

Section 5 Declaration - Application Form

**Declaration as to whether development constitutes
Exempted Development**

 Cornhill
Louth

*Customer Services
Dundalk
11th Nov 2021*

Please read "Guidance Notes" before completing this form

Guidance Notes

1. The purpose of Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not development and if it is or is not exempted development within the meaning of the Planning Act.
2. Any person may, on payment of the prescribed fee, request in writing from the Planning Authority a declaration on a question as to whether a particular type of development is exempt.
3. The question to be determined should be clear as to whether it relates to an existing development or a proposed development. If the development is proposed, details of the nature, size and location of the proposed development should be submitted. Floor plans and elevations should be submitted.
4. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.
5. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
6. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

Mr. Cormac Sugrue and Mr Cian McGovern, 84 Martello Court, Portmarnock Co Dublin

Phone Number: [REDACTED] E-Mail: [REDACTED]

2. Name and address of agent (if any):

VCL Consultants, 13 Ashdale, Wheaton Hall, Drogheda Co. Louth

Phone Number: [REDACTED] E-Mail: [REDACTED]

3. Name and address for all correspondence (if not completed, correspondence will be sent to person seeking declaration)

VCL Consultants, 13 Ashdale, Wheaton Hall, Drogheda, Co. Louth A90AH29

4. Interest in site of the person seeking declaration:

Owner CORMAC SUGRUE

(if applicant is not freehold owner of the property in question, please provide name and address of owner if known)

5. Location of development referred to in Question 6 (specify house no. and street name, where applicable)**

Shop unit, The granary, Constitution Hill, Drogheda, Co. Louth A92 H5KE

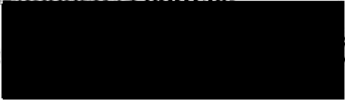
6. Question for determination under Section 5 (be as specific as possible) :

It is proposed that the existing vacant shop unit be converted into two number, one bedroom apartments as indicated on the attached drawings, using the exemption provided for such conversion in SI 30/2018 as extended by SI 75/2022. Please confirm that this conversion is an exempt development under the planning and development act as amended.

7. Does the development consist of works to be carried out to an existing or proposed protected structure? Yes ☐ No ☒

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

I certify that the aforementioned is correct.

Signature of Applicant:  Date 09/03/2024

Please include one copy of the following documents with this application form:

- Site Location Map: (Scale 1:1000)
- Site Layout Map: (Scale 1:200 or 1:500)
- Floor Plans & Elevations: (Scale 1:50, 1:100 or 1:200)
- Application fee: (€80)

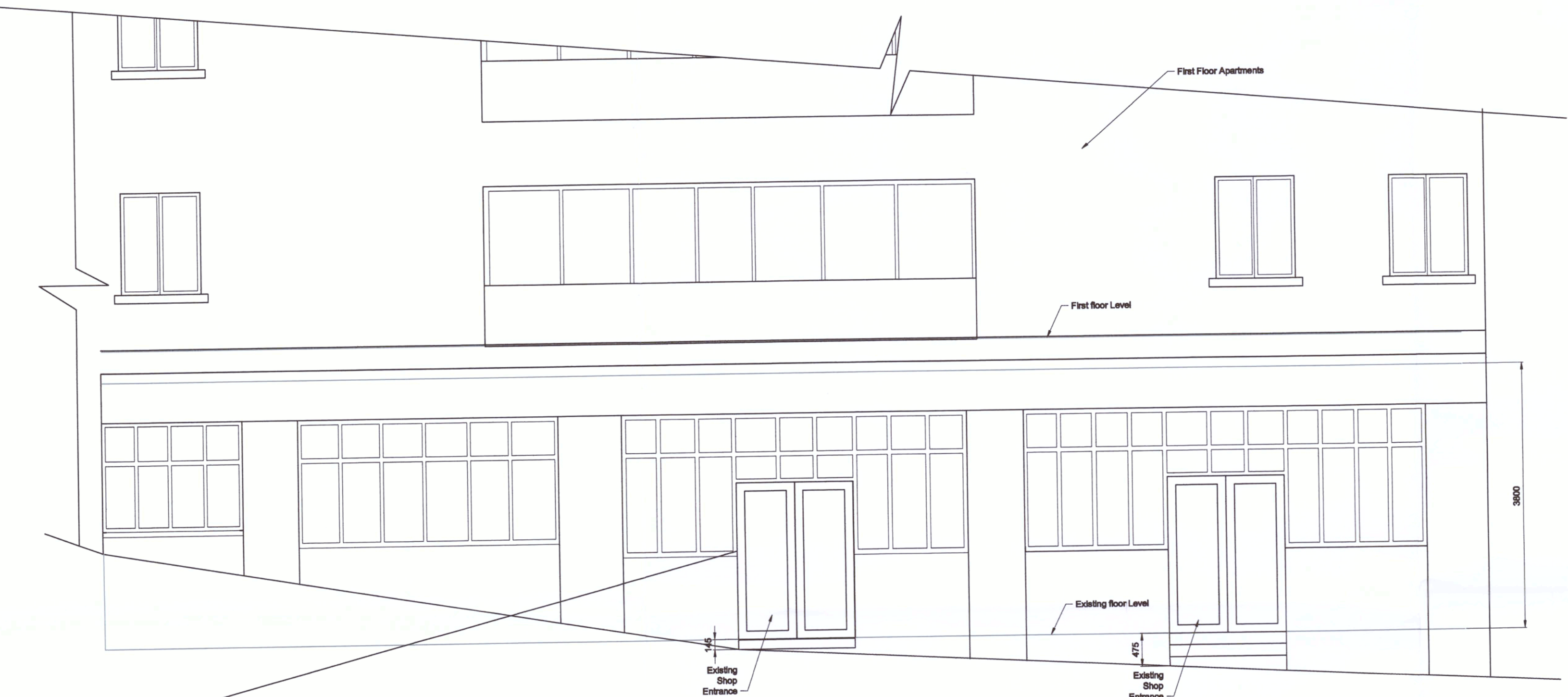
****NOTE:** If the property outlined in Question 5 is a Protected Structure please submit two copies of all documentation listed above.

Completed Application Form & Fee of €80.00 must be submitted to:

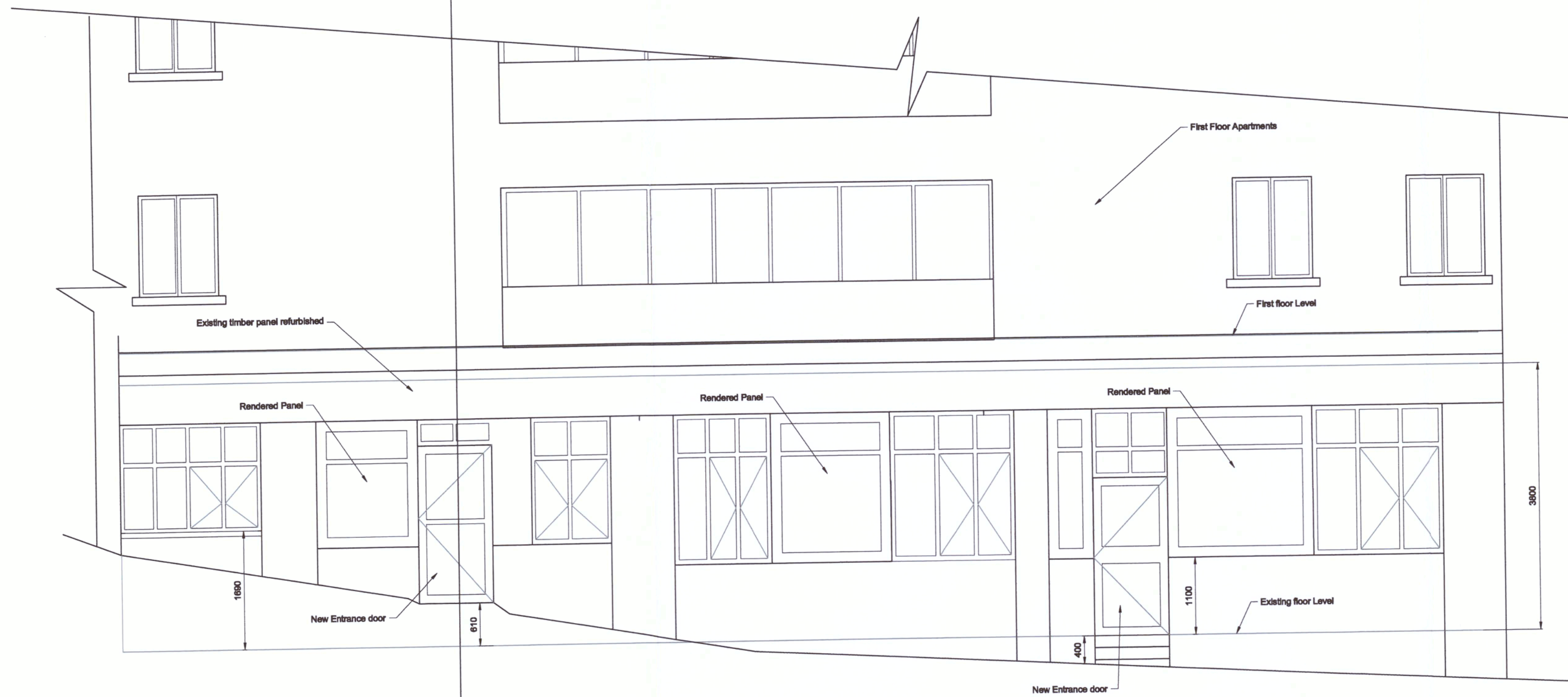
Planning Office
Louth County Council
Town Hall
Crowe Street, Dundalk
County Louth
A91W20C

NOTES

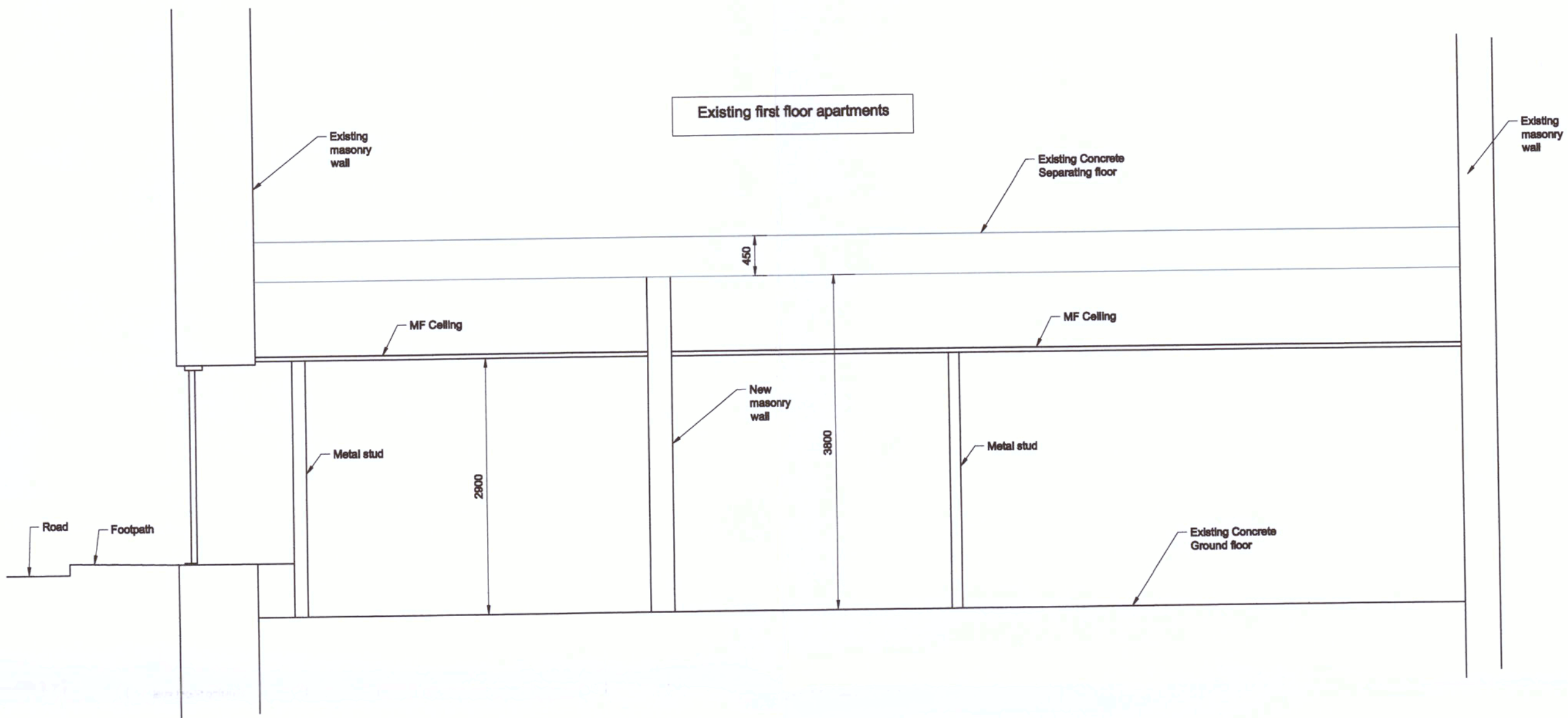
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All dimension to be checked on site and any errors or discrepancies to be reported to VCL Consultants.



Existing South west Elevation (part)
Scale 1:50



Proposed South west Elevation (part)
Scale 1:50



Proposed Section A-A
Scale 1:50

For Location of section refer to
Drawing 223070-001

Rev.	Date:	Description:	Drawn	Chkd.	Appd.

Section 5 Declaration



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W: www.vcl.ie

Client:

Cormac Sugru

Project:

Constitution Hill

Drawing Title:

Existing and proposed
Elevations

Scale:	Drawn:	Checked:	Approved:
As Shown	A1	AMR	ESP
	Date: 25/07/23	Date: ---	Date: ---

Drawing No.:	Rev:
223070-002	---

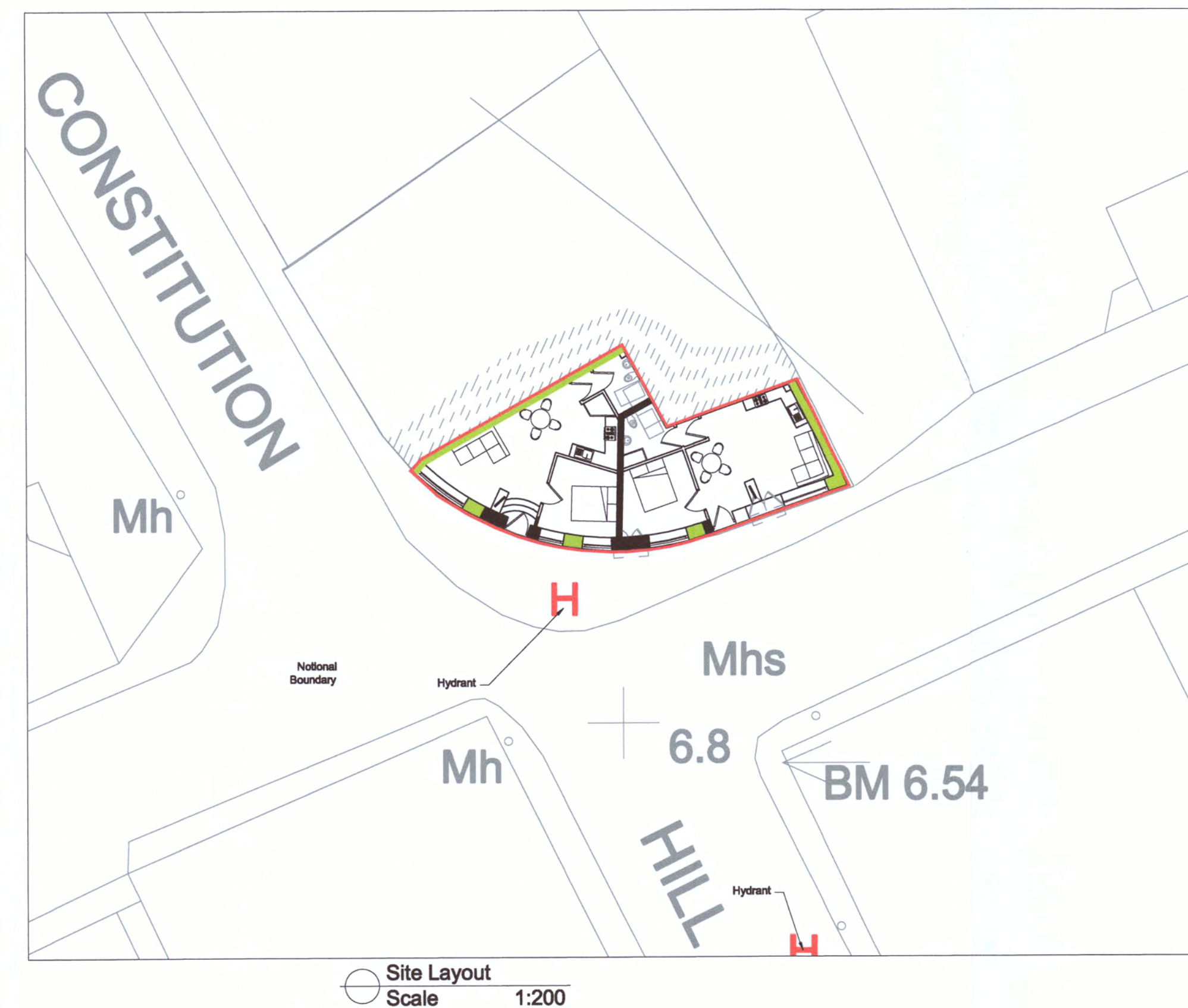
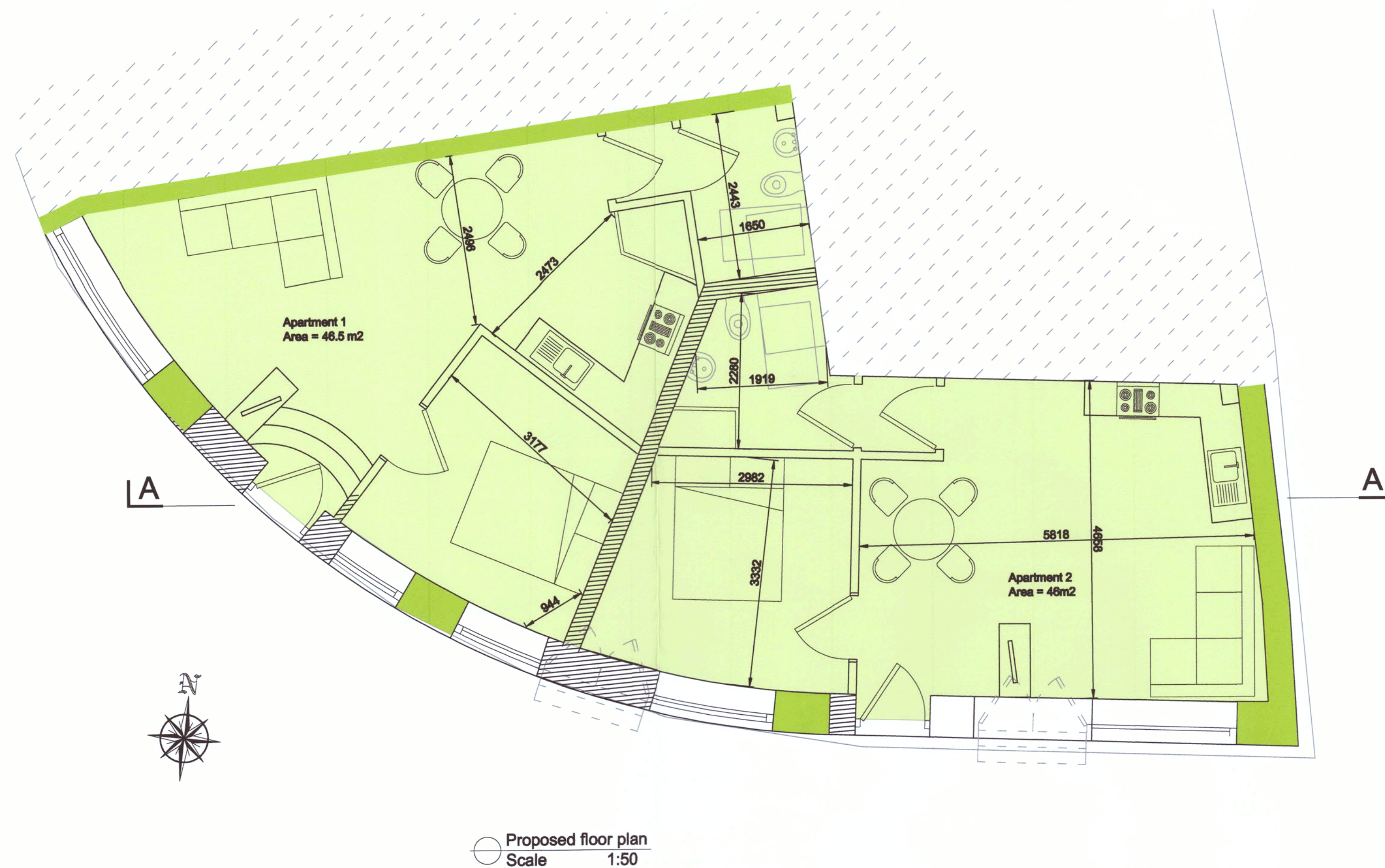
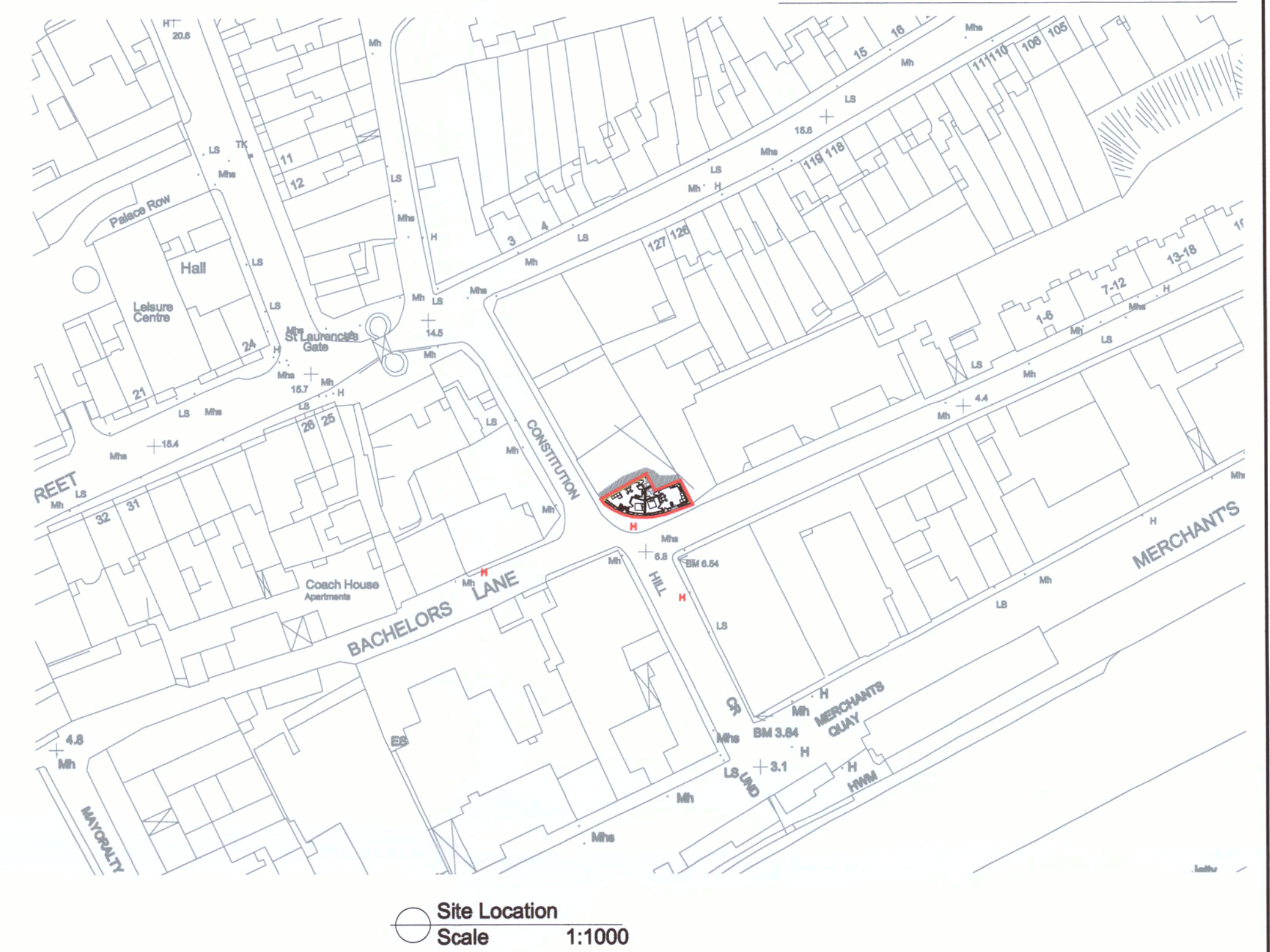
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Rev.	Date:	Description:	Drawn	Chkd.	Appd.

Section 5 Declaration

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Client:

Cormac Sugru

Project:

Constitution Hill

Drawing Title:

Existing and proposed
plans & Section

Scale:	Drawn:	Checked:	Approved:
As Shown	EPP	ANR	EPP
	Date:	Date:	Date:
	25/07/23		

Drawing No.:	Rev:
223070-001	

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Louth County Council
Section 5 Declaration

Planning Ref: 2024/10

Applicant's Name: Cormac Sugrue and Ciaran McGovern

Type of Application: Section 5 Declaration

Development: Change of use of retail space to residential

Site Location: The Granary, Constitution Hill, Drogheda. Co. Louth.

Due Date: 6th April 2024

1. Site Location and Description

The site comprises of an existing 4 storey, corner property within the urban area of Drogheda. The site is situated on lands zoned B1 Town Centre which has the objective *"To support the development, improvement and expansion of town or village centre activities."*

This property is not a designated Protected Structure and is not located within an Architectural Conservation Area (ACA).



Figure 1: Google streetview image from July 2023.



Figure 2: Google streetview image from July 2023.

2. Planning History

97/510031- DEMOLITION OF INDUSTRIAL PREMISES & CONSTRUCTION OF 15 NO. APARTMENTS & RETAIL UNIT, & CAR-PARKING – Granted.

3. Declaration Sought

The applicant has confirmed within the submitted application that the question for determination relates to whether the change of use of an existing vacant shop into residential use is development and is exempted development.

4. EIA Screening and Determination

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being given. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017. Based on information provided and having considered the nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such as EIAR is not required.

5. Appropriate Assessment

No screening report has been provided with this application. However, having regard to nature and scale of the proposal, it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (Special Area of

Conservation or Special Protected Area) and as such an Appropriate Assessment (Stage 2 AA) is not required.

6. Legislative Context

Section 2 of the Planning and Development Act 2000, as amended, states that:

"exempted development" has the meaning specified in section 4;

"structure" means inter alia 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 where the context so admits, includes the land on, in or under which the structure is situate;

"unauthorised development" means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

"unauthorised works" means any works on, in, over or under land commenced on or after 1st October 1964, being development other than—

(a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 PDA), or

(b) development which is the subject of a permission granted under Part IV of the Act of 1963 [or under section 34, 37G or 37N PDA], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject; and

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

Section 3 of the Planning and Development Act 2000, as amended, states that:
Section 3(1) PDA 2000 defines "development" as follows:

"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 5 of the Planning and Development Act 2000, as amended, states that:

- (1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that

question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

- (2) (a) Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.

(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.

(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

Section 32 of the Planning and Development Act 2000, as amended, states that:

Section 32 PDA 2000 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development, which is unauthorised, for the retention of that unauthorised development.

Article 6 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 6 of the Planning & Development Regulations, 2001 (as amended) provides (subject to the restrictions in article 9 PDR 2001) for the classes of exempted development under column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in column 2.

Article 9 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 9(1) of the Planning & Development Regulations, 2001 (as amended) provides restrictions on exemptions as follows:

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 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, (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or 13 other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),

(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,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Planning and Development Act (Exempted Development) Regulations 2022 (S.I. No. 75 of 2022) – providing an exemption, for a period of time, for the change of use, and related works, of vacant commercial premises for residential purposes (including vacant or under-utilised areas over ground floor areas).

Circular Letter PL 02/2022 Department of Housing, Local Government & Heritage: Extends to 31 December 2025 the exemption given by SI 30 of 2018 (see below) and satisfies the commitment given by Action 20.3 of the Government's new Housing Plan for Ireland – Housing for All.

Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018) – providing an exemption, for a period of time, for the change of use, and related works, of vacant commercial premises for residential purposes.

Circular letter PL 01/2018 Department of Housing, Planning & Local Government: Exemptions for a temporary period, comprising of amendments to the changes of use provisions in Article 10 of the Principle Regulations and are not subject to the restrictions in Article 9 of the Principle Regulations.

Therefore, these Regulations separately contain some of the restrictions from Article 9 that will also apply to the new exempted development provisions.

An overview of the key provisions of each set of Regulations is set out below.

Planning and Development Act (Exempted Development) Regulations 2022 (S.I. No. 75 of 2022)

The Planning and Development (Amendment) (No. 2) Regulations 2018 – S.I. No. 30 of 2018 – which came into operation on 8 February 2018, provided for an exemption from the requirement to obtain planning permission in respect of the change of use of certain vacant commercial premises, including vacant areas above ground floor premises, to residential use. The regulations are primarily aimed at facilitating the productive re-use of qualifying vacant commercial buildings as homes, while also facilitating urban renewal and the bringing on stream of increased housing supply. The 2018 regulations were introduced under the previous Government's Action Plan on Housing and Homelessness – Rebuilding Ireland. The current Government's new Housing Plan for Ireland – Housing for All committed to reviewing and extending the 2018 regulations to the end of 2025.

In order to avail of the exemptions being provided for in the new Planning and Development Act (Exempted Development) Regulations 2022, the structure, or part of the structure, which is the subject of the change of use must have been vacant for at least 2 years immediately prior to the

commencement of the relevant works, with such works being required to be completed by 31st December 2025.

The conditions and limitations that applied to the 2018 exempted development provisions, as outlined in previous Circular Letter PL 01/2018, will continue to apply under these regulations (see below).

Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018)

A key objective of Pillar 5 of the Government's Action Plan for Housing and Homelessness – Rebuilding Ireland is to ensure that existing housing stock is used to the maximum degree possible and focuses on measures to use existing vacant stock to renew urban and rural areas.

Specifically, Action 5.9 of Rebuilding Ireland commits to reviewing planning legislation to allow the change of use of vacant commercial units in urban areas, including vacant or under-utilised areas over ground-floor premises, into residential units without having to go through the planning process.

The main objectives of the exemption are to facilitate the provision of increased and much needed housing supply, to maximise the use of vacant underutilised spaces and assist in the rejuvenation of inner-core urban areas.

Therefore, S.I. No. 30 of 2018 amends Article 10 of the Principal Regulations to provide an exemption for the change of use, and any related works, of certain vacant commercial premises to residential use without the need to obtain planning permission.

The exemption applies to existing buildings that have a current commercial use with reference to Class 1, 2, 3, and 6 of Part 4 to Schedule 2 of the Principal Regulations.

The change of use, and any related works, must occur between when the Regulations come into operation on 8 February 2018 and 31 December 2021. In other words, while the exempted development permitted will be permanent in nature, the exemption can only be availed for a temporary period, concurrent with the lifetime of Rebuilding Ireland. In addition, the existing structure or part of the structure, which is the subject of the change of use, is required to be vacant for a period of two years immediately prior to when the development takes place.

A number of other conditions and limitations also apply, including:

- Related works shall primarily affect the interior of the building, with limited external works being permitted which are in keeping with the building and neighbouring buildings, including the provision of on-street access to upper floors, and alterations to existing ground floor shop fronts in respect of window and architectural details.
- Works to the ground floor of any structure shall not conflict with an objective in a development plan for the structure to remain in retail use, with the exception, as mentioned above, of works solely for the provision of on-street access to upper floors.
- No more than 9 individual residential units can be provided in a building, thereby keeping below the Part V social housing obligation threshold of 10 housing units.
- Minimum standards shall apply to residential units being developed such as minimum requirements in relation to overall floor areas, storage space requirements and the need for

adequate natural light in living rooms and bedrooms (**Note:** Neither SI 30 of 2018 or PL01/2018 refer to any requirement for the provision of private amenity space).

- Works to a protected structure shall not be permitted unless a section 57 declaration has been issued by a planning authority to indicate the works will not affect the character or elements of the structure which has been identified for protection.
- Works for the provision of on-site wastewater treatment and disposal systems i.e. septic tanks, shall not be permitted under the exemption.
- Works shall not be permitted in a number of limited areas, such as areas of special planning control, areas to which special amenity area orders relate and within certain proximity distances to establishments to which the major accident regulations apply.

In addition, development must not contravene a condition attached to a permission issued under the Act, including any condition specifying the permitted use of the building concerned.

7. Assessment

Does the proposal constitute development?

Having regard to the definition of development in The Planning and Development Act as “*the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land.*” The proposed change of use of the ground floor retail space to residential use is considered to constitute a form of development.

Does the proposal constitute exempt development?

The building at the subject site was in place prior to the making of both the Planning and Development (Amendment) (No. 2) Regulations 2018 and the Planning and Development Act (Exempted Development) Regulations 2022.

The last known use of the building at ground floor level was a shop (Class 1). The 1st, 2nd and third floors appear to be in residential use.

The proposed change of use according to the declaration relates to the ground floor.

The Planning Authority is satisfied having regard to available Google Streetview imagery and local knowledge that the premises has been vacant for a period of 2 years or more immediately prior to the development taking place. On this basis, the proposed development for residential use of vacant or under-utilised space ground floor retail space is exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d)(i)-(xii) which are addressed in more detail below.

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

Response: The applicant has not confirmed that the development will be completed during the relevant period. Further Information will be requested accordingly.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect

the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

Response: The proposed interior works involve the installation of a new masonry wall and partition walls to provide 2 no, one bed apartments each with a floor area of 46sqm.

I am satisfied, having regard to the submitted drawings that this limitation can be met.

(iii) Any related works for the alteration of existing ground floor shop front shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

Response: The submitted plans indicate the installation of two new door opes and the closing up of the 2no existing door opes. The works also include the replacement of existing window opes with rendered panels.

I am satisfied, having regard to the submitted drawings that no significant alterations to the shopfront are to be undertaken that would render it inconsistent with the character of the existing property or surrounding area.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

Response: I am satisfied that there is no conflict with any objective of the relevant local authority development plan. The last use of the property was as a shop (Class 1). The property is outside the Core Retail Area and would appear to be vacant for some time. The exterior works proposed given their minor nature are considered acceptable and not in conflict with development plan policy.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

Response – Two residential units are proposed.

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

Response: The submitted plans do not indicate the provision of storage space as required. Further information will be sought in relation to this matter.

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

Response: The applicant will be requested to confirm/demonstrate that the rooms intended for use, as habitable rooms shall have adequate natural lighting. In this regard the applicant will be requested to submit daylight and sunlight analysis which demonstrates that all habitable rooms proposed are in compliance with the UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022),

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1) (b) of the Act, of the structure.

Response: The structure in question is not a protected structure

(ix) No development shall contravene a condition attached to permission under the Act or be inconsistent with any use specified or included in such permission.

Response: Permission was granted under ref no; 97/510031- DEMOLITION OF INDUSTRIAL PREMISES & CONSTRUCTION OF 15 NO. APARTMENTS & RETAIL UNIT, & CAR-PARKING.

I have reviewed the conditions attached to this permission and am satisfied that the proposal does not contravene same.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

Response: The proposal is not located in any of the areas referred to in this limitation.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

Response: The proposal does not conflict with this limitation.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Response: The site is serviced by public infrastructure.

On the basis of the above, it is considered that Further Information is necessary to establish if the proposed change of use meets with the conditions and limitations set out in S.I. No. 30 of the Planning and Development (Amendment) (No. 2) Regulations 2018.

8. Recommendation

Having regard to the foregoing, I recommend that Further Information is sought to complete a full assessment of the question for determination.

Further Information

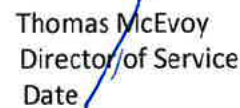
1. S.I. No. 30 of the Planning and Development (Amendment) (No. 2) Regulations 2018 provides for conditions and limitations for the change of use to residential use from Class 1, 2, 3, 6. The applicant is requested to address the following:
 - a) Confirm how long the property has been vacant.
 - b) Confirm that the development will be commenced and completed during the relevant period (completed by 31st December 2025) as per Condition/Limitation (i).
 - c) Confirm/demonstrate that the room intended for use, as habitable rooms shall have adequate natural lighting. In this regard the applicant is requested to submit daylight and sunlight analysis which demonstrates that all habitable rooms proposed are in compliance with the UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022),
 - d) Provide plans and relevant details which demonstrate that the layout of the subject residential units comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act.



Brian Brooks
Exe Planner
Date 26/03/2024



Joanna Kelly
Senior Planner
Date: 27/03/24.



Thomas McEvoy
Director of Service
Date

LOUTH COUNTY COUNCIL

REGISTERED POST

Cormac Sugrue & Cian McGovern
c/o VCL Consultants,
13 Ashdale,
Wheaton Hall,
Drogheda,
Co. Louth

Planning Section
Town Hall
Crowe Street
Dundalk
Co. Louth
Tel: 042-9335457

Date: 28th March 2024

SECTION 5 FURTHER INFORMATION REQUEST

Re: Application for Declaration of "Exempted Development" Part 1 Section 5, Planning & Development Act 2000 (as amended):- as to whether the change of use of an existing vacant shop into residential use at The Granary, Constitution Hill, Drogheda, Co. Louth is or is not exempt from the requirements to obtain planning permission under the exempted development regulations.

APPLICANT – Cormac Sugrue & Cian McGovern

REF. NO. S5 2024/10

Dear Sir/Madam,

Further to your application received on 11th March 2024 the Planning Authority will not be in a position to determine whether the works constitute Exempted Development until such time as the following further information is submitted: -

1. S.I. No. 30 of the Planning and Development (Amendment) (No. 2) Regulations 2018 provides for conditions and limitations for the change of use to residential use from Class 1, 2, 3, 6. The applicant is requested to address the following:
 - a) Confirm how long the property has been vacant.
 - b) Confirm that the development will be commenced and completed during the relevant period (completed by 31st December 2025) as per Condition/Limitation (i).
 - c) Confirm/demonstrate that the room intended for use, as habitable rooms shall have adequate natural lighting. In this regard the applicant is requested to submit daylight and sunlight analysis which demonstrates that all habitable rooms proposed are in compliance with the UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022),

- d) Provide plans and relevant details which demonstrate that the layout of the subject residential units comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act.

This matter is being dealt with by **Brian Brooks, Executive Planner, Louth County Council** who can be contacted on 042-9335457.

Yours faithfully,



Niamh Lynch
Planning Section

Our Ref: 223070/ANR/090401
Your ref: s5 2024/10

Mr. Brian Brooks
Planning Compliance Section
Louth County Council
Town Hall
Crowe Street
Dundalk
Co. Louth

4th September 2026

Dear Brian

Re: s5 2024/10 Constitution Hill, Drogheda, Co. Louth

Please find below responses to Further Information Request.

- a) The property has been vacant since January 2020.
- b) The development has commenced and will be completed during the relevant period.
- c) Please find attached floor plans showing substantial glazing in each habitable room. I trust this is sufficient demonstration that the room has adequate natural lighting.
- d) Plans attached. See table below:

	Requirement	Apartment 1	Apartment 2
Minimum overall Apartment Areas	45sqm	46.5sqm	46sqm
Min. width living/dining	3.3m	3.5m (average)	4.7m
Min. bedroom width	2.8m	3.2m	3m
Min. Bedroom area	11.4sqm	11.4sqm	11.4sqm
Storage	3sqm	3sqm	3sqm

No private amenity space is provided.

I trust the above is of assistance and that you can now close the file on this matter.

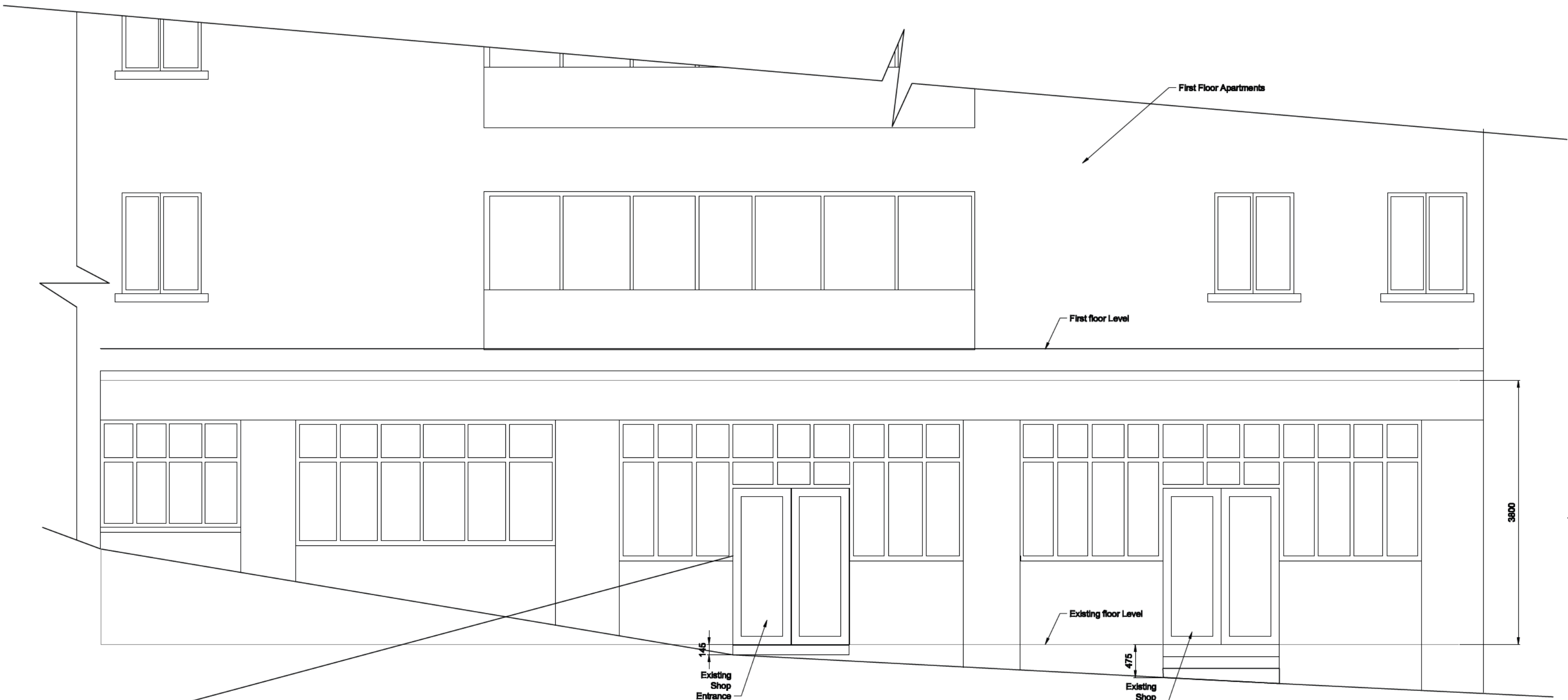
Yours sincerely



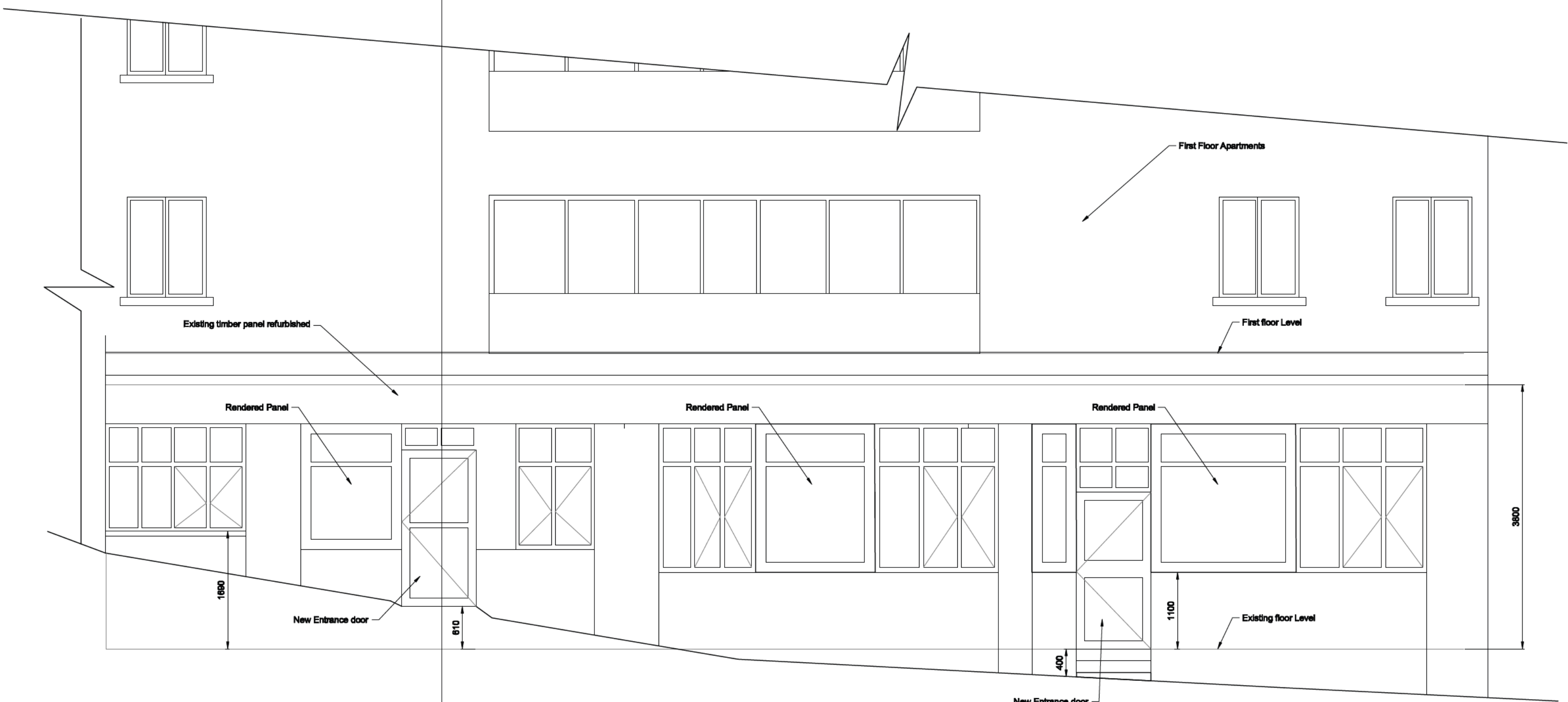
Áine Nic an Ríogh
VCL Consultants

NOTES

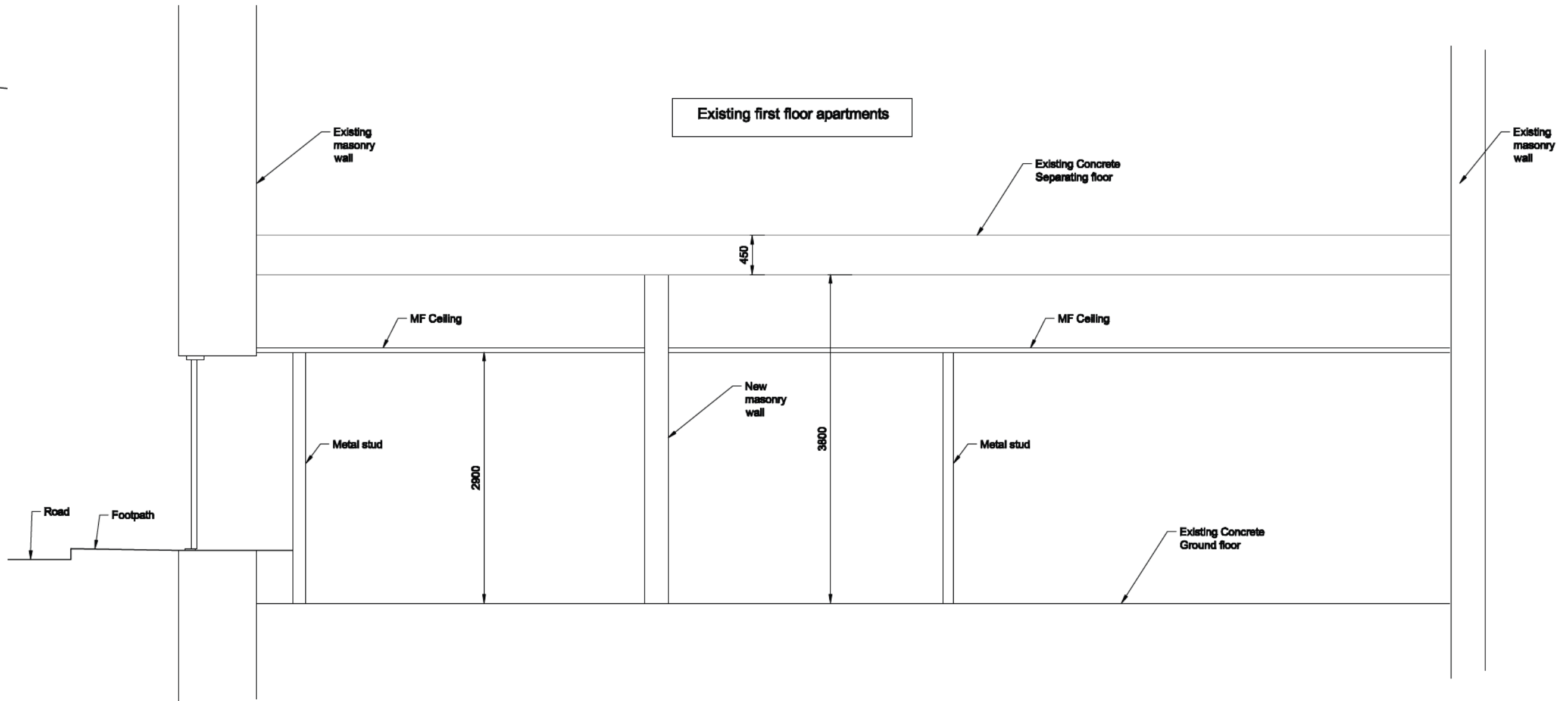
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Existing South west Elevation (part)
Scale 1:50



Proposed South west Elevation (part)
Scale 1:50



Proposed Section A-A
Scale 1:50

For Location of section refer to
Drawing 223070-001

Rev.	Date:	Description:	Drawn	Chkd.	Appd.

Section 5 Declaration



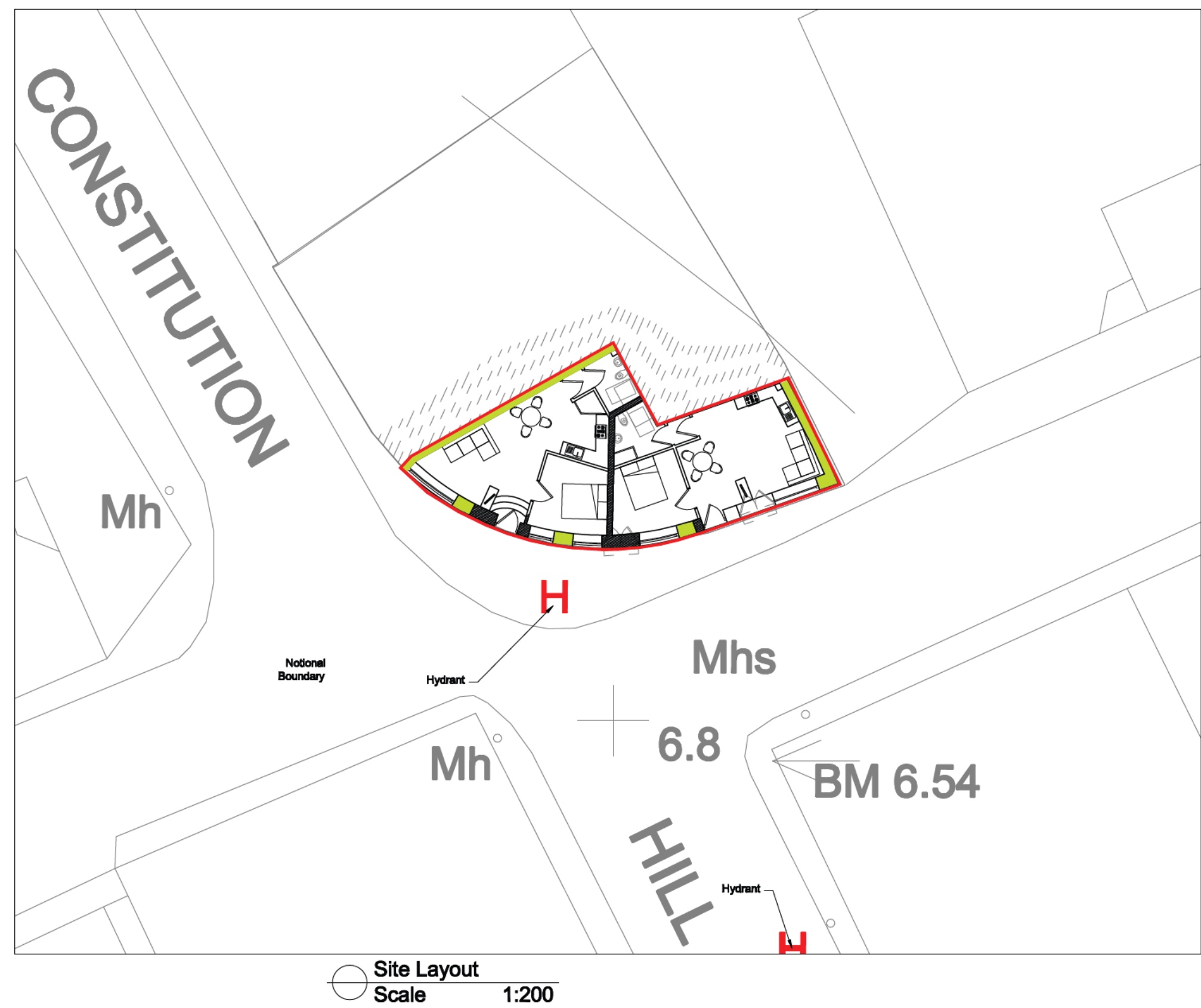
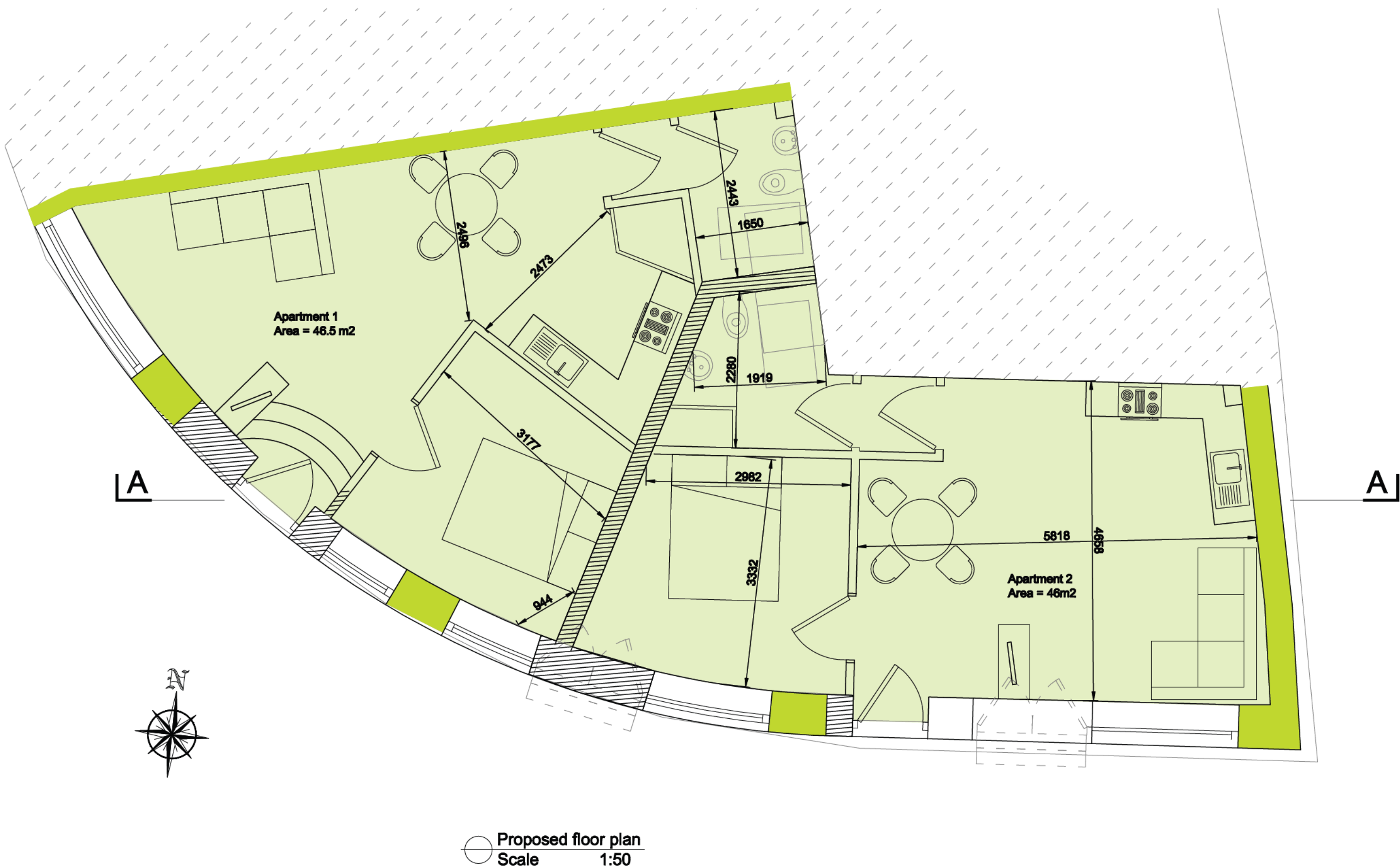
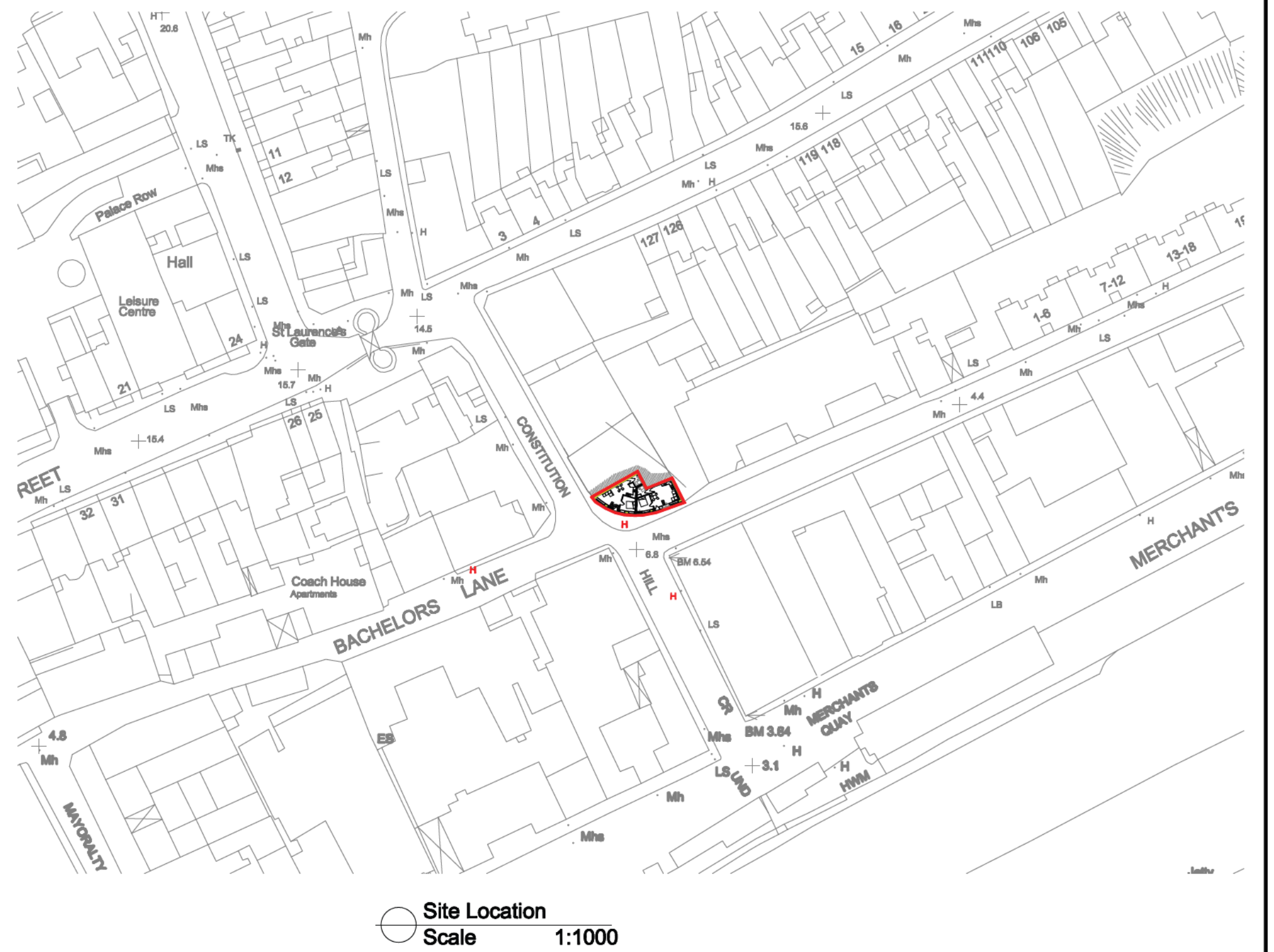
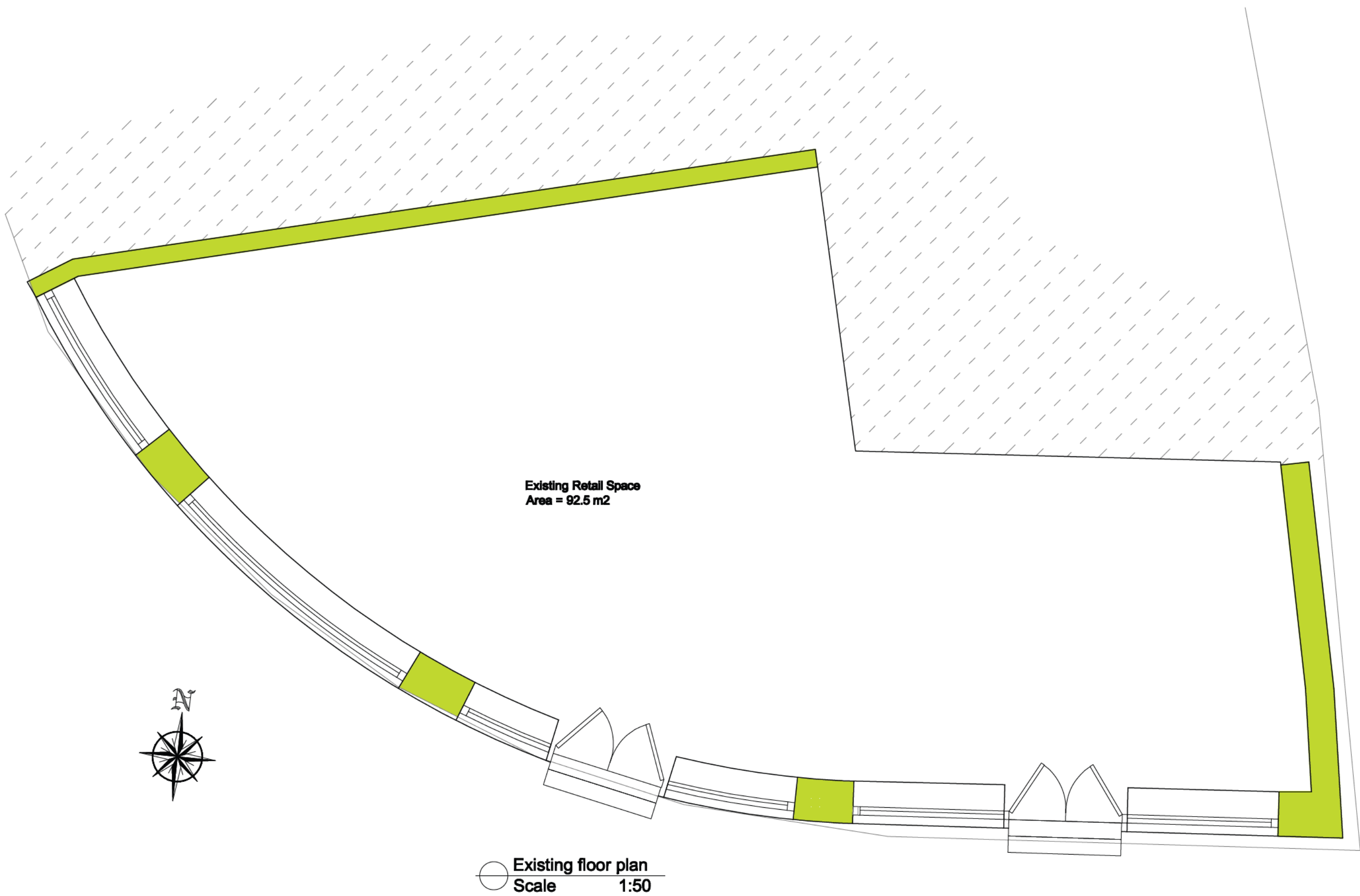
13 Athdelle
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F: +353 41 9947001
M: +353 86 6124005
E: mail@vcl.ie
W: www.vcl.ie

Client:		Cormac Sugru			
Project:		Constitution Hill			
Drawing Title:		Existing and proposed Elevations			
Scale:	As Shown	Drawn: EPP Date: 25/07/23	Checked: ANR Date: ---	Approved: EPP Date: ---	Rev: ---
Drawing No.: 223070-002					

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Rev:	Date:	Description:	Drawn	Chkd.	Appd.
Section 5 Declaration					
 VCL CONSULTANTS EXCELLENCE & EFFICIENCY			13 Ardshille Whinstown Hall Drogheda Co. Louth P: +353 41 9830000 F: +353 41 9947001 M: +353 86 6124005 E: mail@vcl.ie W: www.vcl.ie		
Client:					
Cormac Sugru					
Project:					
Constitution Hill					
Drawing Title:					
Existing and proposed plans & Section					
Scale:	A1	Drawn: EPP Date: 25/07/23	Checked: ANR Date: ---	Approved: EPP Date: ---	
Drawing No.: 223070-001			Rev: ---		
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Louth County Council
Section 5 Declaration – Further Information Report

Planning Ref: 2024/10

Applicant's Name: Cormac Sugrue and Ciaran McGovern

Type of Application: Section 5 Declaration

Development: Change of use of retail space to residential.

Site Location: The Granary, Constitution Hill, Drogheda, Co. Louth.

Report Date 23/09/2026

Due Date: 29/09/2026

1.0 Summary of Previous Report:

Having considered the declaration, the following details were requested from the applicant:

1. S.I. No. 30 of the Planning and Development (Amendment) (No. 2) Regulations 2018 provides for conditions and limitations for the change of use to residential use from Class 1, 2, 3, 6. The applicant is requested to address the following:
 - a) Confirm how long the property has been vacant.
 - b) Confirm that the development will be commenced and completed during the relevant period (completed by 31st December 2025) as per Condition/Limitation (i).
 - c) Confirm/demonstrate that the room intended for use, as habitable rooms shall have adequate natural lighting. In this regard the applicant is requested to submit daylight and sunlight analysis which demonstrates that all habitable rooms proposed are in compliance with the UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022),
 - d) Provide plans and relevant details which demonstrate that the layout of the subject residential units comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act.

2.0 Response from Applicant:

- a. The applicant has submitted a covering letter stating that the property has been vacant since January 2020.
- b. The development has commenced and will be completed during the relevant period (until 31st December 2028).
- c. Floor plans displaying substantial glazing in each room to demonstrate that each room has adequate natural lighting.
- d. A schedule demonstrating that the residential units comply with the Design Standards for New Apartments 2025.

	Requirement	Apartment 1	Apartment 2
Minimum overall Apartment Areas	45sqm	46.5sqm	46sqm
Min. width living/dining	3.3m	3.5m (average)	4.7m
Min. bedroom width	2.8m	3.2m	3m
Min. Bedroom area	11.4sqm	11.4sqm	11.4sqm
Storage	3sqm	3sqm	3sqm

3.0 Assessment:

I have noted the information submitted and in view of the above, it is considered that the subject development accords with the conditions and limitations of S.I. No.30 of the Planning and Development (amendment) (No. 2) Regulations 2018 (as extended)

S.I 648 of 2025 extended this exemption until 31st December 2028.

4.0 Recommendation:

Based on the foregoing and having regard to the provisions of the Planning and Development Act 2024, Planning and Development 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended), it is considered that the proposed works are considered to be development that is exempted development. Accordingly, it is recommended that the following order be issued:

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is or is not development and is or is not exempted development:

“Whether the change of use of retail space to residential use is or is not development and is or is not exempted development?”

AND WHEREAS the said question was referred to Louth County Council by Seamus Mannion on 11th March 2024

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- (a) The definition of “development”, in Section 2 of the Planning and Development Act 2024 (as amended)
- (b) Article 9 (1) of the Planning and Development Regulations 2001 (as amended)
- (c) S.I. No.30 of the Planning and Development (amendment) (No. 2) Regulations 2018 (as extended)
- (d) S.I No. 648 of Planning and Development Regulations 2025.
- (e) Plans and particulars provided by the applicant on 11th March 2024 and the 9th September 2026.

AND WHEREAS Louth County Council has concluded that the change of use of an existing vacant shop to residential use is development that is exempted development.



Brian Brooks
Executive Planner
Date: 23/09/2026



David Hall
A/Senior Executive Planner
Date: 23/09/2026



Turlough King
A/Senior Planner
Date: 23/09/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	736d/2026
Reference No:	S5 2024/10
Date Application Received:	11/03/2024
Description of Development:	"Whether the change of use of retail space to residential use is or is not development and is or is not exempted development?"
Name of Applicant:	Cormac Sugrue and Ciaran McGovern
Location of Development	The Granary, Constitution Hill, Drogheda, Co. Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is or is not development and is or is not exempted development:

"Whether the change of use of retail space to residential use is or is not development and is or is not exempted development?"

AND WHEREAS the said question was referred to Louth County Council by Seamus Mannion on 11th March 2024

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- (a) The definition of "development", in Section 2 of the Planning and Development Act 2024 (as amended)
- (b) Article 9 (1) of the Planning and Development Regulations 2001 (as amended)
- (c) S.I. No.30 of the Planning and Development (amendment) (No. 2) Regulations 2018 (as extended)
- (d) S.I No. 648 of Planning and Development Regulations 2025.
- (e) Plans and particulars provided by the applicant on 11th March 2024 and the 9th September 2026.

LCP Order No. 736d/2026

Reference No: S5 2024/10

AND WHEREAS Louth County Council has concluded that the change of use of an existing vacant shop to residential use is development that is exempted development.

ORDER: In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a **Declaration of Exemption be GRANTED** for the development as described above.

Signed:



**Turlough King
A/Senior Planner**

Date: 23/09/2026

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S 380/26 dated 31st day of July 2026.

Cormac Surgue & Cian McGovern
c/o VCL Consultants
13 Ashdale
Wheaton Hall
Drogheda
Co. Louth

Date : 23rd September 2026

Re: Ref. S5 2024/10

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the change of use of retail space to residential use at The Granary, Constitution Hill, Drogheda, Co. Louth is or is not development and is or is not exempt development.’

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 11th of March 2024 and further information received on 9th September 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is or is not development and is or is not exempted development:

“Whether the change of use of retail space to residential use is or is not development and is or is not exempted development?”

AND WHEREAS the said question was referred to Louth County Council by Seamus Mannion on 11th March 2024

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- (a) The definition of “development”, in Section 2 of the Planning and Development Act 2024 (as amended)
- (b) Article 9 (1) of the Planning and Development Regulations 2001 (as amended)
- (c) S.I. No.30 of the Planning and Development (amendment) (No. 2) Regulations 2018 (as extended)
- (d) S.I No. 648 of Planning and Development Regulations 2025.
- (e) Plans and particulars provided by the applicant on 11th March 2024 and the 9th September 2026.

AND WHEREAS Louth County Council has concluded that the change of use of an existing vacant shop to residential use is development that is exempted development.

In Summary

A Declaration of Exemption is hereby GRANTED for the development as detailed on the plans and particulars submitted on 11th of March 2024 and further information received on 9th September 2026.

This decision may be referred by you to An Coimisiún Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,

Maedbh O'Connor

**Maedbh O'Connor
Planning Section**