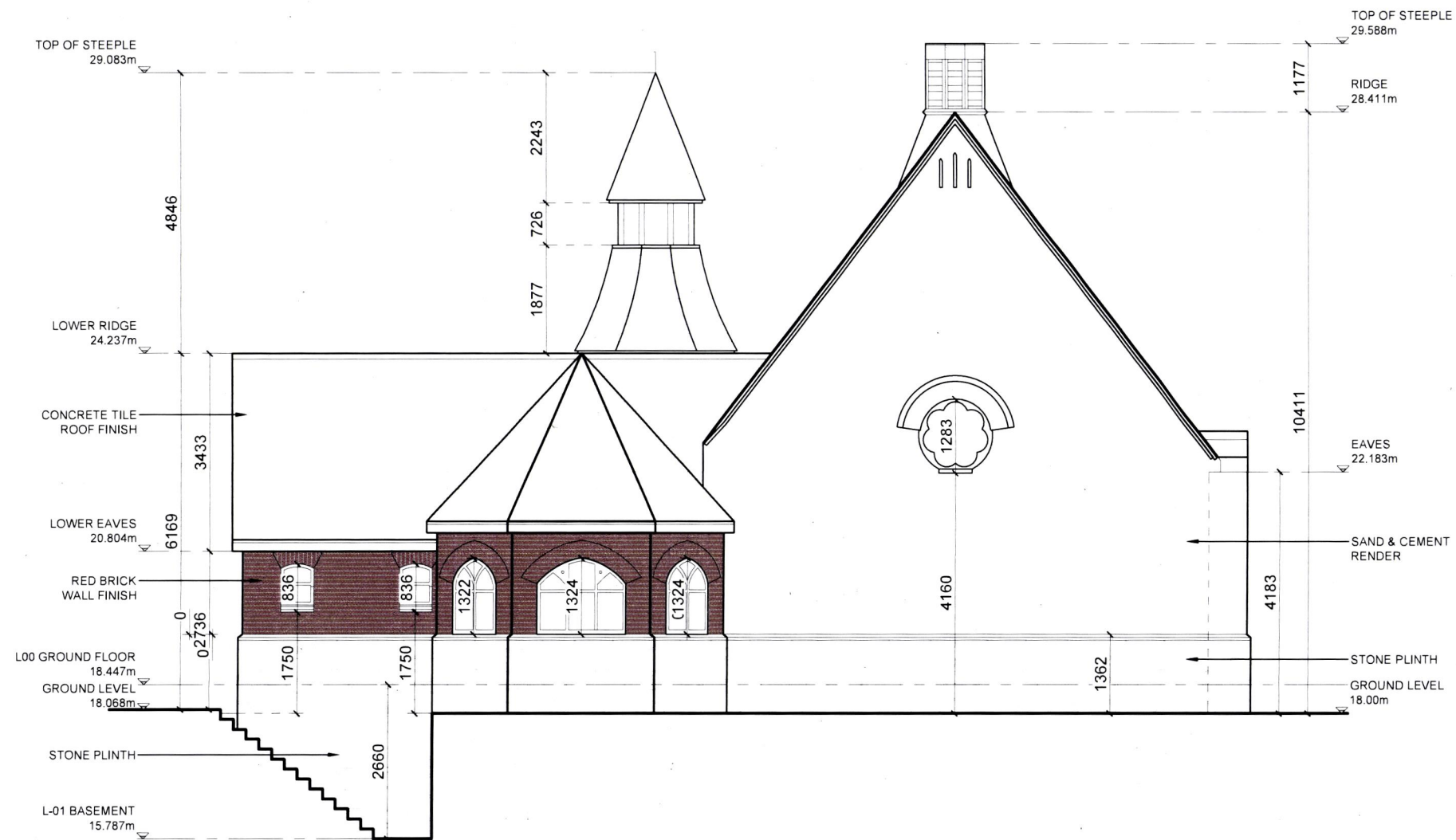
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Drawing Title		Drawing No.	Revision
Existing Front (North) Elevation		2-0-00	-
Project		Scale	Checked By
Parochial Hall, Bray, Co. Wicklow		1:100 @ A3	OC
Client		Date	Drawn By
Aisling Walsh, Little Bunnies, Pre-School		July 2024	KK
		Project No.	Status
		23-81	Construction
			Phase
			1

Drawing No.	Revision
2-0-00	-
Scale	Checked By
1:100 @ A3	OC
Date	Drawn By
July 2024	KK
Project No.	Status
23-81	Construction
	Phase
	1

Rev	Date	Description	Rev	Date	Description
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EXISTING REAR (SOUTH) ELEVATION
Scale 1:100 @ A3

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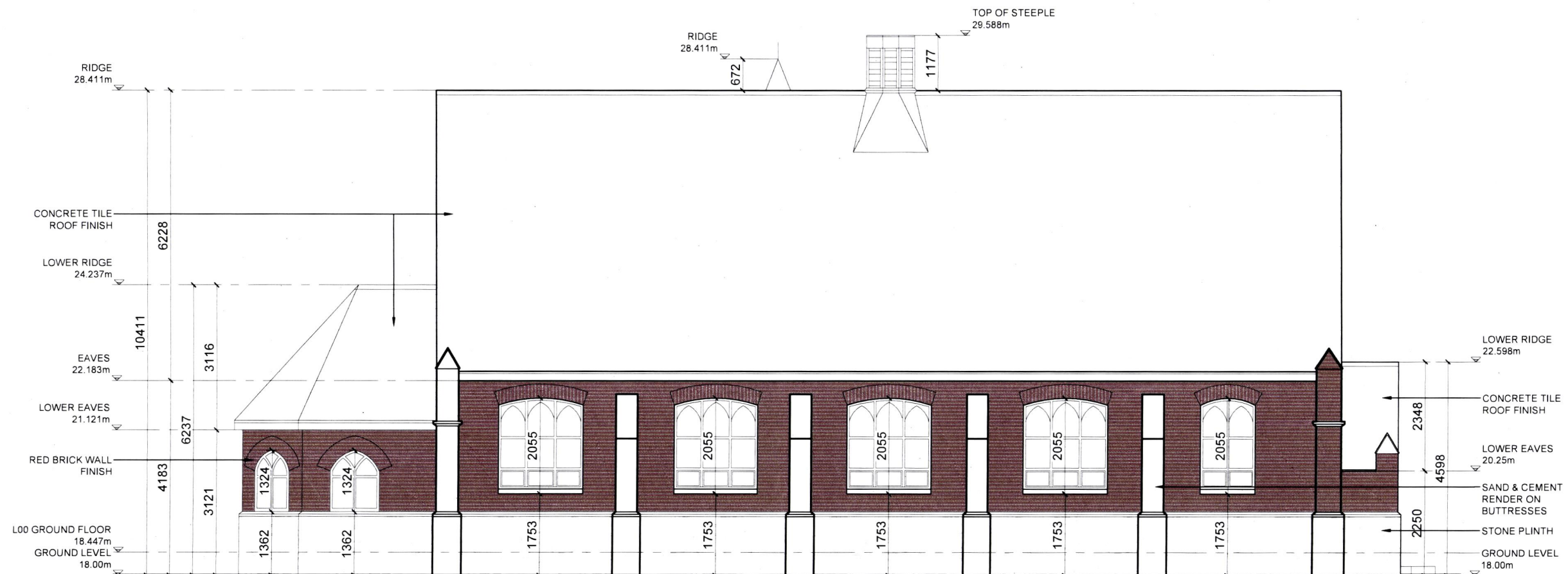
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Drawing Title	Existing Rear (South) Elevation
Project	Parochial Hall, Bray, Co. Wicklow
Client	Aisling Walsh, Little Bunnies, Pre-School

Drawing No.	2-0-01	Revision	-
Scale	1:100 @ A3	Checked By	OC
Date	July 2024	Drawn By	KK
Project No.	23-81	Status	Construction
		Phase	1

Rev	Date	Description	Rev	Date	Description
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EXISTING SIDE (EAST) ELEVATION
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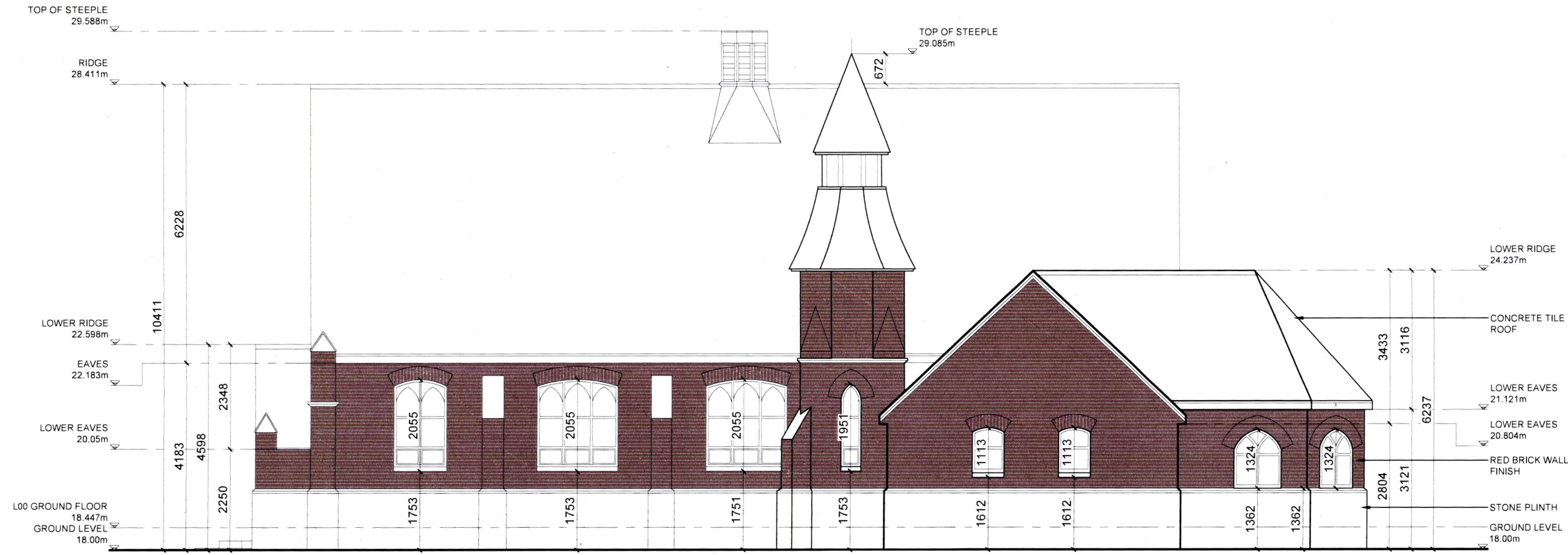
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Drawing Title	Existing Side (East) Elevation	
Project	Parochial Hall, Bray, Co. Wicklow	
Client	Aisling Walsh, Little Bunnies, Pre-School	

Drawing No.	2-0-02	Revision	-
Scale	1:100 @ A3	Checked By	OC
Date	July 2024	Drawn By	KK
Project No.	23-81	Status	Construction
		Phase	1

Rev	Date	Description	Rev	Date	Description
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EXISTING SIDE (WEST) ELEVATION
Scale 1:100 @ A3

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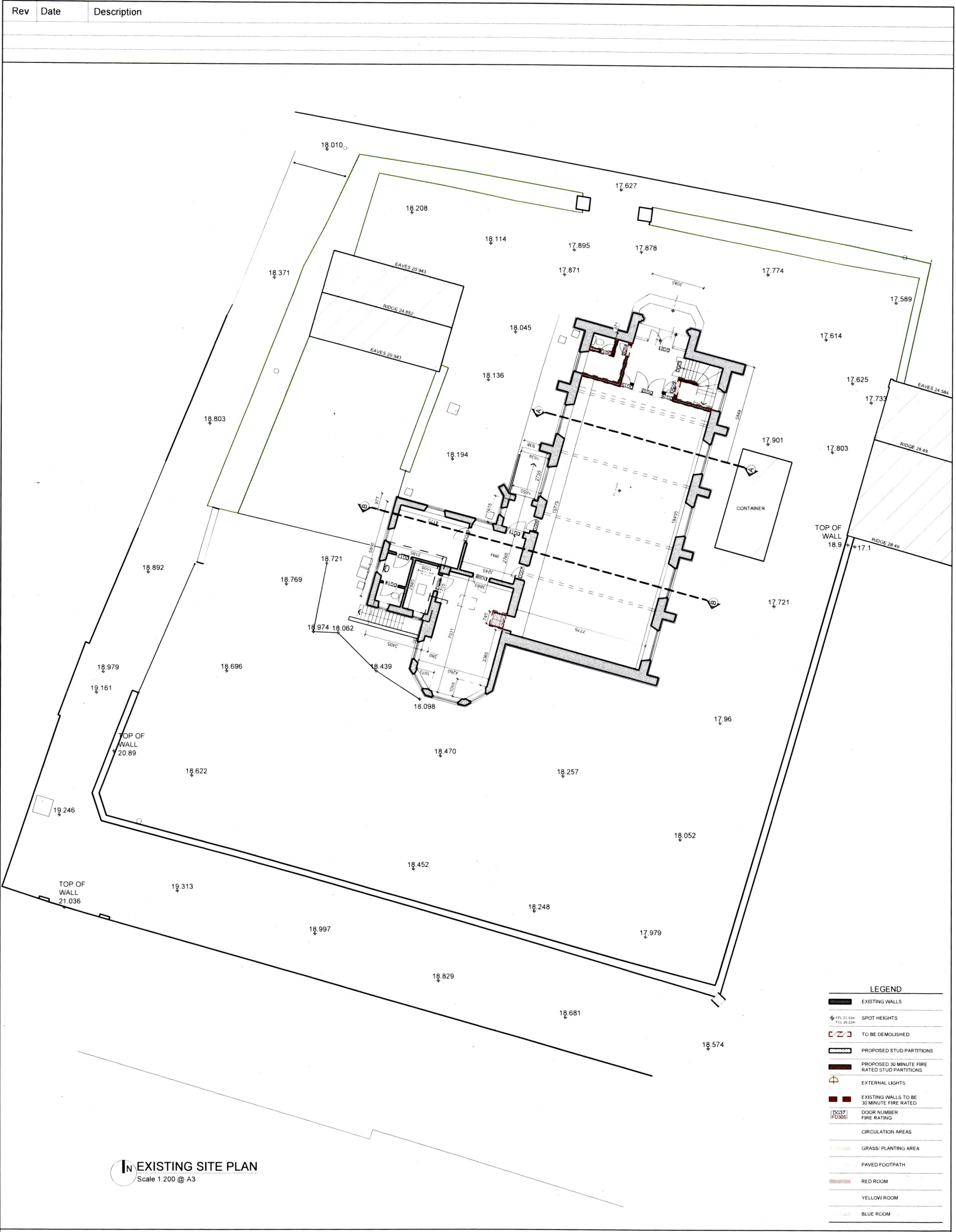
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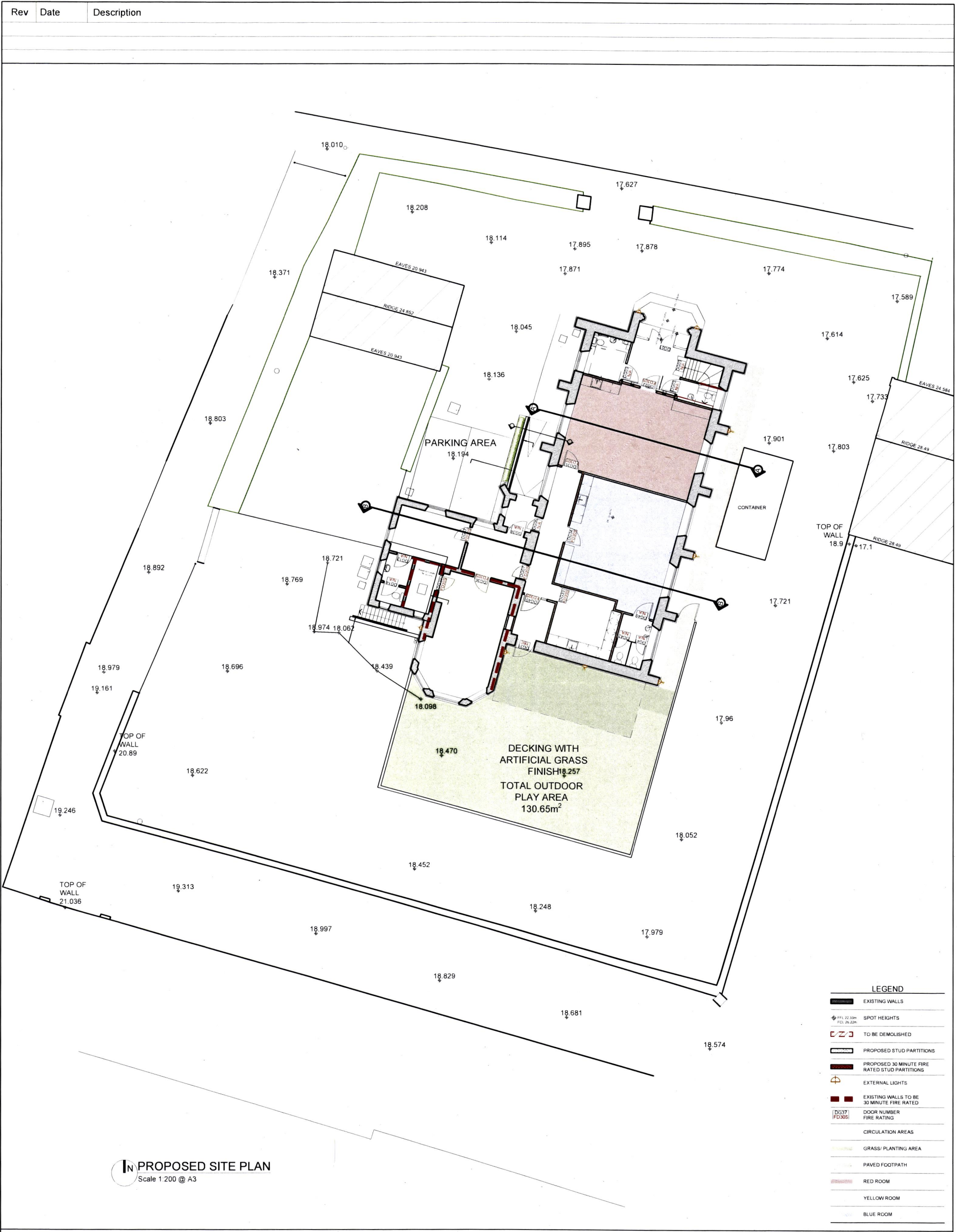
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Drawing Title	Existing Side (West) Elevation
Project	Parochial Hall, Bray, Co. Wicklow
Client	Aisling Walsh, Little Bunnies, Pre-School

Drawing No.	2-0-03	Revision	-
Scale	1:100 @ A3	Checked By	OC
Date	July 2024	Drawn By	KK
Project No.	23-81	Status	Construction
		Phase	1

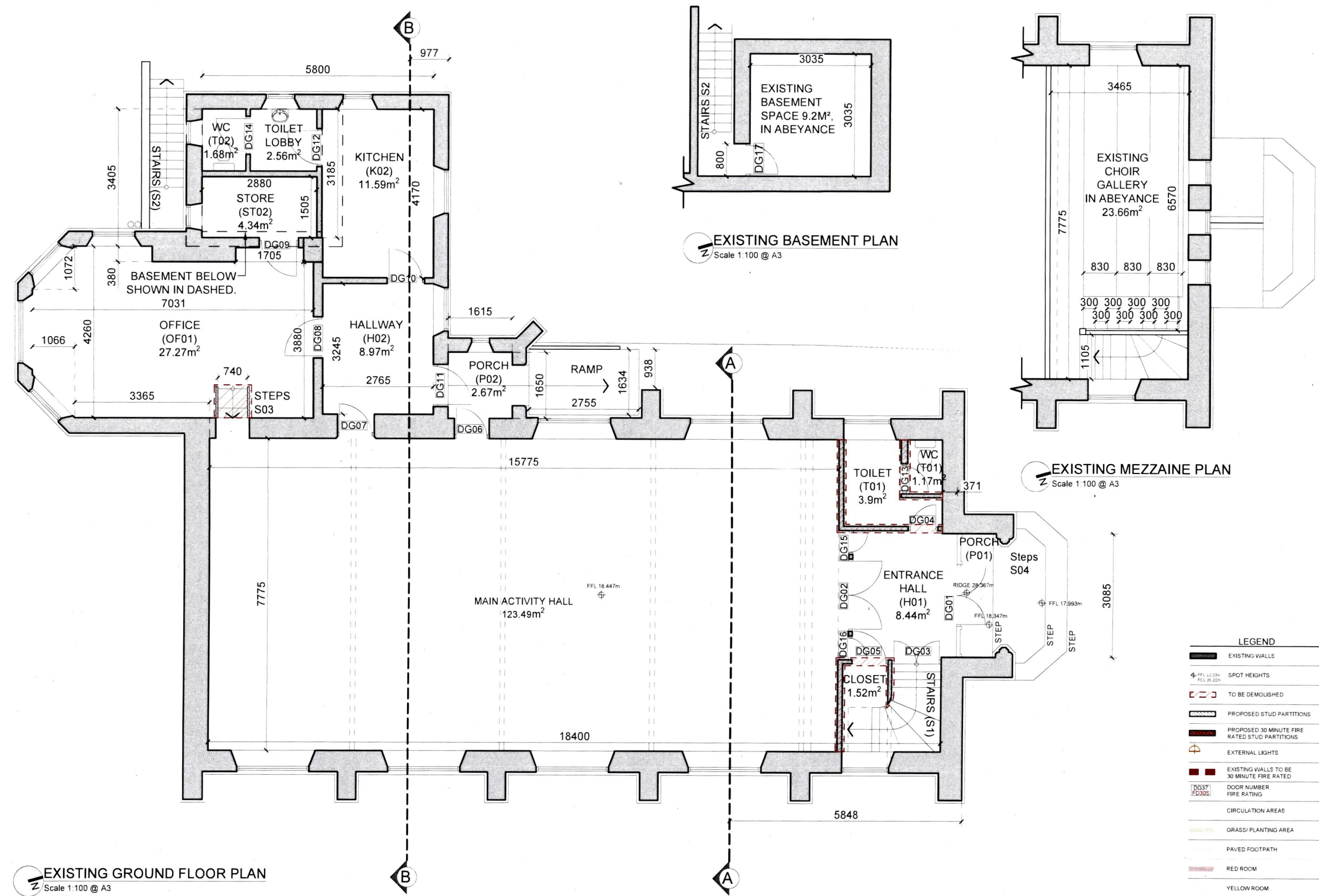


	Unit 1, 20 Harcourt Street, Dublin 2, Republic of Ireland, D02 H364 Landline ROI: +353 (0)1 400 75 40 Mobile: +353 (0)87 827 26 86 E-Mail: olan@awl.ie	Do not scale from drawings, use figured dimensions only. Any discrepancies to be reported to the architect immediately. All materials & workmanship to comply with all current building regulations & building standards & codes of practice. Drawings to be read in conjunction with Architects specification, along with all relevant consultants drawings & specifications.	Drawing Title Existing Site Plan Project Parochial Hall, Bray, Co. Wicklow Client Aisling Walsh, Little Bunnies, Pre-School	Drawing No. 0-0-01	Revision -
				Scale 1:200 @ A3	Checked By OC
				Date July 2024	Drawn By KK
				Project No. 23-81	Status Construction
					Phase 1



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		Proposed Site Plan	0-2-01	-
		Project	Scale	Checked By
		Parochial Hall, Bray, Co. Wicklow	1:200 @ A3	OC
		Client	Date	Drawn By
Aisling Walsh, Little Bunnies, Pre-School	July 2024	KK		
	Project No.	Status	Phase	
	23-81	Construction		1

Rev	Date	Description	Rev	Date	Description
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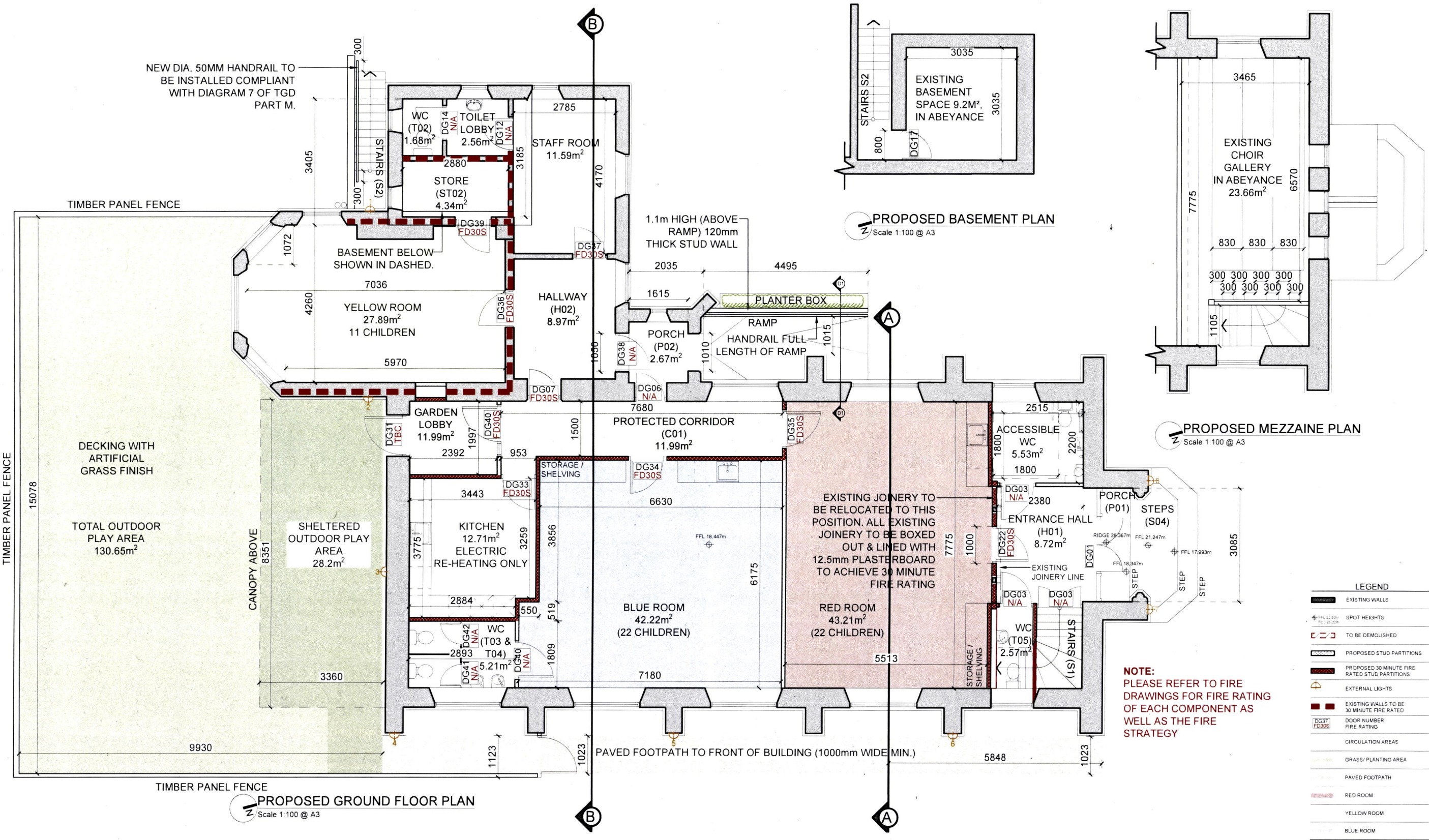
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Drawing Title	Existing plans
Project	Parochial Hall, Bray, Co. Wicklow
Client	Aisling Walsh, Little Bunnies, Pre-School

Drawing No.	1-0-00	Revision	-
Scale	1:100 @ A3	Checked By	OC
Date	July 2024	Drawn By	KK
Project No.	23-81	Status	Construction
		Phase	1

Rev	Date	Description	Rev	Date	Description
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NOTE:
PLEASE REFER TO FIRE DRAWINGS FOR FIRE RATING OF EACH COMPONENT AS WELL AS THE FIRE STRATEGY

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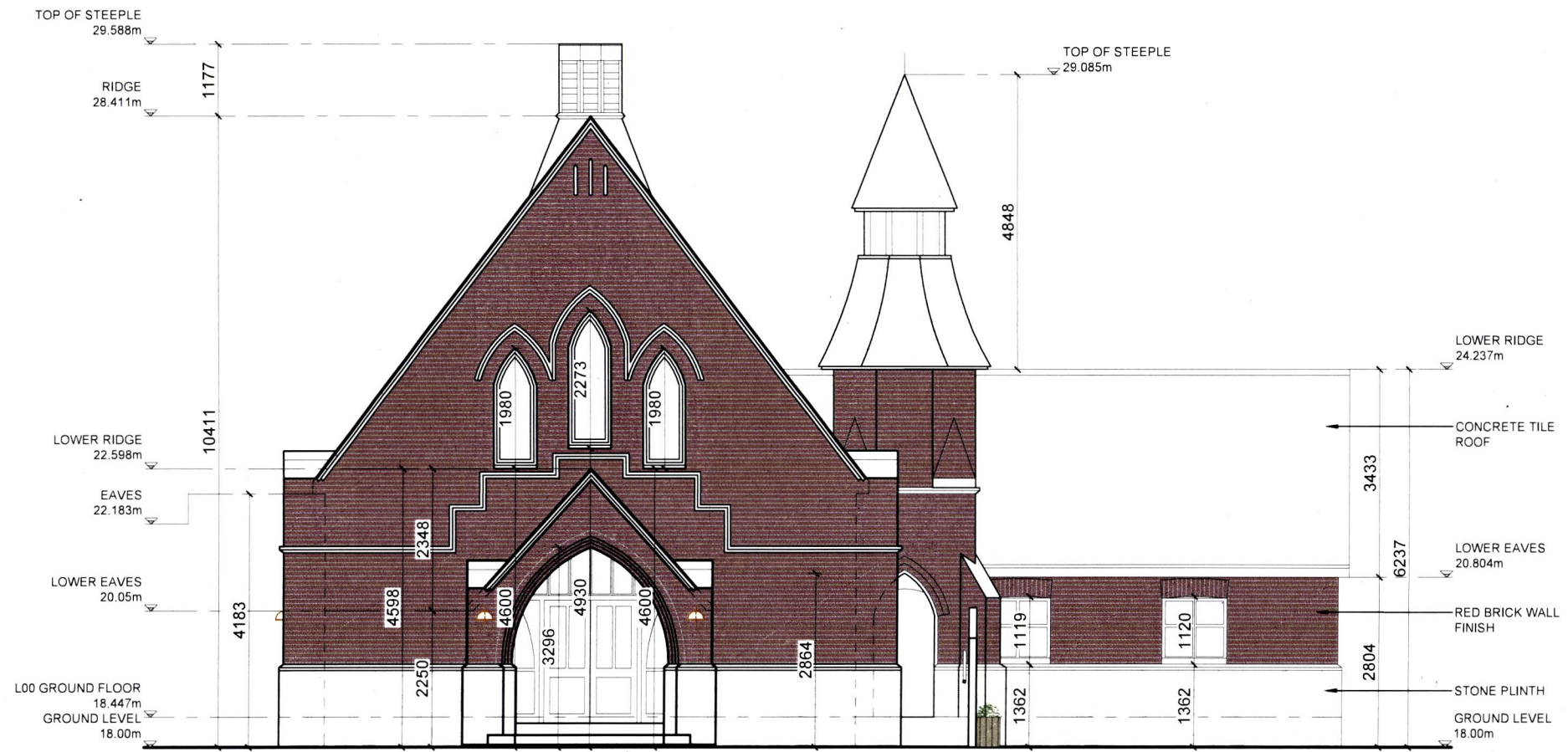
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Drawing Title	Proposed plans
Project	Parochial Hall, Bray, Co. Wicklow
Client	Asling Walsh, Little Bunnies, Pre-School

Drawing No.	1-2-00	Revision	-
Scale	1:100 @ A3	Checked By	OC
Date	July 2024	Drawn By	KK
Project No.	23-81	Status	Construction
		Phase	1

Rev	Date	Description	Rev	Date	Description
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PROPOSED FRONT (NORTH) ELEVATION
Scale 1:100 @ A3



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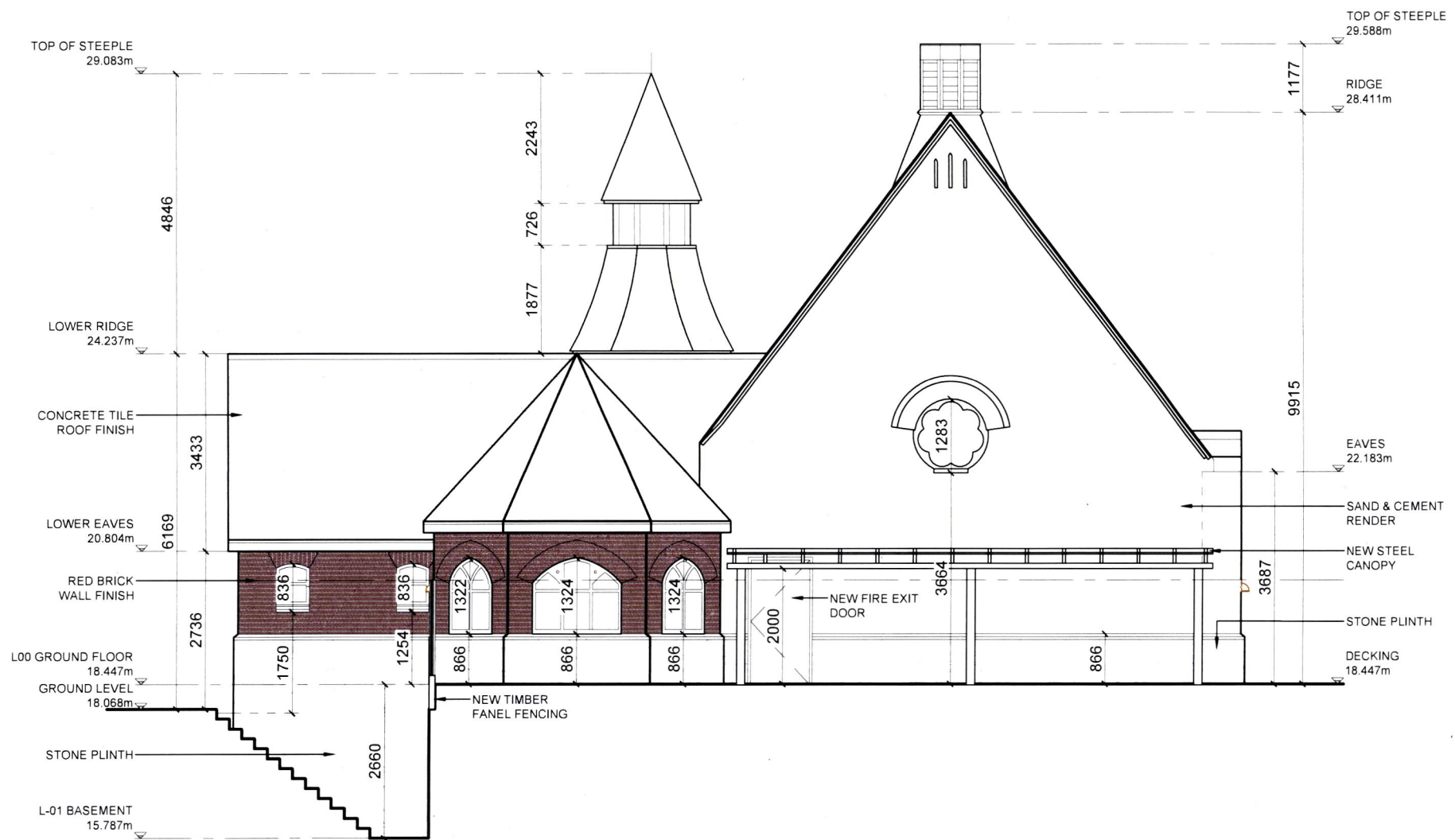
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Drawing Title		Drawing No.	Revision
Proposed Front (North) Elevation		2-2-00	-
Project		Scale	Checked By
Parochial Hall, Bray, Co. Wicklow		1:100 @ A3	OC
Client		Date	Drawn By
Aisling Walsh, Little Bunnies, Pre-School		July 2024	KK
		Project No.	Status
		23-81	Construction
			Phase
			1

Drawing No.	Revision
2-2-00	-
Scale	Checked By
1:100 @ A3	OC
Date	Drawn By
July 2024	KK
Project No.	Status
23-81	Construction
	Phase
	1

Rev	Date	Description	Rev	Date	Description
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PROPOSED REAR (SOUTH) ELEVATION
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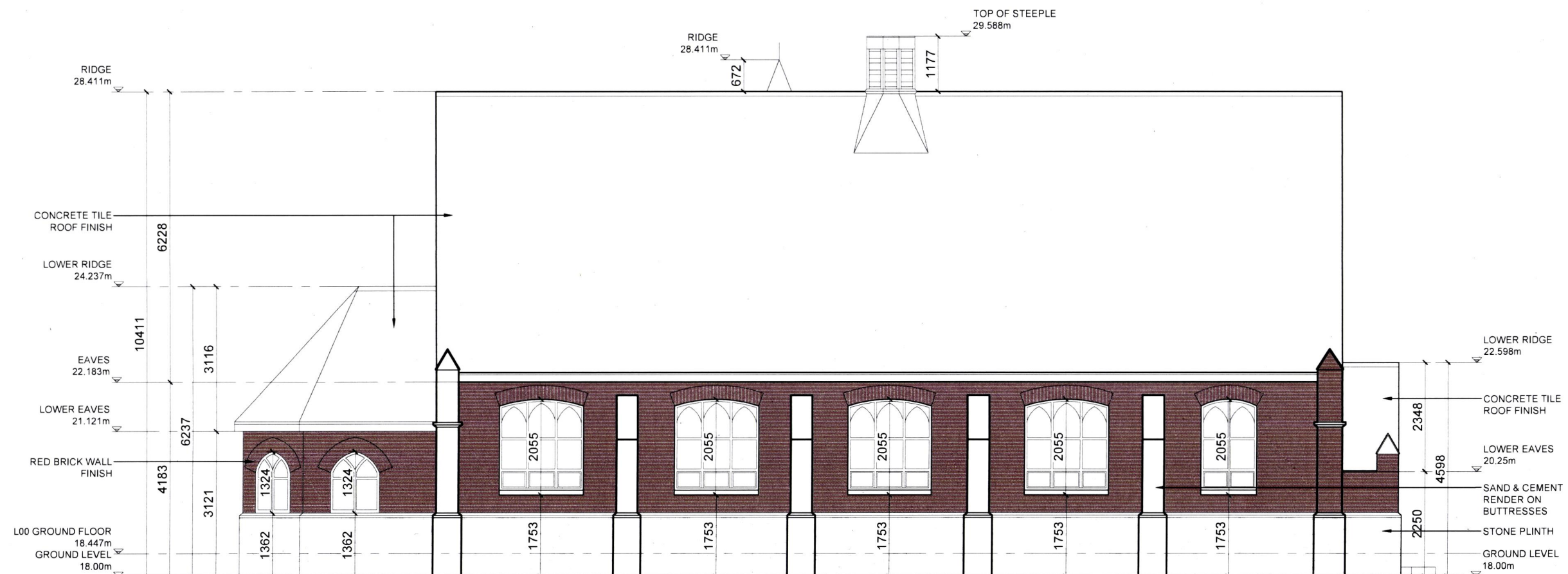
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Drawing Title	Drawing No.	Revision
Proposed Rear (South) Elevation	2-2-01	-
Project	Scale	Checked By
Parochial Hall, Bray, Co. Wicklow	1:100 @ A3	OC
Client	Date	Drawn By
Aisling Walsh, Little Bunnies, Pre-School	July 2024	KK
	Project No.	Status
	23-81	Construction
		Phase
		1

Rev	Date	Description	Rev	Date	Description
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PROPOSED SIDE (EAST) ELEVATION

Scale 1:100 @ A3

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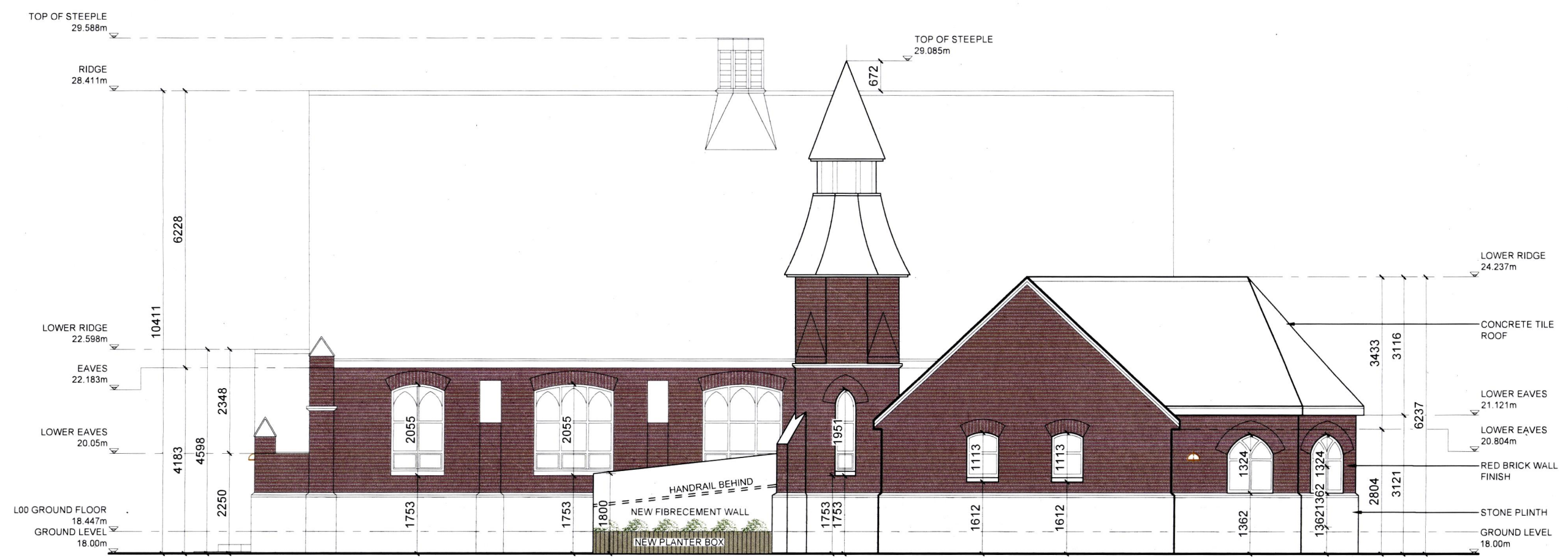
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Drawing Title	Drawing No.	Revision
Proposed Side (East) Elevation	2-2-02	-
Project	Scale	Checked By
Parochial Hall, Bray, Co. Wicklow	1:100 @ A3	OC
Client	Date	Drawn By
Aisling Walsh, Little Bunnies, Pre-School	July 2024	KK
	Project No. Status	Phase
	23-81 Construction	1

Rev	Date	Description	Rev	Date	Description
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PROPOSED SIDE (EAST) ELEVATION
Scale 1:100 @ A3

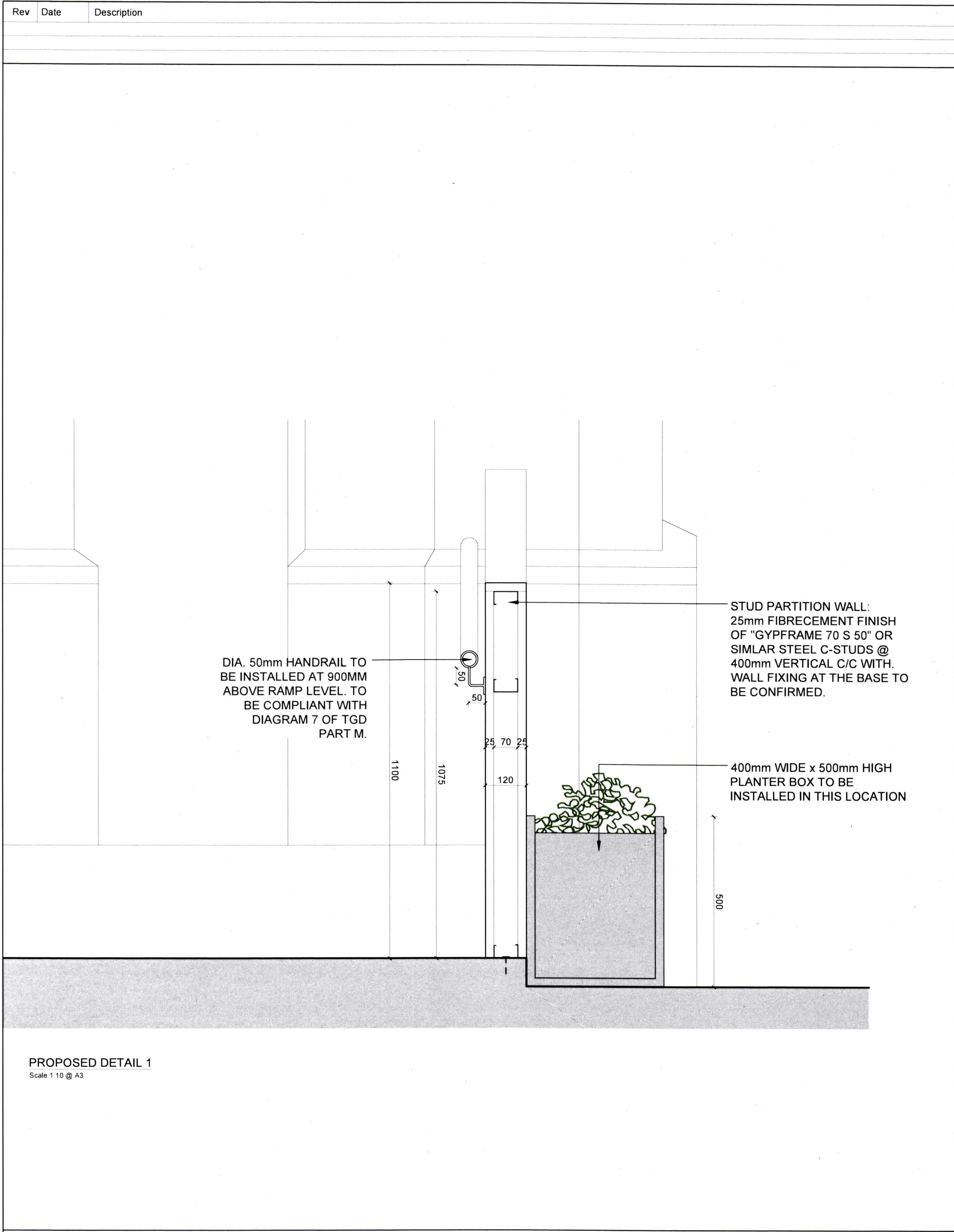


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Drawing Title		Drawing No.	Revision
Proposed Side (East) Elevation		2-0-03	-
Project		Scale	Checked By
Parochial Hall, Bray, Co. Wicklow		1:100 @ A3	OC
Client		Date	Drawn By
Aisling Walsh, Little Bunnies, Pre-School		July 2024	KK
		Project No.	Status
		23-81	Construction
			Phase
			1



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	Proposed Detail 1		7-2-00	-
	Project		Scale	Checked By
	Parochial Hall, Bray, Co. Wicklow		1:10 @ A3	OC
	Client		Date	Drawn By
	Aisling Walsh, Little Bunnies, Pre-School		July 2024	KK
		Project No.	Status	Phase
		23-81	Construction	1