



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.i
Suíomh / Website: www.wicklow.ie

Alan & Pauline Smith

27th March 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX20/2024

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.

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe.
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.





COMHAIRLE CONTAE CHILL Mhantáin
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Ray Kelly


JF March 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX20/2024

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.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT



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

CHIEF EXECUTIVE ORDER NO. CE/PERD/399/2024

Reference Number: EX20/2024

Name of Applicant: Ray Kelly

Nature of Application: Section 5 Referral as to whether or not "change of use from a former nursing home to a bed & breakfast" is or is not development and is or is not exempted development.

Location of Subject Site: 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow

Report from Chris Garde, EP & Edel Bermingham SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "change of use from a former nursing home to a bed & breakfast" at 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow 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 the Section 5 Declaration
- b) PRR 22/1365, PRR 20/380(ABP 307782-20), PRR 19/644 and EX66/2022.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Article 10, and Schedule 2: Part 4 of the Planning and Development Regulations 2001(as amended).

Main Reason with respect to Section 5 Declaration:

- i The change of use from former nursing home to a Bed and Breakfast would result in a material change of use, as the character of use would be different to that of a Nursing Home, and use as a Bed and Breakfast would give rise to differing planning effects in particular traffic movements, late night movements and noise. The change of use would therefore be development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended)
- ii There are no exemptions within the Planning and Development Act 2000(as amended) or the associated Regulations which would allow for the change of use.

Recommendation:

The Planning Authority considers that "change of use from a former nursing home to a bed & breakfast" at 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow is development and is not exempted development as recommended in the report by the SEP.

Signed 

Dated 27th day of March 2024

**ORDER:
I HEREBY DECLARE:**

That "change of use from a former nursing home to a bed & breakfast" at 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow 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 27th day of March 2024



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: Ray Kelly

Location: 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PERD/399/2024

A question has arisen as to whether “change of use from a former nursing home to a bed & breakfast” at 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow is or is not exempted development.

Having regard to:

- The details submitted with the Section 5 Declaration
- PRR 22/1365, PRR 20/380(ABP 307782-20), PRR 19/644 and EX66/2022.
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- Article 10, and Schedule 2: Part 4 of the Planning and Development Regulations 2001(as amended).

Main Reasons with respect to Section 5 Declaration:

- The change of use from former nursing home to a Bed and Breakfast would result in a material change of use, as the character of use would be different to that of a Nursing Home, and use as a Bed and Breakfast would give rise to differing planning effects in particular traffic movements, late night movements and noise. The change of use would therefore be development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended)
- There are no exemptions within the Planning and Development Act 2000(as amended) or the associated Regulations which would allow for the change of use.

The Planning Authority considers that “change of use from a former nursing home to a bed & breakfast” at 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow is development and is not exempted development

Signed:

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 27th March 2024



WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

TO: Fergal Keogh SE, Edel Bermingham SEP, Suzanne White SEP.
FROM: Chris Garde EP.
SUBJECT REF: EX 20/2024
DECISION DUE DATE: 02/04/2024
APPLICANT: Ray Kelly
ADDRESS: 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow,
(formerly Shannagh Bay Nursing Home).
EXEMPTION QUERY: Is a change of use from a former nursing home to a Bed and Breakfast exempted development?

Application Site:

The site comprises a 4 storey nursing home building along Bray Seafront. There is unauthorised development located to the rear of the subject structure (i.e. a lift structure and windows).

Relevant Plans/ Policies:

Settlement	Level 1 – Metropolitan Area Consolidation Town (Bray)
Land Use Plan	Bray Municipal District Local Area Plan 2018
Zoning	SF – Bray Seafront
Zoning Objective	<i>“To provide for the development and improvement of appropriate seafront uses.”</i>
Zoning Description	<i>“To protect and enhance the character of the seafront area and to provide for mixed-use development including appropriate tourism, retail, leisure, civic and residential uses. The Seafront area shall be promoted as the primary tourist, recreational and leisure centre of Bray.”</i>
Bray Municipal District Local Area Plan 2018 Relevant Objective(s)	7.1 Bray Seafront and Esplanade In the SF zoned ‘Seafront’ area, a proposed development will only be permitted where it does not negatively impinge on: (1) the amenity and character of the area; (2) its natural and built heritage; (3) protected views and prospects; and (4) protected structures.

While having regard to the above, the Council will consider permitting developments comprising modern, innovative designs, where the character and setting of historically important buildings is not compromised.

In the SF zone, the following objectives shall apply:

- The design of new buildings shall draw reference from and complement the historic Victorian style of the seafront; all applications shall be accompanied by a ‘design statement’ setting out how consideration of the historic character and style influenced the design of the development and how it complements and enhances the area;

Heritage:

The structure is not protected under the current Bray Local Area Plan or Wicklow County Development Plan and it is included on the NIAH Register.

Prospect ID_6 Bray to Greystones Cliff Walk – prospect of sea, cliffs and across southern slopes of Bray Head to R761 from Cliff Walk. This prospect is located c.1Km to the south.

Planning History:

22/1365 – Alan and Pauline Smith – refused – permission for existing lift facility and relocated windows located to the rear, on the North (side) elevation of the existing building

Reasons: (1) Having regard to the design and layout of the proposal and to the pattern of development in the area, it is considered that the proposed development, by reason of scale, bulk and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties through visual obtrusion and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

20/380 (ABP 307782-20) – Alan and Pauline Smith – refused – permission for (1) Proposed additional storey comprising of 6 No. additional bedrooms, circulation areas, stairway, lift & ancillary works over already approved 2-storey extension (Ref. 16/691) currently under the course of construction to the rear (west) of existing 4-storey Nursing Home together with (2) minor changes to development approved under Ref. 16/691 including revised lift location for fire safety reasons & the subsequent relocation of 3 No. existing windows in north elevation of existing building. The additional storey will be in lieu of previously approved circulation space & roof terrace at same level

Reasons: (1) injures residential amenities of adjoining properties having regard to design, scale, bulk and proximity to site boundaries by reason of visual obtrusion and overshadowing. (2) Unsatisfactory standard of residential amenity for occupants having regard to inadequate private amenity space and design, height, scale and massing.

19/644 – Alan and Pauline Smith – refused – permission for proposed additional storey over already approved 2 storey extension (Ref. 16/691) currently under the course of construction to the rear (west) of existing 4 storey Nursing Home comprising of 6 no. additional bedrooms, circulation areas, stairway, lift and ancillary works. The additional storey will be in lieu of previously approved circulation space & roof terrace at same level

16/691 – Alan and Pauline Smith – grant – permission for two storey extension (345.2 sqm) to rear (west) of existing 4 storey nursing home (1102.86 sqm) comprising of 2 full storeys over sunken garden level together with a small roof terrace / circulation area. The development will include staff facilities, administration, storage, treatment room and recreational areas at upper ground floor level, 6 no ensuite bedrooms and ancillary areas at first floor level, circulation areas, lift and stairway at each level together with rainwater harvesting and ancillary site development works including sunken garden

16/513 – Alan and Pauline Smith – grant – permission for recreational garden to the rear of existing premises for the use of nursing home residents comprising of the lowering of ground level of part of the existing yard by circa 1.6 metres (to coincide with first floor level of existing building), including retaining structures, hard and soft landscaping, planting, steps and ancillary site development works

15/197 – Alan and Pauline Smith – grant – Extension of Appropriate Period - for development at Shannagh Bay Nursing Home, 2-3 Fitzwilliam Terrace, Strand Road, Bray. The development will consist of the following: construction of extension to the rear (west) of the existing 4-storey nursing home, by five floors (4 floors over garden level) to contain the following: 24 new ensuite bedrooms & ancillary facilities; partial demolition of existing rear (west) annex and reconfiguration into 8 ensuite bedrooms; modifications to front (east) to replace existing sunroom with new communal room and new additional sunroom/communal room above, and extension of existing bay window upwards to 1st & 2nd floors on right-hand side of front (east) elevation; reconfiguration of existing internal layouts & levels and associated elevation modifications; together with ancillary siteworks necessary to facilitate the development

13/630045 (APB 39.242547) – Alan and Pauline Smith – refused – permission for proposed development comprising of extension (1,006.75sqm) to rear (west) of existing 4-storey Nursing Home (1,102.86sqm) comprising of 4 full storeys (2.5 storeys over garden level). This will include 21 no. ensuite bedrooms & ancillary facilities including circulation areas, kitchen, laundry, administration, storage & aquatic therapy pool at lower ground floor level, minor alterations to internal layout of existing building together with rainwater harvesting & ancillary site development works

13/630015 – Alan and Pauline Smith – refused – permission for proposed development comprising of extension (1,063.10 sq. metres) to rear (West) of existing 4-storey Nursing Home (1,102.86 sq. metres) comprising of 4 full storeys (2.5 full storeys over garden level) with a roof terrace/relaxation room above. This will include 21 No. en-suite bedrooms & ancillary facilities including circulation areas, kitchen, laundry, administration, storage & aquatic therapy pool at lower ground floor level, minor alterations to internal layout of existing building together with rainwater harvesting & ancillary site development works at

09/630146 – Alan and Pauline Smith – grant – permission for development at Shannagh Bay Nursing Home, 2-3 Fitzwilliam Terrace, Strand Road, Bray. The development will consist of the following: construction of extension to the rear (west) of the existing 4-storey nursing home, by five floors (4 floors over garden level) to contain the following: 24 new ensuite bedrooms & ancillary facilities; partial demolition of existing rear (west) annex and reconfiguration into 8 ensuite bedrooms; modifications to front (east) to replace existing sunroom with new communal room and new additional sunroom/communal room above, and extension of existing bay window upwards to 1st & 2nd floors on right-hand side of front (east) elevation; reconfiguration of existing internal layouts & levels and associated elevation modifications; together with ancillary siteworks necessary to facilitate the development

Enforcement

UD5524 – Warning letter issued 5th Jan 2023 re non compliance with PRR16/691 re (i) construction of three storey block annex extension for lift, (ii) blocking up of vertical lien of three respective bedroom windows and consequential opening up of new 3 windows, (iii) non compliance with condition 3 – financial

Section 5 Exemption

EX66/2022 – ‘Existing lift facility and adjacent window to side of Shannagh Bay Nursing Home’ is development and is not exempted development.

Question:

The applicants have applied to see whether or not the following is or is not development and is or is not exempted development:

Is a change of use from a former nursing home to a Bed and Breakfast exempted development (at 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow, (formerly Shannagh Bay Nursing Home))?

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 situate, and

“works” includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

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) is relevant for the purposes of this declaration:

“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) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Section 4(3); A reference in this Act to exempted development shall be construed as a reference to development which is—

- a) any of the developments specified in subsection (1), or
- b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

Planning and Development Regulations 2001(as amended)

Article 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 9 (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 Act or be inconsistent with any use specified in a permission under the Act,

Article 10(6):

~~—inserted by the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018)— Provision to provide an exemption for the change of use, and any related works, of certain vacant commercial premises to residential use.~~

Planning and Development Regulations 2001 as amended:

Schedule 2: Part 4

CLASS 9

Use—

(a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),

(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.

Details Submitted in support of Application:

The applicants are applying for a Section 5 Declaration in relation to the following;

Is a change of use from a former nursing home to a Bed and Breakfast exempted development (at 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow, (formerly Shannagh Bay Nursing Home))?

Assessment:

The querist seeks confirmation that the works relating to the change of use from a former nursing home to a Bed and Breakfast is exempted development (at 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow, (formerly Shannagh Bay Nursing Home)) do not require planning permission (taken to mean; is exempted development).

The first question to be asked is therefore would the change of use from Nursing Home usage to Bed and Breakfast be development, it is considered that the character and pattern of activity that would arise for Bed and Breakfast would be materially different to the character and patterns of activity for use as a Nursing Home and impacts on the pattern of development in the vicinity. Therefore the change of use from Nursing Home to Bed and Breakfast would be materially different, and would come within the definition of development as set out under Section 3 of the Planning and Development Act 2000 (as amended).

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000(as amended), as to whether the change of use from a former nursing home to a Bed and Breakfast (at 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow, (formerly Shannagh Bay Nursing Home)) is development and is exempted development.

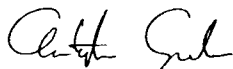
The Planning Authority considers that the change of use of the Nursing Home into a Bed and Breakfast is Development and is **NOT Exempted Development**.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration
- b) PRR 22/1365, PRR 20/380(ABP 307782-20), PRR 19/644 and EX66/2022.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Article 10, and Schedule 2 : Part 4 of the Planning and Development Regulations 2001(as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The change of use from former nursing home to a Bed and Breakfast ~~is development as it would result in a material change of use, as the character of use would be different to that of a Nursing Home, and of the character~~ use as a Bed and Breakfast would give rise to differing planning effects in particular traffic movements, late night movements and noise. ~~pattern of usage, and would have a material impact on the pattern of development surrounding.~~—The change of use would therefore be development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended)
- ii There are no exemptions within the Planning and Development Act 2000(as amended) or the associated Regulations which would allow for the change of use.



Executive Planner

Date: 25/03/2024

26/ 3/ 2024

The report of the Ex Planner is noted. I would concur with the Ex Planners assessment that the change of use from Nursing Home to Bed & Breakfast would be a material change of use. In this regard it is considered that the use from nursing home to use as a Bed & Breakfast would be different in character, and would give rise to planning effects. In particular there would be increased traffic movements, increase in late night movements into and out of the building, late night usage and potentially differing noise impacts.

Article 10 of the Planning and Development Regulations 2001 (as amended) provides that

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.

It is noted that the agent submission refers to Class 9 with regard to the relevant exemption, however the Class 9 quoted is not the current relevant extract from the Regulations. In this regard Class 9 is as follows i.e.

CLASS 9

Use—

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),
- (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.

As both Hospital and Nursing Home have been removed from Class 9 they no longer come within this class, and furthermore there is no guest accommodation within this class either.

Accordingly there is no exemption within the Planning and Development Regulations 2001(as amended) of the Act that would allow for the change of use.

Agreed as amended.

Stel Cunningham SP.

26/3/2024

*Issue declaration as recommended
for T. High 83
27/3/24*

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Chris Garde
Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX20/2024**

I enclose herewith application for Section 5 Declaration received 5th March 2024

The due date on this declaration is 2nd April 2024.



**Staff Officer
Planning Development & Environment**



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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12th March 2024

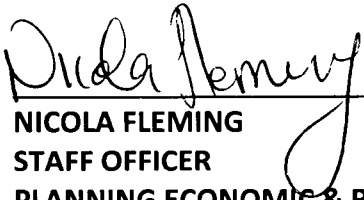
Ray Kelly

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX20/2024 – 2-3 Fitzwilliam Tce, Strand Road, Bray

A Chara

I wish to acknowledge receipt on 05/03/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 02/04/2024.

Mise, le meas



NICOLA FLEMING
STAFF OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT



Wicklow County Council
County Buildings
Wicklow
0404 20100

05/03/2024 11 00 34

Receipt No L1/0/326204
***** REPRINT *****

RAY KELLY
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Date Received _____

Fee Received _____

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

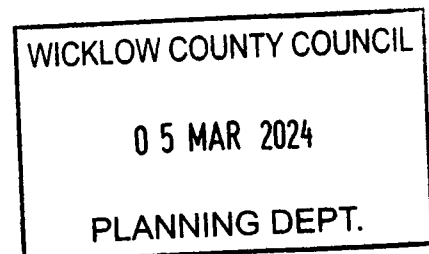
(a) Name of applicant: Ray Kelly
Address of applicant: _____

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____
Address of Agent : _____

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



3. Declaration Details

i. Location of Development subject of Declaration 2-2 FITZWILLIAM TCE,
BRAY STRAND ROAD

ii. Are you the owner and/or occupier of these lands at the location under i. above?
Yes/No.

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier Alan & Pauline SMITH.
2-2 FITZWILLIAM TCE, STRAND RD, BRAY

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
AS PER ATTACHED - IS THIS A CHANGE
OF USE FROM A FORMER NURSING HOME
TO A BNB IS IT EXEMPT.
AS PER CIRCULAR IN ARCHITECTS LETTER ATTACHED

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 SEE ATTACHMENT

" CHANGE OF USE FROM 'NURSING HOME.
(NOT IN USE) TO BNB, RESIDENTIAL SCHOOL OR
TRAINING CTR

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) ? No

vii. List of Plans, Drawings submitted with this Declaration Application _____

① ~~CE~~ ARCHITECT CERTIFICATION
FOR CLASS NINE DEVELOPMENT

② SINCERE

IN PHOTO OF UNIT

viii. Fee of € 80 Attached ? _____

Signed :



Dated :

5.3.2024

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.

English | Gaeilge

SHANNAGH BAY NURSING HOME

2/3 FITZWILLIAM TERRACE

STRAND ROAD

BRAY

CO. WICKLOW

A98 FV48



URBAN architecture + construction

| 35 Ranelagh | 20 St. Patrick's Road | 15a Main Street
| Ranelagh Village | Dalkey | Blackrock
| Dublin 6 | South County Dublin | South Dublin
| Ireland | Ireland | Ireland

| web: www.urbanac.ie
| email: hello@urbanac.ie
| office: 01 2544488



| Exempted Development under Part 4 of the Planning & Development Regulations

Date	23 rd November 2023
Name	C/o Michael Morrissey
Contact Details	Morrissey solicitors, Larchfield House, Dundrum, Dublin 14
Address	2-3 Fitzwilliam Terrace, Bray, Co. Wicklow
Description	Change of use – Exempted development
Certificate by	Niall Mulligan niall@urbanac.ie 01 2544488 086 3817172 U R B A N Ranelagh Office 35 Ranelagh, Ranelagh, Dublin 6
Urban Reference No	UAC2023493

U R B A N architecture + construction Ltd are retained by the potential lease holders of 2-3 Fitzwilliam Terrace, Bray, Co. Wicklow to furnish a letter to the owners regarding Exempted Development Regulations.

This letter is issued for the purpose of providing evidence and compliance that the property meets the requirements of the *Part 4 of Exempted Development – Changes of Use Article 10*.

Under Article 10,

‘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.’*

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Under Part 4 of the Exempted Development Regulation – Changes of Use, the following are stated as being permitted;

'CLASS 9 Use—

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),
- (b) as a hospital or nursing home,
- (c) as a residential school, residential college or residential training centre.'

APP A. ④

Thus, a Change of Use from a Nursing Home to B&B, Residential School, College or Training Centre is an Exempted Development, subject to the above.

Dated: 23rd November 2023

Níall Mulligan

Níall Mulligan BA(Hons) BArch
For and behalf of

U R B A N architecture + construction ranelagh + dalkey + blackrock

| 35 Ranelagh
| Ranelagh Village
| Dublin 6
| Ireland

